

No. 23-5086

IN THE

SUPREME COURT OF THE UNITED STATES

BETSY SACHS, PETITIONER

v

FINRA, RESPONDENT

BETSY SACHS

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PETITION FOR REHEARING

I, BETSY SACHS, PETITION FOR REHEARING OF THIS COURT'S OCT 2, 2023 ORDER DENYING MY PETITION FOR CERTIORARI. ON PETITION FOR A WRIT OF CERTIORARI TO THE US COURT OF APPEALS, FIRST CIRCUIT.

PETITION FOR REHEARING

THIS IS AN APPROPRIATE CASE FOR REHEARING. THIS COURT'S RULE 44.2 AUTHORIZES A PETITION FOR REHEARING BASED ON INTERVENING CIRCUMSTANCES OF SUBSTANTIAL EFFECT AND/OR RAISING GROUNDS NOT FORMERLY PRESENTED. PETITIONER IS WITHIN BOTH CATEGORIES. THE COURT SHOULD GRANT REHEARING IN LIGHT OF THE FACT THAT SCOTUS WILL SOON RULE ON ISSUES RELATING TO SEPARATION OF POWERS. DEFERRAL OF THIS PETITION ACCORDS WITH THE PRACTICE OF BOTH THIS COURT AND THE COURT OF APPEALS BY ALLOWING THE COURT TO EVALUATE UPCOMING

CASES. DEFERRING CONSIDERATION OF THIS PETITION WILL SECURE THE OPTIMAL VEHICLE FOR CONSIDERATION OF THE IMPORTANT ISSUES PRESENTED.

LESS THAN A WEEK AGO PETITIONER READ OF THE SUPREME COURT'S DELIBERATIONS POSING A THREAT TO THE CFPB'S EXISTENCE. SCOTUS WILL SOON RULE ON TWO OTHER SEPARATION OF POWERS CASES THIS TERM. A PANEL OF LAW SCHOLARS AND US SUPREME COURT WATCHERS SAY SCOTUS IS LIKELY TO NARROW IF NOT OVERRULE ITS DECADES OLD PRECEDENT IN CHEVRON V NATIONAL RESOURCES DEFENSE COUNCIL IN A MOVE THAT WOULD WEAKEN THE ADMINISTRATIVE STATE. SCOTUS SEEMS LIKELY TO USE THE MAJOR QUESTIONS AND NONDELEGATION DOCTRINES TO PUT LIMITS ON AGENCY POWER IN THE FUTURE. SCOTUS WANTS TO MAKE SURE MAJOR POLITICAL ISSUES OF NATIONAL IMPORTANCE ARE HANDLED BY CONGRESS, NOT AGENCIES. SCOTUS APPEARS LIKELY TO STRIKE DOWN THE CFPB FUNDING SCHEME. THESE NEW DEVELOPMENTS WARRANT THIS COURT'S REHEARING AND EITHER A GRANT OR HOLD ON PETITIONER'S PETITION FOR CERTIORARI.

GVR ORDERS, FED. R. CIV. P. (60), ARE ORDERS GRANTING CERTIORARI, VACATING JUDGMENT BELOW, AND REMANDING TO THE LOWER COURT FOR CONSIDERATION. PETITIONER ASKS THE COURT TO HOLD HER CASE ON THE DOCKET AND IF THE NEW PRECEDENT TURNS OUT TO BE RELEVANT ONCE IT COMES DOWN, ISSUE A GVR AT THAT TIME BASED ON A NEW DEVELOPMENT THAT FOLLOWED THE DENIAL OF CERTIORARI, A NEW SCOTUS RULING THAT CASTS DOUBT ON THE JUDGMENT. THIS REQUEST IS BASED ON GROUNDS LISTED IN THE RULE AND IS NOT BEING USED FOR PURPOSES OF DELAY.

ALLOWING THIS CASE TO TERMINATE WOULD HAVE A PERNICIOUS EFFECT. RESPONDENTS WILL SUFFER NO COGNIZABLE PREJUDICE. EXIGENCIES PLAY A COMMANDING ROLE IN ~~PETITIONER'S TIMELINE. PETITIONER SHOULD~~ BE ALLOWED TO SEEK DAMAGES AND A JURY TRIAL. SHE HAS SUFFERED HARM INCLUDING ECONOMIC LOSS, PHYSICAL AND MENTAL INJURY AND EMOTIONAL SUFFERING. SHE IS ENTITLED TO MECHANISMS OF JUSTICE AND REDRESS FOR THE HARMS SHE HAS SUFFERED. FAITH IN AMERICA'S FINANCIAL SYSTEM STEMS IN LARGE PART FROM THE PUBLIC'S BELIEF THAT THE FINANCIAL REGULATORY SYSTEM IS NOT USED FOR POLITICAL

PURPOSES BUT INSTEAD ONLY TO ENSURE THE INTEGRITY OF THE SYSTEM. THE FEDERAL GOVERNMENT WILL INSIST ON KNOWLEDGE OF THE FACTS ON WHICH ALONE JUDGMENT CAN BE BASED.

