

**BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C.**

In the Matter of the Application of
Mark Kim Gaskill
For Review of Action Taken by
FINRA
File No. _____

APPLICATION FOR REVIEW

On September 8, 2020, Mr. Mark Kim Gaskill (“Gaskill”), who resides in Portland, Oregon, 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 customer dispute occurrence number 1574632 (“the Occurrence”). This was followed up by an Amended Statement of Claim submitted on October 1, 2020 and a final amended Statement of Claim submitted on December 18, 2020. On December 18, 2020, counsel for Mr. Gaskill received notice that the FINRA Office of Dispute Resolution denied FINRA forum for arbitration for expungement of the occurrence.

The notice stated that, “FINRA has determined that your request for expungement of occurrence number 1574632 in your Statement of Claim, Amended Statement of Claim and Second Amended Statement of Claim is not eligible for arbitration as it arises from a prior adverse award. The senior case specialist stated in the notice that pursuant to Customer Code

Rule 12203(a) or Industry Code Rule 13203(a), FINRA declined to accept the claims, Industry Code Rule 13203(a) does not provide for forum denial in this situation. Rather, it 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.

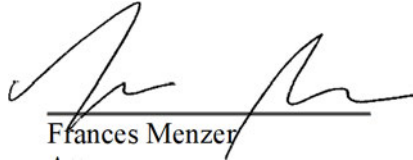
Industry Code Rule 13203(a) is excessively vague and allows for an egregious amount of discretion on the part of the Director. It offers no true guidance on what is not eligible for FINRA forum and allows for many inconsistencies.

Moreover, FINRA as Self-Regulatory Organization (“SRO”) and has a right to establish a rule such as the above statement. However, it simply does not have the authority to use a non-existent rule as basis to avoid addressing the Applicant’s claim which falls well with in Rule 2080 and does not run against the intent of the FINRA Code. FINRA’s suggestion that a claim for expungement cannot be addressed because its “not eligible for arbitration as it arises from a prior adverse award” seemingly undermines the very notion of expungement to begin with. As the process of expungement is meant to address prior adverse awards and complaints. Further, there is no rule under FINRA that prevents Mr. Gaskill from seeking expungement relief in a FINRA arbitration forum.

Mr. Gaskill 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: January 13, 2021

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frances Menzer', written over a horizontal line.

Frances Menzer

Attorney

T: (720) 223-7515

E: legal.menzer@hlbslaw.com

HLBS Law

9737 Wadsworth Parkway Suite G-100

Westminster, CO 80021

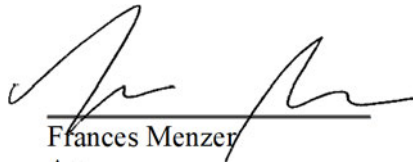
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NOTICE OF APPEARANCE FOR APPLICANT

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

Dated: January 13, 2021



Frances Menzer
Attorney
T: (720) 223-7515
E: legal.menzer@hlbslaw.com
HLBS Law
9737 Wadsworth Parkway Suite G-100
Westminster, CO 80021

CERTIFICATE OF SERVICE

I, James Bellamy, on January 13, 2021 served the foregoing Mr. Gaskill's Application for Review and Notice of Appearance on:

Vanessa A. Countryman, Secretary
Securities and Exchange Commission
100 F St., NE
Room 10915
Washington, DC 20549-1090
Email: apfilings@sec.gov

[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] (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 served Mr. Gaskill's Application for Review and Notice of Appearance on:

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

Alan Lawhead, VP
Office of General Counsel
FINRA
1735 K Street, NW
Washington, D.C. 20006
Email: alan.lawhead@finra.org

[X] (BY EMAIL) I caused the documents to be sent to the persons at the e-mail addresses 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] (STATE) I certify (or declare) under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.

/s/James Bellamy
James Bellamy
9737 Wadsworth Pkwy Suite G-100
Westminster, CO 80021