

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

OKLAHOMA DEPARTMENT OF)
SECURITIES EX REL. IRVING)
FAUGHT, ADMINISTRATOR,)

Plaintiff,)

v.)

Case No. CJ-2009-2773
Judge: Gurich, Noma D.

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,)
Oklahoma limited liability company; THE)
WAVE-GOLDMADE, LTD., an)
unincorporated association; BRIAN)
MCKYE, an individual; JOE DON)
Johnson, an individual; JAMES)
FARNHAM, an individual,)

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

NOV 13 2009

PATRICIA PRESLEY, COURT CLERK

by _____ DEPUTY

Defendants.)

and)

HERITAGE ESTATE SERVICE,)
LLC, an Oklahoma limited liability)
company,)

Relief Defendant.)

**SPECIAL MASTER'S MOTION FOR AN ORDER REQUIRING BRIAN MCKYE TO
TURNOVER PROPERTY TO SPECIAL MASTER OR, IN THE ALTERNATIVE, TO
DISCLOSE LOCATION OF PROPERTY**

Stephen J. Moriarty ("Special Master") the Court appointed Special Master for 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; and BRIAN MCKYE, an individual (all collectively referred to as the "Companies") moves the Court for the entry of an Order requiring McKye to turn over all property of the Companies in his possession to the Special Master or, in the alternative, to disclose the location of all property of the Companies. In support of the Motion, the Special Master represents as follows:

Factual Background

1. On April 1, 2009, this Court entered its Order Appointing Special Master and Approving Waiver of Special Master's Bond. Pursuant to the Order, the Special Master was given full authority to "operate and manage all assets" of the Companies. Further, Special Master was given the authority to "take immediate custody, possession, and control of any and all assets" of the Companies. The Order further provides that all defendants "shall promptly deliver and surrender to Special Master ... all ... assets in the possession of or under the control of any one or more of them..." Finally, the Order provides that the Defendants shall "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 ..."

2. After the appointment of Special Master, Brian McKye, in the presence of his then attorney, Skip Cunningham, delivered to Special Master a "Balance Sheet" allegedly

reflecting the assets of the Companies (the "Property"); a copy of the Balance sheet is attached hereto as Exhibit "A."

3. On June 12, 2009, the Court entered an Order granting Special Master the authority to sell certain assets of McKye and the Companies, including all assets identified on the Balance Sheet.

4. On August 31, 2009, Plaintiff served a Notice of Deposition of Brian McKye. The deposition was scheduled for September 15, 2009. McKye failed to appear for his deposition. Special Master appeared for the express purpose of attempting to identify the location of the assets identified on the Balance Sheet.

5. After September 15, 2009, McKye contacted Plaintiff indicating he did not appear for his deposition because he had the flu.

6. Plaintiff agreed not to seek sanctions for McKye's failure to appear and issued a Second Notice to Take Deposition. The deposition was re-scheduled for September 22, 2009.

7. McKye did appear on September 22, 2009 and answered some questions posed by Plaintiff. In large part, McKye's responses were non-responsive and vague. McKye invoked his Fifth Amendment privilege against self-incrimination on numerous occasions.

8. Special Master appeared on September 22, 2009 to question McKye regarding the assets of the Companies and McKye, including the present location of assets identified on the Balance Sheet. McKye refused to answer any questions asked by Special Master in his deposition. Once again, Special Master incurred significant time and expense in preparation for the deposition.

9. On September 28, 2009, Special Master filed a Motion to Compel Brian McKye's appearance for deposition. On October 23, 2009, this Court entered an Order

directing McKye to appear on October 29, 2009 for purposes of giving deposition testimony in this case.

10. On October 29, 2009, McKye appeared for his deposition. A complete copy of the Transcript is attached hereto as Exhibit "B". McKye, invoking his Fifth Amendment privilege against self-incrimination, refused to answer any questions regarding the location of any assets of the Companies, including the assets identified on the Balance Sheet.

Arguments and Authorities

PROPOSITION I

MCKYE HAS VIOLATED THE TERMS OF THE APRIL 1, 2009 ORDER BY FAILING TO TURN OVER THE ASSETS OF MCKYE AND THE COMPANIES TO THE SPECIAL MASTER AND BY REFUSING TO IDENTIFY THE CURRENT LOCATION OF THE ASSETS

This Court's Order of April 1, 2009 specifically provides that all defendants "shall promptly deliver and surrender to Special Master ... all ... assets in the possession of or under the control of any one or more of them..." and that the Defendants shall "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 ..." McKye, by his willful failure to identify the present location of assets that would be available to pay investor claims herein, is in violation of this court's Order.

PROPOSITION II

ASSUMING MCKYE MAY ATTEMPT TO PROPERLY INVOKE A FIFTH AMENDMENT PRIVILEGE WITH RESPECT TO THE PRESENT LOCATION OF HIS ASSETS AND THE ASSETS OF THE COMPANIES, HE WAIVED THAT PRIVILEGE WHEN HE VOLUNTARILY DELIVERED THE BALANCE SHEET TO THE SPECIAL MASTER DISCLOSING THOSE ASSETS

The privilege against self-incrimination may be waived. *LeBlanc v. State*, 241 P.2d 134 (Okla. 1952); *Storer v. State*, 180 P. 2d 202 (Okla. 1947); *James v. State*, 78 P. 2d 708 (Okla.

1938). Assuming *arguendo* McKye has a Fifth Amendment privilege against self-incrimination with respect to his assets and the assets of the Companies, the privilege was voluntarily waived when McKye, in the presence of his attorney, delivered the Balance Sheet to Special Master.

WHEREFORE, the Special Master respectfully requests that the Court enter an Order (a) requiring that Brian McKye immediately turn over to Special Master the Property, (b) in the alternative, compelling Brian McKye to disclose to Special Master the present location of the Property, and (c) for such other and further relief as this Court deems just and proper.



STEPHEN J. MORIARTY (OBA #6410)
FELLERS, SNIDER, BLANKENSHIP,
BAILEY & TIPPENS, P.C.
100 North Broadway, Suite 1700
Oklahoma City, OK 73102
Phone: 405-232-0621
Fax: 405-232-9659
E-mail: smoriarty@fellerssnider.com

SPECIAL MASTER

NOTICE OF HEARING

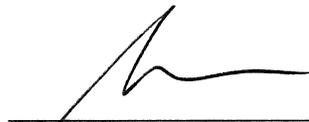
Please be advised that a hearing on the foregoing Motion has been set for 11:00
A.m. on the 10th day of December, 2009 before the Honorable Noma D. Gurich.

CERTIFICATE OF MAILING

This is to certify that on the 13th day of November, 2009, the foregoing was sent by U.S. Mail, first class, postage prepaid to:

Patricia A. Labarthe, Esq.
Jennifer Shaw, Esq.
Oklahoma Department of Securities
120 N. Robinson, Suite 860
Oklahoma City, OK 73102

Brian McKye
P.O. Box 957
Jay, OK 74346



Stephen J. Moriarty

506350.1

Balance Sheet

03/23/2009

ASSETS:

Cash on hand: (as of 01/15/09):	210,000.00
ACH's on hand (30days Wire):	428,000.00
Sure Lock Loans Receivables:	540,400.00
Global West Funding Receivables:	483,600.00

Equity:

Stores Net Income (2yrs):	574,800.00
GWF Net Income (2yrs):	237,500.00

Intellectual Property:

104 Domains (Cost Basis):	2,088.00
4 ADT Licenses (Cost Basis):	4,800.00
2 Producing Web sites (2yrs):	15,000.00
1 Cutmymortgage application (cost basis):	33,000.00
1 Processmart Choice Contract (cost basis):	38,000.00
28 Popular call 800 numbers (cost basis):	4,700.00

Licenses:

9 State Oklahoma Lending Licenses:	9,000.00
3 Money Gram Licenses:	1,900.00
3 FSS Software Licenses:	7,200.00

Personal Property:

1 1990 Bounder 40' (cost basis):	15,000.00
1 1996 Mini Winabago (Cost basis):	6,000.00
3 Trucks Fleet: (cost basis):	6,000.00
1 Caddy (cost basis):	1,800.00
1 Suburban (cost basis):	1,200.00

Real Estate:

2308 S Air Depot (cost basis):	138,000.00
54009 E 340 Rd (cost basis):	15,000.00

Aircraft:

1980 Grumman ALAB:	18,500.00
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Supplies:

Furniture & Fixtures (Store):	28,000.00
Furniture & Fixtures (Corporate):	41,900.00
9 "Credit cubbie" Machines (cost basis):	36,000.00
3 Studio Trailers (Cost Basis):	27,000.00
1 Display Trailer (Cost Basis):	4,700.00
1 Car Hauler (Cost Basis):	2,700.00
5 "Breezy Money" Machines:	35,000.00
Total:	2,764,780.00

EXHIBIT

tabler

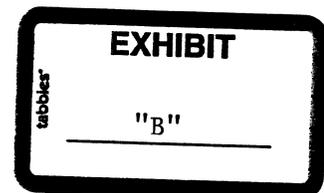
"A"

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

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

DEPOSITION OF BRIAN McKYE
TAKEN ON BEHALF OF THE PLAINTIFF
IN OKLAHOMA CITY, OKLAHOMA
ON OCTOBER 29, 2009

Reported by: MELISSA RAMES, CSR, RPR
WORD FOR WORD REPORTING, L.L.C.
100 NORTH BROADWAY AVENUE
SUITE 3250
OKLAHOMA CITY, OKLAHOMA 73102
(405) 232-9673



A P P E A R A N C E S

Appearing as Special Master:
Stephen J. Moriarty
Attorney at Law
100 North Broadway
Suite 1700
Oklahoma City, Oklahoma 73102

For the Plaintiff:
Jennifer Shaw
Attorney at Law
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102

S T I P U L A T I O N S

It is hereby stipulated and agreed by and between the parties hereto, through their respective attorneys, that the deposition of BRIAN McKYE may be taken on behalf of the Plaintiff on October 29, 2009, in Oklahoma City, Oklahoma, by Melissa Rames, a Certified Shorthand Reporter, pursuant to agreement.

