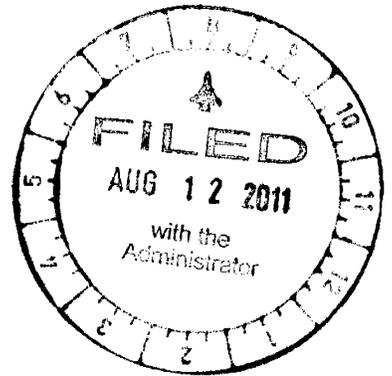


STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
THE FIRST NATIONAL CENTER  
120 NORTH ROBINSON, SUITE 860  
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

Geary Securities, Inc. *fka* Capital West Securities, Inc.;  
Keith D. Geary; Norman Frager; and CEMP, LLC,

Respondents.

ODS File No. 09-141

**NOTICE OF APPLICATION FOR ADMINISTRATOR TO TAKE IMMEDIATE ACTION TO ENFORCE DISTRICT COURT ORDER DATED JULY 25, 2011**

The Geary Respondents do hereby give notice that on August 11, 2011 they applied to the Administrator of the Oklahoma Department of Securities, by and through his counsel, to take immediate action to obtain judicial enforcement of the District Court Order dated July 25, 2011 (the "Order") that required, among other things, the production of specified categories of documents by Bank of Union, John Shelley, and Mike Braun no later than August 9, 2011. See, Exhibit "A" hereto, confirming the application made by the Geary Respondents.

The Geary Respondents' request for the Administrator to take immediate action is reasonable, appropriate and necessary to protect and preserve the Geary Respondents' rights to discovery, due process and fundamental fairness, as granted and guaranteed by the Department's own Rules, as well as applicable statutory and case law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joe M. Hampton". The signature is fluid and cursive, with a large loop at the end.

Joe M. Hampton, OBA No. 11851

Amy J. Pierce, OBA No. 17980  
A. Ainslie Stanford II, OBA No. 18843

**CORBYN HAMPTON PLLC**

One Leadership Square  
211 North Robinson, Suite 1910  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 239-7055  
Facsimile: (405) 702-4348  
Email: [jhampton@corbynhampton.com](mailto:jhampton@corbynhampton.com)  
[apierce@corbynhampton.com](mailto:apierce@corbynhampton.com)  
[astanford@corbynhampton.com](mailto:astanford@corbynhampton.com)

**ATTORNEYS FOR RESPONDENTS  
GEARY SECURITIES, INC., KEITH D.  
GEARY, AND CEMP, LLC**

**CERTIFICATE OF SERVICE**

I hereby certify that on August 11, 2011, a copy of the foregoing document was served on the following by electronic mail:

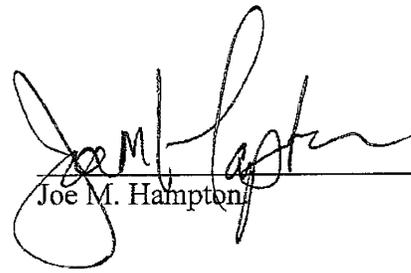
Hearing Officer Bruce Kohl, Esq.  
201 Camino del Norte  
Santa Fe, NM 87501

Brenda London, Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, OK 73102; and

Melanie Hall, Director of Enforcement  
Terra Shamas Bonnell, Enforcement Attorney  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, OK 73102;

Donald A. Pape, Esq.  
Donald A. Pape, P.C.  
401 West Main Street, Suite 440  
Norman, OK 73069;

Susan Bryant  
[sbryant@bryantlawgroup.com](mailto:sbryant@bryantlawgroup.com)

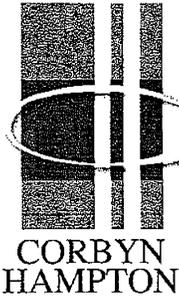


---

Joe M. Hampton

# **EXHIBIT**

## **A**



Corbyn Hampton, PLLC  
One Leadership Square, Suite 1910  
211 North Robinson  
Oklahoma City, OK 73102-7115  
(405) 239-7055  
Fax: (405) 702-4348  
Website: www.corbynhampton.com

August 11, 2011

**VIA E-MAIL**

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
Attention: Shaun Mullins, Esq.  
120 North Robinson, Suite 860  
Oklahoma City, OK 73102

Re: *ODS v. Geary Securities, Inc., et al*; ODS File No. 090141;  
*ODS v. Bank of Union, et al*; Okla. Co. Dist. Ct.; CJ-2011-2277

Dear Mr. Mullins:

As you are aware, the District Court's Order required Bank of Union, John Shelley and Michael Braun to produce documents to our clients (the "Geary Respondents") in the referenced enforcement action no later than August 9, 2011. As you are also aware, the process involved in obtaining enforcement of the subpoenas served on BOU, Shelley and Braun has been time-consuming, expensive and frustrating.

