

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

Oklahoma Department of Securities )  
*ex rel.* Irving L. Faught, )  
Administrator, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
Christopher R. Moreno, )  
 )  
Defendant. )

DEC 19 2008

PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
DEPUTY

Case No. CJ-2008-4197

**APPLICATION FOR CITATION OF INDIRECT CONTEMPT  
AGAINST CHRISTOPHER R. MORENO**

Plaintiff, Oklahoma Department of Securities (“Department”) *ex rel.* Irving L. Faught, Administrator, hereby charges and accuses Defendant Christopher R. Moreno (“Moreno”) of having knowingly, willfully and contemptuously disobeyed and violated this Court’s lawfully issued *Default Judgment* (“Order”). See Exhibit A hereto. Plaintiff alleges and states:

1. On May 8, 2008, Plaintiff filed an *Application for Order Enforcing Administrative Order* (“Application”) against Defendant, pursuant to Section 1-604 of the Oklahoma Uniform Securities Act of 2004 (“Act”), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2004). Plaintiff alleged that Defendant failed to comply with the *Order to Cease and Desist* issued by the Administrator of the Department (“Administrator”) on February 25, 2008 (“Administrative Order”).

2. On September 17, 2008, this Court entered the Order providing:

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant Moreno is in civil contempt of the Administrative Order and that Defendant Moreno shall: (1) send, via certified mail, return receipt requested, a cashier’s check or money order in the amount of \$2,400, the

sum of all payments past due under the terms of the Agreement, to the Investor identified by Plaintiff in connection with the Agreement, within twenty-four hours of receiving notice of the entry of this Order; and (2) comply with the Administrative Order and the Agreement in the future.

3. On September 17, 2008, copies of the Order were mailed via first class mail and certified mail to Defendant at the last known address he provided to Plaintiff. The copy mailed by first class mail was not returned to Plaintiff. See Exhibit B hereto. The copy mailed by certified mail was returned to Plaintiff marked "Returned to Sender, Unclaimed." See Exhibit B and C hereto.

4. Even though Defendant received "notice" of the Order via the copy mailed first-class, Plaintiff took additional steps in attempt to ensure that Defendant received actual notice of the Order.

5. On September 29, 2008, Plaintiff's counsel emailed a copy of the Order to Defendant at an email address he previously used on several occasions to communicate with Plaintiff's counsel. See Exhibit D hereto. Plaintiff's counsel did not receive any message indicating that the email transmission to Defendant was unsuccessful.

6. On October 3, 2008, Plaintiff hired a licensed process server to serve the Order on Defendant. To date, the licensed process server has made several unsuccessful attempts to serve the Order on Defendant. See Exhibit E hereto.

7. On November 26, 2008, Plaintiff's counsel called Defendant's cell phone and left a voicemail message notifying Defendant of the Order.

8. Defendant has not made any of the payments required by the Order. See Exhibit F hereto.

COUNT ONE: CONTEMPT OF ORDER BY NOT SENDING \$2,400 TO THE INVESTOR

9. In contempt of the Order, Defendant did not send a cashier's check or money order in the amount of \$2,400 to the investor identified by Plaintiff in connection with the *Agreement*, within twenty-four hours of receiving notice of the entry of the Order.

COUNT TWO: CONTEMPT OF ORDER BY NOT COMPLYING WITH THE ADMINISTRATIVE ORDER AND THE AGREEMENT

10. In contempt of the Order, Defendant has not made monthly installments of at least \$400 to the Investor, in violation of the Administrative Order and Agreement.

CONCLUSION

Defendant has violated the Order in indirect contempt of the Court.

WHEREFORE, Plaintiff requests that this Court issue a citation directing Defendant to appear and show cause why he should not be held in contempt and, after a full and complete hearing, that Defendant be adjudged guilty of contempt for failure to comply with the Order, and punished by the maximum fine or imprisonment for each count of contempt, or both, and/or by and through such other relief as this Court deems appropriate. Plaintiff requests that Defendant be required to post a cash bond if a jury trial is demanded.