It is further stipulated and agreed by and between the parties hereto, through their respective attorneys, that all objections, except as to the form of the question and the responsiveness of the answer, are reserved until the time of trial, at which time they may be made with the same force and effect as if made at the time of the taking of the deposition.

It is further stipulated and agreed by and between the parties hereto, through their respective attorneys, that the time of filing of this deposition is expressly waived.

* * * * *

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1 BRIAN McKYE,
2 of lawful age, being first duly sworn, deposes
3 and says in reply to the questions propounded
4 as follows:

5 * * * * *

6 **EXAMINATION**

7 BY MR. MORIARTY:

8 **Q Would you please state your name for**
9 **the record.**

10 A Brian McKye.

11 **Q And, Mr. McKye, you are appearing here**
12 **today pursuant to an order entered by the court**
13 **in this matter?**

14 A That is correct.

15 **Q Could you briefly describe for me your**
16 **educational background?**

17 A I have a high school education and
18 about a year and-a-half of college.

19 **Q When did you graduate from high**
20 **school?**

21 A 1982.

22 **Q And where was that?**

23 A Putnam City.

24 **Q And then a year and-a-half of college.**
25 **Where did you attend those classes?**

1 A Oklahoma Technical on Portland.
 2 **Q Was there any specific focus or major**
 3 **10 tied to those college courses?**
 4 A Yes. My major was landscape
 5 construction.
 6 **Q And during what period of time did you**
 7 **attend those classes?**
 8 A I believe immediately following high
 9 school.
 10 **Q So that would get us through about**
 11 **1984. Does that sound right?**
 12 A Yes, I believe so.
 13 **Q Can you describe for me your work**
 14 **experience from 1984 to the present?**
 15 A After leaving the Oklahoma Technical
 16 College, I started a company doing landscape
 17 construction, and that transitioned into a
 18 construction company that eventually became
 19 Global West Construction, and then Global West
 20 Construction became, you know, what we are
 21 adjudicating today, Global West Funding.
 22 **Q Let's just focus on the period from**
 23 **the landscaping to the transition to**
 24 **construction. Did you do business in a**
 25 **corporate form or did you do it as a sole**

1 **the legal entities in which you have an**
 2 **interest?**
 3 A Today?
 4 **Q Yes.**
 5 A I'm going to have to claim the Fifth
 6 on that.
 7 **Q Do you have an interest in Global West**
 8 **Funding?**
 9 A Yes.
 10 **Q Do you have an interest in Sure Lock**
 11 **Loans, LLC?**
 12 A I'm going to claim the Fifth on that.
 13 **Q Do you have an interest in Sure Lock**
 14 **Financial?**
 15 A Likewise, I'll claim the Fifth on
 16 that.
 17 **Q Do you have an interest in**
 18 **Processmart?**
 19 A I'll claim the Fifth on that.
 20 **Q Do you have an interest in Heritage**
 21 **Estate Services?**
 22 A I'll claim the Fifth on that.
 23 **Q Have you ever had your deposition**
 24 **taken before?**
 25 A Yes.

1 **proprietor in your own name?**
 2 A Almost always sole proprietor.
 3 **Q And that would have been true for the**
 4 **landscaping business and then for Global West**
 5 **Construction?**
 6 A Almost always an LLC or a sole
 7 proprietor.
 8 **Q And then when did you transition from**
 9 **construction to Global West Funding?**
 10 A I don't know.
 11 **Q Would it have been before or after the**
 12 **year 2000?**
 13 A Before.
 14 **Q When Global West Funding was started,**
 15 **what type of business was it --**
 16 A Hold on just a second.
 17 (The witness put a digital tape
 18 recorder on table.)
 19 We don't have to start over. Let's
 20 just continue on from where we're at.
 21 **Q Yeah, when Global West Funding was**
 22 **started, what type of business was it in?**
 23 A I'm going to have to claim the Fifth
 24 on that.
 25 **Q Can you give me the names of all of**

1 **Q Other than the one occasion in which**
 2 **it was taken in this case?**
 3 A Yes.
 4 **Q Describe for me those matters in which**
 5 **you gave deposition testimony.**
 6 A It was on a rental office space that I
 7 was occupying for Citizens Tower.
 8 **Q Were you a party in that action?**
 9 A The building sold and I was I forget
 10 whether the defendant or the plaintiff, but one
 11 of the two.
 12 **Q But you were a party?**
 13 A Yes, I was a party.
 14 **Q Was it a dispute between you and the**
 15 **landlord?**
 16 A Uh-huh. Yes.
 17 **Q Any other occasion on which you gave**
 18 **your deposition testimony?**
 19 A No, not known to me today.
 20 **Q Now, if I use the term "companies" so**
 21 **that we have a clear understanding, I'm going to**
 22 **be generally referring to the Global West**
 23 **entities and the Sure Lock entities, so if I**
 24 **use --**
 25 A Combined?

1 **Q Combined.**
 2 **Can we agree that at some point the**
 3 **companies became engaged in the payday loan**
 4 **business?**
 5 A No, they're separate entities.
 6 **Q Okay.**
 7 **Well, then tell me who was involved in**
 8 **the payday loan business.**
 9 A I'm going to have to claim the Fifth
 10 on that.
 11 **Q Can you tell me when the payday loan**
 12 **operations started?**
 13 A I don't know. Several years ago. I
 14 can't tell you exactly when.
 15 **Q Would it have been after 2005?**
 16 A I don't know.
 17 **Q At some point the payday loan**
 18 **operations were run through seven different**
 19 **locations. I'm going to go through location by**
 20 **location. Can you tell me when operations**
 21 **commenced at the 39th Street location?**
 22 A No, that is what you were asking, and
 23 I already answered, no, I don't know.
 24 **Q You have no idea when you started**
 25 **making loans --**

Page 10

1 A When they -- well, it wasn't just
 2 simply a start of a making a loan, it was when I
 3 was legally able to do so. I had to have a
 4 license in place at that store and so on and
 5 forth, and I can't tell you that.
 6 **Q And you can't even give me a year when**
 7 **that would have occurred?**
 8 A No. I mean, you have the records at
 9 this point.
 10 **Q How about the 10th Street store?**
 11 A Even worse on that one.
 12 **Q Rockwell?**
 13 A I don't know.
 14 **Q Midwest City?**
 15 A I don't know.
 16 **Q Grove?**
 17 A I don't remember.
 18 **Q Miami?**
 19 A No. I thought I would know on that
 20 one, but I don't.
 21 **Q Tulsa?**
 22 A No.
 23 **Q What was the source of the funding for**
 24 **the operations of the payday loan companies?**
 25 A I'm going to have to claim the Fifth

Page 11

1 on that.
 2 THE WITNESS: Are these for us?
 3 THE REPORTER: Yes.
 4 THE WITNESS: Can I have one?
 5 **Q (By Mr. Moriarty) You have represented**
 6 **yourself pro se in a number of hearings in this**
 7 **case; is that correct?**
 8 A That is correct.
 9 **Q And you have made, during the course**
 10 **of that representation, numerous statements to**
 11 **the court about these businesses and their**
 12 **profitability. Do you recall those statements**
 13 **generally?**
 14 A Generally.
 15 **Q Do you recall a statement along the**
 16 **lines that you had been in this business for**
 17 **approximately 16 years?**
 18 A I might have said that.
 19 **Q Do you recall statements that these**
 20 **businesses have always been profitable?**
 21 A No.
 22 **Q You don't recall that?**
 23 A Huh-uh.
 24 **Q Have these businesses always been**
 25 **profitable?**

Page 12

1 A I'm going to claim the Fifth on that.
 2 **Q I'm going to hand you an exhibit book.**
 3 **I'm going to refer to it from time to time. At**
 4 **this point could you turn to what's tabbed as**
 5 **Exhibit No. 1, which is a multi-page exhibit and**
 6 **a multidocument exhibit. I will represent to**
 7 **you that it is copies of parts of the bankruptcy**
 8 **filing for Brian McKye, case No. 03-19087 and**
 9 **for the Hughes Living Trust, case No. 03-19089.**
 10 **First, can you tell me what is the**
 11 **Hughes Living Trust?**
 12 **(Exhibit No. 1 was marked for**
 13 **identification and made a part of the**
 14 **record.)**
 15 A I'm going to claim the Fifth on that.
 16 THE REPORTER: I'm sorry. Are you
 17 saying Hughes?
 18 MR. MORIARTY: Hughes, H-u-g-h-e-s.
 19 **Q (By Mr. Moriarty) Do you have any**
 20 **interest in the Hughes Living Trust?**
 21 A I'm going to claim the Fifth on that.
 22 **Q If you can turn over in the exhibit,**
 23 **the first -- when we start picking up with the**
 24 **schedules in the case. They are 29 pages long**
 25 **and there is a notation at the top of the page**

Page 13

1 **page 1 of 29 through page 29 of 29.**
2 A I see it.
3 **Q Can you turn to page 3 of 29? Are you**
4 **with me?**
5 A I am there.
6 **Q Okay.**
7 A Schedule B.
8 **Q Yes, Schedule B, Personal Property,**
9 **question 12, "Stock and interests in**
10 **incorporated and unincorporated businesses.**
11 **Itemize." And then there is a list. Hug A**
12 **Homes LLC. What is Hug A Homes LLC?**
13 A I'm going to claim the Fifth on that.
14 **Q Wave Skate Park LLC. What is Wave**
15 **Skate Park LLC?**
16 A I'll claim the Fifth on that.
17 **Q First Prime Properties LLC. What is**
18 **that?**
19 A I'm going to claim the Fifth on that.
20 **Q Global West Funding LLC. What is**
21 **that?**
22 A That's my company.
23 **Q There's a value attached to your**
24 **interest in Global West Funding LLC of \$2,500.**
25 **How was that value arrived at?**

