

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**

**MOTION TO ASSOCIATE COUNSEL**

The Bank of Union, together with its directors, officers and employees, including without limitation John Shelley and Mike Braun, and Timothy C. Headington, third parties to these proceedings all or some of whom have received subpoenas for records and/or testimony issued by the Hearing Officer (collectively the "Third Parties"), hereby move the Hearing Officer for an Order permitting John J. Schirger to practice, and waiving the requirement that local counsel sign all pleadings, briefs and other documents, and be present at all hearings or other events in which personal presence of counsel is required in the above styled and numbered cause pursuant to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1, App.1, Art. II. This motion is supported by the attached Motion to Associate Counsel (Exhibit A), which includes the "Signed Application," "Certificate(s) of Good Standing," and the "Certificate of Compliance" from the Oklahoma Bar Association, and was filed in a related proceeding in the District Court of Oklahoma County, State of Oklahoma, and the District Court's Order Admitting to Practice (Exhibit B).

2011 SEP 28 2:51

RECEIVED  
OKLAHOMA DEPT.  
OF SECURITIES



**CERTIFICATE OF SERVICE**

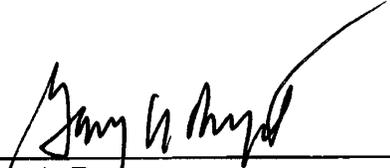
I hereby certify that on the 21<sup>st</sup> day of September, 2011, a copy of the foregoing document with exhibits was served on the following by facsimile and email:

Irving Faught  
Administrator  
Oklahoma Department of Securities  
Suite 860, First National Center  
120 N. Robinson  
Oklahoma City, OK 73102  
F: 405-280-7742  
E: [ifaught@securities.ok.gov](mailto:ifaught@securities.ok.gov)

Joe M. Hampton  
Ainslie Stanford  
**CORBYN HAMPTON, PLLC**  
One Leadership Square  
211 North Robinson, Suite 1910  
Oklahoma City, OK 63102  
P: 405-239-7055  
F: 405-702-4348  
E: [jhampton@corbynhampton.com](mailto:jhampton@corbynhampton.com)  
E: [astanford@corbynhampton.com](mailto:astanford@corbynhampton.com)

Melanie Hall  
Director of Enforcement  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, OK 73102  
P: 405-280-7707  
F: 405-280-7742  
E: [mhall@securities.ok.gov](mailto:mhall@securities.ok.gov)

Donald A. Pape, Esq.  
Donald A. Pape, P.C.  
401 West Main Street, Suite 440  
Norman, OK 73069  
P: 405-364-3346  
F: 405-364-4666  
E: [don@dapape.com](mailto:don@dapape.com)

  
\_\_\_\_\_  
Gary A. Bryant

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

JUN 14 2011

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
DEPUTY

Oklahoma Department of Securities,  
ex rel. Irving L. Faught,  
Administrator, )  
)  
)

Plaintiff, )  
)  
)

v. )

Case No. CJ-2011-2277

The Bank of Union, John Shelley, Mike Braun,  
And Timothy Headington, )  
)  
)

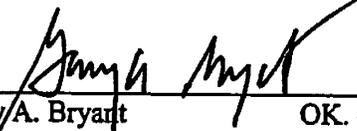
Defendants. )

MOTION TO ASSOCIATE COUNSEL

Defendants hereby move the Court for an Order permitting John Joseph Schirger to practice in the above styled and numbered cause pursuant to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1, App.1, Art. II. This motion is supported by the attached "Signed Application" (Exhibit A), "Certificate(s) of Good Standing" (Exhibit B), and the "Certificate of Compliance" from the Oklahoma Bar Association (Exhibit C).

Submitted by:

Mock, Schwabe, Waldo, Elder, Reeves & Bryant

  
\_\_\_\_\_  
Gary A. Bryant

OK. # 1263

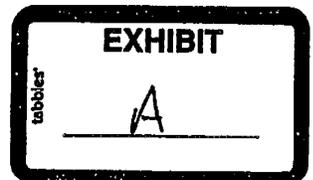
Fourteenth Floor, Two Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102

P: 405-235-1110

F: 405-235-0333

E: [gbryant@mswerb.com](mailto:gbryant@mswerb.com)

ATTORNEYS FOR DEFENDANTS



**CERTIFICATE OF SERVICE**

I hereby certify that on the 14<sup>th</sup> day of June, 2011, a copy of the foregoing document with exhibits was served on the following by U. S. Mail:

Shaun Mullins  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, OK 73102  
P: 405-280-7700  
E: smullins@securities.ok.gov

ATTORNEY FOR PLAINTIFF

  
\_\_\_\_\_  
ATTORNEY FOR DEFENDANTS

# APPLICATION

# APPROVED



## OUT OF STATE ATTORNEY REGISTRATION

John Joseph Schirger Applicant, respectfully represents:  
First Name Middle Name Last Name

1. Applicant is an attorney at law and a member of the law firm of Miller Schirger, LLC  
with its principal offices located at 4520 Main Street, Suite 1570

