

AUG 23 2005

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

DOCKET _____ PAGE _____ RECORDED _____
Rhonda Hall, Court Clerk
_____ DEPUTY

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
Administrator,)
Plaintiff,)
v.)
James Mark McCullough,)
Defendant.)

Case No. *CG-05-1316 BH*

**PETITION FOR ORDER ENFORCING
ADMINISTRATIVE SUBPOENA**

Plaintiff, Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator ("Department"), moves this Court for an order enforcing an administrative subpoena issued pursuant to section 1-602 of the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2003). The subpoena was issued for the purpose of requiring James Mark McCullough ("McCullough") to appear and provide testimony in connection with an investigation being conducted by the Department.

Background

1. McCullough is a resident of Norman, Oklahoma.
2. The Department initiated an investigation relating to the activities of McCullough's employer in accordance with Section 1-602 of the Act.
3. Subsection A of Section 1-602 of the Act sets out the authority of the Administrator to investigate as follows:

The Administrator may:

1. Conduct public or private investigations within or outside of this state which the Administrator considers necessary or appropriate to determine whether a person has violated, is violating, or is about to violate this act or a rule adopted or order issued under this act, or to aid in the enforcement of this act or in the adoption of rules and forms under this act.

4. Subsection B of Section 1-602 of the Act authorizes the Administrator to subpoena witnesses as follows:

For the purpose of an investigation or proceeding under this act, the Administrator or its designated officer may administer oaths and affirmations, subpoena witnesses, seek compulsion of attendance, take evidence, require the filing of statements, and require the production of any records that the Administrator considers relevant or material to the investigation or proceeding.

5. On August 2, 2005, the Administrator issued an administrative subpoena (the "Subpoena"), attached hereto as Exhibit "1", to McCullough requiring his appearance for testimony on August 11, 2005.

6. The Subpoena was served by personal delivery to McCullough at 814 East Hayes Street, Norman, Oklahoma, on August 5, 2005.

7. McCullough failed to either appear for testimony on the required date or contact the Department to make arrangements for his appearance at a later date.

8. The Administrator is entitled to an order enforcing the Subpoena pursuant to the provisions of subsection C of Section 1-602 of the Act that provides as follows:

If a person does not appear or refuses to testify, file a statement, produce records, or otherwise does not obey a subpoena as required by the Administrator under this act, the Administrator may apply to the district court of Oklahoma County or the district court in any other county where service can be obtained or a court of another state to enforce compliance. The court may:

1. Hold the person in contempt;
2. Order the person to appear before the Administrator or an officer designated by the Administrator;
3. Order the person to testify about the matter under investigation or in question;
4. Order the production of records;
5. Grant injunctive relief, including restricting or prohibiting the offer or sale of securities or the providing of investment advice;
6. Impose a civil penalty up to a maximum of Five Thousand Dollars (\$5,000.00) for a single violation or Two Hundred Fifty Thousand Dollars (\$250,000.00) for multiple violations in a single proceeding or a series of related proceedings; and
7. Grant any other necessary or appropriate relief.

9. Without relief, the Department has no means to carry out its legislative mandate to enforce the Act.

WHEREFORE, the Department requests that this Court impose a civil penalty against McCullough in the amount of One Thousand Dollars (\$1,000.00), order him to appear before the Administrator or an officer designated by the Administrator, and grant such other relief as this Court deems appropriate.

Respectfully submitted,

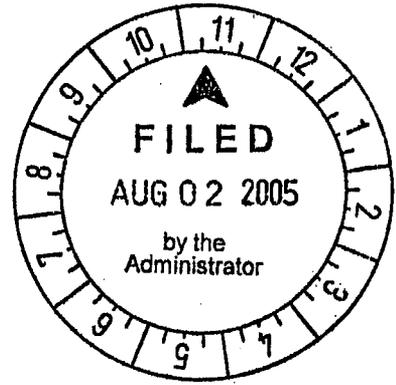
OKLAHOMA DEPARTMENT OF SECURITIES
Irving L. Faught, Administrator

By:



Shaun Mullins (OBA #16869)
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
(405) 280-7700

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



SUBPOENA

TO: James Mark McCullough

ODS File No. 05-091

IN THE NAME OF THE STATE OF OKLAHOMA, and pursuant to Section 1-602 of the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2003), **YOU ARE COMMANDED TO APPEAR AND TESTIFY** before the Administrator of the Oklahoma Department of Securities, or his designated representative, at 120 North Robinson, First National Center, Suite 860, Oklahoma City, County of Oklahoma, State of Oklahoma, on the **11th day of August, 2005, at 10:00 a.m.**

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 2nd day of August, 2005.

(SEAL)

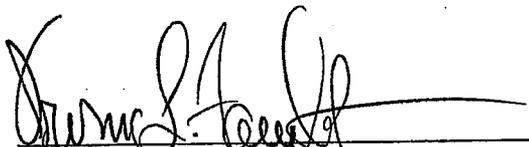

Irving L. Baught, Administrator
Oklahoma Department of Securities
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102
(405) 280-7700

EXHIBIT 1

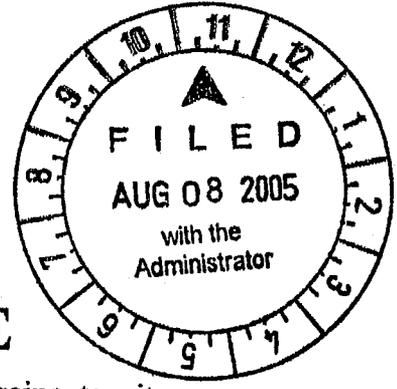
Client Okla. Dept. of Securities Origin _____ Case No. 05-091

Plaintiff

VS

Re: Majer Resources, Inc.

Defendant



PROOF OF SERVICE

Documents Served: I, being duly sworn, certify that I received the foregoing, to wit:

Letter, Subpoena

Personal Service

by delivering a copy of said process personally to James Mark McCullough
at 814 East Hayes St., Norman, OK 73069
DATE: August 05, 2005 TIME: 10:25 AM

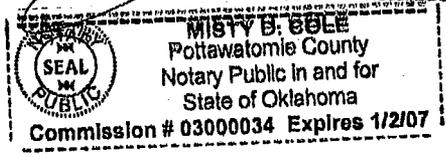
Usual Place of Residence

by leaving a copy of said process for _____ with _____
a resident/family member, fifteen years of age or older at: _____
DATE: _____ TIME: _____ which is his/her usual place of residence.

Corporation/Partnership, Etc.

by delivering a true copy of said process to _____
he/she/it, being the service agent, agent in charge, an officer or partner of said entity, to wit: _____
at _____
DATE: _____ TIME: _____

Subscribed and sworn to me this
5th day of August, 2005
[Signature]
Notary Public Commission Exp. 1/2/07



Undersigned declares under penalty of perjury that the foregoing is true and correct.

Antoin E. West Aug - 05, 2005
Name of Server (date)

ABL# PSS-04-18