

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

In the Matter of the Application of
Frederick Maximilian Kort
For Review of Action Taken by FINRA
File No. _____

APPLICATION FOR REVIEW

APPLICANT, Frederick Maximilian Kort (“Mr. Kort”), a resident of Chicago, Illinois, hereby submits his application for review seeking Commission review of a decision by Financial Industry Regulatory Authority (“FINRA”) to deny him access to its arbitration forum.

On October 13, 2023, Mr. Kort submitted a Statement of Claim to FINRA’s Office of Dispute Resolution requesting a hearing for the expungement two customer dispute disclosures, Occurrence numbers 2273013 and 2051133 (together “the Occurrences”) from his Central Registration Depository (“CRD”) record. Mr. Kort’s claim was assigned FINRA Case No. 23-02999.

On October 19, 2023, counsel for Mr. Kort received notice that FINRA’s Office of Dispute Resolution denied him access to FINRA’s arbitration forum. The notice stated that Occurrence No. 2273013 “is ineligible for expungement from the Central Registration Depository (CRD®) in FINRA’s arbitration forum because arbitration case 23-00897, associated with Occurrence No. 2273013 has not closed.” The notice also stated that Occurrence No. 2051133 “is ineligible for expungement because a panel held a hearing to consider the merits of the request for expungement of the same customer dispute information.” Additionally, the notice stated that the Occurrences are ineligible for expungement in FINRA’s arbitration forum pursuant to FINRA Rules 12203 or 13203 because the subject matter of the dispute is inappropriate.

FINRA has abused its discretion by denying forum in this matter and has failed to cite a valid basis to deny forum in violation of FINRA Rules and Section 19(d) of the Securities Exchange Act of 1934 (“Exchange Act”). FINRA Rules 12203(a) and 13203(a) do not allow FINRA to deny forum in this situation. Rules 12203(a) and 13203(a) both state:

The 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.

None of FINRA’s cited reasons for denying forum are allowed under FINRA Rules or the Exchange Act.

Mr. Kort submits this Application for Review to the Commission requesting that he be permitted to bring his expungement claim of the Occurrences in the forum that he is both entitled to and bound to by the FINRA Rules. Whether the Occurrences are eligible for expungement should be subsequently determined by the Panel that is assigned in arbitration, in accordance with FINRA Rules.

Dated: November 17, 2023

Respectfully submitted,

HLBS LAW

By:



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