Respectfully submitted,

OKLAHOMA DEPARTMENT OF SECURITIES  
Irving L. Faught, Administrator

By: *Terra Shamas Bonnell*  
Terra Shamas Bonnell, OBA #20838  
Patricia A. Labarthe, OBA #10391  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 280-7700  
Facsimile: (405) 280-7742

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 19<sup>th</sup> day of December, 2008, a true and correct copy of the foregoing was mailed to:

Christopher R. Moreno  
18072 S. Stone Creek Dr.  
Claremore, OK 74017

  
\_\_\_\_\_  
Terra Shamas Bonnell

IN THE DISTRICT COURT OF OKLAHOMA  
STATE OF OKLAHOMA

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Oklahoma Department of Securities )  
*ex rel.* Irving L. Faught, )  
 Administrator, )  
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SEP 17 2008

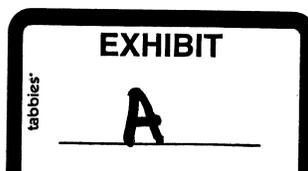
PATRICIA PRESLEY, COURT CLERK  
 by \_\_\_\_\_  
 DEPUTY

Case No. CJ-2008-4197

**DEFAULT JUDGMENT**

On the 17<sup>th</sup> day of September, 2008, the captioned matter came before this Court on the *Application for Order Enforcing Administrative Order* (“Application”) of Plaintiff, Oklahoma Department of Securities (“Department”) *ex rel.* Irving L. Faught, Administrator, against Defendant, Christopher R. Moreno (“Defendant Moreno”). The Court, having reviewed the *Agreement* executed by the parties on February 25, 2008 (“Agreement”), *Order to Cease and Desist* issued by Plaintiff against Defendant Moreno on February 25, 2008 (“Administrative Order”), Application, summons, and return of service, finds that Defendant Moreno has been validly served with the Application and summons, that the date by which Defendant Moreno was required to answer or further plead to the Application was July 10, 2008, and that no answer or further pleading has been filed on his behalf.

The Court, having heard the evidence presented, and being fully advised, finds that Defendant is in default and has thus admitted the substantive allegations of the Application, that the allegations of Plaintiff’s Application are deemed true as therein set forth and that Plaintiff is entitled to a judgment finding Defendant Moreno in civil contempt of the Administrative Order and ordering Defendant Moreno to: (1) send, via certified mail, return receipt requested, a



cashier's check or money order in the amount of \$ 2,400 , the sum of all payments past due under the terms of the Agreement, to the Investor identified by Plaintiff in connection with the Agreement, within twenty-four (24) hours of receiving notice of the entry of such order; and (2) comply with the Administrative Order and the Agreement in the future.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Defendant Moreno is in civil contempt of the Administrative Order and that Defendant Moreno shall: (1) send, via certified mail, return receipt requested, a cashier's check or money order in the amount of \$ 2,400 , the sum of all payments past due under the terms of the Agreement, to the Investor identified by Plaintiff in connection with the Agreement, within twenty-four hours of receiving notice of the entry of this Order; and (2) comply with the Administrative Order and the Agreement in the future.

IT IS SO ORDERED.

DATED this 17<sup>th</sup> day of September, 2008.

**BARBARA SWINTON**

DISTRICT COURT JUDGE BARBARA G. SWINTON

Approved:

Terra Shamas Bonnell

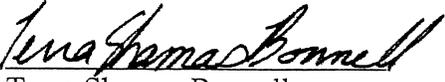
Terra Shamas Bonnell, OBA #20838  
Patricia Labarthe, OBA #10391  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, Oklahoma 73102  
Telephone: (405) 280-7700  
Facsimile: (405) 280-7742  
ATTORNEYS FOR PLAINTIFF

I, PATRICIA PRESLEY, Court Clerk for Oklahoma County, Okla., Hereby certify that the foregoing is a true, correct and complete copy of the instrument herewith set out as appears of record in the District Court Clerk's Office of Oklahoma County, Okla.,  
This 17 day of Sept, 2008  
By Patricia Presley PATRICIA PRESLEY, Court Clerk  
Deputy

CERTIFICATE OF SERVICE

The undersigned certifies that on the 17<sup>th</sup> day of September, 2008, a copy of the foregoing *Default Judgment* was mailed to:

Christopher R. Moreno  
18072 S. Stone Creek Dr.  
Claremore, OK 74017

  
Terra Shamas Bonnell

AFFIDAVIT OF BRENDA LONDON

STATE OF OKLAHOMA            )  
  )  
COUNTY OF OKLAHOMA        )            ss.