Kansas City Jackson County MO 64111  
City County State Zip Code  
(816) 561-6500 (816) 561-6504 (816) 561-6501  
Telephone (Firm) Telephone (Applicant's Direct Dial) Fax (Applicant)

jschirger@millerschirger.com If Applicant's office address is different from above,  
E-mail Address (Applicant)

please provide the following: \_\_\_\_\_  
Mailing Address  
\_\_\_\_\_  
City County State Zip Code

2. Applicant is admitted to practice and is a member in good standing  
(statements attached) of the bar(s) of the highest court(s) of the following  
state(s):

State	Date of Admission
Missouri	2008
Nebraska	1992

3. Applicant is admitted to practice before the following United States District  
Courts, United States Circuit Courts of Appeal, the Supreme Court of the United  
States, and/or other tribunals on the dates indicated for each, and is presently a  
member in good standing of the bars of said courts:

Tribunal	Date of Admission
Western District of Missouri	2008
District of Kansas	2010
Western District of Wisconsin	1995
District of Colorado	2001
Northern District of Illinois	1994
District of Nebraska	1992
Seventh Circuit, U.S. Court of Appeals	1996
Eighth Circuit, U.S. Court of Appeals	1994

Exhibit " A "

Page 1 of 4

4. Applicant is not currently suspended or disbarred in any court except as hereinafter provided (Give particulars; e.g. court, jurisdiction, date): n/a

---

5. Applicant is not currently subject to any pending disciplinary proceedings by any organization with authority to discipline attorneys at law except as hereinafter provided (Give particulars; e.g. court, discipline authority, date, status): n/a

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6. Applicant has never received public discipline including, but not limited to, suspension or disbarment, by any organization with authority to discipline attorneys at law except as hereinafter provided (Give particulars; e.g. court, discipline authority, type of discipline, date, status): n/a

---

7. Applicant has never had any certificate or privilege to appear and practice before any regulatory or administrative body suspended or revoked except as hereinafter provided (Give particulars; e.g. administrative body, date, status of suspension or reinstatement):

n/a

---

8. Applicant seeks admission to practice in the State of Oklahoma in the following matter (give particulars; e.g. caption of case, court or agency, type of matter, party to be represented): **Note - A separate application is to be submitted for each matter in which the applicant seeks admission!**

Oklahoma Department of Securities  
Ex rel. Irving L. Faight, Administrator, Plaintiff v. The Bank of Union, John Shelley, Mike Braun,  
and Timothy Headington, Defendants  
Case No. CJ-2011-2277  
In the District Court of Oklahoma County, State of Oklahoma

Application for Order Enforcing Subpoenas.

Applicant will be representing all Defendants.

Exhibit " A "

Page 2 of 4

9. The Oklahoma Bar Association member who is counsel of record for Applicant in this matter is:

Gary                      A.                      Bryant                      1268  
First Name                      Middle Name                      Last Name                      O.B.A. Number

14<sup>th</sup> Floor, Two Leadership Sq., 211 N. Robinson, Oklahoma City, OK 73112  
Mailing Address                      City                      State                      Zip Code

(405) 235-1111                      (405) 235-0333                      gbryant@mswerb.com  
Telephone Number                      Fax Number                      E-mail Address

10. The following accurately represents the names of each party in this matter and the names and addresses of each counsel of record who appear for that party:

<u>Party Name</u>	<u>Counsel Name</u>	<u>Address of Counsel</u>
<u>Ok Dept of Securities</u>	<u>Shawn Mullins</u>	<u>120 N. Robinson, Suite 860, Ok. City, OK 73102</u>

11. Applicant certifies that he/she shall be subject to the jurisdiction of the courts and disciplinary boards of this state with respect to the laws of this state governing the conduct of attorneys to the same extent as a member of the Oklahoma Bar Association.

12. Applicant understands and shall comply with the standards of professional conduct required of members of the Oklahoma Bar Association.

13. Applicant has disclosed in writing to the client that the Applicant is not admitted to practice in this jurisdiction and the client has consented to such representation.

I, John J. Schirger, do hereby swear/affirm under penalty of perjury that the assertions of this application are true:

I am the Applicant in the above referenced matter, I have read the foregoing and know the contents thereof; the same is true of my own knowledge except as to those matters therein stated on information and belief, and as to those matters I believe them to be true.

I further certify that I am subject to the jurisdiction of the Courts and disciplinary boards of this state with respect to the law of this state governing the conduct of attorneys to the same extent as a member of the Oklahoma Bar Association; I understand and shall comply with the standards of professional conduct required by members of the Oklahoma Bar Association; and that I am subject to the disciplinary jurisdiction of the Oklahoma Bar Association with respect to any of my actions occurring in the course of such appearance.

