

SECURITIES AND EXCHANGE COMMISSION

In the Matter of the Application of
WILLIAM JOSEPH KIELCZEWSKI
For Review of Disciplinary Action Taken by
FINRA

Administrative Proceeding
File No. 3-20636

MOTION FOR ORAL ARGUMENT

Pursuant to Rule 451 of the Commission's Rules of Practice, 17 C.F.R. § 201.451, William Joseph Kielczewski ("Kielczewski") hereby respectfully requests that the Commission hear oral argument in support of Kielczewski's application for review pursuant to Section 19(d)(1) of the Securities Exchange Act of 1934, 15 U.S.C. § 78s(d)(1), of a final disciplinary sanction imposed by a self-regulatory organization as provided for by 17 C.F.R. 201.420(a)(1). The final disciplinary sanction in question is the September 30, 2021 decision by the National Adjudicatory Council ("NAC") of the Financial Industry Regulatory Authority ("FINRA"). Pursuant to the Commission's scheduling order dated December 13, 2021, the deadline for the filing of Kielczewski's opening brief ("Opening Brief") was extended to February 3, 2022, and the Opening Brief is being filed simultaneously with this motion. This motion is accordingly timely under 17 C.F.R. § 201.451(b) ("Requests for oral argument shall be made by separate motion accompanying the initial brief on the merits.").

Oral argument is warranted in this case because of the novelty, complexity and subtlety of the issues presented. As presented in the Opening Brief, the Commission is being called upon in this case to address novel issues regarding FINRA's obligation to proceed on a complete record,

instead of allowing the selective disclosures of a FINRA member to bias the proceedings against the respondent. In addition, relatively complex and voluminous records require thorough and careful examination to weigh competing arguments from FINRA and respondent as to respondent's mens rea and the sanctions appropriate to the conduct. Kielczewski requests the opportunity to be heard on such issues.

Kielczewski requests that the maximum time allowed under the Rules be afforded for his presentation. Kielczewski further submits that he does not have, with respect to his petition for review, a common interest with any other person and therefore he should not be required to share his allotted time with other parties or limited participants.

Wherefore, for the foregoing reasons, Kielczewski respectfully requests that the Commission schedule oral arguments in this proceeding.

Dated: February 3, 2022
New York, New York

Respectfully submitted,

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