Page 14

1 **was that for?**
2 A I don't know.
3 **Q On page 1 is a debt to Academy**
4 **Collection for approximately \$7,500. What's**
5 **that for?**
6 A I don't recall.
7 **Q On the next collection -- the next**
8 **sheet, Alliance One, there's a claim for \$7,300.**
9 **Do you know that that's for?**
10 A No, I don't.
11 **Q Down further on that page, Arrow**
12 **Financial, approximately \$8,000. Do you know**
13 **what that's for?**
14 A Yes, \$7,900?
15 **Q Yeah. Do you know what that's for?**
16 A No, I don't know what that's for.
17 **Q Bottom of the page, Banc First of**
18 **Oklahoma City, approximately \$54,000. Do you**
19 **know what that's for?**
20 A I don't see it.
21 **Q Bottom of that page.**
22 A Oh, bottom of the same page?
23 **Q Yeah.**
24 A \$54,257.
25 **Q Yeah, do you know what that's for?**

Page 16

1 A I don't know.
2 **Q Abide Media LLC, do you have an**
3 **interest in that?**
4 A I'll claim the Fifth on that.
5 **Q Appleridge Apartment LLC, do you have**
6 **an interest in that?**
7 A I'll claim the Fifth on that.
8 **Q You can turn to the next page, page 4**
9 **of 29. Question 19, "Contingent and**
10 **noncontingent interests in estate of a decedent,**
11 **death benefit plan, life insurance policy, or**
12 **trust." The response that you gave is --**
13 **indicates that you have an interest in the**
14 **Hughes Living Trust, and I believe you've told**
15 **me that you're not going to tell me what that**
16 **interest is or what the Hughes Living Trust is;**
17 **is that correct?**
18 A Yes, I claim the Fifth on that.
19 **Q If you could turn to Schedule F. Kind**
20 **of lose the notations on the top of the page on**
21 **the page numbers, but Schedule F is a multi-page**
22 **schedule.**
23 A Okay. I'm there.
24 **Q 12 pages. On page 1 there's a debt**
25 **owing to ABC for approximately \$24,000. What**

Page 15

1 A No, I don't.
2 **Q Try and shortcut some of this. In the**
3 **12 pages it appears that there's approximately**
4 **\$750,000 of unsecured debt, the bulk of which**
5 **appears to be either credit cards or personal**
6 **loans. Is that a fair characterization of those**
7 **debts?**
8 A I don't know what the majority of the
9 debts were.
10 **Q Why did you have to file bankruptcy?**
11 A I believe it was because I just got
12 divorced.
13 **Q It wasn't because you had run up**
14 **\$750,000 of bills that you couldn't pay?**
15 A I don't really remember.
16 **Q Okay.**
17 **On page -- or sheet 7 of schedule F --**
18 **A Sheet 7.**
19 **Q Sheet 7. Sheets are numbered at the**
20 **bottom. Bottom left.**
21 A Okay.
22 **Q There's a claim for the Internal**
23 **Revenue Service for a little over \$90,000. Do**
24 **you know what that's for?**
25 A No.

Page 17

1 **Q Did you ultimately receive a discharge**
2 **in your case?**
3 A I'll claim the Fifth on that.
4 **Q I'll represent to you that it's a**
5 **matter of public record that you received a**
6 **discharge sometime in 2005.**
7 **When did you and the companies begin**
8 **raising money from private investors to fund the**
9 **operations of the companies?**
10 A I'll claim the Fifth on that.
11 **Q If you could turn to what's tabbed as**
12 **Exhibit No. 2 which is, again, a multi-page**
13 **exhibit. If you could flip those pages and tell**
14 **me if you can recognize or identify that**
15 **exhibit.**
16 **(Exhibit No. 2 was marked for**
17 **identification and made a part of the**
18 **record.)**
19 A What was your question?
20 **Q Do you recognize that exhibit?**
21 A I'll claim the Fifth on that.
22 **Q Who is Carl Hamilton?**
23 A I'll claim the Fifth on that.
24 **Q Do you know Mr. Hamilton to be a CPA?**
25 A I'll claim the Fifth on that.

Page 18

1 **Q But they don't appear on this balance**
2 **sheet, do they?**
3 A I don't know. I don't know where you
4 got this. I really don't know where you got
5 this.
6 **Q Doesn't matter where I got it. I**
7 **mean, it says what it says. Do you have any --**
8 A I didn't sign this.
9 **Q No, I understand. Can you tell me --**
10 A So I have no idea what you're
11 providing me to look over here.
12 **Q Okay.**
13 **For the tax year 2006 did you sign an**
14 **income tax return for the Hughes Living Trust?**
15 A I don't know.
16 **Q Do you know whether this Exhibit No. 2**
17 **formed the basis of the income tax return that**
18 **was filed for the year 2006 for the Hughes**
19 **Living Trust?**
20 A No, I don't.
21 **Q Do you know whether the income tax**
22 **return filed by the Hughes Living Trust signed**
23 **by you was a consolidated return that reported**
24 **the operations for the Global West entities and**
25 **the Sure Lock entities?**

Page 20

1 **Q Did Mr. Hamilton provide services to**
2 **you and/or these companies?**
3 A I'll claim the Fifth on that.
4 **Q When was the last year you personally**
5 **filed an income tax return?**
6 A I'll claim the Fifth on that.
7 **Q When was the last year that any of**
8 **these companies filed an income tax return?**
9 A I'll claim the Fifth on that.
10 **Q On page 1 of Exhibit 2, assets, there**
11 **is a listing for "Cash" in the amount of**
12 **\$788,872.18. As of December 31, 2006, did the**
13 **Hughes Living Trust have that amount of cash**
14 **available to it?**
15 A I'll claim the Fifth on that.
16 **Q The only other assets of the Hughes**
17 **Living Trust are furniture and equipment in the**
18 **amount of \$1,500 and equipment in the amount of**
19 **\$57,468.74. Did the Hughes Living Trust have**
20 **any other assets as of December 31, 2006?**
21 A I don't know.
22 **Q As of December 31, 2006, did the**
23 **Hughes Living Trust have any loans owing to it**
24 **either directly or indirectly?**
25 A I don't know.

Page 19

1 A What was your question?
2 **Q I said, do you know whether the 2006**
3 **income tax return prepared for Hughes Living**
4 **Trust signed by you represented --**
5 A No, I don't know. I don't know
6 whether that is the case.
7 **Q Okay.**
8 **Let's turn to page No. 2 of Exhibit 2.**
9 **Liabilities. Looks like there's a significant**
10 **payroll tax liability, approximately \$58,000.**
11 **Do you know what that was?**
12 A No, I don't.
13 **Q The other liabilities reported on this**
14 **balance sheet are lumped in under the line item,**
15 **"Notes Payable" in the amount of \$1,975,514.51.**
16 **Do you know what those notes payable are?**
17 A No, I don't.
18 **Q Are those notes payable to investors**
19 **who placed their money with you?**
20 A I have no idea.
21 **Q Let's turn to page 3 of Exhibit 2**
22 **which is a profit and loss statement for the**
23 **Hughes Living Trust. Total revenues for the**
24 **year 2006 of \$65,791.36. Do you know whether**
25 **that's true or not true?**

Page 21

1 A No, I don't know.
2 Q **Total operating expenses for the year**
3 **of just over \$1 million. Do you know whether**
4 **that's true?**
5 A Where do you see that?
6 Q **Down at the bottom of the page, "Total**
7 **Operating Expenses, \$1,054,985.21.**
8 A And your question was?
9 Q **Do you know whether that's true?**
10 A No, I don't.
11 Q **On a tax basis reported a loss of**
12 **right at \$1 million. Do you know whether that's**
13 **true?**
14 A I don't know if that's the actual
15 figure, no.
16 Q **Do you know whether that was the**
17 **figure included on the tax return for the Hughes**
18 **Living Trust for the tax year 2006?**
19 A No, I don't know.
20 Q **On that income and expense statement**
21 **under the "Operating Expenses," the second line**
22 **item is, "Contract Labor - Brian, \$36,000." Can**
23 **you give me any insight on that?**
24 A What do you mean?
25 Q **Were you paid \$36,000 by or through**

Page 22

1 **the Hughes Living Trust in the year 2006?**
2 A That's what this says.
3 Q **Well, I'm asking whether that's true**
4 **or not.**
5 A Well, I have no idea. You produced
6 these, I didn't.
7 Q **I'll represent to you that your**
8 **accountant produced them to me.**
9 A You're producing them tonight; right?
10 Q **Yes.**
11 A Today, right now.
12 Q **Yeah.**
13 A So I don't know.
14 Q **Okay.**
15 **If this information was contained and**
16 **formed the basis of the Hughes Living Trust tax**
17 **return for the year 2006 which was signed by**
18 **you, can you dispute any of these numbers, as we**
19 **sit here today?**
20 A Is this a hypothetical question?
21 Q **No, that's an actual question.**
22 A I don't know.
23 Q **Okay.**
24 **What were you personally doing to make**
25 **a living in 2006?**

Page 23

1 A Probably managing.
2 Q **Managing what?**
3 A Managing my employees.
4 Q **Your employees. Did you pay them**
5 **personally?**
6 A I'll have to claim the Fifth on that.
7 Q **You told me they were your employees.**
8 **You're not going to give me anything else on**
9 **that? You're just going to shut down and claim**
10 **the Fifth? That way I don't have to pursue that**
11 **line of questioning?**
12 A Your line of questioning was what?
13 Q **Who paid your employees?**
14 A Okay.
15 I'm claiming the Fifth on that.
16 Q **Okay.**
17 **Did you pay them personally from your**
18 **own funds?**
19 A I'll claim the Fifth on that.
20 Q **Who were your employees at that time?**
21 A I'll claim the Fifth on that.
22 Q **How many employees did you have at**
23 **that time?**
24 A I don't know.
25 Q **What type of business did you engage**

Page 24

1 **in?**
2 A I just answered that question.
3 Managing my employees.
4 Q **We're going around in a circle. What**
5 **did your employees do then?**
6 A I'll claim the Fifth on that.
7 Q **What experience do you have to run a**
8 **payday loan company?**
9 A I'll claim the Fifth on that.
10 Q **Let's go back to Exhibit 2, page 3.**
11 **On the "Operating Expense" column, about halfway**
12 **down there's a line item, "Interest Expense,"**
13 **\$152,221.07. Do you see that?**
14 A No. Oh, yes.
15 Q **Do you know what that's for?**
16 A No, I don't.
17 Q **Do you know whether that represents**
18 **the amount that you returned to your investors**
19 **in the form of interest on their notes?**
20 A I don't know.
21 Q **Let's turn to Exhibit No. 3. Can you**
22 **identify Exhibit No. 3?**
23 **(Exhibit No. 3 was marked for**
24 **identification and made a part of the**
25 **record.)**

