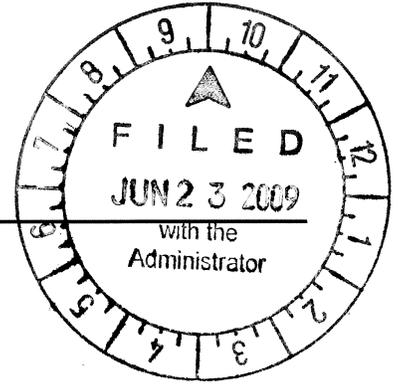


STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES



In the Matter of:

Mark A. Johnson (CRD No. 2842194)

Respondent.

ODS File No. 09-047

ANSWER AND REQUEST FOR HEARING

Comes Now, Respondent Mark A. Johnson and submits his Answer and Request for Hearing Pursuant to Okla. Admin. Code 660:2-9-2. Respondent answers the Enforcement Division Recommendation ("the Recommendation") filed May 27, 2009, as follows:

RESPONSES TO ALLEGED FINDINGS OF FACT

1. Respondent admits that he is currently registered under the Act as an agent and "financial advisor" representative of Edward Jones. However, Respondent denies the allegation that he is an "investment adviser". The remainder of the allegations contained in paragraph one (1) are admitted.

2. Assuming that the "Investor" referenced in paragraph two (2) of the Recommendations' Findings of Fact, is Carmen Goodspeed, Respondent admits that the Investor opened an IRA with Edward Jones in May of 2008. Respondent denies the allegations in the second sentence that he was the financial advisor "assigned" to the IRA. Respondent admits the allegations contained in the third sentence of paragraph two (2).

3. Admitted.

4. Respondent admits that allegations contained in the first sentence of paragraph four (4). Respondent denies the allegation that the Investor did not give authorization to

Respondent to purchase the Mutual Funds. Respondent recommended the purchase of shares in the Mutual Funds and the Investor specifically authorized Respondent to make the recommended purchase.

5. Respondent admits that he purchased the Mutual Funds in the IRA on June 24th 2008 in the amount of \$27,527.63. Respondent denies that he made said purchase without the Investor's knowledge or authorization.

6. Admitted.

7. Upon information and belief, Respondent admits the allegations of the first two sentences of paragraph seven (7). With respect to the allegations contained in the third sentence, Respondent is without sufficient information to admit or deny the same.

RESPONSE TO ALLEGED "AUTHORITIES"

1. Respondent admits that the "Authorities" quoted in paragraphs 1-3 are accurate excerpts from Okla. Admin. Code 660:11-5-42, FINRA IM -2310, and 71 O.S. § 1-411.

RESPONSE TO ALLEGED CONCLUSIONS OF LAW

- 1. Denied.
- 2. Denied.
- 3. Denied.

DEFENSES

Respondent as defenses to the Enforcement Division's Recommendation lists the following, and does not assert or admit that he bears the burden of proof on any of the listed matters all of which will be determined by the applicable law and facts:

1. Respondent made suitable recommendations and provided the Investor with the necessary disclosures in connection with Investor's purchase of the Mutual Funds.

2. Respondent disclosed the commissions and fees associated with the Investor's purchase of the Mutual Funds.

3. The purchase of the complained of Mutual funds was made with the Investor's full knowledge and authorization.

4. The Investor's Retirement Account Agreement specifically authorized the Respondent to accept verbal instructions from the Investor to place trades.

5. On or about June 25, 2008, immediately following the purchase of the Mutual funds, trade confirmations were mailed to the Investor reflecting the details of her purchase of the Mutual Funds.

6. On or about July, 2008, the Investor was mailed her June account statement, which also fully reflected the purchase of the Mutual Funds.

7. The Investor not only authorized the purchase of the Mutual funds but received notice and subsequently ratified the purchase as evidenced by the fact she did not complain about the transaction until October of 2008, four months after the transaction took place.

8. Any losses associated with the Investor's purchase of the Mutual Funds were due to market conditions outside the control of Respondent.

9. Discovery has not been completed and therefore Respondent reserves the right to supplement this Answer with additional defenses which may arise with additional discovery.

10. If there is any material allegation which Respondent has not denied, and which adversely affects his rights, Respondent here and now denies the same.

REQUEST FOR HEARING

Pursuant to Okla. Admin. Code 660:2-9-1, 660:2-9-2 and the Oklahoma Administrative Procedures Act, 75 O.S. § 250 et seq., Respondent hereby requests a full evidentiary hearing on the Enforcement Division Recommendation before a Hearing Officer.

Respectfully submitted,


J. Angela Ables, OBA # 0112
Johnny R. Blassingame OBA # 21110
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ATTORNEYS FOR RESPONDENT
MARK A. JOHNSON

CERTIFICATE OF SERVICE

I certify that on June 23, 2009, a true and correct copy of the foregoing was mailed via U.S. Mail, postage prepaid thereon, to:

Irving L. Faught
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Oklahoma City, OK 73102

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J. Angela Ables