The undersigned affiant, of lawful age, being first duly sworn upon oath deposes and states:

1. I, Brenda London, am employed as a paralegal at the Oklahoma Department of Securities (“Department”).
2. My duties as a paralegal at the Department include, but are not limited to, maintaining the Department’s enforcement records and filing a copy of all incoming and outgoing correspondence relating to an enforcement case in the appropriate case file.
3. In such capacity, I sent, via first class mail, a copy of the *Default Judgment* entered in *Oklahoma Department of Securities ex rel. Irving L. Faught, Administrator v. Christopher R. Moreno*, CJ-2008-4197, (“Default Judgment”) to Christopher R. Moreno at 18072 South Stone Creek Drive, Claremore, Oklahoma, on September 17, 2008. To date, the copy mailed by first class mail has not been returned to the Department. To confirm this, I reviewed the case file and an electronic, case specific activity log in which all incoming and outgoing correspondence relating to this matter is recorded. I also reviewed the Department’s general mail log that provides a record of all mail received by the Department and is maintained by another employee at the Department.
4. I also sent a copy of the Default Judgment to Christopher R. Moreno at the address provided above via certified mail on September 17, 2008. The copy mailed by certified mail was returned to the Department marked “Returned to Sender, Unclaimed,” on October 14, 2008.

FURTHER AFFIANT SAYETH NOT.

Brenda London  
BRENDA LONDON, AFFIANT

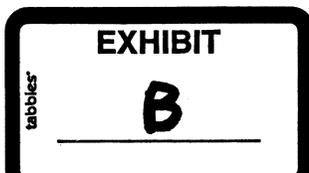
Subscribed and sworn to before me this 2nd day of December, 2008.

(SEAL)



Philip Antony  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_  
My Commission No.: \_\_\_\_\_

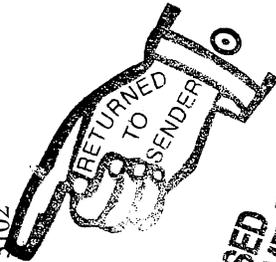


**CERTIFIED MAIL**

OKLAHOMA DEPARTMENT OF SECURITY  
First National Center, Suite 860  
120 North Robinson  
Oklahoma City, Oklahoma 73102



7000 0520 0022 7148 9261



**REFUSED  
UNCLAIMED**

*122  
9/19/08  
9-26  
10-4  
DTHM*

Christopher R. Moreno  
18072 S. Stone Creek Dr.  
Claremore, OK 74017



02 1M  
0004214819  
MAILED FROM ZIP CODE 73102

**\$ 05.320**

SEP 17 2008

RECEIVED  
OKLAHOMA DEPT.  
OF SECURITIES

2008 OCT 14 P 3:09



PLACE STICKER AT TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

07-088

1. Article Addressed to:  
  
Christopher R. Moreno  
18072 S. Stone Creek Dr.  
Claremore, OK 74017

**COMPLETE THIS SECTION ON DELIVERY**

- A. Received by (Please Print Clearly) \_\_\_\_\_ B. Date of Delivery \_\_\_\_\_
- C. Signature \_\_\_\_\_  Agent  Addressee
- D. Is delivery address different from item 1?  Yes  No  
If YES, enter delivery address below: \_\_\_\_\_

3. Service Type
- Certified Mail
  - Registered
  - Insured Mail
  - Express Mail
  - Return Receipt for Merchandise
  - C.O.D.
4. Restricted Delivery? (Extra Fee)  Yes