Page 25

1 A Okay. I see it.
 2 Q Okay.
 3 Can you tell me what it is?
 4 A What do you mean?
 5 Q Did you prepare Exhibit No. 3?
 6 A I don't know.
 7 Q Did you give Exhibit No. 3 to me on or
 8 about the 1st of April of this year, 2009?
 9 A I will claim the Fifth on that.
 10 Q Is the information contained on
 11 Exhibit No. 3 true and correct?
 12 A I don't know.
 13 Q About halfway down there's a category
 14 for "Personal Property." The first item, a 1990
 15 Bounder 40-foot." What is that?
 16 A I'll claim the Fifth on that.
 17 Q Do you presently have possession of
 18 the 1990 Bounder 40-foot?
 19 A I'll claim the Fifth on that.
 20 Q Do you presently know the location of
 21 the 1990 Bounder 40-foot?
 22 A I'll claim the Fifth on that.
 23 Q Do you understand that I have been
 24 appointed by the court as a receiver for these
 25 companies to take possession of the assets of

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1 these companies so that they can be sold for the
 2 benefit of the investors? Do you understand
 3 that?
 4 A Yes.
 5 Q And you're not going to tell me
 6 anything about this asset; is that correct?
 7 A I'm going to claim the Fifth on that.
 8 Q 1996 Mini Winnebago. Do you presently
 9 have possession of that Winnebago?
 10 A I'm going to claim the Fifth on that.
 11 Q Do you presently know the location of
 12 that Winnebago?
 13 A I'll claim the Fifth on that.
 14 Q Next line item, 3 Trucks Fleet. Do
 15 you presently have possession of the three
 16 trucks?
 17 A I'll claim the Fifth on that.
 18 Q Do you presently know the location of
 19 any of the three trucks?
 20 A I'll claim the Fifth on that.
 21 Q Next line item, "1 Caddy," \$1,800. Is
 22 that the Cadillac that's in the parking lot at
 23 2000 Northwest 39th?
 24 A I'll claim the Fifth on that.
 25 Q Next line item, "1 Suburban." Is that

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1 the Suburban located at the 2000 Northwest 39th
 2 location?
 3 A I don't know.
 4 Q Do you presently have possession of
 5 either the Caddy or the Suburban?
 6 A I'll claim the Fifth on that.
 7 Q Next category, "Real Estate." The
 8 piece of property listed at 54000 East 340 Road,
 9 cost basis, \$15,000. Where is that property
 10 located?
 11 A I'll claim the Fifth on that.
 12 Q Do you presently use that property?
 13 A I'll claim the Fifth on that.
 14 Q When was that property purchased?
 15 A I'll claim the Fifth on that.
 16 Q Who paid for the property?
 17 A I'll claim the Fifth on that.
 18 Q Next asset, "Aircraft. 1980 Grumann
 19 AIAB," \$18,000. Where is that airplane located?
 20 A I'll claim the Fifth on that.
 21 Q Do you have possession and control of
 22 the aircraft at this time?
 23 A I'll claim the Fifth on that.
 24 Q Do you have possession of the flight
 25 books and maintenance records for the aircraft

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1 at this time?
 2 A I'll claim the Fifth on that.
 3 Q When was the last time you flew the
 4 airplane?
 5 A I'll claim the Fifth on that.
 6 Q If I was to make inquiry of you of any
 7 of the assets of these companies or of you
 8 personally, would you also invoke your Fifth
 9 Amendment privilege?
 10 A I don't know. Ask.
 11 Q Okay. The number of questions just
 12 went up.
 13 Under "Supplies. 9 'Credit cubbie'
 14 machines, cost basis, \$36,000." What are those
 15 Credit Cubbie machines?
 16 A I'll claim the Fifth on that.
 17 Q Where are they located?
 18 A I'll claim the Fifth on that.
 19 Q Do you have possession and/or control
 20 of any of those machines?
 21 A I'll claim the Fifth on that.
 22 Q "5 'Breezy Money' machines" valued at
 23 \$35,000. Where are they located?
 24 A I'll claim the Fifth on that.
 25 Q What are they?

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1 A What are what?
2 Q **Breezy Money machines?**
3 A I'll claim the Fifth on that.
4 Q **Do you have possession and control of**
5 **those machines at this time?**
6 A I'll claim the Fifth on that.
7 Q **Are you presently employed?**
8 A I'll claim the Fifth on that.
9 Q **Are you presently attempting to raise**
10 **money from third party sources?**
11 A I'll claim the Fifth on that.
12 Q **Have you contacted any individuals**
13 **about the ability to invest in your business**
14 **ventures in the future?**
15 A I'll claim the Fifth on that.
16 Q **Have you contacted any individual**
17 **offering or discussing potential employment with**
18 **you and/or your future business ventures?**
19 A I'll claim the Fifth on that.
20 Q **Did you, through Global West, raise**
21 **money from individual third party investors?**
22 A Could you repeat that?
23 Q **Did you, through Global West, raise**
24 **money from individual third party investors?**
25 A I'll claim the Fifth on that.

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1 Q **Did Global West use the proceeds from**
2 **money received from investors to fund the**
3 **business operations of the companies including**
4 **the Sure Lock loan companies?**
5 A You're asking did Global West fund
6 Sure Lock?
7 Q **Yeah.**
8 A I'll claim the Fifth on that.
9 Q **Turn to Exhibit No. 4, pages 2 and 3**
10 **of that exhibit. Towards the bottom of the page**
11 **there appears to be a signature, Brian McKye.**
12 **Is that your signature?**
13 **(Exhibit No. 4 was marked for**
14 **identification and made a part of the**
15 **record.)**
16 A Which page?
17 Q **Pages 2 and 3. I'm sorry. Pages 3**
18 **and 4.**
19 A I'll plead the Fifth on that.
20 Q **As of June 2008, did you have an**
21 **interest -- you personally have an interest in**
22 **Global West Financial LLC?**
23 A I'm sorry. Would you say that again?
24 Q **In June 2008, did you personally have**
25 **an interest in Global West Financial LLC?**

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1 A Yes.
2 Q **What was that interest?**
3 A What do you mean?
4 Q **Was it an ownership interest?**
5 A LLC's don't have owners.
6 Q **Was it a membership interest?**
7 A I'm going to claim the Fifth on that.
8 Q **You have an interest. Describe for me**
9 **what the interest was.**
10 A I'll claim the Fifth on that.
11 Q **Just so we're clear -- we need to make**
12 **this clear for the record. You're telling me**
13 **that you have an interest in Global West**
14 **Financial LLC, but you are invoking your Fifth**
15 **Amendment privilege in terms of describing for**
16 **me what that interest was; is that right?**
17 A Precisely.
18 Q **Did any business in which you had a**
19 **interest directly or indirectly ever do business**
20 **in the state of Florida?**
21 A I'll claim the Fifth on that.
22 Q **Did you or any business in which you**
23 **had an interest directly or indirectly ever**
24 **maintain an office at 2728 Northeast 5th Avenue,**
25 **Cape Coral, Florida?**

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1 A I'll claim the Fifth on that.
2 Q **Are you familiar with an individual by**
3 **the name of Joe Don Johnson?**
4 A I am.
5 Q **How do you know Mr. Johnson?**
6 A He's a friend.
7 Q **When did you first meet Mr. Johnson?**
8 A I don't remember.
9 Q **Did you and Mr. Johnson ever have a**
10 **business relationship?**
11 A I'm going to claim the Fifth on that.
12 Q **Are you familiar with an entity by the**
13 **name of Heritage Estate Service LLC?**
14 A Yes.
15 Q **And how do you know that entity?**
16 A How do I know the entity?
17 Q **How did you come to know that entity,**
18 **yes.**
19 A I believe Joe Don is the president of
20 it.
21 Q **What type of business is Heritage**
22 **engaged in?**
23 A Well, that's a third party. I don't
24 know.
25 Q **Did you ever do business with**

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1 **Heritage?**
2 A I'll claim the Fifth on that.
3 **Q Did you ever pay Heritage's bills?**
4 A I'll claim the Fifth on that.
5 **Q Did you ever buy accounts from**
6 **Heritage?**
7 A I'll claim the Fifth on that.
8 **Q If you'll turn to Exhibit No. 6. It**
9 **appears to be a check written on the account of**
10 **TW Goldmade, one word, G-o-l-d-m-a-d-e, on Bank**
11 **of America check No. 101203 dated November 24,**
12 **2006, payable to Bartholomew Realtors in the**
13 **amount of \$1,000. Do you recognize the**
14 **signature on that check, Mr. McKye?**
15 **(Exhibit No. 6 was marked for**
16 **identification and made a part of the**
17 **record.)**
18 A No.
19 **Q Is that your signature?**
20 A I don't know.
21 **Q The notation bears the words, "earnest**
22 **money." Can you tell me anything about this**
23 **check?**
24 A No, I have no idea.
25 **Q Exhibit No. 7, TW Goldmade check drawn**

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1 **on Bank of America, check No. 100791, Century 21**
2 **Rinker Agency, \$9,650. Is that your signature**
3 **on that check?**
4 **(Exhibit No. 7 was marked for**
5 **identification and made a part of the**
6 **record.)**
7 A I'm going to plead the Fifth on that.
8 **Q There is a notation which appears to**
9 **be at least part of a legal description,**
10 **"Township 25 North, Range 23 East of," and then**
11 **I can't read the writing after that. Does that**
12 **mean anything to you?**
13 A No.
14 **Q You don't know anything about the**
15 **property that was purchased with this check?**
16 A I don't remember.
17 **Q Do you know whether it's an asset of**
18 **any of these companies?**
19 A I don't remember the check.
20 **Q That wasn't the question I asked you.**
21 **The piece of property purchased with**
22 **this check, do you know it to be an asset of any**
23 **of these companies?**
24 A No.
25 **Q It's not or you don't know whether**