Notwithstanding the fact the subject subpoenas were issued and served in February 2011, we still have not obtained compliance with the subpoenas. At this point we have little if any reason to believe that compliance will occur. We did not receive any communication from counsel for BOU, Shelley and Braun prior to the District Court's August 9<sup>th</sup> compliance deadline. We understand you did not receive any communication either. Only after we inquired of counsel on August 10<sup>th</sup> did we receive the following communication, which is far from satisfactory and only raises additional concerns and doubts on the issue of compliance:

---

**From:** Ainslie Stanford [mailto:ASanford@Corbynhampton.com]  
**Sent:** Wednesday, August 10, 2011 3:39 PM  
**To:** John J. Schirger; Matthew W. Lytle; gbryant@mswerb.com  
**Cc:** Joe M. Hampton; Shaun Mullins  
**Subject:** ODS v. BOU et al.; Order in CJ-2011-2277

*Gentlemen:*

*In light of the attached Order and the requirement of production of documents within 14 days of the date of entry of the Order, we request a discovery conference either tomorrow or Friday to address the lack of compliance with the Order. As of this afternoon on*

*August 10<sup>th</sup>, we have received no documents. We are available for this conference any time tomorrow, August 11th (other than from 1-3 p.m.) and any time Friday August 12<sup>th</sup> after 11 a.m. Please advise of your availability.*

**From:** "John J. Schirger" <[JSchirger@millerschirger.com](mailto:JSchirger@millerschirger.com)>  
**Date:** August 10, 2011 5:40:43 PM CDT  
**To:** Ainslie Stanford <[AStanford@Corbynhampton.com](mailto:AStanford@Corbynhampton.com)>, "Matthew W. Lytle" <[MLytle@millerschirger.com](mailto:MLytle@millerschirger.com)>, "gbryant@mswerb.com" <[gbryant@mswerb.com](mailto:gbryant@mswerb.com)>  
**Cc:** "Joe M. Hampton" <[JHampton@Corbynhampton.com](mailto:JHampton@Corbynhampton.com)>, Shaun Mullins <[smullins@securities.ok.gov](mailto:smullins@securities.ok.gov)>  
**Subject:** RE: ODS v. BOU et al.; Order in CJ-2011-2277

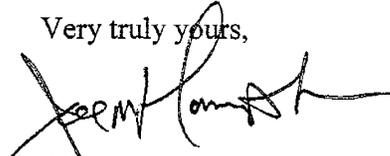
*Ainslie – this is on our radar and we can commit to producing additional documents, if any, on or before next Wednesday, August 17. If you still want to have a call on this matter, that is fine, but Matt and I are not available tomorrow or Friday as we are both traveling and/or in depositions. We would be available for a call on Saturday or next Monday or Tuesday at various times. Thanks.*

---

I am certain I do not have to point out the obvious causes for concern associated with counsel's non-commitment to comply with the District Court's Order, not to mention the blatant disregard and violation of such Order. In light of the history of this subpoena enforcement proceeding, I respectfully submit that the Administrator should not assume that compliance with the District Court's Order will voluntarily occur. This letter respectfully requests that the Administrator take immediate action to enforce the District Court's Order and notify the Court that the Order has been blatantly violated. In this regard, we respectfully suggest that an immediate motion to enforce be filed, together with an application for an expedited hearing to be conducted telephonically, if necessary. Please copy us on all pleadings and related communications. This request is made in light of the likely argument that the Geary Respondents, as non-parties, lack standing to file any such motion in this subpoena enforcement action that was initiated by the Administrator. The action requested by this letter is essential to protect and preserve the Geary Respondents' rights to discovery, due process and fundamental fairness, as guaranteed by ODS's own Rules and applicable statutory and case law.

Thank you and the Administrator for your prompt attention.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joe M. Hampton". The signature is written in a cursive style with a large, sweeping initial "J".

JOE M. HAMPTON  
For the Firm

cc: Donald A. Pape, sq. (via e-mail)  
Terra Shamas Bonnell and Melanie Hall (via e-mail)