

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

In the Matter of the Application of

Joseph Sylvester Sturniolo

For Review of Disciplinary Action Taken by

FINRA

File No. _____

On April 28, 2023, Joseph Sturniolo (“Mr. Sturniolo”), a resident of Littleton, Colorado, submitted a Statement of Claim to Financial Industry Regulatory Authority (“FINRA”) Dispute Resolution Services requesting arbitration for the expungement of a customer dispute disclosure, Occurrence No. 1094519 (the “Disclosure”) published on his Central Registration Depository (“CRD”). The action was assigned FINRA Case No. 23-01163. On May 22, 2023, Mr. Sturniolo received notice (the “Notice”) that FINRA denied Mr. Sturniolo access to FINRA’s forum.

The Notice states that Mr. Sturniolo was denied access to FINRA’s arbitration forum pursuant to FINRA Rule 13203 because the request for expungement of the Disclosure “is inappropriate for consideration in FINRA’s arbitration forum.” FINRA’s stated reason was that Mr. Sturniolo previously sought expungement of the Disclosure. FINRA points out that Mr. Sturniolo filed a request for expungement of the Disclosure in FINRA arbitration in 2018, and that award was subsequently vacated. When Mr. Sturniolo refiled his request for expungement in FINRA arbitration, FINRA denied him access to the forum. Mr. Sturniolo then sought expungement in Colorado state court. The Colorado Court granted FINRA’s motion for summary judgment finding that the Colorado court had no ability to order expungement, and other various reasons. Mr. Sturniolo was never able to have his expungement claim determined on the merits.

On March 21, 2023, the Commission issued a decision in *Cynthia Mary Couyoumjian*, Admin. Proc. File No. 3-20154 (“*Couyoumjian*”) stating that the applicant was entitled to access FINRA’s arbitration forum for expungement under similar circumstances to Mr. Sturniolo’s case. In *Couyoumjian*, the Commission found that the applicant who obtained an order vacating her FINRA arbitration award denying her request for expungement was entitled to proceed refile in FINRA arbitration and that “FINRA’s decision to deny Couyoumjian access to its arbitration forum to obtain a new, final arbitration award was not in accordance with its rules.” Mr. Sturniolo therefore refiled his request for expungement in FINRA’s arbitration forum on April 28, 2023.

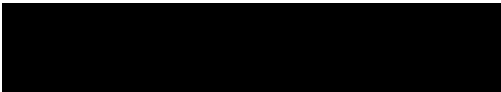
Prior to FINRA’s issuance of the Notice in this case, FINRA was provided a copy of the vacate order from the original arbitration action. Nevertheless, FINRA denied Mr. Sturniolo access to its arbitration forum in violation the Securities Exchange Act of 1934 and FINRA’s rules. FINRA has failed to provide Mr. Sturniolo access to this fundamentally important service without providing a valid reason that aligns with Rule 13203(a) or the Exchange Act. The Director has abused its discretion by denying forum in such an inconsistent and arbitrary manner.

Mr. Sturniolo submits this Application for Review to the Commission requesting that he be permitted to bring his expungement request in FINRA’s arbitration forum in accordance with FINRA Industry Code Rules 2080 and 13805.

Dated: June 21, 2023

Respectfully submitted,

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