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1 **it's not?**
2 A I don't know whether it is or not.
3 **Q Okay.**
4 **Let's flip over to Exhibit No. 8 which**
5 **is a multi-page exhibit. Checking account**
6 **statements for Global West Funding's account at**
7 **Bank of America, and I have highlighted various**
8 **portions of that -- for those account**
9 **statements, and I'm going to ask you some**
10 **questions about them.**
11 **If you could turn to the account**
12 **statement for August 2006.**
13 **(Exhibit No. 8 was marked for**
14 **identification and made a part of the**
15 **record.)**
16 A What page is that?
17 **Q If you notice at the top right it will**
18 **say, "statement period," the first statement**
19 **being July of 2006.**
20 A I see.
21 **Q And if we can go to the August of 2006**
22 **statement. Are you with me? And then page 3 --**
23 **A Yes.**
24 **Q Page 3 of 4 of that statement. The**
25 **highlighted item is posted August 22, \$7,861.36,**

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1 **cash withdrawal. Can you tell me anything about**
2 **that?**
3 A I'm going to claim the Fifth on that.
4 **Q Were you a signer on this bank**
5 **account?**
6 A I'm going to claim the Fifth on that.
7 **Q Did you engage in numerous and**
8 **extensive cash transactions on these bank**
9 **accounts?**
10 A I'll claim the Fifth on that.
11 **Q And if I were to ask you about what**
12 **was done with any of the cash withdrawn from**
13 **these accounts through these transactions, would**
14 **you also invoke your Fifth Amendment privilege?**
15 A I don't know. Ask.
16 **Q Turn over to the July 2007 statement.**
17 A I beg your pardon?
18 **Q July 2007 statement.**
19 A Oh, this is a very thick document.
20 **Q Yep.**
21 **Page 2 of 4 of the July 2007**
22 **statement.**
23 A July 2?
24 **Q I'm sorry. I'm sorry. January.**
25 **A January of '07?**

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1 Q Yes. I'm sorry.
2 A I'm there.
3 Q Page 2 of 4, and then on page 3 of 4
4 there's two cash withdrawals, one in the amount
5 of \$1,700 on January 25th and another for \$1,000
6 on January 30th. Can you tell me anything about
7 those cash withdrawals?
8 A No, sir, I cannot.
9 Q Do you know whether you personally
10 withdrew those amounts in cash?
11 A No, I don't.
12 Q There's a notation on each one of
13 these cash withdrawals just to the right on the
14 second line, number sign, "0008326 OK." Does
15 that mean anything to you?
16 A No, that does not.
17 Q The March 2007 statement.
18 A Okay. I'm there.
19 Q Page 3 of 4.
20 A I'm there.
21 Q The March 12th entry, \$55,682.27,
22 "Counter Debit." Can you explain that to me?
23 A No, I don't know what that would have
24 been.
25 Q Do you know whether you personally

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1 engaged in that transaction?
2 A No, I don't.
3 Q The item right underneath it,
4 March 15, \$12,000 cash withdrawal. Do you know
5 anything about that transaction?
6 A In 2007?
7 Q Yeah.
8 A No. No, I don't recall what that
9 12,000 was for or the 1,000 below it.
10 Q Would it have been regular practice
11 for you to send your employees to the bank to
12 withdraw these large sums of cash?
13 A Yes, often.
14 Q And then what was the cash used for?
15 A It may have been to fund a loan.
16 Q To fund a loan. Describe for me that.
17 A For example, if the check was being
18 cashed from one bank and the funds needed to
19 move literally that day to bank B then I would
20 simply execute a phone call to the manager of
21 the bank and say please cut such and such the
22 cash.
23 Q So you would do that in cash as
24 opposed to a wire or a cashier's check?
25 A The bank was right down the street.

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1 Q And you felt comfortable --
2 A Having my employees carry --
3 Q -- having your employees carry these
4 large sums of cash?
5 A They weren't that large. They weren't
6 that large, really.
7 Q 55,682.27?
8 A In a cashier's check. I mean, when
9 we're getting it out we're not getting cash
10 cash. It would be in a cashier's check.
11 Q The 12,000 right underneath it, cash
12 withdrawal. That's a cash withdrawal. That's
13 \$12,000 in cash that you're telling me --
14 A It doesn't necessarily that she or he
15 or whoever I sent didn't get a money order.
16 That just simply means that the cash was
17 withdrawn from the account.
18 Q Okay.
19 Why didn't you just get a cashier's
20 check on that account?
21 A It's a two-fold transaction.
22 Q Or a wire?
23 A It's a two-fold transaction.
24 Q Okay. What --
25 A You first withdraw the funds, then you

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1 buy the money order or the certificate of, you
2 know --
3 Q You told me earlier --
4 A Certified check. Excuse me.
5 Q I'm sorry. I didn't mean to talk over
6 you.
7 You said that these cash transactions
8 would be necessary from time to time to fund a
9 loan. What does that mean?
10 A We do mortgages.
11 Q Okay. You personally did mortgages?
12 A I'm going to claim the Fifth on that.
13 Q Can you describe for me any of these
14 loan fundings that you just described in terms
15 of who the borrower was, when the loan would
16 have been made, if there's a mortgage, where it
17 would have been recorded?
18 A Since I don't remember these
19 transactions it's difficult, if not impossible,
20 to describe that transaction to you.
21 Q Let's turn over to the April 2007
22 statement, page 2 of 4. April 2, cash
23 withdrawal, \$12,500. Can you tell me anything
24 about that?
25 A No.

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1 Q April 3, cash withdrawal, \$6,850 cash
2 withdrawal. Can you tell me anything about
3 that?
4 A 6,850?
5 Q Yeah, 6,850?
6 A No. No, I don't.
7 Q Turn over to the next page,
8 April 13th, cash withdrawal, \$1,904. Can you
9 tell me anything about that?
10 A Well, it's awful close to the 15th.
11 It might have been for payroll taxes. Two days
12 after that is April 14, April 15th, so it might
13 have been for that. The other transaction for
14 4/20, I don't know what that is.
15 Q \$3,070.
16 A Yes.
17 Q And you're guessing on the April 13th
18 transaction.
19 A Correct.
20 Q Let's turn over to the May statement,
21 page 2 of 4. May 11th, cash withdrawal \$19,200.
22 Can you tell me anything about that?
23 A No, I don't know what that is.
24 Q June statement, June 2007, page 3 of
25 4. June 22, counter debit, \$24,500. Can you

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1 tell me anything about that transaction?
2 A No, I don't know what that would have
3 been.
4 Q Are you presently the signator on any
5 bank accounts?
6 A I'll claim the Fifth on that.
7 Q Do you personally maintain a bank
8 account?
9 A I'll claim the Fifth on that.
10 Q Let's flip over to Exhibit No. 9.
11 I will represent to you that Exhibit No. 9 are
12 copies of checks on the TW Goldmade account at
13 Bank of America, all of which appear to be for
14 cash. The first page of Exhibit 9, cash,
15 \$1,500. Is that your signature?
16 (Exhibit No. 9 was marked for
17 identification and made a part of the
18 record.)
19 A On which one?
20 Q The first page, Exhibit 9.
21 A I'll claim the Fifth on that.
22 Q There's a notation, "H. Hendrick."
23 Does that mean anything to you?
24 A I'll claim the Fifth on that.
25 Q The next check, cash, Debi Johnson,

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1 \$3,500. Who's Debi Johnson?
2 A I'll claim the Fifth on that.
3 Q Is that your signature on that check?
4 A I'll claim the Fifth on that.
5 Q Next check, cash, Debi Johnson,
6 \$1,600. Is that your signature?
7 A I'll claim the Fifth on that.
8 Q Do you know what any of this cash
9 would have been used for?
10 A That doesn't look like my signature.
11 Q That wasn't my question. Do you know
12 what any of this cash would have been used for?
13 A That was your question a moment ago,
14 does that look like your signature? Look at the
15 two signatures. Look at the one before it and
16 the one after. That does not look like the same
17 signature.
18 Q Did you review the bank account
19 statements on a regular basis as the manager of
20 these businesses?
21 A I'll claim the Fifth on that.
22 Q If you would have noted in such a
23 review that a check had cleared the bank that
24 did not bear your signature, would you have
25 taken that matter up with the bank?

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1 A I'll claim the Fifth on that.
2 Q How much cash was kept -- well, strike
3 that.
4 Where did you spend the bulk of your
5 time managing these businesses. In what office?
6 A I don't know. I bounced around all
7 the offices.
8 Q So from time to time you would be in
9 all of the offices at any given point in time.
10 A Exactly.
11 Q Were there policies and procedures in
12 place in terms of how much cash was maintained
13 at these offices?
14 A I don't believe we had a written
15 policy.
16 Q Did it ever concern you that maybe
17 there was too much cash being maintained at some
18 of these offices?
19 A No.
20 Q If cash was there, where -- let's
21 focus on the 39th Street store because it's the
22 one I'm most familiar with.
23 If somebody went to the bank and got
24 \$10,000 of cash and brought it back, where would
25 it go?

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1 A Oh, my goodness. I'll have to claim
2 the Fifth on that.
3 **Q Several pages in there's a TW Goldmade**
4 **check No. 102952.**
5 A How many pages in?
6 **Q It is five pages in.**
7 A After the fifth one -- actually the
8 sixth one or the fifth one?
9 **Q The fifth one.**
10 A Okay.
11 **Q Made out to cash, Brandi Pease,**
12 **P-e-a-s-e, for \$1,600. Who's Brandi Pease?**
13 A I'll claim the Fifth on that.
14 **Q There was a notation on the check,**
15 **"Solutions, Inc." What is Solutions, Inc.?**
16 A I'll claim the Fifth on that.
17 **Q Is Solutions, Inc., an entity in which**
18 **you have an interest, direct or indirect?**
19 A I'll claim the Fifth on that.
20 **Q Is that your signature that appears on the**
21 **that check?**
22 A I'll claim the Fifth on that.
23 **Q The next page, TW Goldmade check No.**
24 **102754, cash, made out to Hind Daifi, \$3,000.**
25 **Is that your signature that appears on the**

1 **Q I'm sorry if I've asked this question.**
2 **Was Ms. Lindsey an employee of the companies?**
3 A I'll claim the Fifth on that.
4 **Q Next check, cash, Hind Daifi, \$1,500.**
5 **Is that your signature on the check?**
6 A I'll claim the Fifth on that.
7 **Q Again, the notation,**
8 **"Solutions-payable," does that mean anything to**
9 **you?**
10 A No, it looks like "payroll."
11 **Q Okay. Could be.**
12 **Was TW Goldmade funding the payroll of**
13 **Solutions, Inc.?**
14 A I'm just reading that off the page.
15 **Q I'm asking the question. Was TW**
16 **Goldmade --**
17 A I don't know.
18 **Q -- funding the payroll of Solutions,**
19 **Inc.?**
20 **Did any of these companies have a**
21 **business relationship with Solutions, Inc.?**
22 A I'll claim the Fifth on that.
23 **Q Next check, cash, Hind Daifi, \$2,500.**
24 **Was that your signature on that check?**
25 A I'll claim the Fifth on that.