PETITIONER HAS BEEN FORCED TO SACRIFICE COMFORT, AND FOCUS ON GETTING THE BARE MINIMUM OF WHAT SHE NEEDS. WHEN STRANGERS SPEND HER MONEY PETITIONER KNOWS DEEP DOWN THINGS ARE MESSSED UP BEHIND CLOSED DOORS. SHE KNOWS THE POWER OF THIS SYSTEM. SHE FEELS POWERLESS IN THIS SYSTEM. PERHAPS THOSE IN POWER HAVE BECOME SO ARROGANT THEY NO LONGER CARE WHETHER WE KNOW ABOUT THEIR CORRUPTION. IF YOU OPEN YOURSELF UP TO BEING A MEDIATOR THEN YOU OPEN YOURSELF UP TO BEING PRESSURED INTO DISCRIMINATION AGAINST CERTAIN GROUPS AND MAKING ARBITRARY DECISIONS ON WHO DESERVES WHAT. THERE SEEMS TO BE NO URGENCY TO HELP. THE HORROR IS THAT THE PEOPLE WHO BOUGHT THE JUDICIARY AND JUDGES WHO DEFEND THOSE HAT WEARING BROKER DEALERS ARE COUNTING ON US TO BE TOO CONFUSED TO DO ANYTHING ABOUT IT. THEY HAVE CRAFTED

A SYSTEM OF HARSH REGULATIONS THAT ENSURES EVERYONE GETS TO KEEP LYING ABOUT ALL OF THIS. THAT THE DIRTIEST AND MOST ANTISOCIAL ECONOMIC INTERESTS DOMINATE OUR POLITICS IS THE KEY TO UNDERSTANDING THE HORRIBLE STATE WE ARE IN. POWER DEPENDS ON FRIGHTENING PEOPLE.

REASONS FOR GRANTING REHEARING



- ANYTHING SCOTUS SAYS IS NEW FOR CONSTITUTIONAL DOCTRINE HAS THE POTENTIAL TO BE A BLOCKBUSTER. SCOTUS IS SCHEDULED TO HEAR SEPARATION OF POWERS CHALLENGES. THE MAJOR QUESTIONS DOCTRINE ENHANCES CONGRESSIONAL POWER AND STRENGTHENS THE PRESIDENT'S POWER OVER AGENCY HEADS ISOLATED FROM POLITICAL PRESSURE. A NOVEL CHALLENGE TO THE CFPB'S FUNDING STRUCTURE IS SCHEDULED TO BE HEARD THIS TERM. IN ADDITION TO THE CFPB CASE THE JUSTICES WILL BE HEARING TWO OTHER SEPARATION OF POWERS CASES. SEPARATION OF POWERS CASES ARE PART OF A STRATEGY TO CHIP AWAY AT THE ADMINISTRATIVE STATE. THE GOAL HAS BEEN TO DISABLE AND

DELIMITING FEDERAL AGENCIES. THE COURT HAS REINTEGRATED THE MATTER QUESTIONS DOCTRINE TO ENHANCE CONGRESSIONAL POWER. THE COURT ASSUMES CONGRESS DIDN'T INTEND FOR AGENCIES TO HAVE THE POWER TO ADOPT POLICIES THAT HAVE SIGNIFICANT ECONOMIC OR SOCIETAL EFFECTS UNLESS CLEARLY STATED IN THE STATUTE. SCOTUS PUTS FINRA IN A CATEGORY OF ITS OWN. THE CONSTITUTION GIVES VERY LITTLE GUIDANCE ABOUT WHAT IS REQUIRED FOR APPROPRIATIONS, SO ANYTHING THE COURT SAYS IS NEW FOR CONSTITUTIONAL DOCTRINE. ANOTHER OF THE SEPARATION OF POWERS CASES SET FOR THIS TERM DEALS WITH THE SEC. PETITIONER'S PETITION FOR WRIT OF HABEAS CORPUS DEALS WITH FINRA AND SEPARATION OF POWERS. THIS NEW DEVELOPMENT WARRANTS THIS COURT'S REVIEWING AND EITHER A GRANT OR HOLD ON PETITIONER'S PETITION FOR CERTIORARI.

