



SECURITIES EXCHANGE COMMISSION	
Denial of FINRA Forum for Expungement Arbitration:	
Applicant: Stephen Mark Seewer	FILE NO. <u>3-19018</u>
v.	
Respondent: Financial Industry Regulatory Authority	
APPLICATION FOR REVIEW	

On January 24, 2019, Stephen Mark Seewer (“Mr. Seewer”), who resides at [REDACTED], San Francisco, California [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 a customer dispute disclosure, occurrence number 1532122 (“the Occurrence”). On February 11, 2019 counsel for Mr. Seewer received notice that the Director of FINRA Office of Dispute Resolution (“the Director”) denied FINRA forum for arbitration for expungement of the Occurrence, claiming it is “not eligible for arbitration.” This notice did not state the reason as to why the Occurrence is not eligible for arbitration, and simply cited Industry Code Rule 12203(a) or 13203(a), both of which state the identical language:

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. Based on Mr. Seewer'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. Seewer 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 25, 2019

Respectfully submitted,


Michael Bessette
Attorney
T: (720) 432-6546
E: michael.bessette@hlbslaw.com

HLBS Law, LLC
9737 Wadsworth Pkwy, G-100
Westminster, CO 80021

CERTIFICATE OF SERVICE

I, Misty Brown, certify that on this 25th day of February 2019, I caused the original and three copies of this Application for Review of Stephen Mark Seewer, to be served via Certified Mail on:

Brent J. Fields, Secretary
Securities and Exchange Commission
100 F St., NE
Room 10915
Washington, DC 20549-1090

and

General Counsel
FINRA
1735 K Street, NW
Washington, DC 20006

A handwritten signature in black ink, appearing to read 'Misty Brown', is written over a horizontal line.

Misty Brown
misty.cook@hlbslaw.com

SECURITIES EXCHANGE COMMISSION	
Denial of FINRA Forum for Expungement Arbitration: Applicant: Stephen Mark Seewer v. Respondent: Financial Industry Regulatory Authority	FILE NO. _____
NOTICE OF APPEARANCE FOR APPLICANT	

Please accept this as my notice of appearance for Applicant in the above captioned matter.

Dated: February 25, 2019

Respectfully submitted,



Michael Bessette
Attorney

T: (720) 432-6546

E: michael.bessette@hlbslaw.com

HLBS Law, LLC
9737 Wadsworth Pkwy, G-100
Westminster, CO 80021