1 **check?**
2 A Once again, look at that page and the
3 one before it. That is not the same signature.
4 **Q So are you denying that that's your**
5 **signature?**
6 A I'm just stating what it looks like.
7 It looks like that's not the same signature.
8 **Q Who's Hind Daifi?**
9 A I'll claim the Fifth on that.
10 **Q Was she an employee of these**
11 **companies?**
12 A I'll claim the Fifth on that.
13 **Q Were you married to Ms. Daifi at one**
14 **point?**
15 A I'll claim the Fifth on that.
16 **Q In the notation, I can't make it out,**
17 **"TR" something, does that mean anything to you?**
18 A I'll claim the Fifth on that.
19 **Q Next page, cash, Nancy Lindsey,**
20 **L-i-n-d-s-e-y, \$7,000. Is that your signature**
21 **on the check?**
22 A I'll claim the Fifth on that.
23 **Q The notation bears the words, "payroll**
24 **expense." Does that mean anything to you?**
25 A I'll claim the Fifth on that.

1 **Q Bears the notation, "Payroll." Does**
2 **that mean anything to you?**
3 A No.
4 **Q Next check, cash, Hind Daifi, \$1,600.**
5 **Is that your signature on the check?**
6 A I'll claim the Fifth on that.
7 **Q That bears the notation, "Solutions**
8 **Inc." Does that mean anything to you?**
9 A I'll claim the Fifth on that.
10 **Q Next check, cash, Echo Ladshoff,**
11 **L-a-d-s-h-o-f-f, for \$1,600. Is that your**
12 **signature on the check?**
13 A I'll claim the Fifth on that.
14 **Q Who's Echo Ladshoff?**
15 A I'll claim the Fifth on that.
16 **Q Next check, cash, Hind Daifi, \$7,600.**
17 **MR. MORIARTY: Daifi is spelled**
18 **D-a-i-f-i.**
19 **Q (By Mr. Moriarty) Is that your signature**
20 **on the check?**
21 A I'll claim the Fifth on that.
22 **Q That bears the notation, "Payroll."**
23 **Does that mean anything to you?**
24 A I'll claim the Fifth on that.
25 **MR. MORIARTY: Hind is spelled**

1 H-i-n-d.
2 **Q (By Mr. Moriarty) Next check, cash, Debi**
3 **Johnson, \$8,000. Is that your signature on the**
4 **check?**
5 A I'll claim the Fifth on that.
6 **Q Bears the notation, "Payroll." Does**
7 **that mean anything to you?**
8 A I'll claim the Fifth on that.
9 **Q Next check, cash, Debi --**
10 **MR. MORIARTY: And Debi is spelled**
11 **D-e-b-i.**
12 **Q (By Mr. Moriarty) -- Johnson, \$1,600. Is**
13 **that your signature on the check?**
14 A I'll claim the Fifth on that.
15 **Q Bears the notation, "H" looks like**
16 **Hendrix, H-e-n-d-r-i-x. Does that mean anything**
17 **to you?**
18 A I'll claim the Fifth on that.
19 **Q Was Mr. Hendrix an employee of the**
20 **companies?**
21 A I'll claim the Fifth on that.
22 **Q Next check, Brian McKye-petty cash,**
23 **\$4,000. Is that your signature?**
24 A I'll claim the Fifth on that.
25 **Q Do you know what this \$4,000 would**

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1 **have been used for?**
2 A No.
3 **Q Next check, Brian McKye, \$2,000. Is**
4 **that your signature?**
5 A I'll claim the Fifth on that.
6 **Q Bears the notation, "Sure Lock**
7 **capital." Does that mean anything to you?**
8 A No.
9 **Q Next check, Brian McKye, \$8,000. Is**
10 **that your signature on the check?**
11 A I'll claim the Fifth on that.
12 **Q Bears the notation, "Payroll." Does**
13 **that mean anything to you?**
14 A No.
15 **Q Next check, Brian McKye, \$12,000. Is**
16 **that your signature on the check?**
17 A I'll claim the Fifth on that.
18 **Q Bears the notation, "Payroll." Does**
19 **that mean anything to you?**
20 A No.
21 **Q Next check, Brian McKye, \$1,500. Is**
22 **that your signature on the check?**
23 A I'll claim the Fifth on that.
24 **Q Next check, another check for \$1,500,**
25 **Brian McKye, is that your signature on the**

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1 **check?**
2 A I'll claim the Fifth on that.
3 **Q Let's turn over to Exhibit No. 10.**
4 **Did your companies do business with Heritage**
5 **Estate Service?**
6 **(Exhibit No. 10 was marked for**
7 **identification and made a part of the**
8 **record.)**
9 A I'll claim the Fifth on that.
10 **Q Did your companies purchase accounts**
11 **from Heritage Estate Service?**
12 A I'll claim the Fifth on that.
13 **Q Exhibit No. 10 is a check on the TW**
14 **Goldmade account of Bank of America, check No.**
15 **100904 dated August 3, 2006, payable to Heritage**
16 **Estate for \$20,697.67. Is that your signature**
17 **on the check?**
18 A I don't know.
19 **Q The notation, it looks like, "Trusts."**
20 **Can you explain to me what that means?**
21 A No.
22 **Q On the bottom half of the page is a**
23 **copy of the back half of the check. It appears**
24 **to be endorsed by Joe Don Johnson. Do you**
25 **recognize that signature?**

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1 A No, I don't.
2 **Q Exhibit No. 11, check, TW Goldmade**
3 **account at Bank of America, check No. 100922**
4 **payable to Heritage Estate Services for**
5 **\$14,131.35. Is that your signature, Mr. McKye?**
6 **(Exhibit No. 11 was marked for**
7 **identification and made a part of the**
8 **record.)**
9 A I'll claim the Fifth on that.
10 **Q The notation appears to read,**
11 **"Trusts," and then in parentheses, "July,"**
12 **closed parentheses, "final." Can you explain to**
13 **me what that means?**
14 A No, I don't know.
15 **Q If I was to make inquiry from you**
16 **about business dealings between your companies**
17 **and Heritage wherein they acquired accounts from**
18 **Heritage, would you invoke your Fifth Amendment**
19 **privilege in response to any questions I may ask**
20 **about those relationships?**
21 A Depends on the question.
22 **Q Okay.**
23 **Between Exhibits 10 and 11 it looks**
24 **like \$35,000 went to Heritage Estate from --**
25 A Between 10 and 11?

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1 **Q** Between Exhibits 10 and 11, yes, in
2 round numbers about \$35,000 was transferred from
3 TW Goldmade to Heritage Estate in an 11-day
4 period. \$35,000 is a lot of money to me. Can
5 you describe for me what the consideration was
6 for the payment by TW Goldmade of this
7 approximately \$35,000 during this period of
8 time?
9 A No, I don't know what that would have
10 been.
11 **Q** You have no idea?
12 A No. It was three years and four
13 months ago, and I have no idea what it was.
14 **Q** I will represent to you that it
15 appears that there was over \$1 million paid by
16 your companies to Heritage Estate over a
17 three-year period of time. Can you describe for
18 me the consideration for any of those transfers?
19 A No. I'll claim the Fifth.
20 **Q** Exhibit No. 12. It's a multi-page
21 exhibit, copies of checks attached. I will
22 represent to you that it appears that all of
23 these are checks on TW Goldmade's account to
24 various media outlets to pay, at least based on
25 the check notations, for television and/or radio

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1 advertising. Did your companies solicit the
2 services of various media outlets to run
3 advertising for the companies?
4 (Exhibit No. 12 was marked for
5 identification and made a part of the
6 record.)
7 A I'll claim the Fifth on that.
8 **Q** Let's look at page No. 1 of Exhibit
9 12. TW Goldmade account at Bank of America,
10 check No. 101069.
11 A Which exhibit?
12 **Q** Exhibit 12, first page.
13 A Okay.
14 **Q** Payable to KOTV in the amount of
15 \$1,275 dated May 3rd of 2007. Is that your
16 signature on the check?
17 A I'll claim the Fifth on that.
18 **Q** The notation indicates that it is for,
19 "Heritage May 2007." Does that mean anything to
20 you?
21 A No.
22 **Q** Was TW Goldmade paying for the
23 advertising expenses incurred by Heritage Estate
24 Service?
25 A I'll claim the Fifth on that.

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1 **Q** Next page TW Goldmade check No. 101065
2 payable to KAUT 43.
3 A I'm there.
4 **Q** Bears the notation, "5/5 through 6/907
5 Heritage." Can you explain to me that notation?
6 A No.
7 **Q** Is that your signature on the check?
8 A I'll claim the Fifth on that.
9 **Q** Was TW Goldmade paying the bills of
10 Heritage?
11 A I'll claim the Fifth on that.
12 **Q** Next page TW Goldmade check No.
13 101026, \$2,550 payable to KWTW-9. The notation
14 indicates it's 5/12 through 5/26/07 Heritage."
15 Does that notation mean anything to you?
16 A No, it does not.
17 **Q** Is that your signature on the page?
18 A I'll claim the Fifth on that.
19 **Q** Was TW Goldmade paying the expenses
20 incurred by Heritage at KWTW-9?
21 A I'll claim the Fifth on that.
22 **Q** Next page. TW Goldmade check No.
23 101028 payable to KMYT 41 in Tulsa, Oklahoma, in
24 the amount of \$2,040. Is that your signature on
25 the check?