• JUNE 7, 2023, ASSOCIATE DIRECTOR FINRA OFFICE OF THE OMBUDSMAN FORWARDED PETITIONER'S JUNE 5TH AND 6TH, 2023 CORRESPONDENCES TO FINRA'S NATIONAL CHIEF AND FINANCIAL CRIMES UNIT. THOSE

REGULATORY TIPS WARRANTING ADDITIONAL REVIEW AND INVESTIGATION WILL BE SUBJECT TO A REGULATORY RESPONSE. FINRA MAY FORWARD ANY REGULATORY TIPS THAT FALL OUTSIDE ITS JURISDICTIONAL REACH TO THE APPROPRIATE REGULATORY OR LAW ENFORCEMENT AGENCIES. GIVEN THE CONFIDENTIAL NATURE OF FINRA INVESTIGATIONS, THE STAFF MAY NOT PROVIDE STATUS UPDATES OR AN OUTCOME. IN THE FUTURE, PETITIONER WAS INSTRUCTED TO NOTIFY FINRA OF ANY UNFAIR PRACTICES OR VIOLATIONS OF FINRA RULES BY FILING A REGULATORY TIP ONLINE. THE ASSOCIATE DIRECTOR SUGGESTED THAT PETITIONER CONSIDER CONTACTING THE BAR ASSOCIATION WHERE THE BROKER-DEALER'S ATTORNEY PRACTICES AND DETERMINE HOW TO FILE A COMPLAINT AGAINST HIM. IN THE FUTURE SHE ADVISED PETITIONER TO FILE REGULATORY TIPS AS INFORMATION ABOUT POTENTIALLY FRAUDULENTLY ILLEGAL OR UNETHICAL BEHAVIOR AND TO NOTIFY FINRA OF ANY UNFAIR PRACTICES. PETITIONER HAS SUBMITTED 18 ADDITIONAL TIPS BETWEEN JUNE AND OCTOBER AS WAS SUGGESTED.

• OFFICE OF THE COMPTROLLER OF THE CURRENCY COMPLAINT SUBMITTED ON SEPT 26, 2023, REFERRAL FROM OFFICE OF MICHAEL HSU, ACTING COMPTROLLER, SEPT 29, 2023 PETITIONER RECEIVED A RESPONSE STATING THAT HER COMPLAINT IS AGAINST AN ENTITY THAT DOES NOT FALL UNDER THE JURISDICTION OF THE OCC. PETITIONER WAS ADVISED TO CONTACT FINRA AS THE APPROPRIATE SUPERVISORY AGENCY. PETITIONER CONTACTED THE OCC BECAUSE THE OFFICE OF THE COMPTROLLER OF THE CURRENCY HAS JURISDICTION OVER ACATS TRANSFERS. 100 OUT OF 343 HOLDINGS IN PETITIONER'S PORTFOLIO WERE INDETERMINATE AND THE DEPARTMENT OF BUSINESS REGULATION COULD NOT IDENTIFY WHAT THE HOLDINGS ACTUALLY WERE. PETITIONER'S ACCOUNT TRANSFERRED WITH AN OPEN MARGIN BALANCE. IN GENERAL ACATS TRANSFERS TAKE 4-8 BUSINESS DAYS AND ALMOST ALL COMPLETE IN 10 BUSINESS DAYS NOT NEARLY 4 MONTHS WHICH WAS THE CASE HEREIN. THE HOLDINGS IN THE MARGIN ACCOUNT WERE REJECTED BY THE RECEIVING BROKER FOR CREDIT VIOLATIONS. THE ACCOUNT WAS PLACED IN MARGIN DEFICIT AND SUBJECTED TO FORCED LIQUIDATION. IN ITS ANTI-MONEY LAUNDERING SECTION FINRA RULES SUCH AS RULE 3310(a) REQUIRES THAT MEMBER

FIRMS ESTABLISH ANTI-MONEY LAUNDERING POLICIES AND PROCEDURES THAT CAN BE REASONABLY EXPECTED TO DETECT AND CAUSE THE REPORTING OF SUSPICIOUS TRANSACTIONS.

