

**IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA**

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

v.)

Case No. CJ-2009-2773

Global West Funding, Ltd., Co.,)
an Oklahoma limited liability company;)
Global West Financial LLC,)
an Oklahoma limited liability company;)
Sure Lock Financial, LLC,)
an Oklahoma limited liability company;)
Sure Lock Loans LLC, an Oklahoma)
limited liability company;)
The Wave-Goldmade, Ltd.,)
an unincorporated association;)
Brian McKye, an individual;)
Joe Don Johnson, an individual; and)
James Farnham, an individual,)

Defendants,)

and)

Heritage Estate Service LLC,)
an Oklahoma limited liability company,)

Relief Defendant.)

**FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.**

JUN - 5 2009

PATRICIA PRESLEY, COURT CLERK
by _____
DEPUTY

APPLICATION FOR CITATION OF CONTEMPT AGAINST BRIAN MCKYE

Plaintiff, Oklahoma Department of Securities (“Department”) *ex rel.* Irving L. Faught, Administrator, hereby charges and accuses Defendant Brian McKye of having knowingly, willfully and contemptuously disobeyed and violated this Court’s lawfully issued Temporary Restraining Order, Order Freezing Assets and Order for Accounting (“Temporary Order”), Agreed Order Appointing Special Master (Agreed Order), and Order Modifying, in Part,

Temporary Restraining Order, Order Freezing Assets and Order for Accounting was entered by this Court (Modified Order).

Background

1. On March 24, 2009, the Department filed a *Petition for Permanent Injunction and Other Equitable Relief* (Petition) against Defendant Brian McKye (McKye) pursuant to Section 1-603 of the Oklahoma Uniform Securities Act of 2004 (Act), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2004).

2. On March 24, 2009, the Oklahoma County District Court issued the Temporary Order against McKye.

3. The Temporary Order provided in part:

IT IS FURTHER ORDERED that pending determination of the motion for temporary injunction, the assets of Defendants be, and hereby are, frozen (Assets). The freeze shall include, but not be limited to, any funds located in any bank, depository institution, internet, securities, or other financial institution account. It shall also apply to accounts in the name of any individuals or entities controlled by Defendants or accounts over which Defendants have signatory or other designated authority, if the funds are derived to any extent from the activities alleged in Plaintiff's Petition. All banks, depository institutions, internet service providers, securities firms, or other institutions or persons served with a copy of this Order shall cooperate with the Oklahoma Department of Securities (Department) relating to implementation of this Order, including imposing a freeze on all Assets, including accounts and funds, and producing records relating thereto. Facsimile transmission shall constitute service on the banks, depository institutions, internet service providers, securities firms, or other institutions or persons.

The Temporary Order also prohibited McKye from "directly or indirectly, transferring, withdrawing, concealing, removing, destroying, or otherwise disposing of any and all assets," and directed McKye and the other defendants to "provide notice of this Order to each of their affiliates, successors, directors, officers, and each of their employees, salespersons, representatives and independent contractors."

4. On March 25, 2009, McKye filed a motion to dissolve the Temporary Order on his behalf and on behalf of Global West Funding Ltd., Co., Global West Financial LLC, Sure Lock Financial, LLC, Sure Lock Loans LLC, and The Wave-Goldmade, Ltd.

5. On April 1, 2009, an Agreed Order was issued by the Court providing in part:

IT IS FURTHER ORDERED that all persons and entities, including the Relevant Defendants, their subsidiaries, affiliates, officers, directors, agents, servants, employees, attorneys, and all persons acting on their behalf, under their direction and control, and/or in active concert or participation with them, and further including any banks or financial institutions, wherever chartered or located, who receive actual notice of this Order, by personal service, facsimile transmission or otherwise, fully cooperate with and assist the Special Master and that they take no action, directly or indirectly, to hinder or obstruct the Special Master in the conduct of his duties or to interfere in any manner, directly or indirectly, with the custody, possession or control exercised by said Special Master.

6. On April 1, 2009, the Modified Order was entered by this Court (Modified Order). The Modified Order lifted the asset freeze but gave exclusive authority over the assets to the Special Master.

7. On April 30, 2009, the Special Master filed an application for the sale of certain assets of Defendants, in particular the loan portfolio and related assets of Sure Lock Loans LLC and certain accounts purchased by certain Defendants from Heritage Estate Service LLC (Application for Sale of Assets).

Violations of Temporary Order, Agreed Order and Modified Order

8. On March 25, 2009, McKye withdrew, or directed to be withdrawn, \$5,700 from the account of Sure Lock Financial, LLC at All American Bank.

9. On March 26, 2009, McKye withdrew, or directed to be withdrawn, \$6,000 from the account of Sure Lock Financial, LLC at All American Bank.

