

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
204 NORTH ROBINSON, SUITE 400  
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

Michael W. Hefner (CRD #4624063),

Respondent.

ODS File 16-015

**FINAL ORDER**

The Administrator of the Oklahoma Department of Securities (“**Department**”) issues this Final Order against Michael W. Hefner (“**Respondent**”), pursuant to Section 1-411 of the Oklahoma Uniform Securities Act of 2004 (“**Act**”), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011 and Supp. 2017).

**Findings of Fact**

**Procedural**

1. On January 12, 2018, the Enforcement Division of the Department filed, with the Administrator, an Enforcement Division Recommendation (“**Recommendation**”) in support of the issuance of an order barring Respondent from registration in any capacity under the Act and from association with any broker-dealer or investment adviser registered under the Act.

2. On January 16, 2018, the Administrator issued a Notice of Opportunity for Hearing in accordance with 660:2-9-1 of the Rules of the Oklahoma Securities Commission and the Administrator of the Department of Securities (effective November 1, 2016) (“**Rules**”) and Section 1-411 of the Act. In the notice, Respondent was advised of his right to a hearing and his obligation to file an answer to the Recommendation within fifteen (15) days after service of the notice. Respondent was further advised in the notice that failure to file an answer and request for hearing in compliance with 660:2-9-2 of the Rules would result in the issuance of an order barring Respondent from registration in any capacity under the Act and from association with any broker-dealer or investment adviser registered under the Act.

3. On January 16, 2018, the Administrator also issued a Notice of Service on the Administrator and Affidavit of Compliance in which he attested that a copy of the Notice of Opportunity for Hearing, with the Recommendation attached, and a copy of the Notice of Service on the Administrator and Affidavit of Compliance, were sent to the last known address of Respondent on January 16, 2018, by certified mail, return receipt requested, delivery restricted, in compliance with Section 1-611 of the Act.

4. On February 7, 2018, copies of the Notice of Service on the Administrator and Affidavit of Compliance, Notice of Opportunity for Hearing, and Recommendation, were resent by certified mail, return receipt requested, delivery restricted to the last known address of Respondent.

5. On February 12, 2018, Respondent signed the return receipt for the February 7<sup>th</sup> mailing.

6. Respondent's deadline for filing an answer to the Recommendation and requesting a hearing has expired, and no answer or request for hearing has been filed.

### **Background**

7. Respondent is an individual who has resided in Oklahoma at all material times.

8. Respondent was registered under the Act as an agent of FBL Marketing Services, LLC ("FBL") from February 3, 2003, until May 22, 2015.

9. On an amended Form U5, FBL stated that Respondent was discharged on May 21, 2015, because the Oklahoma Farm Bureau Mutual Insurance Co., an affiliate life insurance company of FBL, terminated his appointment and "alleged he failed to treat all money received or collected for the insurance companies as property held in trust, and remitting such monies at once."

10. In December 2016, the State of Oklahoma ("State") charged Respondent with fifteen counts of felony embezzlement in violation of 21 O.S. § 1451. The charges were filed in the District Court of Tulsa County, case number CF-2016-6571. Each charge alleged an offense that occurred during the time Respondent was registered under the Act as an agent of FBL.

11. In September 2017, Respondent entered into a plea of guilty and was found guilty of three counts of the crime of felony Embezzlement 21 O.S. § 1451 that occurred during the years 2013 and 2014.

12. At the request of the State, the remaining twelve charges against Respondent were dismissed by the Court.

To the extent any of these Findings of Fact are more properly characterized as Conclusions of Law, they should be so considered.

**Conclusions of Law**

1. The Administrator is authorized under Section 1-411 of the Act to bar Respondent from registration in any capacity under the Act and from association with any broker-dealer or investment adviser registered under the Act.

2. It is in the public interest for the Administrator to bar Respondent from registration in any capacity under the Act and from association with any broker-dealer or investment adviser registered under the Act.

To the extent any of these Conclusions of Law are more properly characterized as Findings of Fact, they should be so considered.

**Order**

**IT IS HEREBY ORDERED** that Respondent is barred from registration in any capacity under the Act and from association with any broker-dealer or investment adviser registered under the Act.

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 5<sup>th</sup> day of March, 2018.

(SEAL)

  
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IRVING L. FAUGHT, ADMINISTRATOR OF THE  
OKLAHOMA DEPARTMENT OF SECURITIES



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 5<sup>th</sup> day of March, 2018, a true and correct copy of the above and foregoing Final Order was sent by certified mail, return receipt requested, delivery restricted, to:

Michael W. Hefner  
9143 E 136th St S  
Bixby, OK 74008

  
Brenda London, Paralegal