

BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC

In the Matter of Applications of
EDWARD BEYN

For Review of Disciplinary Action Taken by
FINRA
File No. 3-19007

RESPONDENTS OPPOSITION TO PETITIONER'S AUGUST 3, 2019 APPLICATION

Titled: "FINRA's surreply in opposition to the application for review"

- I. Petitioner's Surreply In Opposition To The Application For Review, is an application and not a reply. Petitioner's August 3, 2019 Brief is nothing less than an application seeking review of its own action and it is void as a matter of fact in law, because an application for review, for review of Petitioner's proceedings, obviously can only be made by a party subject to Petitioner's proceedings and never by Petitioner.

- II. Here, Petitioner has come to the realization that the manner in which it conducted itself in regard to all procedures relating to its proceedings and Respondent's Beyn, commencing with Petitioner's flat out failure to produce meaningful and useful disclosure and discovery, to Respondent Edward Beyn. Petitioner's refusal to address these facts at its own proceedings and provide same at any time during the course of its proceedings, despite numerous objections in the record made by Respondent Edward Beyn, which in the review process by the Commission, would be valid issue(s) for the Commission to render decisions effecting Petitioner's proceedings, including but not limited to complete reversal of all findings and sanctions.
- III. It now seems that Petitioner via its instant application, to the Commission, which is *absolutely improper*, [emphasis added] and the lengths at which Petitioner has gone and extremes for a party that is not supposed to be reviewing itself in the forum the Commission herein provides. It would be reasonable for the Commission to conclude, that Petitioner FINRA is, was and remains to this date, confused and unclear with the regard to the proceedings it conducted of and pertaining to Edward Beyn. Therefore, based upon the application of Petitioner herein, the Commission must reverse all judgments, decisions, orders, findings, conclusions, suspensions, bars and any sanctions that arise out of Petitioner's proceedings in this case. Petitioner's own actions in these proceedings in front of the Commission show its inability to make a clear decision in own actions. Petitioner cannot seek remedy from the Commission as only Respondent can.

IV. These matters were fully briefed by Respondent on June 3, 2019 and by Petitioner on July 3, 2019. Petitioner then filed a new brief and instant application in which, Petitioner is accusing Respondent of the very same acts that only Petitioner has engaged in, in these proceedings. It is quite clear that this conduct must be sanctioned, because it is definitively apparent that Petitioner believes it has carte blanche over the proceedings that Petitioner oversaw, the subject for which are now pending before the Commission. However, it seems that counsel for Petitioner, believes that Petitioner can compel the Commission's proceedings, but rather it is the Commission that regulates both the Petitioner and its proceedings. For the Commission to adopt Petitioner's argument, results in a legal nullity, because it is the Commission that forms, regulates and oversees the policies of the Petitioner and not the Petitioner that regulates the Commission. If the Commission were to adopt Petitioner's argument(s) it would result in the concept of the *"tail wagging the dog"*.

- A. Respondent did not raise any new arguments for the first time in its Brief of July 29, 2019. The subject matter or the items addressed in Respondent's brief were fully briefed and disclosed throughout the process. Such are all in the record of Petitioner's proceedings and have formed the basis for Respondent's Applications for the review of Petitioner's proceedings.
- B. All of the arguments contained in Respondent's request for review were issues that arose during Petitioner's proceedings, and all form the basis for Respondent's request for the Commission to review the proceedings it conducted and Petitioner

knew or should have known, that such, its decisions are subject to the review and potential reversal by the Commission. The decisions the Petitioner made during the course of the proceedings were all issues raised throughout the Petitioner's proceedings and on the record of such proceedings, which may form the proper basis for the Commission to reverse Petitioner's prior determinations.

C. According to the American Law Dictionary: *"Sur-reply is an additional reply to a motion filed after the motion has already been fully briefed. For example, a legal document such as a motion is filed by one party (filing party) requesting the court to enter an order. The other party (responding party) responds to the motion. The filing party then replies to the responding party's response. Some courts allow the responding party to file a sur-reply to the filing party's reply to the responding party's response."*

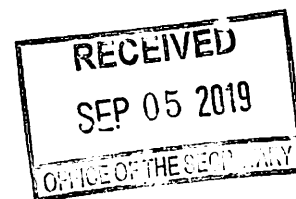
D. Petitioner's July 3, 2019 filing contains new information and new arguments that have been fully briefed and argued by both parties prior to said filing. However, Petitioner interposed a Surreply, although this matter had been fully briefed and pending consideration. It is disingenuous for Petitioner to now seek the remedy of striking Respondent's brief.

THEREFORE, Petitioners instant August 2019 application should be sanctioned and stricken, because in that application Petitioner alleges Respondent has introduced new information; however, the sole party that has submitted additional briefings after issues have been entirely

briefed is Petitioner and not Respondent. Therefore, the conduct alleged is disingenuous, making a mockery of the proceedings, serves nothing more than to confuse the issues pending before the Commission, for the reasons that Petitioner was never able to sustain its claim against Respondent Beyn, therefore this is the manner that Petitioner has decided to utilize.

