

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

In the Matter of the Application of

Ryan William Mummert

For Review of Action Taken by

FINRA

File No. [3-20210](#)

**MR. MUMMERT’S APPLICATION FOR REVIEW**

On April 21, 2020, Ryan William Mummert (“Mr. Mummert”), a resident of Albuquerque, New Mexico, submitted a Statement of Claim and Submission Agreement 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 disclosure, occurrence number 274378 (the “Occurrence”). Mr. Mummert was assigned FINRA Case Number 20-01275. Mr. Mummert is a FINRA registered representative and sought expungement of the Occurrence in FINRA’s Dispute Resolution Forum as he is both entitled to and bound by.

The Occurrence is published on Mr. Mummert’s BrokerCheck and CRD record as an “award/judgment.” Mr. Mummert’s Statement of Claim explained that, although this disclosure is published as an “award/judgment” by FINRA, it was mischaracterized as such, and was a settled claim that never proceeded to a hearing on the merits. After filing the Statement of Claim in FINRA Case No. 20-01275 – Mr. Mummert’s expungement request case – the case proceeded to a hearing on the merits on December 10, 2020, where evidence was presented in support of Mr. Mummert’s request for expungement, including the fact that the Occurrence was mischaracterized as an “award/judgment.” Upon conclusion of the hearing, the record was closed and submitted to the Chairperson for her ruling.

Two weeks *after* the conclusion of the case, on December 24, 2020, counsel for Mr. Mummert received notice that FINRA denied Mr. Mummert's access to FINRA's arbitration forum ("Denial Notice"). The Denial Notice was issued by Michelle Vickerman, a "Case Administrator" from FINRA, stating that, "FINRA has determined that [Mr. Mummert's] request for expungement of occurrence number 274378 in [his] Statement of Claim is not eligible for arbitration as it arises from a prior adverse award." FINRA therefore denied Mr. Mummert access to its forum allegedly pursuant to the Industry Code Rule 13203(a).

FINRA's Industry Code Rule 13203(a) states:


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.

FINRA Rule 13203(a) is excessively vague and allows for an egregious amount of discretion on the part of the Director. Here, Mr. Mummert's case proceeded to a hearing and two weeks after the hearing concluded, forum was denied. Evidence was also presented that established this was a settled case and not an award/judgment.

FINRA prohibited Mr. Mummert access to a fundamentally important service that it offers. *See*, Consolidated Arbitration Applications, Exchange Act Release No. 89495, 2019 WL 6287506 (August 6, 2020). Therefore, Mr. Mummert submits this Application for Review to the Commission requesting that he be permitted to have his expungement request in FINRA Case Number 20-01275 be resubmitted to the Chairperson (who has already heard all the evidence), and to allow the Chairperson to issue a ruling. Whether Mr. Mummert is entitled to expungement should be determined by a neutral arbitrator in accordance with FINRA rules.

Dated: January 27, 2021

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Bessette", written over a horizontal line.

Michael Bessette

Senior Attorney

T: (720) 432-6546

E: [legal.bessette@hlbslaw.com](mailto:legal.bessette@hlbslaw.com)

HLBS Law, LLC

9737 Wadsworth Pkwy, G-100

Westminster, CO 80021