

UNITED STATES OF AMERICA
before the
SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
Release No. 97574 / May 25, 2023

Admin. Proc. File No. 3-21013

In the Matter of the Application of

JOHN DOE

For Review of Action Taken by the

FINRA

ORDER GRANTING MOTION TO WITHDRAW APPLICATION FOR REVIEW AND
REQUEST FOR CONFIDENTIAL TREATMENT

On August 12, 2022, a formerly associated person of a FINRA member firm (“Applicant”) filed an application for review of FINRA’s denial of his request to remove certain information from his Central Registration Depository (“CRD”) record. Applicant captioned his filing as being brought by “John Doe,” but within the application he “confidentially disclosed to the Commission” his full legal name.

On September 2, 2022, FINRA filed a motion to dismiss the application for review, arguing that it was both untimely and not reviewable by the Commission under Exchange Act Section 19(d). On September 13, 2022, Applicant filed a motion to withdraw his application for review in order “to pursue his claim for relief in an alternate forum.” Applicant represented that FINRA did not oppose his motion. Under the circumstances, we find that it is appropriate to grant Applicant’s unopposed request to withdraw his application.

Concurrently with his motion to withdraw, Applicant also filed a request for “confidential treatment of his full legal name . . . in publicly viewable documents relating to his application for review.” Our Rule of Practice 322 governs such requests for confidentiality by providing that a party may seek a protective order limiting disclosure of certain documents or testimony.¹

Here, Applicant supports his request for confidential treatment by representing that the information he asked FINRA to remove from his CRD was a misdemeanor charge, the record of which a California state court ordered to be sealed. Applicant contends that he “intends to seek enforcement of the sealing order in [an] alternate forum,” but that “it would do little good for

¹ 17 C.F.R. § 201.322(a).

Applicant to remove the offending disclosure from CRD only to have the Commission publish his full legal name in publicly viewable documents with similar disclosures.” Rule 322 provides that we will grant motions for confidential treatment “upon a finding that the harm resulting from disclosure would outweigh the benefits of disclosure.”² Given the circumstances here, including that FINRA has not opposed Applicant’s request and that Applicant sought to withdraw his application for review before any merits briefing had occurred, we find that it is appropriate to grant Applicant’s motion.

Accordingly, IT IS ORDERED that the request of Applicant “John Doe” to withdraw his application for review is granted and that this review proceeding is dismissed.³

IT IS FURTHER ORDERED that Applicant’s request for a protective order against the disclosure of his full legal name is granted.

By the Commission.

Vanessa A. Countryman
Secretary

² 17 C.F.R. § 201.322(a).

³ Because we are granting Applicant’s unopposed motion to withdraw his application, we deny FINRA’s motion to dismiss as moot.