

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

In the Matter of the Application of
SEAN PONG
For Review of Action Taken by
FINRA

Administrative Proceeding File No. 3-22639

**APPLICANT’S RESPONSE TO FINRA’S MOTION TO FILE A SUR-REPLY AND
CONDITIONAL REQUEST FOR LEAVE TO FILE A BRIEF RESPONSE**

Applicant Sean Pong, pro se, responds to FINRA’s Motion to File a Sur-Reply, filed October 20, 2026.

1. Applicant does not oppose FINRA’s motion. Applicant’s reply relied on new evidence, and he does not object to FINRA addressing it.

2. FINRA’s sur-reply, however, does more than address new evidence. It advances new readings of Bruce Zipper, Exchange Act Release No. 81788, 2017 SEC LEXIS 3107 (Sept. 29, 2017), adopts a revised statement of the legal standard for misrepresentation, and argues that Applicant’s sworn testimony should be disregarded because it is “qualified.” Sur-Reply at 3–7 & nn.2, 5. If the Commission accepts the sur-reply, Applicant respectfully requests leave to file the brief response attached as Exhibit 1, which is limited to those points and contains fewer than 1,500 words.

3. Applicant also corrects two clerical matters FINRA identified. Sur-Reply at 3 n.1. First, his reply brief was filed without page numbers; Applicant regrets the omission and adopts FINRA’s pagination convention, under which the page beginning “Preliminary Statement” is page one. Second, the execution line of his Declaration (Exhibit M-4) omitted the month. Applicant executed the Declaration on October 13, 2026, the date of filing. A corrected signature page is attached as Exhibit 2. No other part of the Declaration is changed.

4. Applicant also reports a development since his reply. He stated that he had requested his T-Mobile billing statements for May through August 2023 and would move to supplement the record upon receipt. Decl. ¶ 28; Rule 452 Motion, Part IV. He received them on October 15, 2026. They are summary statements that do not itemize individual calls, and T-Mobile has stated that call detail for that period is available only by subpoena. Decl. ¶ 28. Because the statements contain no call information and include account numbers and family members’ telephone numbers, Applicant has not filed them, but will provide copies to the Commission or FINRA upon request. FINRA does not

dispute that the May 26, 2023 call took place; the AWC recites it. RP 2. Any record of what was said on that call is in FINRA's possession. Applicant renews his request that FINRA be directed to state whether any such record exists.

For these reasons, Applicant respectfully requests that, if the Commission grants FINRA's motion, it also accept the attached Exhibit 1, and that it accept the corrected signature page attached as Exhibit 2.

Dated: October 22, 2026

Respectfully submitted,

/s/ Sean Pong

Sean Pong, Applicant, Pro Se

A large black rectangular redaction box covering the signature and any handwritten notes or dates that might have been present.

FINRA CRD No. 2406530

CERTIFICATE OF COMPLIANCE

I certify that this filing omits or redacts sensitive personal information described in Rule of Practice 151(e), and that Exhibit 1 contains fewer than 1,500 words.

/s/ Sean Pong
Sean Pong

CERTIFICATE OF SERVICE

I certify that on October 22, 2026, I filed the foregoing Applicant's Response to FINRA's Motion to File a Sur-Reply and Conditional Request for Leave to File a Brief Response, with Exhibits 1 and 2, in the Matter of the Application for Review of Sean Pong, Administrative Proceeding File No. 3-22639, through the SEC's eFAP system with Vanessa Countryman, Secretary, Securities and Exchange Commission, 100 F Street, NE, Washington, DC 20549-1090, and served a copy by electronic mail on Celia L. Passaro, Associate General Counsel, FINRA, 1700 K Street, NW, Washington, DC 20006, at ersilia.passaro@finra.org and nac.casefilings@finra.org.

/s/ Sean Pong
Sean Pong