

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

In the Matter of the Application of
Donald R. Dentinger
For Review of Action Taken By
FINRA
File No. _____

APPLICATION FOR REVIEW

On April 20, 2022, Mr. Donald R. Dentinger (“Mr. Dentinger”), a resident of Louisville, Kentucky submitted a Statement of Claim to the Financial Industry Regulatory Authority, Inc. (“FINRA”) Office of Dispute Resolution. Mr. Dentinger requested a hearing for the expungement of Occurrence #1187460 (the “Occurrence”) from his Central Registration Depository (CRD) record.

On April 21, 2022, Mr. Dentinger’s counsel received notice that FINRA’s Office of Dispute Resolution denied Mr. Dentinger access to the FINRA forum for an arbitration proceeding on the expungement of the Occurrence (the “Notice”). The Notice stated that “FINRA denies the forum as to the request for expungement related to Occurrence Number 1187460. This matter is ineligible for expungement from CRD because an adverse award against Claimant was rendered, and Claimant was held liable for damages to the customer.” The Commission has jurisdiction to review this case, as FINRA prohibited Mr. Dentinger from accessing a fundamentally important service that FINRA offers. *See*, Consolidated Arbitration Applications, Exchange Act Release No. 89495, 2019 WL 6287506 (August 6, 2020).

FINRA Rule 13203 does not allow for forum denial in this situation. FINRA Rule 13203(a) simply reads: “[t]he 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.”

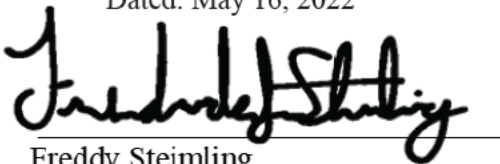
FINRA Rule 13203(a) is excessively vague and ambiguous. It offers no true guidance to FINRA Associated Persons as to what is and is not eligible subject matter for FINRA’s arbitration forum.

There is no FINRA Rule codified by the Commission barring the arbitration for expungement of disclosures arising from prior adverse arbitration awards. If the Commission has not codified a rule to this effect, then FINRA’s Office of Dispute Resolutions’ decision to deny Mr. Dentinger access to FINRA’s arbitration is not supported by any SEC regulation.

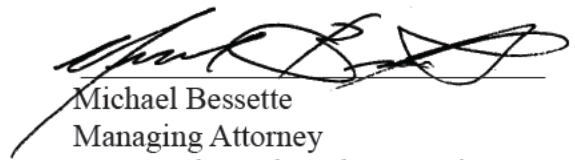
Mr. Dentinger submits this Application for Review requesting that the Commission give Mr. Dentinger the opportunity to bring his claim for expungement of the Occurrence in FINRA’s arbitration forum, to which Mr. Dentinger is entitled pursuant to FINRA Rules. Whether the Occurrence is eligible for expungement is a matter to be determined by a Panel in accordance with FINRA Rules 2080 and 13805.

Dated: May 16, 2022

Respectfully submitted,



Freddy Steimling
Associate Attorney
9737 Wadsworth Parkway G-100
Westminster, CO 80021
P: (720) 432-0117
F: (303) 954-9666
E: frederick.steimling@hlbslaw.com



Michael Bessette
Managing Attorney
9737 Wadsworth Parkway, Suite G-100
Westminster, CO 80021
T: (720) 432-6546
E: legal.bessette@hlbslaw.com
E: michael.bessette@hlbslaw.com