

Stipulated Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Edna Anne Abeln De Vos, John Francis De Vos, and Edna Anne Abeln DeVos Family Trust,
Claimants v. Mission Capital Investment Group, Inc., Richard A. Elliot, OLDE Discount Corp.,
Thomas Lynn Kelly, Jason Gronski, Ray Colglazier, Miller, Johnson & Kuehn, Inc., Shawn P.
Crawford, and Matthew R. Jennings, Respondents

Miller, Johnson & Kuehn, Inc., Cross-Claimant v. Mission Capital Investment Group, Inc.,
Richard A. Elliot, OLDE Discount Corp., Thomas Lynn Kelly, Jason Gronski, Ray Colglazier,
Shawn P. Crawford, and Matthew R. Jennings, Cross-Respondents

Richard A. Elliot, Shawn P. Crawford, Matthew R. Jennings, and Mission Capital Investment
Group, Inc., Cross-Claimants v. OLDE Discount Corp., Thomas Lynn Kelly, Jason Gronski, Ray
Colglazier, Miller, Johnson & Kuehn, Inc., Cross-Respondents

Case Number: 99-03120

Hearing Site: San Diego, California

REPRESENTATION OF PARTIES

For Claimants:

Ronald A. Marron, Esq.
Law Offices of Ronald A. Marron
San Diego, California

For Respondents OLDE Discount Corp.
and Thomas Lynn Kelly:

Patrick Baldwin, Esq.
Law Offices of Patrick Baldwin
Menlo Park, California

For Respondent Miller, Johnson & Kuehn, Inc.:

Geoffrey P. Jarpe, Esq.
Maun & Simon PLC
Minneapolis, Minnesota

For Respondents Richard A. Elliot,
Shawn P. Crawford, Matthew R. Jennings, and
Mission Capital Investment Group, Inc.:

Lawrence M. Cron, Esq.
Horwitz & Beam
Irvine, California

For Respondent Ray Colglazier:

Ray Colglazier
In Pro Per
La Jolla, California

For Respondent Jason Gronski:

Jason Gronski
In Pro Per
Encinitas, California

CASE INFORMATION

Claimants' Uniform Submission Agreement signed: June 28, 1999

Statement of Claim filed: July 1, 1999

Respondent Miller, Johnson & Kuehn, Inc.'s Uniform Submission Agreement signed: September 2, 1999

Statement of Answer filed by Respondent Miller, Johnson & Kuehn, Inc.: October 14, 1999

Cross-Claim filed by Cross-Claimant/Respondent Miller, Johnson & Kuehn, Inc.: October 14, 1999

Respondent Richard A. Elliot's Uniform Submission Agreement signed: October 29, 1999

Respondent Shawn P. Crawford's Uniform Submission Agreement signed: October 29, 1999

Respondent Mission Capital Investment Group, Inc.'s Uniform Submission Agreement signed: October 29, 1999

Joint Statement of Answer to Statement of Claim filed by Respondents Richard A. Elliot, Shawn P. Crawford, Matthew R. Jennings, and Mission Capital Investment Group, Inc.: October 29, 1999

Cross-Claim filed by Cross-Claimants/Respondents Richard A. Elliot, Shawn P. Crawford, Matthew R. Jennings, and Mission Capital Investment Group, Inc.: October 29, 1999

Joint Statement of Answer to Statement of Claim filed by Respondents OLDE Discount Corp. and Thomas Lynn Kelly: December 22, 1999

CASE SUMMARY

Claimants alleged churning, unsuitability, and unauthorized trading of stocks and mutual funds in connection with Claimant's Retirement Trust Account.

Respondents Mission Capital Investment Group, Inc., Richard A. Elliot, OLDE Discount Corp., Thomas Lynn Kelly, Miller, Johnson & Kuehn, Inc., Shawn P. Crawford, and Matthew R. Jennings denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

In its Cross-Claim, Cross-Claimant/Respondent Miller, Johnson & Kuehn, Inc. alleged contribution or indemnity from all other Respondents in the event they were found liable to Claimants.

