

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
FIRST NATIONAL CENTER, SUITE 860  
120 NORTH ROBINSON  
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

Benjamin Wei,

Respondent.

ODS File No. 02-166

**DEPARTMENT'S PROPOSED SCHEDULING ORDER**

On November 2, 2004, the Administrator (Administrator) of the Oklahoma Department of Securities (Department) issued a Notice of Opportunity for Hearing in the above styled and numbered cause. After receiving an extension of time to file a response, Respondent filed his Response to the allegations contained in the Enforcement Division Recommendation (Recommendation) on November 30, 2004.

This Scheduling Order is issued pursuant to 660:2-9-3 of the Rules of the Oklahoma Securities Commission and the Administrator of the Oklahoma Department of Securities (Rules). The parties have jointly waived the ninety (90) day time requirement for the Administrator, or his designee, to hold the hearing, pursuant to 660-2-9-2(b) of the Rules.

Respondent has admitted the findings of fact contained in paragraphs 1, 2 and 3 of the Recommendation. The findings of fact contained in paragraphs 4 through 32 of the Recommendation are at issue. Further, all of the Conclusions of Law and the request for sanctions contained in the Recommendation are at issue.

**IT IS HEREBY ORDERED** that:

1. The original of all pleadings, exhibits and/or other required documents shall be filed with the Administrator. Filings shall be mailed to the offices of the Oklahoma Department of Securities, 120 North Robinson, Suite 860, Oklahoma City, Oklahoma 73102; submitted by facsimile at 405.280.7742; or submitted by any other method that will assure delivery on or before the required date and time. All time deadlines in this order refer to times in the Central Time Zone.

2. Copies of all pleadings, exhibits and/or other documents shall be served to opposing counsel and to the Administrator, or his designee, by mail at the following addresses and/or by facsimile:

Rebecca Cryer, Enforcement Attorney  
Gerri Stuckey, Enforcement Attorney  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, Oklahoma 73102  
Facsimile 405.280.7742

J. David Ogle, Esq.  
Ogle & Welch, P.C.  
117 Park Avenue, Third Floor  
Oklahoma City, Oklahoma 73102  
Facsimile 405.232.1608

Marc J. Ross, Esq.  
Richard J. Babnick, Jr., Esq.  
Sichenzia Ross Friedman Ference L.L.P.  
1065 Avenue of the Americas, 21<sup>st</sup> Floor  
New York, New York 10018  
Facsimile 212.930.9700

Administrator, or his designee

3. The parties shall have ten (10) business days to comply with discovery requests from the other party, excluding the date of receipt of the request.

4. The parties shall file a copy of a Preliminary Witness List and a Preliminary Exhibit List, on or before 5:00 p.m. on February 8, 2005.

5. The parties shall file a Final Witness List and a Final Exhibit List, along with copies of all exhibits, on or before 5:00 p.m. on March 1, 2005. **Failure to comply with this paragraph will result in the exclusion of witnesses/exhibits at trial, subject to the provisions of 660:2-9-3(d) of the Rules.**

6. Discovery by all parties shall be completed and answered by the last business day prior to the date of the Pre-Hearing Conference.

7. The parties are ordered to file and to provide each other and the Administrator, or his designee, a statement of specific factual contentions and legal contentions that are to be presented at hearing on or before 5:00 p.m. on March 7, 2005.

8. All objections to the admission of testimony of any witness or exhibits shall be filed and presented in writing to the Administrator, or his designee, on or before March 11, 2005, at 5:00 p.m.

9. The pre-hearing conference shall be conducted on March 17, 2005, at 1:30 p.m., by telephone, if so ordered by the Administrator, or his designee. *[The parties agree that the pre-hearing conference be conducted by telephone.]*

10. A final hearing in this proceeding shall be conducted in the offices of the Department on consecutive days or as ordered by the Administrator, or his designee. *[The parties request that the hearing begin on April 12, 2005.]*

11. Oral argument shall not be heard on pre-hearing motions. Argument will be submitted to the Administrator, or his designee, in writing and shall be disposed of by written order.

12. The Department's hearing brief shall be filed by March 25, 2005, at 5:00 p.m. Respondents hearing brief shall be filed by April 1, 2005, at 5:00 p.m. The Department's reply brief shall be filed by April 7, 2005, at 5:00 p.m.

13. Failure to comply with the terms of this Order will result in sanctions.

**IT IS FURTHER ORDERED** that no date set by this Order can be changed except for good cause and upon written order of the Administrator, or his designee, prior to such scheduled date.

(SEAL)

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

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the \_\_\_\_\_ day of January, 2005, a true and correct copy of the above and foregoing Department's Proposed Scheduling Order was mailed with postage prepaid thereon addressed to:

J. David Ogle, Esq.  
Ogle & Welch, P.C.  
117 Park Avenue, Third Floor  
Oklahoma City, OK 73102  
Facsimile 405.232.1608  
Attorney for Respondent, Benjamin Wei

Marc J. Ross, Esq.  
Richard J. Babnick, Jr., Esq.  
Sichenzia Ross Friedman Ference L.L.P.  
1065 Avenue of the Americas, 21<sup>st</sup> Floor  
New York, New York 10018  
Facsimile 212.930.9700  
Attorneys for Respondent, Benjamin Wei

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Brenda London Smith  
Paralegal