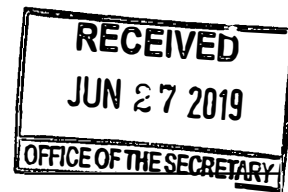


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SECURITIES EXCHANGE COMMISSION	
Denial of FINRA Forum for Expungement Arbitration:	
Applicant:	
Dustin Tylor Aiguier	
v.	CASE NO. <u>3-19216</u>
Respondent:	
Financial Industry Regulatory Authority	
APPLICATION FOR REVIEW	

On September 21, 2017, Mr. Aiguier filed two Statement of Claims with FINRA (later consolidated into one case: 17-02512) seeking expungement of four customer dispute disclosures from his CRD. NYLife Securities was the named Respondent. Once discovery was complete, the day before the hearing, Mr. Aiguier discovered exculpatory documents from Richard Gelb, his counsel in a separate proceeding involving Respondent, that Respondent failed to produce. The hearing proceeded on June 19, 2018 and award issued on July 9, 2018 for expungement of two out of four of the customer dispute disclosures.

On May 4, 2019, Mr. Aiguier *again* discovered from Mr. Gelb exculpatory evidence that Respondent failed to produce in this case, when Respondent produced the documents to Mr. Gelb in a separate proceeding. Mr. Aiguier filed a Motion to Reopen the proceedings with FINRA, requesting that the panel allow Mr. Aiguier to supplement the record with the exculpatory evidence, for an order that Respondent comply with their discovery obligations, and to afford Mr. Aiguier a fair and just opportunity to present his case. Respondent objected, and Mr. Aiguier filed a response. On May 22, 2019, the Director of FINRA issued notice refusing to

send the submissions to the panel for review as it did “not comply with the grounds enumerated in Rule 13905” of the Industry Code.¹

Industry Code Rule 13905 however, is silent as to Mr. Aiguier’s other grounds for requested relief: to order Respondent to comply with their discovery obligations and to allow Mr. Aiguier a fair and just opportunity to present his case. Rule 13609 also supplies *the panel* with discretion to reopen the record “at any time before the award is rendered,” but again is silent as to the procedures for reopening the record once the award has been rendered. Allowing the Director full discretion to deny a motion of this magnitude will force inconsistent, unjust results. Although there is no direct FINRA rule on point, it is a well-established principle of law to allow an aggrieved party to request review when there has been misconduct and willful failure to produce exculpatory documents. The Director has abused its discretion.

Mr. Aiguier submits this Application for Review requesting that the Director allow the pleadings be heard by the panel. Whether Mr. Aiguier is entitled to relief should be determined by the panel that is assigned to the case, and not arbitrarily denied by the Director.

Dated: June 21, 2019

Respectfully submitted,


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9737 Wadsworth Pkwy, G-100
Westminster, CO 8002

¹ Industry Code Rule 13905 states, in relevant parts, that: “Parties may not submit documents to arbitrator(s) in cases that have been closed except under the following limited circumstances...(1) As ordered by a court; (2)...for typographical or computational errors, or mistakes in the description of any person or property referred to in the award; or (3) If all parties agree and submit documents within 10 days of (1) service of an award or (2) notice that a matter has been closed.”

CERTIFICATE OF SERVICE

I, Regan Boswell, on June 21, 2019, caused the original and three copies of this Application for Review and Notice of Appearance of Dustin Tylor Aiguier on:

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

[X] (BY FAX) I caused the documents to be sent to the persons at the fax number listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] (BY MAIL) I caused the documents to be sent by US Certified Mail to the persons listed above. I did not receive notice or indication from the US Postal Service that the delivery would be unsuccessful.

[X] (STATE) I certify (or declare) under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.

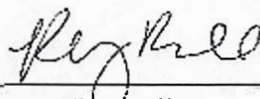
On this date, I also caused the original and three copies of this Application for Review and Notice of Appearance of Dustin Tylor Aiguier on:

General Counsel
FINRA
1735 K Street, NW
Washington, DC 20006
Email: nac.casefilings@finra.org

[X] (BY EMAIL) I caused the documents to be sent to the persons at the e-mail address listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

[X] (BY MAIL) I caused the documents to be sent by US Certified Mail to the persons listed above. I did not receive notice or indication from the US Postal Service that the delivery would be unsuccessful.

[X] (STATE) I certify (or declare) under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.



Regan Boswell
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