10. On March 26, 2009, McKye paid \$2,000.00 to Dunn, Swan & Cunningham, P.C.

11. On March 27, 2009, McKye withdrew, or directed to be withdrawn, \$1,700 from the account of Sure Lock Financial, LLC at All American Bank.

12. On March 30, 2009, McKye withdrew, or directed to be withdrawn, \$1,400 from the account of Sure Lock Financial, LLC at All American Bank.

13. On March 31, 2009, McKye withdrew, or directed to be withdrawn, \$8,500 from the account of Sure Lock Financial, LLC at All American Bank.

14. At various times since the entry of the Agreed Order including on March 27, 2009, April 15, 2009, and May 8, 2009, McKye sent correspondence to investors that, directly or indirectly, hinders or obstructs the Special Master in the conduct of his duties or, directly or indirectly, interferes with the custody, possession or control of the Special Master. See Exhibits "A", "B", and "C." For example, the May 8, 2009 letter from McKye invited investors to a meeting he had scheduled on May 15, 2009.

15. Prior to May 15, 2009, the Special Master terminated the employment of McKye.

16. On May 15, 2009, McKye conducted the meeting of investors at Hometown Buffet in Oklahoma City to discuss options for McKye to regain control of his business. He asked investors to purchase a portion of the loan portfolio to be offered by the Special Master in the sale of assets, and then transfer the loans to him, thereby enabling him to resume operation of his loan business. McKye offered the financing services of his father, Marshall McKye, to those who no longer had the financial ability to participate in the process of bidding on the loan portfolio.

17. On May 21, 2009, McKye presented an exhibit to this Court entitled "Funds Withdrawn from All American Bank 3/24/2009." The exhibit listed funds McKye admitted to

withdrawing from an account subject to the Temporary Order after the Temporary Order was issued. See Exhibit "D."

18. McKye did not provide the Temporary Order to his affiliates, successors, directors, officers, and his employees, salespersons, representatives and independent contractors as required by this Court in the Temporary Order. Consequently, the agents who withdrew the monies on his behalf from All American Bank, as described above, were not aware that such withdrawals were in violation of this Court's orders.

19. The conduct described herein constitutes violations of this Court's Temporary Order, Agreed Order, and Modified Order and are instances of indirect contempt of court.

Wherefore, the Department requests that this Court issue a citation directing McKye to appear and show cause why he should not be held in contempt, and, after a full and complete hearing, that McKye be adjudged guilty of indirect contempt for failure to comply with the Temporary Order, Agreed Order and Modified Order entered by this Court, and punished by the maximum fine, imprisonment, or both, and/or by and through such other relief as this Court deems appropriate.

Respectfully Submitted,

OKLAHOMA DEPARTMENT OF SECURITIES
IRVING L. FAUGHT, ADMINISTRATOR

By:



Patricia A. Labarthe, OBA# 10391

Jennifer Shaw, OBA #20839

Oklahoma Department of Securities

120 North Robinson, Suite 860

Oklahoma City, Oklahoma 73102

Telephone (405) 280-7700

CERTIFICATE OF MAILING

The undersigned certifies that on the 5th day of June, 2009, a true and correct copy of the foregoing was mailed by first class mail, with postage prepaid thereon, addressed to:

Clell I. Cunningham III
Dunn, Swan & Cunningham, PC
2800 Oklahoma Tower
210 Park Avenue
Oklahoma City, OK 73102
Attorney for Defendants Global West Funding, Ltd, Global West Financial LLC, Sure Lock Financial, LLC, Sure Lock Loans, LLC, The Wave-Goldmade, Ltd., and Brian McKye

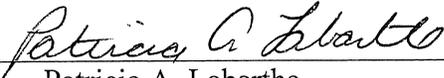
Richard L. Rose
Mahaffey & Gore, PC
300 NE 1st Street
Oklahoma City, OK 73104
Attorney for Defendants Global West Funding, Ltd, Global West Financial LLC, Sure Lock Financial, LLC, Sure Lock Loans, LLC, Brian McKye

R. Scott Adams
Adams & Associates, P.C.
204 N. Robinson, 25th Fl.
Oklahoma City, OK 73102
Attorney for Defendants Joe Don Johnson and Heritage Estate Services, LLC

Robert G. McCampbell
Kristin L. Huffaker
Crowe & Dunlevy
20 N. Broadway, Suite 1800
Oklahoma City, OK 73102-8273
Attorneys for Defendants Storybook Properties, LLC, Storybook Investments WA, LLC, and Matthew G. Story

James Farnham
6308 N. Harvard Avenue
Oklahoma City, OK 73122

Stephen J. Moriarty
Fellers, Snider, Blankenship, Bailey and Tippens, PC
100 N. Broadway, Ste. 1700
Oklahoma City, OK 73102



Patricia A. Labarthe