

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

NOV 27 2012

PATRICIA PRESLEY, COURT CLERK
by _____ DEPUTY

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
Administrator,)
Plaintiff,)
v.)
RAF Operating, LLC (formerly known as)
Big Oil, LLC),)
Defendant.)

CV-2012- 2629
Case No.

ROGER STUART

**APPLICATION FOR ORDER ENFORCING ADMINISTRATIVE SUBPOENA
AND
AUTHORITY IN SUPPORT**

Plaintiff, Oklahoma Department of Securities ("Department") ex rel. Irving L. Faught, Administrator, moves this Court for an order enforcing the subpoena duces tecum issued to Big Oil, LLC ("BO"), pursuant to Section 1-602(B) of the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011) ("Subpoena"). The Subpoena was issued for the purpose of requiring Defendant to produce documents to the Department in connection with an investigation conducted by the same.

BACKGROUND

1. Defendant is a resident of Jenks, Oklahoma.
2. Based on information received by the Department, the Defendant may have violated, may be continuing to violate, and/or may have aided, or is materially aiding, violations of the Act.

3. The Department has initiated an investigation of securities transactions in which Defendant has participated. Section 1-602 of the Act sets out the authority of the Administrator to investigate as follows:

(A) The Administrator may:

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

4. Subsection (B) of Section 1-602 of the Act authorizes the Administrator to subpoena witnesses and require production of documents as follows:

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

5. According to corporate records, BO changed its name to RAF Operating, LLC ("RAFO"). RAFO's address is listed as 9410 S. Elwood, Suite 114, Jenks, Oklahoma 74037. *See Exhibit "A"*.

6. Defendant, until at least May 2012, continued to operate under the BO name and distributed at least one check to an investor as part of a securities-based transaction. The address on the check, Suite 114, Jenks, Oklahoma 74037, substantially matches RAFO's address. *See Exhibit "B"*.

7. Pursuant to Section 1-602 of the Act, the Administrator issued the Subpoena, a copy of which is attached hereto as *Exhibit "C"*, requiring the production of certain documents on or before November 9, 2012, at 5:00 p.m.

8. A true and correct copy of the Subpoena was mailed by certified mail, return receipt requested, with postage prepaid thereon, to BO and BO's registered agent at the addresses listed on the corporate records on file with the Oklahoma Secretary of State. See *Exhibit "C"*.

9. Service of the Subpoena was effected on Defendant at the Registered Agent's address on October 30, 2012. Proof of such service is provided in *Exhibit "C"*.

10. The Department, on November 19, 2012, attempted to contact the Defendant through its Registered Agent, Warren F. Young, via a telephone call at the number listed for the agent on the Oklahoma Bar Association's membership registry; however, the Department was only able to leave a voice mail.

11. Defendant has not responded to the Subpoena or otherwise contacted the Department and has failed to produce any of the requested documents by the Subpoena's deadline of November 9, 2012.

AUTHORITY

12. Pursuant to Section 1-602 of the Act, the Court has the authority to enforce the Subpoena. Subsection (C) of Section 1-602 provides as follows:

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

* * *

4. Order the production of records;

* * *

6. Impose a civil penalty up to a maximum of Five Thousand Dollars (\$5,000) for a single violation[.]

7. Grant any other necessary or appropriate relief.

13. Enforcement of, and compliance with, the Subpoena is necessary for the effective enforcement of the Act by the Administrator.

WHEREFORE, the Department requests that this Court issue an order enforcing the Department's Subpoena, imposing a civil penalty on the Defendant in the amount of Five Thousand Dollars (\$5,000) and granting such other relief as this Court deems appropriate.

Respectfully submitted,

OKLAHOMA DEPARTMENT OF SECURITIES
IRVING L. FAUGHT, ADMINISTRATOR

By:



Robert Fagnant, OBA # 30548
Terra Bonnell, OBA #20838
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
Telephone (405) 280-7700
Fax (405) 280-7742
Email: rfagnant@securities.ok.gov
tbonnell@securities.ok.gov

This matter is set for hearing on the 11 day of January, 201~~0~~³, at 900 A.m. before Judge Stuart, Oklahoma County Courthouse, Oklahoma City, Oklahoma.

