

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

In the Matter of the
Application of
JENNIFER ANNE JOHNSTON
For Review of Action Taken By
FINRA
File No. _____

APPLICATION FOR REVIEW

On August 25, 2020, Ms. Jennifer Anne Johnston (“Johnston”), who resides at [REDACTED], [REDACTED], Corte Madera, CA [REDACTED], submitted a Statement of Claim (“SOC”) to the Financial Industry Regulatory Authority (“FINRA”) Office of Dispute Resolution (“ODR”) requesting a hearing for the expungement of her CRD record as it relates to two customer dispute disclosures, occurrence numbers 1455733 and 1077974 (“the Occurrences”). On August 26, 2020, counsel for Ms. Johnston received notice that the FINRA ODR denied FINRA forum for arbitration for expungement of occurrence number 1455733.

The notice stated that counsel was not in compliance with California Code of Civil Procedure § 1282.4 (“CCP § 1282.4”). The notice further stated that the, “request for expungement of Occurrence Number 1455733 in your Statement of Claim is not eligible for arbitration” stating that “the expungement request for this disclosure was decided in a prior arbitration award.” After counsel addressed the deficiency claimed by FINRA regarding CCP § 1282.4, another notice was sent on September 8, 2020. The notice reiterated that, the Director of FINRA Dispute Resolution Services determined the request for expungement of occurrence number 1455733 was not eligible for

arbitration, because the request was decided in a prior arbitration award. The notice stated that pursuant to the Industry Code Rule 13203(a), the forum is denied as to occurrence number 1455733. The notice also stated the case would remain deficient until the SOC was amended to remove the expungement request for occurrence number 1455733.

This notice stated the Occurrence was decided in a prior arbitration award and is not eligible for arbitration, citing Industry Code Rule 13203(a). However, Industry Code Rule 13203(a) does not provide for forum denial in this situation. Rather, it states:

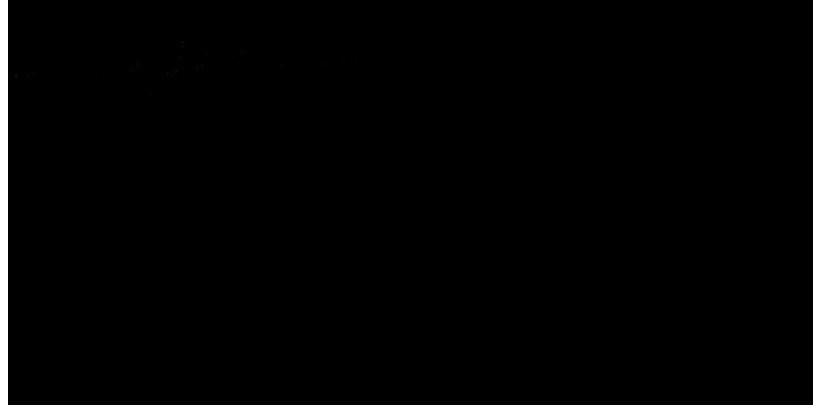
- (a) The Director may decline to permit the use of the FINRA arbitration forum if the Director determines that, given the purposes of FINRA and the intent of the Code, the subject matter of the dispute is inappropriate, or that accepting the matter would pose a risk to the health or safety of arbitrators, staff, or parties or their representatives. Only the Director may exercise the authority under this Rule.

Industry Code Rule 13203(a) is excessively vague, and allows for an egregious amount of discretion on the part of the Director. It offers no true guidance on what is not eligible for FINRA forum. Further, whether Ms. Johnston requested expungement of the occurrence previously, was offered or participated in a hearing on such a request, is a determination that should be made by the fact finder and not by the neutral forum to which her expungement request was submitted. FINRA did not provide Ms. Johnston with an opportunity to present her argument that, despite the fact that another award denied a request for expungement of this occurrence, Ms. Johnston did not submit this prior request. Based on Ms. Johnston's obligations to abide by FINRA Rules, she is bound to FINRA arbitration for disputes between herself and a Member Firm. The Director has abused their discretion by denying forum in such an inconsistent and arbitrary manner.

Ms. Johnston submits this Application for Review to the Commission requesting that she be permitted to bring her case in the forum that she is both entitled to and bound to by the FINRA Industry Code Rules. Whether the Occurrence is eligible for expungement should be subsequently determined by the Panel that is assigned in arbitration, in accordance with FINRA Industry Code Rules 2080 and 13805.

Dated: October 8, 2020

Respectfully submitted,



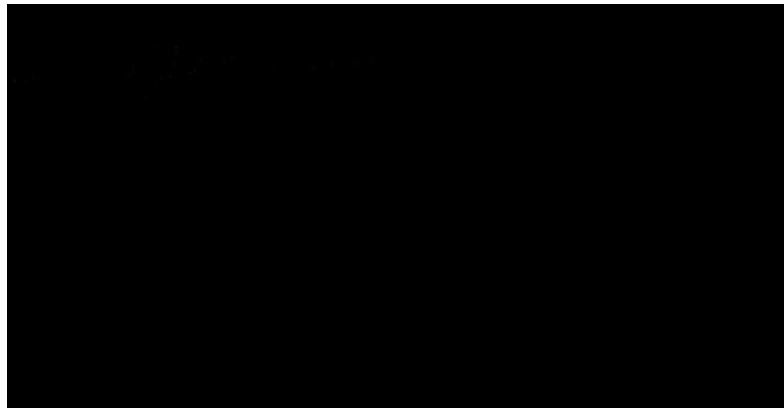
**BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C.**

In the Matter of the
Application of
JENNIFER ANNE JOHNSTON
For Review of Action Taken By
FINRA
File No. _____

NOTICE OF APPEARANCE FOR APPLICANT

Please accept this as my notice of appearance for Applicant in the above captioned matter.

Dated: October 8, 2020



CERTIFICATE OF SERVICE

I, James Bellamy, on October 8, 2020, served foregoing Ms. Johnston’s Application for Review and Notice of Appearance on:

Vanessa A. Countryman, Secretary
Securities and Exchange Commission
100 F St., NE
Room 10915
Washington, DC 20549-1090
Email: apfilings@sec.gov

[X] (BY EMAIL) I caused the documents to be sent to the persons at the e-mail address listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

On this date, I also served Ms. Johnston’s Application for Review and Notice of Appearance on:

General Counsel
FINRA
1735 K Street, NW
Washington, DC 20006
Email: nac.casefilings@finra.org

Alan Lawhead, VP
Office of General Counsel
FINRA
1735 K Street, NW
Washington, D.C. 20006
Email: alan.lawhead@finra.org

[X] (BY EMAIL) I caused the documents to be sent to the persons at the e-mail address listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

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

/s/James Bellamy
James Bellamy
9737 Wadsworth Pkwy Suite G-100
Westminster, CO 80021