

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

In the Matter of the Application of

Alice Jean Solomon

For Review of Action Taken By

FINRA

File No. _____

APPLICATION FOR REVIEW

On September 24, 2021, Ms. Alice Jean Solomon (“Solomon”), who resides in Highlands, New Jersey, submitted a Statement of Claim to the Financial Industry Regulatory Authority (“FINRA”) Office of Dispute Resolution requesting a hearing for the expungement of one disclosure, Occurrence Number 1489114 (“the Occurrence”) from her Central Registration Depository (“CRD”) record. On September 30, 2021, counsel for Ms. Solomon received notice from a senior case specialist with FINRA that the FINRA Office of Dispute Resolution denied Ms. Solomon access to the FINRA forum for an arbitration proceeding on the expungement of the Occurrence.

The notice stated that, “A liability finding by a prior arbitrator or arbitration panel precludes a subsequent arbitrator from making one of the required findings under FINRA Rule 2080(b)(1).” The senior case specialist stated in the notice that pursuant to Customer Code Rule 12203 or Industry Code Rule 13203, FINRA declined to accept the claims. Industry Code Rule 13203(a) does not provide for forum denial in this situation, nor did FINRA provide an accurate reasoning for its denial. The Rule 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.

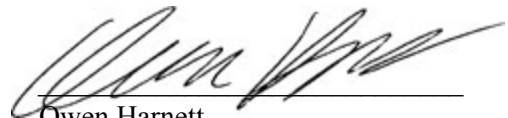
Rule 13203(a) is excessively vague and allows for an egregious amount of discretion on the part of the Director of Dispute Resolution. It offers no true guidance on what is “inappropriate” for FINRA arbitration and allows for many inconsistencies. Further, and most importantly, the Case Specialist did not provide a valid reason under FINRA Rules as to why the subject matter of the dispute is inappropriate.

The Commission has jurisdiction to review this case, as FINRA prohibited Ms. Solomon’s access to a fundamentally important service that it offers. *See Consolidated Arbitration Applications, Exchange Act Release No. 89495, 2019 WL 6287506 (August 6, 2020).* Furthermore, there is no codified rule barring arbitration for expungement of disclosures arising from a prior adverse award. Based on Ms. Solomon’s obligations to abide by FINRA Rules, she is bound to FINRA arbitration for disputes between herself and a Member Firm. The Director has abused their discretion by denying forum in such an inconsistent and arbitrary manner.

Ms. Solomon submits this Application for Review to the Commission requesting that he be permitted to bring her case in the forum to which he is both entitled and bound 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: October 18, 2021

Respectfully submitted,



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