

**BEFORE THE  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, DC**

In the Matter of the Application of  
  
William Joseph Kielczewski  
  
For Review of Disciplinary Action Taken by  
  
FINRA  
  
File No. 3-20636

**FINRA’S UNOPPOSED MOTION FOR EXTENSION OF TIME**

On September 19, 2023, the Commission issued an order granting William Joseph Kielczewski’s (“Applicant”) motion requesting additional briefing addressing the constitutionality of the process by which FINRA disciplined him. Pursuant to Rule 161 of the Commission’s Rules of Practice, FINRA respectfully moves to extend the briefing schedule deadlines established by the Commission’s order by seven (7) calendar days.

**Background**

1. On September 30, 2021, FINRA issued a decision of its National Adjudicatory Council finding that Applicant violated FINRA rules. For this misconduct, FINRA imposed an 18-month associational suspension and fine.
2. Applicant appealed FINRA’s decision to the Commission in October 2021. The sanctions imposed by FINRA’s decision are stayed while the Commission considers Applicant’s appeal.
3. Applicant filed his final brief in support of his appeal in March 2022.

4. On August 15, 2023, Applicant filed a motion requesting leave to submit supplemental briefing addressing the constitutionality of the process by which FINRA disciplined him.

5. On September 19, 2023, the Commission granted Applicant's motion. The Commission's order granting the motion established the following schedule for the filing of the parties' briefs: Applicant's supplemental brief shall be filed by October 17, 2023; and FINRA's brief in response shall be filed by November 14, 2023.

6. On September 25, 2023, FINRA conferred with Applicant's counsel. Applicant's counsel indicated that Applicant does not oppose this extension request.

#### **Request for Extension**

7. Rule of Practice 161(a) provides that the Commission "may, for good cause shown, extend or shorten any time limits prescribed by these Rules of Practice for the filing of any papers[.]" 17 C.F.R. § 201.161(a) (2020). The relevant factors the Commission must consider in determining whether to grant an extension of time are: (1) the length of the proceeding to date; (2) the number of postponements, adjournments, or extensions already granted; (3) the stage of the proceedings at the time of the request; and (4) any other such matters as justice may require. *See Dakota Sec. Int'l*, Exchange Act Release No. 83139, 2018 SEC LEXIS 1019, at \*2 (May 1, 2018); 17 C.F.R. 201.161(b).

8. Good cause exists to grant FINRA's request for an extension of the deadlines for the filing of the parties' supplemental briefs. FINRA seeks additional time because of competing deadlines and workflow in unrelated matters, and because of undersigned counsel's planned vacation.

9. The relevant factors weigh in favor of granting FINRA's motion because: (1) the underlying application for review was briefed fully by the parties more than 17 months

ago; (2) FINRA has not sought any prior postponements, adjournments, or extensions; and (3) the short extension FINRA requests will not unduly delay this matter's completion.

10. FINRA therefore moves to extend the briefing schedule deadlines established by the Commission's September 19, 2023 order by seven (7) calendar days. If FINRA's motion is granted, Applicant's supplemental brief shall be filed by October 24, 2023, and FINRA's response shall be filed by November 21, 2023.

Respectfully submitted,

/s/ Gary Dernelle

Gary Dernelle  
Associate General Counsel  
FINRA  
1735 K Street, NW  
Washington, DC 20006  
(202) 728-8255  
gary.dernelle@finra.org  
nac.casefilings@finra.org

September 25, 2023

**CERTIFICATE OF COMPLIANCE**

I, Gary Dernelle, certify that I have complied with the Commission's Rules of Practice by filing this Unopposed Motion for Extension of Time, which omits or redacts any sensitive personal information described in Rule of Practice 151(e).

/s/ Gary Dernelle

Gary Dernelle  
Associate General Counsel  
FINRA  
1735 K Street, NW  
Washington, DC 20006  
(202) 728-8255  
gary.dernelle@finra.org  
nac.casefilings@finra.org

September 25, 2023

**CERTIFICATE OF SERVICE**

I, Gary Dernelle, certify that on this 25<sup>th</sup> day of September 2023, I caused a copy of FINRA's Unopposed Motion for Extension of Time, In the Matter of the Application of William Joseph Kielczewski, Administrative Proceeding File No. 3-20636, to be served through the SEC's eFAP system on:

Vanessa A. Countryman  
The Office of the Secretary  
U.S. Securities and Exchange Commission  
100 F St., NE  
Room 10915  
Washington, DC 20549-1090

I further certify that, on this date, I caused copy of FINRA's motion in the foregoing matter to be served by electronic service on:

Andrew St. Laurent, Esq.  
Harris, St. Laurent & Wechsler LLP  
40 Wall Street, 53rd Floor  
New York, NY 10005  
(646) 248-6010 (phone)  
andrew@hs-law.com

Justin L. Chretien, Esq.  
Carlton Fields  
1025 Thomas Jefferson Street, NW, Suite 400  
Washington, DC 20007  
(202) 965-8113 (phone)  
jchretien@carltonfields.com

Natalie A. Napierala, Esq.  
Carlton Fields  
405 Lexington Avenue, 36th Floor  
New York, NY 10174  
(212) 785-2747 (phone)  
nnapierala@carltonfields.com

Respectfully submitted,

/s/ Gary Dernelle

Gary Dernelle  
Associate General Counsel  
FINRA  
1735 K Street, NW  
Washington, DC 20006  
(202) 728-8255  
gary.dernelle@finra.org  
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