DATED this 26th day of April, 2011

  
\_\_\_\_\_  
John J. Schirger

Mail with check or money order (payable to the OBA) to:

Out-of-State Attorney Registration  
Oklahoma Bar Association  
P.O. Box 53036  
Oklahoma City, OK 73152-3036

Form 100B

Exhibit " A "

Page 4 of 4

*The Supreme Court of Missouri*



*Certificate of Admission as an  
Attorney at Law*

I, Thomas F. Simon, Clerk of the Supreme Court of Missouri, do hereby certify that the records of this office show that on 8/4/2008,

*John Joseph Schirger*

was duly admitted and licensed to practice as an Attorney and Counselor at Law in the Supreme Court of Missouri and all courts of record in this state, and is, on the date indicated below, a member in good standing of this Bar.

IN TESTIMONY WHEREOF, I hereunto set  
my hand and affix the seal of the Supreme Court of  
Missouri at my office in Jefferson City, Missouri,  
this 15<sup>th</sup> day of March, 2011.

A handwritten signature in black ink, appearing to read "Thomas F. Simon".

Clerk of the Supreme Court of Missouri

Exhibit " B " "

Page 1 of 2

Nebraska State Bar Association

"Helping lawyers *serve* people"



STATE OF NEBRASKA

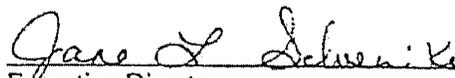
COUNTY OF LANCASTER

I, Jane L. Schoenike, Executive Director of the Nebraska State Bar Association,  
do hereby certify that

**JOHN J. SCHIRGER**

was admitted to practice as an attorney and counselor of law in the courts of the State of  
Nebraska by the Supreme Court of Nebraska, on 1992-09-14 and that he is an Active  
member in good standing at the Bar of said Court, that his private and professional  
character appears to be good, and that no formal charges have ever been filed against him  
in said Court.

In testimony whereof, I have hereunto set my hand on this day, April 29, 2011..

  
Executive Director mm

The Nebraska State Bar  
Association has no seal

Exhibit " B "

Page  2  of  2



## Certificate of Compliance

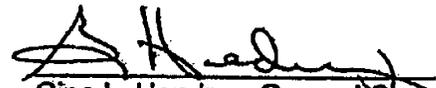
Oklahoma Bar Association  
1901 North Lincoln Boulevard  
Post Office Box 53036  
Oklahoma City, Oklahoma 73152-3036

The Oklahoma Bar Association, in response to the application of out-of-state attorney, submits the following certificate pursuant to 5 O.S. Ch.1 App.1, Art. II

1. Applicant has submitted a signed application of out-of-state attorneys, certificate(s) of good standing, and the non-refundable application fee pursuant to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1, App. 1, Art. II.
2. Date of Application: April 28, 2011
3. Application Number: 2011-238
4. Applying Attorney: John Joseph Schirger  
Miller Schirger, L.L.C.  
4520 Main Street, Suite 1570  
Kansas City, Missouri 64111
5. The Application was: GRANTED

Dated this 3<sup>rd</sup> day of May, 2011.



  
Gina L. Hendryx, General Counsel  
Oklahoma Bar Association



FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

JUN 30 2011  
PATRICIA PRESLEY, COURT CLERK  
by [Signature]  
DEPUTY

Oklahoma Department of Securities, )  
ex rel. Irving L. Faught, )  
Administrator, )

Plaintiff, )

v. )

Case No. CJ-2011-2277

The Bank of Union, John Shelley, Mike Braun, )  
And Timothy Headington, )

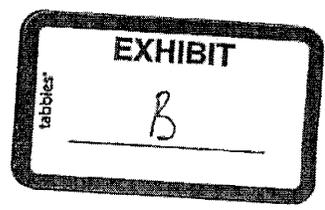
Defendants. )

ORDER ADMITTING TO PRACTICE

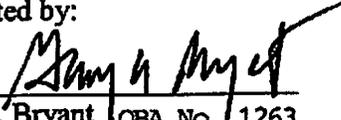
Gary A. Bryant, having filed his Motion to Associate Counsel pursuant to the Rules Creating and Controlling the Oklahoma Bar Association, 5 O.S. Ch. 1. App. 1, Art. II, together with a signed Application, Certificate(s) of Good Standing, and the Oklahoma Bar Association's Certificate of Compliance; and said Motion having been noticed, no objections having been made, and the Court being fully apprised in the premises, and good cause appearing, it is hereby;

ORDERED, that said motion is hereby granted, and John J. Schirger is hereby admitted to practice in the above styled and numbered cause of action for the purposes of the above entitled matter only.

[Signature]  
DISTRICT COURT JUDGE



Submitted by:

  
\_\_\_\_\_  
Gary A. Bryant, OBA No. 1263  
Mock, Schwabe, Waldo, Elder, Reeves & Bryant  
Fourteenth Floor, Two Leadership Square  
211 North Robinson  
Oklahoma City, Oklahoma 73102  
P: 405-235-1110  
F: 405-235-0333  
E: [gbryant@mswerb.com](mailto:gbryant@mswerb.com)

ATTORNEYS FOR DEFENDANTS