Westlaw

OK3512309630

Page 1

Corporate Records & Business Registrations**Source Information**

This Record Last Updated: 07/01/2012
Database Last Updated: 11/12/2012
Update Frequency: WEEKLY
Current Date: 11/19/2012
Source: AS REPORTED BY THE SECRETARY OF STATE OR
 OTHER OFFICIAL SOURCE

Company Information

Name: RAF OPERATING, LLC
Address: 9410 S ELWOOD STE 114
 JENKS, OK 74037
 UNITED STATES OF AMERICA

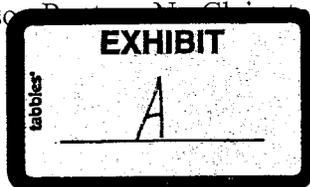
Filing Information

Filing Number: 3512309630
Filing Date: 03/31/2011
State of Incorporation: OKLAHOMA
Date Incorporated: 03/31/2011
Duration: PERPETUAL
Status: IN EXISTENCE
Business Type: DOMESTIC LIMITED LIABILITY COMPANY
Report Due Date: 07/01/2012
Where Filed: SECRETARY OF STATE/CORPORATE DIVISION
 STATE CAPITOL
 OKLAHOMA CITY, OK 73105

Registered Agent Information

Name: WARREN F YOUNG
Address: 7105 E ADMIRAL PL STE 100
 TULSA, OK 74115
 USA
Appointed Date: 03/31/2011

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OK3512309630

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Name Information

FormerName: BIG OIL, LLC
Status: FORMER
Filing Date: 03/31/2011
Inactive Date: 04/20/2012

Amendment Information

Amendments: 06/26/2012 REINSTATEMENT
05/31/2012 TERMINATED
04/20/2012 ARTICLES OF AMENDMENT
03/31/2011 ARTICLES OF ORGANIZATION

The preceding public record data is for information purposes only and is not the official record. Certified copies can only be obtained from the official source.

The public record items reported above may have been paid, terminated, vacated or released prior to today's date.

Order Documents

Call Westlaw CourtExpress at 1-877-DOC-RETR (1-877-362-7387)
for on-site manual retrieval of documents related to this or other matters.
Additional charges apply.

END OF DOCUMENT

2009

Bank of America
BANK OF AMERICA
18-66/1220

BIG OIL, LLC
DISTRIBUTION ACCOUNT
SUITE 114 (888) 333-1933
JENKS, OK 74037

5/9/2012

PAY TO THE ORDER OF

Privacy/Relevance

\$ **194.66

One Hundred Ninety-Four and 66/100***** DOLLARS

Privacy/Relevance

MEMO

[Signature]
AUTHORIZED SIGNATURES

Privacy/Relevance

604700

BIG OIL, LLC - DISTRIBUTION ACCOUNT

Privacy/Relevance

2009

5/9/2012

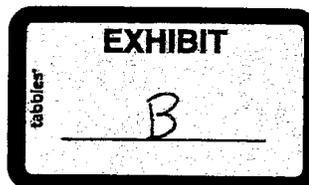
1st Qtr 2012 Distribution
Additional 4th Qtr 2011

159.18
35.48

This is A check sent

BoA 6047

194.66



IRVING L. FAUGHT
ADMINISTRATOR



MARY FALLIN
GOVERNOR

STATE OF OKLAHOMA
DEPARTMENT OF SECURITIES

October 22, 2012

VIA CERTIFIED MAIL

Big Oil, LLC
9410 S. Elwood, Suite 114
Jenks, OK 74037

Big Oil, LLC
c/o Warren F. Young
7105 E. Admiral Pl, Suite 100
Tulsa, OK 74115

Re: Synergy Oil, LLC
ODS File 12-067

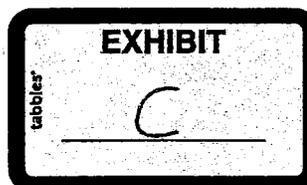
Sir or Madam:

Pursuant to an investigation being conducted by the Oklahoma Department of Securities ("Department"), the Administrator of the Department has issued the attached Subpoena Duces Tecum ("Subpoena").

The Subpoena requires the production of certain documents on or before the date specified in the Subpoena. ***Documents required by this Subpoena must be produced in an electronic and native format in accordance with the Definitions and Instructions sections of the Subpoena.***

This Subpoena should neither be construed as an indication that a violation of law has occurred nor as a reflection upon any person or entity.

Please be advised that you have the right to consult with and be represented by counsel in connection with this matter. If you have any questions about the attached Subpoena, please contact the undersigned at (405) 280-7718.



Big Oil, LLC
October 22, 2012
Page 2 of 2

Respectfully,

A handwritten signature in black ink, appearing to read 'RF', with a long horizontal flourish extending to the right.