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1 A I'll claim the Fifth on that.
2 **Q** The notation 5/1 through 5/27/07
3 Heritage help." Does that mean anything to you?
4 A No.
5 **Q** Was TW Goldmade paying expenses
6 incurred by Heritage Estate Services?
7 A I'll claim the Fifth on that.
8 **Q** Next page, TW Goldmade check No.
9 100859 in the amount of \$5,100 payable to
10 KWTW-9. Is that your signature on the check?
11 A I'll claim the Fifth on that.
12 **Q** The notation, "Heritage 4/7 through
13 4/28," does that mean anything to you?
14 A No.
15 **Q** Was TW Goldmade paying expenses
16 incurred by Heritage at KWTW-9?
17 A I'll claim the Fifth on that.
18 **Q** Next page, TW Goldmade check No.
19 100849 payable to KMYT 41 in the amount of
20 \$2,550. Is that your signature on the check?
21 A I'll claim the Fifth on that.
22 **Q** The notation, "Heritage help," and
23 then in parentheses, "5 weeks," does that
24 notation mean anything to you?
25 A I'll claim the Fifth on that.

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1 **Q Was TW Goldmade paying the expenses**
2 **incurred by Heritage Estate Service?**
3 A I'll claim the Fifth on that.
4 **Q In the course of your managing these**
5 **businesses, did these companies ever produce any**
6 **TV commercials?**
7 A I'll claim the Fifth on that.
8 **Q During the course of your management**
9 **of these businesses, did your companies ever**
10 **produce television advertising for the benefit**
11 **of Heritage Estate Service?**
12 A I'll claim the Fifth on that.
13 **Q Did you have any employees that were**
14 **specifically dedicated to marketing and**
15 **advertising of these businesses?**
16 A I'll claim the Fifth on that.
17 **Q And if I were to ask you who they**
18 **were, you would similarly invoke your Fifth**
19 **Amendment privilege?**
20 A Are you asking the question?
21 **Q Who are they?**
22 A I'll claim the Fifth on that.
23 **Q Okay.**
24 **Turn over to the next page, please.**
25 **TW Goldmade check No. 100848 in the amount of**

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1 **\$837.50 payable to KOKI Fox 23. Is that your**
2 **signature on the check?**
3 A I'll claim the Fifth on that.
4 **Q And in the notation it indicates,**
5 **"Heritage help" in parentheses, "5 weeks." Does**
6 **that notation mean anything to you?**
7 A I'll claim the Fifth on that.
8 **Q Was TW Goldmade paying expenses**
9 **incurred by Heritage through KOKI Fox 23?**
10 A I'll claim the Fifth on that.
11 **Q Next page, TW Goldmade check No.**
12 **100683 payable to KAUT 43 in the amount of**
13 **\$7,820. Is that your signature on the check?**
14 A I'll claim the Fifth on that.
15 **Q In the notation it indicates the**
16 **following, "Surelock \$4,060" and "HH \$3,060,"**
17 **and then handwritten, "March orders." Does that**
18 **mean anything to you?**
19 A No.
20 **Q Did Sure Lock purchase advertising**
21 **through KAUT 43?**
22 A I'll claim the Fifth on that.
23 **Q Next page, TW Goldmade check No.**
24 **100509 in the amount of \$2,000 payable to KOTV.**
25 **Is that your signature on the check?**

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1 A I'll claim the Fifth on that.
2 **Q The notation indicates, "Surelock,"**
3 **hyphen, "Heritage." Does that mean anything to**
4 **you?**
5 A I'll claim the Fifth on that.
6 **Q Next page, TW Goldmade check No.**
7 **101406 payable to UPN-43 in the amount of**
8 **\$8,075. Is that your signature on the check?**
9 A I'll claim the Fifth on that.
10 **Q In the notation it indicates, "JAN,"**
11 **which I assume is "January," hyphen, "Heritage**
12 **3,060" slash "Surelock 5,015." Does that mean**
13 **anything to you?**
14 A I'll claim the Fifth on that.
15 **Q Was TW Goldmade paying expenses**
16 **incurred by Heritage Estate Services through**
17 **UPN-43?**
18 A I'll claim the Fifth on that.
19 **Q Last item in Exhibit 12. Now, this**
20 **check, although it's drawn on the account of TW**
21 **Goldmade at Bank of America, also has another**
22 **company listing as the check payor, Global West**
23 **Productions Limited. What is Global West**
24 **Productions Limited?**
25 A I'll claim the Fifth on that.

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1 **Q Is Global West Productions Limited an**
2 **entity in which you have an interest directly or**
3 **indirectly?**
4 A I'll claim the Fifth on that.
5 **Q This check numbered 8001 is payable to**
6 **KWTV-9 in the amount of \$14,273.43. Is that**
7 **your signature on the check?**
8 A I'll claim the Fifth on that.
9 **Q The notation appears to read, "NOV,"**
10 **which I assume is "November schedule," and then**
11 **I can't read anything after that. Can you tell**
12 **me what that means?**
13 A No, I can't either.
14 **Q Okay.**
15 **Exhibit 13. The first page of Exhibit**
16 **13 is a TW Goldmade check on a Bank of America**
17 **account, check No. 101070 payable to Heritage**
18 **Estates in the amount of \$926.40. Is that your**
19 **signature on the check?**
20 **(Exhibit No. 13 was marked for**
21 **identification and made a part of the**
22 **record.)**
23 A I'll claim the Fifth on that.
24 **Q In the notation it indicates, "Limo,"**
25 **hyphen, "Sharon," S-h-a-r-o-n, "Zimmerman,"**

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1 **Z-i-m-m-e-r-m-a-n. Does that notation mean**
2 **anything to you?**
3 A No.
4 **Q Would TW Goldmade reimburse Heritage**
5 **Estates for certain expenses it incurred in its**
6 **business operations?**
7 A I'll claim the Fifth on that.
8 **Q Did TW Goldmade reimburse Heritage**
9 **Estates for limousine rentals?**
10 A I'll claim the Fifth on that.
11 **Q Do you know who Sharon Zimmerman is?**
12 A I'll claim the Fifth on that.
13 **Q Next page. TW Goldmade check No.**
14 **100925 payable to Heritage Estates. Is that**
15 **your signature on the check?**
16 A I'll claim the Fifth on that.
17 **Q The notation says, "Limo service 585,"**
18 **and it's "4 percent equals 448.11." I'm not**
19 **sure of the math. Does that notation mean**
20 **anything to you?**
21 A No.
22 **Q Did TW Goldmade regularly reimburse**
23 **Heritage Estates for limousine rentals?**
24 A I'll claim the Fifth on that.
25 **Q Next page, TW Goldmade check No.**

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1 **101019 payable to Norman West in the amount of**
2 **\$2,000. Is that your signature on the check?**
3 A I'll claim the Fifth on that.
4 **Q The notation appears to read, "loan"**
5 **hyphen "transportation." Does that mean**
6 **anything to you?**
7 A I'll claim the Fifth on that.
8 **Q Do you know who Mr. West is?**
9 A I'll claim the Fifth on that.
10 **Q Do you know whether Mr. West operates**
11 **a limousine rental business?**
12 A I'll claim the Fifth on that.
13 **Q Next page. TV Goldmade Bank of**
14 **America account, check No. 8045 payable to**
15 **Heritage Estate Services. Is that your**
16 **signature on the check?**
17 A I'll claim the Fifth on that.
18 **Q In the notation it appears to read,**
19 **"Moctezuma," M-o-c-t-e-z-u-m-a, slash, "Kinney,"**
20 **K-i-n-n-e-y, hyphen, "limo." Can you tell me**
21 **what that notation means?**
22 A I can't read it.
23 **Q Okay.**
24 **Did any of these companies regularly**
25 **reimburse Heritage Estate for limousine rental**

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1 **services?**
2 A I'll claim the Fifth on that.
3 **Q Exhibit 14. The first page I**
4 **prepared. It represents payments made on the TW**
5 **Goldmade account at Bank of America, the account**
6 **ending in the numbers 853, solely representing**
7 **checks payable to American Express for about a**
8 **two -- year period of time totaling just over**
9 **\$406,000. I have attached a copy of one of the**
10 **checks which is page 2 of that exhibit. TW**
11 **Goldmade account No. -- account at Bank of**
12 **America, check No. 101003 payable to American**
13 **Express in the amount of \$12,073.36, account No.**
14 **3732-735419-22003. Is that your signature on**
15 **the check, Mr. McKye?**
16 **(Exhibit No. 14 was marked for**
17 **identification and made a part of the**
18 **record.)**
19 A I'll claim the Fifth on that.
20 **Q Did you maintain a personal account**
21 **with American Express?**
22 A I'll claim the Fifth on that.
23 **Q Did you incur personal charges on that**
24 **account that were paid for by these companies?**
25 A I'll claim the Fifth on that.

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1 **Q Exhibit 15. This is a multi-page**
2 **exhibit with numerous copies of checks drawn on**
3 **the TW Goldmade account at Bank of America.**
4 **Page No. 1 of Exhibit 15, TW Goldmade check No.**
5 **100954 payable to Credit Collections, and**
6 **there's a notation for an Opubco account. Were**
7 **the companies delinquent in its payments to**
8 **Opubco from time to time?**
9 **(Exhibit No. 15 was marked for**
10 **identification and made a part of the**
11 **record.)**
12 A Not that I'm aware of.
13 **Q So this means nothing to you when it**
14 **says, "Credit Collections" and "Opubco, client**
15 **099017903?**
16 A No, it depends on who that client
17 number is to.
18 **Q Let's turn over to the second page.**
19 **What's the Wave Fun Park?**
20 A Oh, you mean down in the notations?
21 **Q I'm just asking, what is the Wave Fun**
22 **Park?**
23 A I'll claim the Fifth on that.
24 **Q Is the Wave Fun Park an entity in**
25 **which you have an interest directly or**

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1 indirectly?
2 A I'll claim the Fifth on that.
3 Q The second page is TW Goldmade check
4 No. 100946 payable to the Internal Revenue
5 Service. The check is dated August 21, 2006.
6 Is that your signature on the check, Mr. McKye?
7 A I'll claim the Fifth on that.
8 Q The notation reads 941, 03/31/00, Wave
9 Fun Park 73-1582526." Do you see that?
10 A Yes, I do.
11 Q Is that your handwriting?
12 A I'll claim the Fifth on that.
13 Q Okay.
14 941 tells me that these are payroll
15 taxes owing by Wave Fun Park for the period
16 ending March 31 of 2000. Is that a reasonable
17 interpretation of that notation?
18 A I don't know.
19 Q Can you explain to me why your company
20 would be paying in 2006 payroll taxes for the
21 Wave Fun Park that are more than six years past
22 due?
23 A No, I can't.
24 Q Next page. TW Goldmade check No.
25 100945 payable to the IRS dated August 21, 2006.