In their Cross-Claim, Cross-Claimants/Respondents Richard A. Elliot, Shawn P. Crawford, Matthew R. Jennings, and Mission Capital Investment Group, Inc. alleged contribution or indemnity from all other Respondents in the event they were found liable to Claimants.

RELIEF REQUESTED

Claimants requested at least \$400,000.00 in compensatory damages, punitive damages, interest, and sought reimbursement for attorney's fees and costs of arbitration.

Respondents OLDE Discount Corp. and Thomas Lynn Kelly requested dismissal of Claimants' Statement of Claim in its entirety. Respondents also request attorney's fees, and expungement of Respondent Thomas Lynn Kelly's CRD record.

Respondent Miller, Johnson & Kuehn, Inc. requested dismissal of Claimants' Statement of Claim in its entirety.

Respondents Richard A. Elliot, Shawn P. Crawford, Matthew R. Jennings, and Mission Capital Investment Group, Inc. requested dismissal of Claimants' Statement of Claim in its entirety.

In its Cross-Claim, Cross-Claimant/Respondent Miller, Johnson & Kuehn, Inc. requested contribution or indemnity from Respondents Mission Capital Investment Group, Inc., Richard A. Elliot, OLDE Discount Corp., Thomas Lynn Kelly, Jason Gronski, Ray Colglazier, Shawn P. Crawford, and Matthew R. Jennings.

In their Cross-Claim, Cross-Claimants/Respondents Richard A. Elliot, Shawn P. Crawford, Matthew R. Jennings, and Mission Capital Investment Group, Inc. requested contribution or indemnity from Cross-Respondents/Respondents OLDE Discount Corp., Thomas Lynn Kelly, Jason Gronski, Ray Colglazier, and Miller, Johnson & Kuehn, Inc., in the event they are found liable to Claimants.

OTHER ISSUES CONSIDERED AND DECIDED

On August 31, 1999 NASD Dispute Resolution, Inc. received notice from Claimants that all claims against Respondent Ray Colglazier were dismissed without prejudice.

On October 23, 2000 NASD Dispute Resolution, Inc. received notice from Claimants that all claims against Respondent Miller, Johnson & Kuehn, Inc. were dismissed with prejudice.

On December 10, 1999 NASD Dispute Resolution, Inc. received notice from Claimants that all claims against Respondent Jason Gronski were dismissed without prejudice.

On January 25, 2001 NASD Dispute Resolution, Inc. received a request for the Panel to enter a Stipulated Award and a document entitled, "Stipulation to Dismiss and Expunge Registered Representative's Record."

Respondents Olde Discount Corp., Thomas Lynn Kelly and Matthew R. Jennings did not file with the NASD Dispute Resolution, Inc. properly executed submission agreements but are required to submit to arbitration pursuant to the Code, and are bound by the determination of the Panel on all issues submitted.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings and the Parties' request for this Award, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimants dismissed with prejudice Respondents OLDE Discount Corporation and Thomas Lynn Kelly. This dismissal shall be a bar to the bringing of any action based on or including the claims for which this action has been or could have been brought against OLDE Discount Corporation and Thomas Lynn Kelly by the De Vos'.
- 2) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Thomas Lynn Kelly's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Thomas Lynn Kelly must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 300.00
Respondent Miller, Johnson & Kuehn Inc.'s Cross-Claim filing fee	= \$ 1,000.00
Respondents Richard A. Elliot, Shawn P. Crawford, Matthew R. Jennings, and Mission Capital Investment Group, Inc.'s Cross-Claim filing fee	= \$ 1,000.00

Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy.

The member firm Mission Capital Investment Group, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 2,500.00
Total Member Fees	= \$ 4,600.00

The member firm OLDE Discount Corp. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 2,500.00
Total Member Fees	= \$ 4,600.00

The member firm Miller, Johnson & Kuehn, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 2,500.00
Total Member Fees	= \$ 4,600.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

2 Pre-hearing conference sessions with the Panel @ \$1,125.00/session	= \$ 2,250.00
Pre-hearing conferences: May 11, 2000 1 session	
September 15, 2000 1 session	
Total Forum Fees	= \$ 2,250.00

1. The Panel assessed \$ 140.63 of the forum fees to Claimants.
2. The Panel assessed \$ 562.49 of the forum fees jointly and severally to Mission Capital Investment Group, Inc., Shawn P. Crawford, Richard A. Elliot, and Matthew R. Jennings.
3. The Panel assessed \$ 140.63 of the forum fees to OLDE Discount Corp.
4. The Panel assessed \$ 140.62 of the forum fees to Thomas Lynn Kelly.
5. The Panel assessed \$ 1,265.63 of the forum fees to Miller, Johnson & Kuehn, Inc.