Rob Fagnant
Enforcement Attorney

Attachment

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

SUBPOENA DUCES TECUM
ODS File 12-067 - Synergy Oil, LLC



To: Big Oil, LLC
9410 S. Elwood, Suite 114
Jenks, OK 74037

Big Oil, LLC
c/o Warren F. Young
7105 E. Admiral Pl, Suite 100
Tulsa, OK 74115

IN THE NAME OF THE STATE OF OKLAHOMA, and pursuant to Section 1-602 of the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011), **YOU ARE COMMANDED TO PRODUCE**, in compliance with the Definitions and Instructions sections included herein, all documents, records, and materials described in Appendix "A", attached hereto and incorporated herein by reference, before the Administrator of the Oklahoma Department of Securities, or his designated representative, at 120 North Robinson, First National Center, Suite 860, Oklahoma City, County of Oklahoma, State of Oklahoma, or via electronic upload at <http://www.securities.ok.gov/DocumentDelivery>, **on or before November 9, 2012, at 5:00 p.m.**

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 22nd day of October, 2012.

(SEAL)

Melanie Hall, Deputy Administrator
Oklahoma Department of Securities
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102
(405) 280-7700

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

Definitions

1. As used herein, the terms "you" or "your" refer to **Big Oil, LLC ("BOL")**, and all entities in which such person has or has had a controlling interest; all affiliates thereof; all principles and employees thereof; and all agents, representatives, attorneys or other persons acting or purporting to act on his behalf.
2. As used herein, the term "Department" shall refer to the Oklahoma Department of Securities.
3. As used herein, the term "person" shall refer to any natural person, association, partnership, limited liability company, corporation, business trust, estate, trust, joint venture, or other form of business entity, or any government or any agency, subdivision or instrumentality thereof.
4. As used herein, the term "principal" shall refer to any person that (a) has the ability to control, directly or indirectly, BOL's business activities; (b) has a formal title or position with BOL; and/or (c) has a financial or ownership interest in BOL.
5. As used herein, the term "affiliates" when used to indicate a relationship with any person, shall mean (a) a corporation or organization of which such person is an officer or partner or is, directly or indirectly, the beneficial owner of 10 percent or more of any class of equity securities; (b) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar capacity; and, (c) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the entity or any of its parents or subsidiaries.
6. As used herein, the terms "identification," "identify," or "identity," when used in reference to (a) a natural individual, require you to state his or her full name and residential, business and electronic mail addresses and telephone numbers; (b) a firm, association, partnership, limited liability company, corporation or other form of business entity, require you to state its full name and any names under which it does business, its state of organization, the address of its principal place of business, and the addresses of all of its offices; (c) a business, require you to state the full name or style under which the business is conducted, its business address or addresses, the types of businesses in which it is engaged, the geographic areas in which it conducts those businesses, and the identity of the person or persons who own, operate, and/or control the business; (d) a communication, requires you, if any part of the communication was written, to identify

the document(s) which refer to or evidence the communication, and, to the extent that the communication was non-written, to identify the persons participating in the communication and to state the date, manner, place, and substance of the communication.

7. As used herein, "Electronically Stored Information" ("ESI") shall mean all stored computer generated data, and associated metadata, including, but not limited to, word processing, spreadsheet, database, instant message, graphic, chart and presentation, electronic mail message, electronic facsimile, any digital form for representing an electronic document (such as the ISO 32000 format) and scanned material files regardless of its storage method including, but not limited to, removable hard drives, removable storage media, optical disks, flash memory, personal digital assistants, smart phones, online and/or "cloud" storage, backup and archive tape cartridges, reels and cassettes, or fixed storage media, including, but not limited to, internal hard drives, external hard drives, and Local Area Network drives.

8. As used herein, the term "document" or "writing" means, any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation; any ESI item, invoice, bill, order form, receipt, financial statement, account statement, accounting entry, diary, written material, book, file, note, pamphlet, periodical, letter, memorandum (including any memorandum or report of a meeting), calendar, telex, telegram, cable, report, record, contract, agreement, study, handwritten note, working paper, chart, print, laboratory record, drawing, sketch, graph, index, list, tape, photograph, microfilm, data sheet or data processing card, or any other written, recorded, transcribed, punched, taped, filmed, or graphic matter, however produced or reproduced.

9. As used herein, the terms "relation," "pertaining to," "relating to," "related to," or "related" mean pertaining in any way to, referring to, reflecting, recording, memorializing, mentioning, constituting, describing, or concerning, directly or indirectly.

