

NATIONAL FUTURES ASSOCIATION  
BEFORE THE  
HEARING PANEL

FILED  
MAY -2 2018  
NATIONAL FUTURES ASSOCIATION  
LEGAL DOCKETING

In the Matter of: )  
)  
THE STOCK MENTOR LLC )  
(NFA ID #438246), )  
)  
and )  
)  
BRIAN KELLY JOHNSON )  
(NFA ID #438331), )  
)  
Respondents. )

NFA Case No. 18-BCC-002

**DECISION**

Having reviewed all matters relevant to the Complaint issued by the Business Conduct Committee (BCC) of National Futures Association (NFA) against The Stock Mentor LLC (Stock Mentor) and Brian Kelly Johnson (Johnson) in the above-captioned proceeding, and having considered the Offer of Settlement (Offer) submitted by them, and having accepted their Offer, the Hearing Panel hereby issues the following Decision as to Stock Mentor and Johnson.

I

**ALLEGED VIOLATIONS OF NFA REQUIREMENTS**

On March 8, 2018, the BCC issued a Complaint against Stock Mentor, a commodity trading advisor Member of NFA, located in Rapid City, South Dakota. The Complaint also named Johnson as a Respondent. Johnson is the principal and associated person of Stock Mentor, and an NFA Associate.

The Complaint alleged that Stock Mentor and Johnson violated NFA Compliance Rule 2-2(a) and that Stock Mentor violated Compliance Rule 2-13 by using a

materially misleading and false disclosure document and failing to distribute a disclosure document to at least one customer.

## II

### **SETTLEMENT OFFER**

Stock Mentor and Johnson submitted an Offer in which they neither admitted nor denied the allegations and proposed to settle the charges against them on the following terms:

1. They agreed that Stock Mentor shall never reapply for NFA membership or act as a principal of an NFA Member, effective immediately.
2. They agreed that Johnson shall immediately withdraw from NFA membership and shall never reapply for NFA membership, associate membership or principal status with any NFA Member.
3. Without admitting or denying the allegations in the Complaint, they stipulated that any Decision issued by the BCC accepting their Offer shall include findings that they committed the violations alleged against them in the Complaint.

## III

### **FINDINGS AND CONCLUSIONS**

Pursuant to Stock Mentor and Johnson's Offer, the Hearing Panel finds that Stock Mentor and Johnson committed the violations alleged against them in the Complaint. Specifically, the BCC finds that Stock Mentor violated NFA Compliance Rule 2-13 by failing to distribute a disclosure document to at least one customer and that Stock Mentor and Johnson violated NFA Compliance rule 2-2(a) by using a materially misleading and false disclosure document.

IV

**PENALTY**

Pursuant to Stock Mentor and Johnson's Offer, the Hearing Panel

orders as follows:

1. Stock Mentor is prohibited from reapplying for NFA membership or acting as a principal of an NFA Member, effective immediately.
2. Johnson must immediately withdraw from NFA Membership and is prohibited from reapplying for NFA membership, NFA associate membership or principal status with any NFA Member.

This Decision shall settle the Complaint in this case and matters relating to such Complaint and shall not be used as a sole basis for any other action or proceeding by NFA against Stock Mentor or Johnson including any registration matter, except it may be used in an action to enforce the terms thereof or in a subsequent disciplinary action or regulatory action, where it may be considered as evidence in aggravation.

V

**INELIGIBILITY**

Pursuant to Commodity Futures Trading Commission (CFTC) Regulation 1.63, this Decision and the sanctions imposed herein render Johnson permanently ineligible to serve on a disciplinary committee, arbitration panel, oversight panel or governing board of any self-regulatory organization, as that term is defined in CFTC Regulation 1.63.

**NATIONAL FUTURES ASSOCIATION  
BUSINESS CONDUCT COMMITTEE**

Dated: 05/02/2018

By:   
Chairperson

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