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| SECURITIES EXCHANGE COMMISSION  | <p><b>FILE NO.</b> _____</p> |
| <p>Denial of FINRA Forum for Expungement Arbitration:</p> <p>Applicant:</p> <p>Michael Andrew DeMaria</p> <p>v.</p> <p>Respondent:</p> <p>Financial Industry Regulatory Authority</p> |                              |
| <p><b>APPLICATION FOR REVIEW</b></p>  |                              |

On December 8, 2020, Mr. Michael Andrew DeMaria (“DeMaria”), who resides in San Francisco, California, submitted a Statement of Claim to the Financial Industry Regulatory Authority (“FINRA”) Office of Dispute Resolution requesting a hearing for the expungement of two disclosures, Occurrence Numbers 1710804 and 1781840 (“the Occurrences”) from his Central Registration Depository (“CRD”) record. On December 10, 2020, counsel for Mr. DeMaria received notice from a senior case specialist with FINRA that the FINRA Office of Dispute Resolution denied Mr. DeMaria access to the FINRA forum for an arbitration proceeding on the expungement of the Occurrences.

The notice stated that, “FINRA has determined that the claims you have alleged in your statement of claim are not eligible for arbitration.” The senior case specialist stated in the notice that, pursuant to Customer Code Rule 12203(a) or Industry Code Rule 13203(a), FINRA declined to accept the claims. Industry Code Rule 13203(a) does not provide for forum denial in this situation, nor did FINRA provide an adequate notice and reasoning for its denial. The Rule 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.

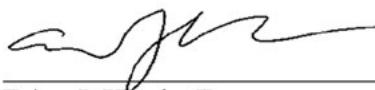
Industry Code Rule 13203(a) is excessively vague, and allows for an egregious amount of discretion on the part of the Director of Dispute Resolution. It offers no true guidance on what is not eligible

for FINRA forum and allows for many inconsistencies in its application. Further, as stated by the Section 15 of the Securities and Exchange Act, a determination by the association to limit a person with respect to access to services offered by the association or a member thereof requires that the association “notify such person” and “give him an opportunity to be heard” regarding the “specific grounds” upon which the association based the denial, bar, prohibition or limitation. 15 U.S.C.A. § 78o-3(h)(2). FINRA did not provide the requisite “specific grounds” in its December 10, 2020 letter to Mr. DeMaria denying forum for the occurrences. The notice did not explain how the subject matter of Mr. DeMaria’s complaint (expungement) is inappropriate, nor did it explain how accepting the matter would pose a risk to health or safety.

Recently, the Commission has determined that arbitration is a fundamental service that FINRA provides. See Consolidated Arbitration Applications, Exchange Act Release No. 89495, 2019 WL 6287506 (August 6, 2020). Mr. DeMaria submits this Application for Review to the Commission requesting that he be permitted to bring his case in the fundamental forum provided by FINRA. Whether the Occurrences are eligible for expungement should be subsequently determined by the neutral arbitration panel that is assigned to preside over his case, in accordance with FINRA Industry Code for Arbitration Procedure.

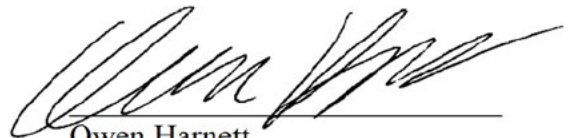
Dated: January 6, 2021

Respectfully submitted,



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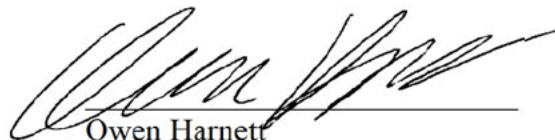
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| <b>NOTICE OF APPEARANCE FOR APPLICANT</b>  |  |

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

Dated: January 6, 2021



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**CERTIFICATE OF SERVICE**

I, James Bellamy, on January 6, 2021 served the original and three copies of Mr. DeMaria'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  
Fax: 202-772-9324  
Email: [apfilings@sec.gov](mailto:apfilings@sec.gov)

**[X] (BY FAX)** I caused the documents to be sent to the persons at the fax number 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] (BY MAIL)** I caused the documents to be sent by US Certified Mail to the persons listed above. I did not receive notice or indication from the US Postal Service that the delivery would be 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 caused the original and three copies of Mr. DeMaria's Application for Review and Notice of Appearance to be served on:

Alan Lawhead  
[alan.lawhead@finra.org](mailto:alan.lawhead@finra.org)

General Counsel  
FINRA  
1735 K Street, NW  
Washington, DC 20006  
Email: [nac.casefilings@finra.org](mailto:nac.casefilings@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] (BY MAIL)** I caused the documents to be sent by US Certified Mail to the persons listed above. I did not receive notice or indication from the US Postal Service that the delivery would be 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  
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