Administrative Costs

Administrative costs are expenses incurred because a party requested additional services beyond the normal administrative services. These additional services include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, security, and other requests.

Claimants requested additional award: =\$ 15.00

Fee Summary

1. Claimants are charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Administrative Costs	= \$ 15.00
<u>Forum Fees plus retained deposit - Rule 10332(f)</u>	<u>= \$ 1,125.00</u>
Total Fees	= \$ 1,440.00
<u>Less payments</u>	<u>= \$(1,440.00)</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

2. Respondent Mission Capital Investment Group, Inc. is charged with the following fees and costs:

Member Fees	= \$ 4,600.00
<u>Less payments</u>	= \$(3,246.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 1,354.00

3. Respondent OLDE Discount Corp. is charged with the following fees and costs:

Member Fees	= \$ 4,600.00
<u>Forum Fees</u>	= \$ 140.63
Total Fees	= \$ 4,740.63
<u>Less payments</u>	= \$(4,740.63)
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

4. Respondent Miller, Johnson & Kuehn, Inc. is charged with the following fees and costs:

Member Fees	= \$ 4,600.00
Cross-Claim Filing Fee	= \$ 1,000.00
<u>Forum Fees</u>	= \$ 1,265.63
Total Fees	= \$ 6,865.63
<u>Less Payments</u>	= \$(6,865.63)
Balance due NASD Dispute Resolution, Inc.	= \$ 0.00

5. Respondents Richard A. Elliot, Shawn P. Crawford, Matthew R. Jennings, and Mission Capital Investment Group, Inc. are jointly and severally charged with the following fees and costs:

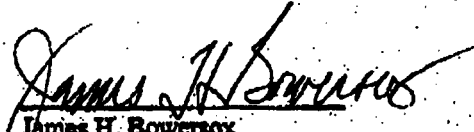
Cross-Claim Filing Fee	= \$ 1,000.00
<u>Forum Fees plus retained deposit - Rule 10332(f)</u>	= \$ 1,125.00
Total Fees	= \$ 2,125.00
<u>Less Payments</u>	= \$(2,125.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

6. Per party stipulation, Respondent OLDE Discount Corp. shall pay forum fees assessed to Respondent Thomas Lynn Kelly as follows:

<u>Forum Fees</u>	= \$ 140.62
Balance Due NASD Dispute Resolution, Inc.	= \$ 140.62

All balances are payable to NASD Dispute Resolution, Inc. and are to be paid upon receipt of the award pursuant to Rule 10330(g) of the Code.

Concurring Arbitrators' Signatures


James H. Bowersox
Chair, Public Arbitrator

3-13-01
Signature Date

Doris V. Knott
Public Arbitrator

Signature Date

Jo-Ann C. Little
Non-Public Arbitrator

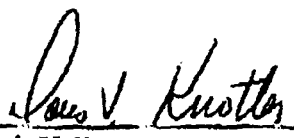
Signature Date

March 20, 2001
Date of Service

NASD Dispute Resolution, Inc.
Arbitration No. 99-03120
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Concurring Arbitrators' Signatures

James H. Bowersox
Chair, Public Arbitrator



Doris V. Knotter
Public Arbitrator

Jo-Ann C. Little
Non-Public Arbitrator

Signature Date

3-14-01

Signature Date

Signature Date

Date of Service

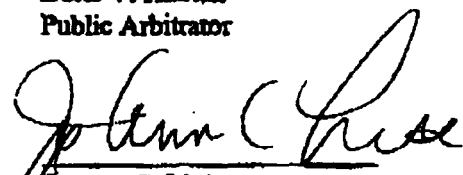
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James H. Bowersox
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Public Arbitrator

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Signature Date

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