Respectfully,

 9/5/19
Edward Beyn



**BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, DC**

In the Matter of Applications of
EDWARD BEYN

For Review of Disciplinary Action Taken by
FINRA
File No. 3-19007

CROSS MOTION OF PRO SE LITIGANT EDWARD BEYN

I. FINRA's August 3, 2019 Surreply In Opposition To The Application For Review

In FINRA's brief, of August 3, 2019; FINRA raises several arguments for the first time in this Appeal. Such arguments and facts have already been briefed and argued in these proceedings and in FINRA's own proceedings. FINRA is using their surreply brief to reargue the case that they have had extensive time and opportunity to argue. Therefore,

said statements should be precluded from being utilized in their entirety and have no merit.

A. State Actor

In complainant's Surreply Brief, in Paragraph A, complainant raised the issue that FINRA is not a state actor and this issue was not raised in respondents brief and therefore inappropriate for same to be in complainant's surreply brief; moreover, said issue was not even raised in complainants initial brief.

B. FINRA Cycle Exams

In complainant's Surreply Brief, in Paragraph B, complainant raised a new argument in regard to the cycle exams of CSC and the exit letters from said cycle exams and this issue was not raised in respondents brief and therefore inappropriate for same to be in complainant's surreply brief; moreover, said issue was not even raised in complainants initial brief. Further, FINRA discusses the relevance here of the exit letters of the cycle exams when it willfully and knowingly, on its own decision in its own proceeding(s) withheld these letters from discovery and disclosure, denying Respondent Edward Beyn from using them in his defense in FINRA's proceedings and throughout the proceedings in front of the Commission.

C. Right to Counsel

In complainant's Surreply Brief, in Paragraph C, complainant raised the issue that in FINRA proceedings there is not a right to counsel, and the hearing officer's denial of

Respondent Beyn's objection at the hearing(s) of multiple issues which are in the record. This issue was not raised in respondents brief and therefore inappropriate for same to be in complainant's surreply brief; moreover, said issue was not even raised in complainants initial brief.

D. Motion to Sever

In complainant's Surreply Brief, in Paragraph D, complainant raised the issue that FINRA's hearing officer acted appropriately in regard to not severing Respondent Beyn's case from other respondents of CSC. This issue was not raised in respondents brief and therefore inappropriate for same to be in complainant's surreply brief; moreover, said issue was not even raised in complainants initial brief.

Respondent Beyn did not make new arguments in his reply brief and only argued points that were briefed and argued prior. Said arguments were made during Petitioner's own proceedings and these issues and the related arguments are nothing new. Respondent Beyn hereby requests that Petitioner's Surreply Brief be stricken in its entirety.

II. FINRA's Reply Brief July 3, 2019

In FINRA's reply brief, of July 3, 2019; FINRA raises several arguments for the first time in this Appeal. Such arguments should have been brought up in prior forum's and FINRA has already had the opportunity to argue said issues at their own hearing(s). FINRA is using their reply brief to reargue the case that they have had extensive time and opportunity to argue. Therefore, said statements should be precluded from being utilized in the reply brief and have no merit.

A. Costs of Trading

In complainant's reply to respondent's brief in the Introduction Section Paragraph two, complainant raised the issue that Beyn's client's believed they were paying a flat fee for their trading, when it has already been established under testimony and via the documents FINRA introduced that the clients were aware of the fees being charged. This issue was not raised in respondents brief and is therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief. FINRA attempts to utilize the reply brief to expand on arguments made during their own hearing. FINRA has had ample time to make said arguments and only responses to specifics raised in my reply brief are proper to be addressed.

B. Procedural Issues

In complainant's reply to respondent's brief in the Introduction Section Paragraph three, complainant raised several new arguments. FINRA brings up new arguments in regard to my responses to certain claims. FINRA had ample time to make said arguments and only responses to specific responses are allowed in said briefs. This issue was not raised in respondents brief therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief. The reply brief is also not the forum for speculation, innuendo and/or FINRA's warped version of the facts. Unless said response is based on facts and concrete information that was in the actual brief, said statements are a distraction from the real arguments being raised here.

C. CSC's Practices and History

In complainant's reply to respondent's brief in the Factual Background Section Paragraph B, complainant introduces a new fact pattern. FINRA argues this new set of facts based on information already gleaned from their own hearing. FINRA had ample time to make said arguments or bring in additional facts they feel relevant. This issue was not raised in respondents brief therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief. The reply brief is not supposed to be utilized for re-arguing the case or presenting an expanded or alternative fact pattern to be utilized as additional evidence or argument. FINRA seems to be continually making it up as they go, as they themselves decided what to limit or include at the hearing(s). If FINRA is allowed to bring in alternative facts at this time, then I should be allowed to bring in all trading for all customers as well as all Cycle Exam Reports. If you are going to allow FINRA to introduce new arguments or facts at this late stage of the process, then I must be allowed to do the same.

