

SECURITIES EXCHANGE COMMISSION	<div data-bbox="1068 155 1360 351" style="border: 2px solid black; padding: 5px; text-align: center;"> <b>RECEIVED</b>  <b>FEB 28 2019</b>  <b>OFFICE OF THE SECRETARY</b> </div> <div data-bbox="959 453 1377 563" style="font-size: 24pt; font-family: cursive;"> <b>FILE NO. 3-19014</b> </div>
Denial of FINRA Forum for Expungement Arbitration:  Applicant: Donald Anthony Wojnowski  v.  Respondent: Financial Industry Regulatory Authority	
<b>APPLICATION FOR REVIEW</b>	

On January 23, 2019, Donald Anthony Wojnowski (“Mr. Wojnowski”), who resides at [REDACTED], New York, New York [REDACTED], submitted a Statement of Claim to the Financial Industry Regulatory Authority (“FINRA”) Office of Dispute Resolution requesting a hearing for the expungement of his CRD record as it relates to the customer dispute disclosure, occurrence number 151029 (“the Occurrence”). On January 29, 2019, counsel for Mr. Wojnowski received notice that the Director of FINRA Office of Dispute Resolution (“the Director”) denied FINRA forum for arbitration for expungement of the Occurrence. This notice did not state the reason as to why the Occurrence is not eligible for arbitration, citing Industry Code Rule 13203(a):

- (a) The Director may decline to permit the use of the FINRA arbitration forum if the Director determines that, given the purposes of FINRA and the intent of the Code, the subject matter of the dispute is inappropriate, or that accepting the matter would pose a risk to the health or safety of arbitrators, staff, or parties or their representatives. Only the Director may exercise the authority under this Rule.

Industry Code Rule 13203(a) is excessively vague, and allows for an egregious amount of discretion on the part of the Director. It offers no true guidance on what is not eligible for FINRA forum and allows for many inconsistencies. In fact, counsel for Mr. Wojnowski has represented

other Associated Persons in FINRA arbitration for expungement of disclosures arising from and has succeeded on the merits in many cases. Based on Mr. Wojnowski's obligations to abide by FINRA Rules, he is bound to FINRA arbitration for disputes between himself and a Member Firm. The Director has abused their discretion by denying forum in such an inconsistent and arbitrary manner. Especially in this as the Director provided no reason as to the ineligibility of the Occurrence.

Mr. Wojnowski submits this Application for Review to the Commission requesting that he be permitted to bring his case in the forum that he is both entitled to and bound to by the FINRA Industry Code Rules. Whether the Occurrence is eligible for expungement should be subsequently determined by the Panel that is assigned in arbitration, in accordance with FINRA Industry Code Rules 2080 and 13805.

Dated: February 22, 2019

Respectfully submitted,



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**CERTIFICATE OF SERVICE**

I, Misty Brown, certify that on this 22<sup>nd</sup> day of February 2019, I caused the original and three copies of this Application for Review of Donald Anthony Wojnowski, to be served via Certified Mail on:

Brent J. Fields, Secretary  
Securities and Exchange Commission  
100 F St., NE  
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Washington, DC 20549-1090

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