1 Is that your signature on the check?
2 A What was the check number again?
3 Q 100945.
4 A I'll claim the Fifth on that.
5 Q The notation reads "941, 12/31/99,
6 Wave Fun Park 73-1582526." Can you explain to
7 me why one of your companies would be paying
8 seven year-old payroll taxes for the Wave Fun
9 Park?
10 A No, I cannot.
11 Q Next page, TW Goldmade check No.
12 100947 dated August 21, 2006, payable to the
13 IRS. Is that your signature on the check,
14 Mr. McKye?
15 A I'll claim the Fifth on that.
16 Q The notation reads, "6/30/00, Wave Fun
17 Park 941," and then the number "73-1582526."
18 Can you explain to me why one of your companies
19 is in 2006 paying six year-old payroll tax
20 liabilities of the Wave Fun Park?
21 A No, I cannot.
22 Q The balance of Exhibit 15 are just
23 some of the NSF checks that appear in the
24 statements for TW Goldmade on the Bank of
25 America account. Can we agree that there were

1 numerous checks returned on that account due to
2 the fact that there were not sufficient funds in
3 the account to honor those checks?
4 A Well, define "numerous."
5 Q More than 50.
6 A That's 50 pages?
7 Q Well, I didn't bring them all.
8 A Okay. Well, that's not 50 pages.
9 Q Okay.
10 A That's more like 17, 18.
11 Q Did you ever bounce a check to an
12 investor?
13 A I'll claim the Fifth on that.
14 Q Can we turn to 16? It appears that my
15 book maybe had a problem --
16 A Do you know how many checks I issue in
17 a month or used to issue in a month? Even if
18 you have 50, that's a very small number.
19 Q Did you ever bounce a check to an
20 investor?
21 A You've already asked me that and I've
22 already answered you.
23 Q Okay.
24 Those are important checks, the ones
25 to the investors, aren't they?

1 A Absolutely.
2 Q Okay. 16.
3 (Exhibit No. 16 was marked for
4 identification and made a part of the
5 record.)
6 A I'm on 16.
7 Q Okay.
8 Can we agree that at least in some
9 form or fashion these companies were involved or
10 some of them were involved in the payday loan
11 business? Can we agree on that?
12 A How does this exhibit say that?
13 Q I'm not there yet.
14 A Oh.
15 No, I haven't -- I haven't agreed to
16 that, no.
17 Q Okay.
18 So if I ask you was Sure Lock Loans
19 LLC involved in the payday loan business your
20 answer would be?
21 A I'm going to claim the Fifth on that.
22 Q Did you manage that operation?
23 A I'm going to claim the Fifth on that.
24 Q Did you draw a salary for managing
25 that operation?

1 A I'm going to claim the Fifth on that.
2 Q Do you know whether through that
3 business that employees of the business would
4 receive loans themselves? Did you know that?
5 A Did I know that employees would
6 receive loans?
7 Q Yes. Loans were made to employees?
8 A Yes.
9 Q Was that normal business practice?
10 A No, it was not normal, but it did
11 happen.
12 Q Is it good business practice?
13 A I think it's essential.
14 Q Do you know how much the company lost
15 in loans that were not repaid by employees?
16 A The stores are gone. How can they
17 repay anything?
18 Q They still have a legal obligation to
19 repay a debt if they have a debt.
20 A That's up to those noteholders. Is
21 anyone making collections?
22 Q Yes.
23 Answer my question.
24 A What was the question?
25 Q Were there ever losses sustained by

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1 any of these companies due to the fact --
2 A I don't know. You're in charge now.
3 Q I'm talking about during the time that
4 you were managing these things. You never had
5 an employee that didn't pay back the loan?
6 A They were still an employee. Where
7 are they going to go? If you're responsible for
8 making their payment, you write their check.
9 What are you talking about?
10 Q In 2006, 2007, 2008, before I ever
11 showed up --
12 A I'm understanding you there. I'm with
13 you there.
14 Q -- did you ever authorize a loan made
15 to an employee where the employee did not fully
16 repay the loan?
17 A I don't know.
18 Q Okay.
19 You don't know?
20 A No, I don't.
21 Q Okay.
22 A I would hope that that wouldn't
23 happen.
24 Q When you hired folks, did you do
25 background checks on them?

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1 A Absolutely.
2 Q So it would surprise you if any of the
3 employees of the company had prior felony
4 convictions?
5 A It might.
6 Q Okay.
7 But it wouldn't necessarily surprise
8 you?
9 A Necessarily? What do you mean,
10 "necessarily"?
11 Q We'll move on.
12 Exhibit 17. These are bank account
13 statements and copies of canceled checks,
14 deposit slips on an account maintained by
15 Processmart Payment Systems Limited at Bank of
16 Oklahoma. The last three digits of the account
17 are 608, and the statements cover the period
18 June 2008 through February of 2009.
19 Mr. McKye, what is Processmart Payment
20 Systems Limited Co.?
21 (Exhibit No. 17 was marked for
22 identification and made a part of the
23 record.)
24 A I'll claim the Fifth on that.
25 Q The account statements looks like at

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1 least at one point they were being sent to an
2 address at 804 West Curtis Drive, Midwest City,
3 Oklahoma. Are you familiar with that address?
4 A I'll claim the Fifth on that.
5 Q Do you know who resides at that
6 address?
7 A No, I do not.
8 Q On the June statement, the first
9 statement, it looks like the account was opened
10 in June of 2008 with an initial cash deposit of
11 \$600. Do you know what the source of that \$600
12 was?
13 A No, I don't.
14 Q Then there appears to be little or no
15 activity other than service charges on the
16 account until January of 2009 at which time
17 there's a deposit of \$13,000. Do you know what
18 the source of that \$13,000 was?
19 A I'll claim the Fifth on that.
20 Q On the statement, page 1 of 1
21 indicates that the deposit resulted from a
22 transfer from checking account at BOK, the last
23 three digits being 803. Do you recognize that
24 account number?
25 A I don't see where you're speaking of.

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1 Q Okay.
2 On the January '09 statement, there's
3 only one page.
4 A I'm there. I'm there.
5 Q After the middle part, which it's
6 starting balance, ending balance, right below
7 that there is a line item, "Deposits."
8 A For 13,000?
9 Q Yes.
10 A Okay.
11 Q And it bears the notation in the
12 left-hand column, January 20th, transfer from
13 checking, and then gives an account number where
14 the last three digits are 803. Do you recognize
15 that account?
16 A Oh, down here. Down here. Now I'm
17 with you.
18 Q Do you recognize that account?
19 A No, no, no.
20 Q Do you know that to be an account
21 maintained by one of these companies?
22 A No, I don't know.
23 Q The February '09 statement. On the
24 third page of that statement is a check on the
25 TW Goldmade account at Bank of America, check

1 No. 103373 payable to Processmart LLC in the
2 amount of \$25,000. Is that your signature on
3 that check?
4 A I'll claim the Fifth on that.
5 Q The handwritten notation appears to
6 be, "I-n-t o-f-f t-r-a-n-s," which I would read
7 as inter offer transfer. Does that mean
8 anything to you?
9 A I'll claim the Fifth on that.
10 Q And that check is dated January -- I'm
11 sorry -- February 19th of 2009.
12 The next page is a check on the
13 processmart account at BOK, check No. 10498, I
14 believe, payable to RBS in the amount of
15 \$10,000. Is that your signature on that check?
16 A I'll claim the Fifth on that.
17 Q The notation appears to read, "permit
18 fees sponsor app." Does that mean anything to
19 you?
20 A I'll claim the Fifth on that.
21 Q Next page, Processmart check No. 10499
22 in the amount of \$25,000 payable to Choice
23 Hotels International. Is that your signature on
24 the check?
25 A I'll claim the Fifth on that.

1 Q Do you know what the consideration was
2 for that payment?
3 A What do you mean?
4 Q Why did Processmart pay \$25,000 to
5 Choice Hotels?
6 A Oh, consideration. I'll claim the
7 Fifth on that.
8 Q Do you presently own a car?
9 A I'll claim the Fifth on that.
10 Q How did you get here today?
11 A I'll claim the Fifth on that.
12 Q Since 2006, have you -- you personally
13 submitted a financial statement to any lending
14 institution?
15 A I'll claim the Fifth on that.
16 Q Since 2006, have any of these
17 companies submitted a financial statement to any
18 lending institution?
19 A I'll claim the Fifth on that.
20 Q On the real property located at 2308
21 South Air Depot in Midwest City, how was that
22 property paid for?
23 A Where?
24 Q How? How was it paid for?
25 A What property are you talking about?

1 Q Midwest City property.
2 A Oh, on Air Depot?
3 Q Yeah.
4 A I'll claim the Fifth on that.
5 Q Who did you buy that property from?
6 A I'll claim the Fifth on that.
7 Q Was the closing of that sale conducted
8 through a title company here in the Oklahoma
9 City area?
10 A I'll claim the Fifth on that.
11 Q The court in this matter has entered a
12 ruling that you removed approximately \$21,000
13 from these businesses in violation of the
14 court's temporary restraining order. Are you
15 familiar with that?
16 A I'll claim the Fifth on that.
17 Q Do you have any plans presently to
18 return any of those sums to me for the benefit
19 of the investors in this case?
20 A I'll claim the Fifth on that.
21 MR. MORIARTY: That's all I've got.
22 MS. SHAW: I have nothing.
23 MR. MORIARTY: Tell him to read and
24 sign?
25 THE REPORTER: Yes, you have the