DEF JUD 07-088 TB

2. Article Number (Copy from service label)  
7000 0520 0022 7148 9261

PS Form 3811 July 1999 Domestic Return Receipt

07-088

**Terra Bonnell**

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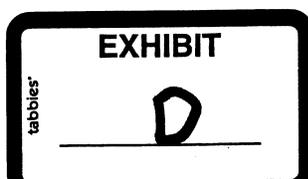
**From:** Terra Bonnell  
**Sent:** Monday, September 29, 2008 10:07 AM  
**To:** Chris Moreno  
**Subject:** ODS 07-088  
**Importance:** High  
**Attachments:** Default Judgment.pdf

Mr. Moreno:

Please see the attachment. Will you be able to comply with it?

**Terra Shamas Bonnell**  
Enforcement Attorney  
Oklahoma Department of Securities  
Direct Phone: 405.280.7715  
Fax: 405.280.7742  
[tbonnell@securities.ok.gov](mailto:tbonnell@securities.ok.gov)

12/19/2008



OUR FIRM FILE NUMBER:

Client: OKLAHOMA STATE DEPT. OF SECURITIES County: Oklahoma

Case Number: CJ-2008-4197

OKLAHOMA DEPARTMENT OF SECURITIES EX REL.  
IRVING L - Plaintiff(s)  
vs

CHRISTOPHER R. MORENO - Defendant(s)

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.  
DEC 17 2008  
PATRICIA PRESLEY, COURT CLERK  
by \_\_\_\_\_  
DEPUTY

Date Served:

Served By: JODIE JONES (PSS-06-8)

County of Origin: Oklahoma

### Proof of Service

Case Number: CJ-2008-4197

DOCUMENTS SERVED: I, being duly sworn, certify that I received the forgoing, to wit:

\*Default Judgement

METHOD OF SERVICE:

And served the same according to the law in the following manner, to wit:

Not Served

Said process WAS NOT SERVED on the following name for the reasons stated:  
CHRISTOPHER R. MORENO -  
DEFENDANT IS AVOIDING SERVICE

Other Information:

ATEMPTED SERVICE MANY TIMES AT 180272 S STONE CREEK DR, CLAREMORE, OK 74017, LARGE HOME WITH FOUR CAR GARAGE. ALWAYS HAS CARS OUTSIDE BUT NEVER ANY ANSWER AT DOOR.

Subscribed and sworn to before me this

day of DEC 17 2008  
Exp. 1/06/11

John J. Shadid  
Notary Public  
(SEAL)

Commission Exp. \_\_\_\_\_  
STATE OF OKLAHOMA

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

Jodie Jones  
Name of Server

12/17/2008  
(date)

EXHIBIT

E

tabbles

AFFIDAVIT OF GLORIA BACHHOFFER

STATE OF UTAH )  
 )  
COUNTY OF Washington ) ss.

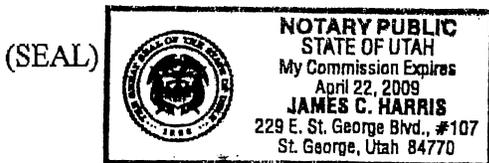
The undersigned affiant, of lawful age, being first duly sworn upon oath deposes and states:

1. My name is Gloria Bachhofer. I reside at 1450 North Dixie Downs Road, Unit 93, St. George, Utah 84770.
2. I moved from Prague, Oklahoma, to my current residence in January 2005.
3. Prior to moving to the state of Utah, I paid Christopher Moreno, whom I knew as "Chris Moreno," the sum of Ten Thousand Dollars (\$10,000) for him to invest on my behalf.
4. I received \$800 from Christopher Moreno on April 9, 2008.
5. I have not received any money from Christopher Moreno since April 9, 2008.

FURTHER AFFLIANT SAYETH NOT.

Gloria Bachhofer  
GLORIA BACHHOFFER, AFFLIANT

Subscribed and sworn to before me this 02 day of December, 2008.



James C. Harris  
NOTARY PUBLIC

My Commission Expires: 4/22/2009

My Commission No.: \_\_\_\_\_