10. The following rules of construction apply to this subpoena:

(a) the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of the attachment all responses that might otherwise be construed to be outside of its scope; and

(b) the use of the singular form of any word includes the plural and vice versa.

Instructions

1. Documents required by the subpoena shall be accompanied by a list briefly identifying each document or other material, its custodian, and the item or items of the subpoena to which it relates.
2. Documents required by the subpoena must be produced in an electronic format. The documents shall be in their native format with all associated metadata.¹
3. Files shall be given a meaningful name in relation to their content (e.g. Smith_ChkBnk_Stmnt_1-1-12.xlsx, SmithContract_1-1-12.tiff) and NOT a generic file name (e.g. Bnk_0001.xlsx).
4. File names shall be unique and non-duplicative.
5. Electronic mail messages shall be produced to the Department in their native format (e.g. as a .pst, .msg, etc. file).
6. Imaged productions in the TIFF format will be accepted, when the documents requested are ordinarily used and maintained as such, if:
 - a. Images are at least 300 Dots Per Inch in resolution; and
 - b. The file type lends itself to imaging. If it does not, the production must include copies of the original file in its native format (for example, spreadsheets shall be produced as .xls or .xlsx files).
7. Adobe PDF files are acceptable as native file productions *only* when they have been used and maintained as PDF files in the normal course of business.
8. Instant Message production should be in the Yahoo!™ Messenger version 6.x to 8 format or must:
 - a. Be in a tab delimited, quotation mark (") text qualified, text file;
 - b. Include, at a minimum, the following fields: DATE, TIME, FROM, TO, CONVERSATION TEXT, CONVERSATION INDEX; and
 - c. Include field names in the first row of the text file.
9. Audio and video file production must:
 - a. Be produced in a format that is playable using Microsoft Windows Media Player™; and

¹ Assistance complying with subpoenaal technical requirements may be attained by calling the Department's IT office at (405) 280-7710. The subpoenaed person shall, at all times, retain the legal obligation and responsibility of complying with the *Subpoena Duces Tecum*.

b. For telephonic recordings, include a tab delimited, quotation mark (") text qualified, text file with the following metadata fields, at a minimum: CALLER_NAME, CALLING_NUMBER, DATE, TIME, CALLED_PARTY, CALLED_NUMBER and FILENAME. The filename must match exactly the name used to name the corresponding audio file. The field names must be included in the first row of the text file.

10. Files shall NOT be individually password protected. Password protection shall be applied only to the media the file(s) is stored upon when produced to the Department. Provide passwords to the Department via a separate, mailed or hand-delivered response.

11. Exception files shall be provided to the Department. The Exception file shall list, at a minimum: (a) the error(s) preventing the production of the file(s); (b) the file(s) name(s) and extension(s); (c) the file(s) creator(s), custodian(s) and date(s) of creation; and (d) a brief summary of the file(s) content.

12. Files that are listed in the Exception file shall temporarily satisfy the Subpoena, until such time as the file can be produced electronically, by producing the file in a hardcopy format to the Department.

13. Should any document(s), required to be produced by the subpoena, be withheld pursuant to a claim of privilege or for any other reason, submit a list stating: (a) the nature of the documents, communications, or information not being produced; (b) the creator(s) and date(s) of creation of the documents, communications, or information; (c) their present, or last known custodian; and (d) the reason(s) the documents are not produced.

14. Should any document(s) required to be produced by the subpoena have been destroyed for any reason, provide a detailed statement describing such document(s) and setting forth when, how, and why the document(s) were destroyed. If the destruction occurred as a result of a document retention policy, provide a copy of that document retention policy with the detailed explanation.

15. Place a mark on all media, including, but not limited, to optical disks, flash drives and/or hard drives, containing files submitted by you identifying the media/files as having been provided by you.

16. Place a mark on all hardcopy documents submitted by you identifying them as having been provided by you.

17. Indicate by separate affidavit whether a diligent search has been made for the subpoenaed documents and whether you have produced all of the documents required by the subpoena.

