

**FINANCIAL INDUSTRY REGULATORY AUTHORITY  
OFFICE OF HEARING OFFICERS**

DEPARTMENT OF ENFORCEMENT,

Complainant,

v.

JOHN LOWRY  
(CRD No. 4336146),

and

KIM MONCHIK  
(CRD No. 2528972),

Respondents.

Disciplinary Proceeding  
No. 2022075597101

Hearing Officer–BDC

**ORDER GRANTING DEPARTMENT OF ENFORCEMENT'S  
CONSENT MOTION FOR SEQUESTRATION**

On June 27, 2025, the Department of Enforcement filed a consent motion to sequester all witnesses in this matter, with the exception of Respondents John Lowry and Kim Monchik. Enforcement seeks an order preventing any witness from attending the hearing except for the portion during which the witness is testifying. Enforcement also requests that the sequestration order prohibit persons who attend any portion of the hearing, including counsel, from disclosing the substance of any witness testimony to any other witness during the hearing.

The Office of Hearing Officers has long recognized that FINRA Rule 9235(a) “grants the Hearing Officer broad discretionary authority for all aspects of case management, from the institution of the proceeding to its conclusion.”<sup>1</sup> That includes managing the proceeding to protect the integrity of the hearing process and improve the quality of the hearing.<sup>2</sup> Sequestration is commonly used in courtrooms and in FINRA hearings to ensure that a witness’s testimony is not influenced by the testimony of other witnesses heard in the hearing room or by conversations

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<sup>1</sup> OHO Order 97-12 (CMS970028) (Dec. 15, 1997) at 4, *available at* [https://www.finra.org/sites/default/files/OHODecision/p007833\\_0\\_0.pdf](https://www.finra.org/sites/default/files/OHODecision/p007833_0_0.pdf).

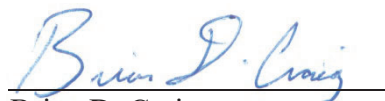
<sup>2</sup> *Id.* at 5.

with others during hearing breaks and adjournments.<sup>3</sup> Sequestration discourages fabrication, collusion, and tailoring of testimony, and the giving of unintentional inaccurate testimony.<sup>4</sup>

I find Enforcement's request for sequestration is appropriate in this case. I also find that the exclusions from sequestration sought by Enforcement for Respondents are appropriate.

For good cause shown, the motion is **GRANTED**. Accordingly, all witnesses, with the two exceptions listed above, are excluded from the hearing except when they testify. All witnesses, parties, counsel, and other persons who attend any portion of the hearing are ordered not to discuss the testimony of any witness with any other witness for the duration of the hearing. The party calling a witness subject to sequestration shall advise the witness of this prohibition and shall notify the witness when all witnesses have completed their testimony and are not subject to recall.

**SO ORDERED.**



Brian D. Craig  
Hearing Officer

Dated: July 1, 2025

Copies to:

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<sup>3</sup> OHO Order 21-10, (2016048837401) (July 1, 2021), at 2, *available at* [https://www.finra.org/sites/default/files/2021-11/OHO\\_Order\\_21-10\\_2016048837401.pdf](https://www.finra.org/sites/default/files/2021-11/OHO_Order_21-10_2016048837401.pdf). A request for the sequestration of witnesses is so well known in federal, state, and administrative adjudication that counsel routinely call upon a court or administrative body simply to "invoke the Rule." OHO Order 06-53 (EAF0300770001) (Nov. 9, 2006), at 1, *available at* [http://www.finra.org/sites/default/files/OHODecision/p018443\\_0.pdf](http://www.finra.org/sites/default/files/OHODecision/p018443_0.pdf).

<sup>4</sup> OHO Order 06-22 (CAF040079) (Mar. 9, 2006), at 2, *available at* [http://www.finra.org/sites/default/files/OHODecision/p017561\\_0\\_0.pdf](http://www.finra.org/sites/default/files/OHODecision/p017561_0_0.pdf).