

**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 RESPONDENT’S MOTION FOR
ADJOURNMENT OF THE HEARING DATES**

I. Background

The hearing in this disciplinary proceeding is currently scheduled for July 21–29, 2025. On July 1, 2025, Sichenzia Ross Ference Carmel LLP and its attorneys (“SRFC”) moved to withdraw as counsel for Respondent Kim M. Monchik. According to SRFC, in connection with reviewing the pre-hearing submissions in this matter, Monchik became concerned that a potential conflict of interest may arise between herself and co-Respondent John Lowry.¹

On July 2, 2025, Respondent Monchik, through her new counsel, filed a motion for adjournment of the hearing to a date in February 2026 (“Motion”). Monchik contends that additional time is needed to allow counsel to review the investigative file, which purportedly contains several thousand electronic files. Monchik also contends that her counsel has scheduling conflicts with the current hearing dates. Monchik argues that, if the motion is not granted, her counsel would have to withdraw and Monchik would be required to represent herself, which she contends would be wholly unjust and unfair.

¹ On July 1, 2025, Barry M. Bordetsky, Esq., entered his appearance in this matter on behalf of Respondent Monchik. I granted SRFC’s motion to withdraw on July 3, 2025.

Enforcement filed an opposition to the Motion on July 7, 2025, arguing that Monchik failed to establish good cause for the continuance of the hearing dates. Enforcement contends that Monchik's Motion is in reality an attempt to delay the hearing and decision in this case for several months.

On July 8, 2025, I held a pre-hearing conference to address Respondent Monchik's Motion. During the pre-hearing conference, the parties indicated that, if I grant a continuance, they are available for a hearing in October 2025. For the reasons discussed on the record at the conference and addressed below, Respondent's Motion is granted in part.

II. Discussion

A Hearing Officer has broad discretion to determine whether to grant a request for a continuance.² That discretion is limited by FINRA Rule 9222. It provides that "[a] hearing shall begin at the time and place ordered, unless the Hearing Officer, for good cause shown . . . postpones the commencement of the hearing . . . subject to the limitations in paragraph (b)(2)." FINRA Rule 9222(b)(2) provides that "[p]ostponements, adjournments, or extensions of time for filing papers shall not exceed 28 days unless the Hearing Officer states on the record or provides by written order the reasons a longer period is necessary." The Rule is primarily "intended to ensure prompt resolution of [FINRA's] disciplinary proceedings, which is necessary to enable [FINRA] to carry out its regulatory mandate and fulfill its responsibilities in protecting the public interest."³

FINRA Rule 9222(b)(1) identifies five factors that a Hearing Officer must consider when deciding whether to grant a continuance: (1) the length of the proceeding to date; (2) the number of postponements, adjournments, or extensions already granted; (3) the stage of the proceedings at the time of the request for a continuance; (4) potential harm to the investing public if an extension of time, adjournment, or postponement is granted; and (5) such other matters as justice may require.

I considered the five factors specified in FINRA Rule 9222 for postponing a hearing. Two factors disfavor a continuance. First, this proceeding has been pending for approximately seven months. Second, this proceeding is at a late stage, with pre-hearing submissions having already been filed by the parties.

But two other factors favor a continuance. This is the first request by any party for a continuance. Additionally, there is little risk of potential harm to the investing public if a continuance is granted. This matter involves allegations that Respondents failed to timely

² *Richard Allen Riemer, Jr.*, Exchange Act Release No. 84513, 2018 SEC LEXIS 3022, at *20 (Oct. 31, 2018).

³ OHO Order 13-01 (2009019108901) (Jan. 2, 2013), at 8, https://www.finra.org/sites/default/files/OHODecision/p229434_0_0.pdf (citing OHO Order 06-28 (CLI050007) (Mar. 23, 2006), https://www.finra.org/sites/default/files/OHODecision/p017538_0_0.pdf).

respond to several requests for documents and information issued pursuant to Rule 8210, not allegations of misconduct directly impacting investors.

Application of the fifth factor (“such other matters as justice may require”) also favors a limited extension. Enforcement only recently provided Monchik’s new counsel access to its investigative file, as well as the pleadings filed in this case. In addition, Monchik’s counsel represented in his Motion and during yesterday’s pre-hearing conference that he has a scheduling conflict with the current hearing dates.

After balancing these factors, I find that good cause has been shown to extend the hearing dates. But an extension until February 2026 is much too long. Continuing the hearing to October 2025 provides Monchik and her attorney sufficient time to prepare for the hearing.

III. Order

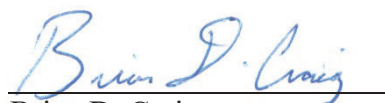
Accordingly, Monchik’s Motion is **GRANTED IN PART**. The hearing is rescheduled for **October 9-17, 2025**. The revised pre-hearing schedule is as follows:

Date	Activity
August 6, 2025	Deadline for Respondent Monchik to file a motion for leave to amend Respondents’ witness and exhibit lists to add additional witnesses and exhibits.
August 20, 2025	Deadline for the parties to file oppositions to Monchik’s motion to amend exhibit and witness lists and objections to Monchik’s proposed witnesses and exhibits.
August 27, 2025	Deadline for the parties to file responses to objections to proposed witnesses and exhibits. Deadline for parties to file oppositions to all motions relating to the conduct of the hearing, including motions for permission to present testimony by telephone or videoconference and motions in limine.
October 1, 2025	Final Pre-Hearing Conference at 2:00 p.m., Eastern Time. The Office of Hearing Officers will notify the parties of the procedures for participating in the Final Pre-Hearing Conference in a subsequent notice.

Date	Activity
October 6, 2025	Deadline for the parties to file notarized affirmations, affidavits, and declarations for parties and witnesses testifying by telephone or videoconference, if permitted, and to provide such witnesses access to all exhibits related to their testimony.
October 9–10 and 13–17, 2025	Hearing location to be determined.

All other provisions of the January 29, 2025, Case Management and Scheduling Order issued in this proceeding remain in effect.

SO ORDERED.



Brian D. Craig
Hearing Officer

Dated: July 9, 2025

Copies to:

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