FINRA also does so in Paragraph three of Section B, by continuing on the course of the newly introduced information. Once again, this is an expansion of the arguments already made by FINRA during the hearing process and subsequently through the Appeal Process. The redirection of these black and white argument(s) is a deflection on the part of FINRA in an attempt to reargue the case in the briefing.

Once again in Paragraph four and then Paragraph six, FINRA attempts to expand and introduce new information in the brief to reargue the case and its findings. The proper time for

such arguments has passed and FINRA has had ample time to do this and only responses to specifics raised in my reply brief are proper to be addressed.

D. Customer Accounts

1. Bradley McKibbin

In complainant's reply to respondent's brief in the Introduction Section C. Paragraph One, regarding Mr. Bradley McKibbin, complainant raised several new arguments. FINRA makes new arguments in regard to responses to certain claims. FINRA had ample time to make said arguments and only responses to specific responses are allowed in said briefs. This issue was not raised in respondents brief therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

2. Edward Kennedy

In complainant's reply to respondent's brief, in Paragraph 12, regarding Mr. Edward Kennedy, complainant raised several new arguments. FINRA makes new arguments in regard to responses to certain claims. FINRA had ample time to make said arguments and only responses to specific responses are allowed in said briefs. This issue was not raised in respondents brief therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

3. Timothy Pixley

In complainant's reply to respondent's brief, in Paragraph 22, regarding Mr. Timothy Pixley, complainant raised several new arguments. FINRA makes new arguments in regard to responses

to certain claims. FINRA had ample time to make said arguments and only responses to specific responses are allowed in said briefs. This issue was not raised in respondents brief therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

a. Pixley's IRA

In complainant's reply to respondent's brief, in Paragraph 25, regarding Mr. Timothy Pixley's IRA Account, complainant raised several new arguments. FINRA makes new arguments in regard to responses to certain claims. FINRA had ample time to make said arguments and only responses to specific responses are allowed in said briefs. This issue was not raised in respondents brief

therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

b. Pixley's Individual Account

In complainant's reply to respondent's brief, in Paragraph 28, regarding Mr. Timothy Pixley's Individual Account, complainant raised several new arguments. FINRA makes new arguments in regard to responses to certain claims. FINRA had ample time to make said arguments and only responses to specific responses are allowed in said briefs. This issue was not raised in respondents brief therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

4. Edward Heikkila

In complainant's reply to respondent's brief, in Paragraph 30, regarding Mr. Edward Heikkila, complainant raised several new arguments. FINRA makes new arguments in regard to responses to certain claims. FINRA had ample time to make said arguments and only responses to specific responses are allowed in said briefs. This issue was not raised in respondents brief therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor,

yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

a. Heikkila's IRA

In complainant's reply to respondent's brief, in Paragraph 33, regarding Mr. Heikkila's IRA, complainant raised several new arguments. FINRA makes new arguments in regard to responses to certain claims. FINRA had ample time to make said arguments and only responses to specific responses are allowed in said briefs. This issue was not raised in respondents brief therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during

this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

b. The 5143 Interest Account

In complainant's reply to respondent's brief, in Paragraph 36 regarding The 5143 Account, complainant raised several new arguments. FINRA makes new arguments in regard to responses to certain claims. FINRA had ample time to make said arguments and only responses to specific responses are allowed in said briefs. This issue was not raised in respondents brief therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new

arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

5. Wayne Rea

In complainant's reply to respondent's brief, in Paragraph 40, regarding Mr. Wayne Rea, complainant raised several new arguments. FINRA makes new arguments in regard to responses to certain claims. FINRA had ample time to make said arguments and only responses to specific responses are allowed in said briefs. This issue was not raised in respondents brief therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

6. Jim Bolton

In complainant's reply to respondent's brief, in Paragraph 45, regarding Mr. Jim Bolton, complainant raised several new arguments. FINRA makes new arguments in regard to responses to certain claims. FINRA had ample time to make said arguments and only responses to specific responses are allowed in said briefs. This issue was not raised in respondents brief therefore inappropriate for same to be in complainant's reply brief, moreover, said issue was not even raised in complainant's initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

E. Argument

In complainant's reply to respondent's brief, in Section IV, complainant raised the issue that there is no substantial evidence to overturn the hearing panel's credibility findings and this issue was not raised in respondents brief and therefore inappropriate for same to be in complainant's reply brief; moreover, said issue was not even raised in complainants initial brief.