Appendix "A"

You are commanded to produce the following items within your possession, custody or control:

1. all promotional materials or literature, advertisements, newsletters, reports, solicitation letters, prospectuses, private placement memorandums, subscription agreements and any other offering document used by you in connection with the offer and/or sale of an interest and/or participation in oil and gas ventures ("Interests") during the time period of January 1, 2009, through the present;
2. any document identifying the exemption from registration under the Act, if any, you rely upon in connection with the offer and/or sale of the Interests in and/or from Oklahoma;
3. documentation identifying the name, mailing address, electronic mail address and telephone number of every offeree and purchaser of the Interests including the date of each such offer or purchase, the amount of money each purchaser invested, and the manner the offer was made to every offeree;
4. documentation identifying the purchasers of the Interests you paid a return and/or distribution to including the date of payment and the amount;
5. all memoranda, correspondence, electronic communications, or reports relating to the offer and/or sale of the Interests to those persons identified in response to Item Number 3 above;
6. documents identifying the amount of any and all commissions or compensation received by BOL, its principals, affiliates, agents, representatives, employees and/or contractors in connection with the sale of the Interests to the purchasers identified in response to Item Number 3 above, the returns and/or distributions described in Item Number 4 and the identity of all persons receiving such commissions or compensation;
7. all organizational documents of BOL and its subsidiaries including, but not limited to, articles of organization, certificates of incorporation, operating agreements, bylaws, minutes, resolutions, business plans and other similar documents;
8. documentation identifying all open and closed accounts into which funds received from persons identified in Item Number 3 above were deposited including, but not limited to, checking, savings, credit card, certificate of deposit, loan, safe deposit box, trust, and escrow, by the name the account is carried in, the name and mailing address of the financial institution, the account number, the type of account, and the name(s) of person(s) authorized to sign on the account;
9. documentation identifying all open and closed accounts from which funds to the persons identified in Item Number 4 above were distributed from including, but not

limited to, checking, savings, credit card, certificate of deposit, loan, safe deposit box, trust, and escrow, by the name the account is carried in, the name and mailing address of the financial institution, the account number, the type of account, and the name(s) of person(s) authorized to sign on the account;

10. documents identifying all parent entities, officers, managers, members, directors, employees, agents, and consultants of BOL including their titles, responsibilities, the time period during which they served, and any contracts or agreements relating to their work or services provided;

11. all audited and unaudited financial statements of BOL, whether on a monthly, quarterly, semi-annual or annual basis for the period starting January 1, 2009, to the present; and

12. documents identifying any criminal, civil, and/or administrative investigation and/or action regarding BOL and/or its principals and, if applicable, the resolution of such action.

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 23rd day of October, 2012, a true and correct copy of the above and foregoing *Subpoena Duces Tecum* was mailed by electronic mail and certified mail, return receipt requested, with postage prepaid thereon, addressed to:

| | |
|--|---|
| Big Oil, LLC 9410 S. Elwood, Suite 114 Jenks, OK 74037 | Big Oil, LLC c/o Warren F. Young 7105 E. Admiral Pl, Suite 100 Tulsa, OK 74115 |
|--|---|

Brenda London
Brenda London
Paralegal

7000 0520 0022 7150 0430

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Subp 12-067 RF

| | | | | |
|---|-----------|-----|----------|------------------|
| Postage | \$ | | 10-23-12 | Postmark Here |
| Certified Fee | | 295 | | |
| Return Receipt Fee (Endorsement Required) | | 235 | | |
| Restricted Delivery Fee (Endorsement Required) | | | | |
| Total Postage & Fees | \$ | | | |

Big Oil, LLC
9410 S. Elwood, Suite 114
Jenks, OK 74037

by mailer)

for Instructions

7000 0520 0022 7150 0447

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

Subp 12-067 RF

| | | | | |
|---|-----------|-----|----------|------------------|
| Postage | \$ | | 10-23-12 | Postmark Here |
| Certified Fee | | 295 | | |
| Return Receipt Fee (Endorsement Required) | | 235 | | |
| Restricted Delivery Fee (Endorsement Required) | | | | |
| Total Postage & Fees | \$ | | | |

Big Oil, LLC
c/o Warren F. Young
7105 E. Admiral Pl, Suite 100
Tulsa, OK 74115

by mailer)

for Instructions

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.

1. Article Addressed to:

Big Oil, LLC
c/o Warren F. Young
7105 E. Admiral PI, Suite 100
Tulsa, OK 74115

Subp 12-067 RF

2. Article Number (Copy from service label)

7000 05200022 7150 0447

PS Form 3811, July 1999

Domestic Return Receipt

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Laura M. Bennett 10/30/12

C. Signature

[Handwritten Signature]

Agent
 Addressee

3. Is delivery address different from item 1?
If YES, enter delivery address below: Yes
 No



Service Type

Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

102595-00-M-0952