

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

In the Matter of the Application of

David W. Ingle

For Review of Action Taken By

FINRA

File No. 3- 20893

UNOPPOSED MOTION TO AMEND APPLICATION FOR REVIEW

On February 8, 2021, Mr. David W. Ingle (“Mr. Ingle”), a resident of Chandler, Arizona, submitted a Statement of Claim to the Financial Industry Regulatory Authority, Inc. (“FINRA”) Office of Dispute Resolution requesting a hearing for the expungement of a Form U-5 termination disclosure, Occurrence Number 1869090 (the “Occurrence”), published on his Central Registration Depository (“CRD”) record. Mr. Ingle’s claim was assigned FINRA Case No. 21-00345. Mr. Ingle is a FINRA registered representative and sought expungement of the Occurrence in FINRA’s Dispute Resolution forum as he is entitled to and bound by.

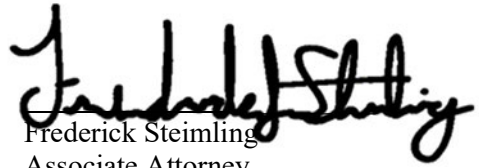
Mr. Ingle’s expungement request proceeded to a hearing on the merits on May 2, 2022, where evidence was presented in support of Mr. Ingle’s request for expungement. Upon conclusion of the hearing, the record was closed and submitted to the arbitration panel for a ruling. More than a week after the conclusion of the case, on May 10, 2022, Mr. Ingle’s counsel received notice (the “Notice”) from a FINRA Case Administrator that FINRA’s Office of Dispute Resolution denied Mr. Ingle access to FINRA’s Dispute Resolution forum on his expungement request. The Notice states that “[i]n the AWC [Acceptance, Waiver and Consent Agreement], Mr. Ingle agreed that the AWC ‘[would] become part of [his] permanent disciplinary record’ and that he would not take any action ‘denying, directly or indirectly, any findings in

this AWC or create the impression that AWC is without factual basis.” The Notice further states, “Occurrence Number 1869090 and Section 3 of David Ingle’s Form U5 are ineligible for expungement from CRD in FINRA’s arbitration forum because they arise from the same facts and circumstance related to a regulatory action disclosure (Occurrence #1974680).” FINRA denied Mr. Ingle access to its arbitration forum (after he had already accessed it) to seek expungement of the disclosure because he has a *separate and distinct* regulatory disclosure that he was not seeking expungement of. FINRA cited no rules or laws in support of its decision.

FINRA’s decision to deny Mr. Ingle access to its arbitration forum is inconsistent with its own rules, fundamental notions of due process, and Section 19(d) of the Securities Exchange Act of 1934 (the “Exchange Act”). Because FINRA prohibited Mr. Ingle from accessing a fundamentally important service that FINRA offers, the Commission has jurisdiction to review this case. *See*, Consolidated Arbitration Applications, Exchange Act Release No. 89495, 2019 WL 6287506 (August 6, 2020). There is no FINRA Rule codified by the SEC barring the arbitration for expungement of disclosures that potentially share facts with another disclosure. The decision to deny a forum to Mr. Ingle is not supported by any law or SEC regulation.

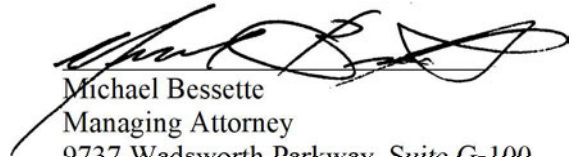
Mr. Ingle submits this Unopposed Motion to Amend his Application for Review to the Commission requesting that he be permitted to have his expungement request in FINRA Case Number 21-00345 be resubmitted to the arbitration panel (which has already heard all of the evidence), and to allow the arbitration panel to issue a ruling. In the alternative, Mr. Ingle requests other relief that is appropriate and ordered by the Commission. Counsel for Mr. Ingle has conferred with Counsel for FINRA, he does not oppose the Motion to Amend the Application for Review.

Dated: August 4, 2022



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Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Frederick Steimling, certify that on August 4, 2022, I caused a copy of the foregoing Unopposed Motion to Amend the Application for Review of the above-listed Applicant, David W. Ingle, to be filed through the SEC's eFAP system and served by electronic mail on:

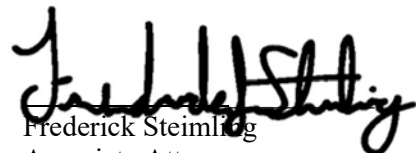
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(STATE) I certify (or declare) under penalty of perjury under the laws of the State of Colorado that the foregoing is true and correct.


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