F. Beyn Excessive Trading

In complainant's reply to respondent's brief, in Paragraph b of Section IV, complainant raised the issue that Respondent Beyn excessively traded the accounts listed in the brief(s) and this issue was not raised in respondents brief and therefore inappropriate for same to be in complainant's reply brief; moreover, said issue was not even raised in complainants initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new

arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

G. Beyn Excessively Trades – Again

In complainant's reply to respondent's brief, in Paragraph 2 of the same section on page 30, complainant raised the issue that Respondent Beyn excessively traded the accounts listed in the brief(s) once again, which it has made and remade several times in the same brief, adding insult to injury as it continually tries to come up with new concepts and issues that were not raised in respondents brief and therefore inappropriate for same to be in complainant's reply brief; moreover, said issue was not even raised in complainants initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

H. Account Churning

In complainant's reply to respondent's brief, in Paragraph C on page 31, complainant raised the issue that Respondent Beyn "Churned" the accounts listed in the brief(s) and this issue was not raised in respondents brief and therefore inappropriate for same to be in complainant's reply brief; moreover, said issue was not even raised in complainants initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

I. Account Suitability

In complainant's reply to respondent's brief, in Paragraph D page 32, complainant raised the issue that Respondent Beyn recommended unsuitable products to the accounts listed in the brief(s) and this issue was not raised in respondents brief and therefore inappropriate for same

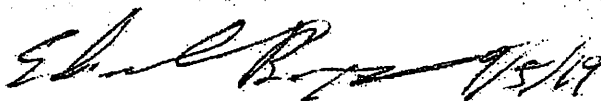
to be in complainant's reply brief; moreover, said issue was not even raised in complainants initial brief.

FINRA makes an attempt here to reargue certain aspects of the facts regard certain customer accounts, that FINRA itself chose what information to include and what information not to include. Once again, FINRA vehemently denies it subject to due process and is not a state actor, yet it specifically and unilaterally has decided what the discovery rules are. Further FINRA has decided which parts of the information are to be utilized from the client accounts, without making sure all of the information which is over 5,000,000 documents was available to me during this whole process, which is a violation of my due process rights in these and other proceedings. FINRA continuously decides what to include and what not to include, moreover, it selects what documents to use, when and why. FINRA continually adds multiple paragraphs of new arguments and pages of additional information that has already been argued, briefed and subject to FINRA's own proceedings.

THEREFORE, the Commission should conclude based on the foregoing, that is appropriate to strike Petitioner's July 3, 2019 brief. The Commission should also conclude, that it is appropriate to strike FINRA's August 19, 2019 Application for Remedy in this administrative review process currently being conducted by The United States Securities and Exchange Commission. FINRA is an agency of The Securities and Exchange Commission duly created and authorized by The Securities and Exchange Commission, to conduct investigations and hold hearings and tribunals in furtherance of guidelines promogulated by said Commission and the determinations, rulings and conclusion reached by said agency, for which the review process of all agency activity is the

responsibility of said Commission, an executive agency administrative law process, and therefore, an inappropriate forum for Petitioner Agency to seek remedy or interpose any request for remedy from The Securities and Exchange Commission (an executive agency of the Federal Government) as here the review process and the remedies review thereof are limited to respondent(s) because FINRA cannot interpose review of its own proceedings. The Commission should conclude Petitioner FINRA has engaged in frivolous conduct, has interposed a frivolous motion that has no merit at all whatsoever, in either legal argument or factual allegations. To wit, due to the above said case for Edward Beyn should be dismissed or remanded for a new hearing.

Yours, Etc.



BY: EDWARD BEYN

*** RX REPORT ***

RECEPTION OK

TX/RX NO	9562
RECIPIENT ADDRESS	16315321997
DESTINATION ID	
ST. TIME	09/05 12:29
TIME USE	26'43
PGS.	25
RESULT	OK

ASJ

Edward Beyn
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Dixhills, NY [Redacted]
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RECEIVED
SEP 05 2019
OFFICE OF THE SECRETARY

September 5, 2019

VIA FACSIMILE

Vanessa A. Countryman, Secretary
United States Securities and Exchange Commission
100 F. Street, NE
Washington, DC 20549-1090
Fax: 202-772-9324

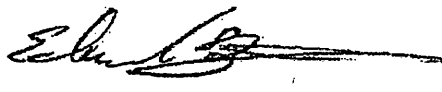
RE: In the Matter of the Application for Review of Edward Beyn
Administrative Proceeding No. 3-19007

Dear Ms. Countryman:

Enclosed please find my Opposition to FINRA's Instant Application and my Cross Motion to
FINRA's Surreply Brief in Opposition of the Application for Review and FINRA's July 3, 2019 Brief
in the above captioned.

If you have any questions, please do not hesitate to contact me.

Sincerely,

 9/5/19

Edward Beyn

BCC: