

SECURITIES EXCHANGE COMMISSION	
Denial of FINRA Forum for Expungement Arbitration:	
Applicant: Timothy Arthur Vanderver III	
v.	<b>FILE NO.</b> <u>3-19019</u>
Respondent: Financial Industry Regulatory Authority	
<b>APPLICATION FOR REVIEW</b>	

On January 29, 2019, Timothy Arthur Vanderver III (“Mr. Vanderver”), who resides at [REDACTED] Atlanta, GA [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 disclosures, occurrence numbers 1510856 and 1605563 (together, “the Occurrences”). On January 30, 2019, counsel for Mr. Vanderver received notice that the Director of FINRA Office of Dispute Resolution (“the Director”) denied FINRA forum for arbitration for expungement of the Occurrences. This notice provided no basis and merely cited Industry Code Rule 13203(a) which states:

- (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.

FINRA operates and maintains the Central Registration Depository (CRD). Both registered FINRA advisers as well as Registered Investment Advisers and their Investment Advisory Representatives registered with this agency are required to maintain a CRD #. FINRA promulgated Rule 2080 to provide redress for advisers to expunge items from their CRD. This is the only available means of relief for an individual with a CRD record. Summarily denying Mr. Vanderver's request for arbitration violates Mr. Vanderver's due process rights as well as providing disparate unequal treatment for an individual with a CRD #. The Director has abused their discretion by denying forum in such an inconsistent and arbitrary manner.

Mr. Vanderver submits this Application for Review to the Commission requesting that he be permitted to bring his case in the forum that he is entitled to by the FINRA Industry Code Rules. Whether the Occurrences are 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. Alternatively, Mr. Vanderver requests that if his expungement request of the Occurrences is not heard by FINRA, that FINRA delete any reference to the Occurrences and be further enjoined from making any disclosure or remark on Mr. Vanderver's CRD report.

Dated: February 25, 2019

Respectfully submitted,



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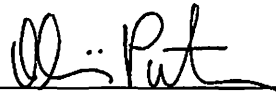
AdvisorLaw, LLC  
9737 Wadsworth Pkwy, Ste. 205  
Westminster, CO 80021

**CERTIFICATE OF SERVICE**

I, Olivia Peterson, certify that on this 25<sup>th</sup> day of February 2019, I caused the original and three copies of this Application for Review of Timothy Arthur Vanderver III, 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

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



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<b>NOTICE OF APPEARANCE FOR APPLICANT</b>	

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

Dated: February 25, 2019



Michelle M. Atlas, Esq.

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