

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

In the Matter of the Application of

Jonathan William Lonske

For Review of Action Taken By

FINRA

File No. ____

APPLICATION FOR REVIEW

On September 20, 2021, Mr. Jonathan William Lonske (“Lonske”), who resides in Boston, MA, 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 1955134 (“the Occurrence”) from his Central Registration Depository (“CRD”) record. On September 22, 2021, counsel for Mr. Lonske received notice from a senior case specialist with FINRA that the FINRA Office of Dispute Resolution denied Mr. Lonske access to the FINRA forum for an arbitration proceeding on the expungement of the Occurrence.

The notice stated that, “This matter is ineligible for expungement because an arbitrator or arbitration panel in FINRA case number 17-03106 previously rendered an award denying expungement for Occurrence Number 1955134 in FINRA’s arbitration forum.” 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 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 Office 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 Mr. Lonske’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, claimants’ claims in the underlying customer dispute hearing against Mr. Lonske were denied in their entirety. Given the denial of the claims there is no investor interest served in keeping this claim on Mr. Lonske’s record. FINRA has abused its discretion by denying forum in such an inconsistent and arbitrary manner.

Mr. Lonske submits this Application for Review to the Commission requesting that he be permitted to bring his 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 21, 2021

Respectfully submitted,



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