

UNITED STATES OF AMERICA
before the
SECURITIES and EXCHANGE COMMISSION

July 11, 2024

SECURITIES EXCHANGE ACT OF 1934

ADMINISTRATIVE PROCEEDING
File No. 3-19896

In the Matter of the Application of

SILVER LEAF PARTNERS, LLC

For the Review of Disciplinary Action Taken by the

Financial Industry Regulatory Authority, Inc.

Supplement to
Motions for Stay and
Additional Evidence

SUPPLEMENTAL SUBMISSION

Pursuant to the Securities and Exchange Commission (“SEC” or the “Commission”) Rules of Practice and Rules of Fair Fund and Disgorgement Plans (the “Rules”) Rules 401 and Rule 452, Silver Leaf Partners, LLC (“Silver Leaf”) submits to the Commission for consideration with, and support of, its motion filed on August 31, 2023 (the “August Motion”), the recent decision by the U.S. Supreme Court in the matter of *Securities and Exchange Commission v. Jarskey, et al.* (https://www.supremecourt.gov/opinions/23pdf/22-859_1924.pdf).

In the Jarskey decision, the court ruled that the SEC’s decades-long practice of in-house proceedings relating to certain matters before it violated Jarskey’s right to a jury trial.

Further, and even in the dissent of certain Court Justices who expressed support for the SEC’s in-house proceedings, the dissent stated that Congress intended to create a new right that “belongs to the public and inheres to the Government in its sovereign capacity.” *See Jarskey* decision.

Where does this leave FINRA who run even more sprawling in-house proceedings? FINRA is not the Government. And FINRA has no sovereign capacity. Yet, by its own unconstitutional conduct and decree, it morphed itself from a member association/organization

(i.e., the National Association of Securities Dealers) to a regulatory authority (i.e., the Financial Industry Regulatory Authority) with power deriving from the SEC thereby making it – quite obviously now and always – an extension of the Commission that has clothed itself as a regulator when it suits certain purposes and as a private corporation when it suits other purposes.

As the SEC has been circumscribed by Court decision, its operating agent (FINRA), should, as we have said loudly, repeatedly and now clearly in light of *Jarskey*, be subject to a top-to-bottom review of its (i) decades-long power grab, (ii) rule-writing powers that have the effect of laws & regulations on a significant & sizable part of the U.S. economy, and (iii) fundamentally unaccountable enforcement actions against its (in name-only) members.

As we started to argue in this matter many years ago and continue to argue today, we here further submit to the Commission that the *Jarskey* decision is another among other recent court decisions that have validated our protestations, objections, arguments, and appeals about & against the regulatory state and pseudo-regulatory state that is FINRA and, in particular, its Enforcement Division, Office of Hearing Officers, and the National Adjudicatory Council who have fundamentally disrupted the financial services industry and commonsense conduct in their short-sighted assault on small member firms putting most of them out of business and leaving a significant part of the U.S. economy in the grips of unaccountable mega-banks who, themselves, act as unaccountable pseudo-state actors keeping their gains and socializing their losses.

Quiet obviously, the entirety of the *Jarskey* ruling needs to be considered by the SEC and FINRA both generally and in this matter before the Commission.

Dated: July 11, 2024

Respectfully submitted,


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Certificate of Service

I am at least 18 years of age and, pursuant to SEC rules, I have served a copy of the “Supplement to Motions for Stay and Additional Evidence” by certified mail and electronic mail delivery to the SEC’s Office of the Secretary and FINRA’s Office of General Counsel on July 11, 2024 to the addresses indicated below:

1. Securities and Exchange Commission
Office of the Secretary
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2. Financial Industry Regulatory Authority, Inc.
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Dated: July 11, 2024



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