58 OUT OF 60 EXCEPTION NOTICES WENT UNANSWERED. A FORMER HEAD OF ARBITRATION FOR THE NYSE FOUND THIS TO BE A RED FLAG. WHAT GOOD IS IT IF A SYSTEM IS IN PLACE TO SUPERVISORY PERSONNEL IF NO ONE DOES ANYTHING ABOUT IT?

• THE FEDERAL RESERVE OCT 4, 2023 RESPONDED TO PETITIONER'S OCT 3, 2023 COMPLAINT THAT DUE TO THE NATURE OF PETITIONER'S COMPLAINT IT WAS FORWARDED TO FINRA FOR INVESTIGATION AND RESPONSE. THE FEDERAL RESERVE BOARD DOES RESEARCH TO UNDERSTAND THE IMPACTS OF FINANCIAL SERVICES POLICIES ON COMMUNITIES AND CONSUMERS, PROMOTES CONSUMER PROTECTION THROUGH CONSUMER FOCUSED SUPERVISION AND EXAMINATION AND ADMINISTRATES CONSUMER LAWS AND REGULATIONS. KNOW YOUR CLIENT IS A SUITABILITY REQUIREMENT. PETITIONER NEVER SIGNED PAPERWORK GIVING THE REGISTERED REPRESENTATIVE FULL DISCRETION. TO THIS DAY SHE USES NEITHER CREDIT NOR DEBIT BUT UNDER MISMANAGEMENT SHE OFTEN CARRIED HUNDREDS OF THOUSANDS OF DOLLARS

OF MARGIN DEBT.

• A DEBT COLLECTOR IS TRYING TO SEIZE PETITIONER'S HOME. SHE IS ABOUT TO LOSE THE ROOF OVER HER HEAD AND THE BED SHE SLEEPS IN. A FINRA REGISTERED REPRESENTATIVE, HIS OWN LEGAL ENTITY, SEPARATE AND APART, PLEDGED PETITIONER'S PORTFOLIO TO SECURE A LOAN AND MADE AN ENFORCEABLE PROMISE. HE WAS THE PROHIBITED THIRD PARTY TO THE MORTGAGE AGREEMENT. HE PARTICIPATED IN A PRIVATE TRANSACTION WHILE UNDER DIRECT SUPERVISION OF THE FIRM. THE GUARANTOR IS NOT LIABLE UNTIL DUE DILIGENCE HAS BEEN EXTENDED TO COMPEL THE PRINCIPAL DEBTOR TO MAKE GOOD ANY DEFAULTS IN A PERSONAL CAPACITY. A PARTY IS RESPONSIBLE FOR ACTS AGENTS PERFORMED WITHIN THE COURSE OF EMPLOYMENT. ALMOST ANYONE CAN BE A GUARANTOR TO ALLOW A LOAN TO BE EXTENDED TO A PERSON WITH NO JOB OR CREDIT HISTORY TO QUALIFY FOR A LOAN. PETITIONER WAS IGNORANT OF FINANCE, WHICH IS NOT A CRIME. SHE DIDN'T NEED A MORTGAGE. SHE WAS AN ACCREDITED INVESTOR BY ACCOUNT BALANCE ALONE WITH NO CREDENTIALS OR DESIGNATIONS, WORK HISTORY OR CREDIT WORTHINESS.

• THE NARRATIVE IS BEING WEAPONIZED. STATES RETAIN LAW ENFORCEMENT POWER BUT HAVE RESTRICTED VISITORIAL POWERS OVER NATIONAL BANKS I.E. THE RIGHT TO EXAMINE A CORPORATION. FINRA CANNOT BE OVERRULED BY A STATE ADMINISTRATION UNDER ANY CIRCUMSTANCES.

CONCLUSION

FOR THE FOREGOING REASONS, AND THOSE STATED IN THE PETITION FOR A WRIT OF CERTIORARI, THE COURT SHOULD GRANT REHEARING, GRANT THE WRIT OF CERTIORARI AND REVIEW THE JUDGMENT. ALTERNATELY, THE COURT SHOULD HOLD THE PETITION PENDING THE RESULTS OF THE UPCOMING CASES THIS TERM AND NEW DEVELOPMENTS. I HEREBY CERTIFY THAT THIS PETITION FOR REHEARING IS PRESENTED IN GOOD FAITH AND NOT FOR DELAY. RESPECTFULLY SUBMITTED,

Betsy Sachs, PETITIONER
ON OCT. 16, 2023