

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
THE FIRST NATIONAL CENTER  
120 N. ROBINSON, SUITE 860  
OKLAHOMA CITY, OKLAHOMA 73102



In the Matter of:

Jim J. Hammons,

Respondent.

ODS File 14-017

**ENFORCEMENT DIVISION'S MOTION FOR ISSUANCE OF SCHEDULING ORDER**

The Enforcement Division of the Oklahoma Department of Securities ("Department") moves for the issuance of the attached scheduling order pursuant to 660:2-9-3(a) of the Rules of the Oklahoma Securities Commission and the Administrator of the Department of Securities ("Rules"), Okla. Admin. Code §§ 660:1-1-1 through 660:25-7-1 (2013). In support of this motion, the Enforcement Division states:

1. On April 29, 2014, the Enforcement Division filed an Enforcement Division Recommendation ("Recommendation") with the Administrator of the Department ("Administrator").
2. On June 30, 2014, Respondent filed an answer to the Recommendation with the Administrator. In his answer, Respondent requested a hearing on the merits of the Recommendation.
3. Under 660:2-9-3(a) of the Rules, the Administrator, or appointed Hearing Officer, is required to enter a scheduling order in an individual proceeding "as soon as is practicable after the request for hearing is received, but in no event later than thirty (30) days after the request for hearing is received[.]"
4. On July 31, 2014, thirty (30) days will have passed since the Respondent filed his request for hearing.
5. The Enforcement Division has attempted to confer with Respondent to prepare a single agreed scheduling order to submit to the Administrator, as required by 660:2-9-3(a) of the Rules:
  - a. On July 9, 2014, Respondent and counsel for the Enforcement Division discussed a proposed hearing date and the need to try to agree on a scheduling order. On the same date, counsel for the

Enforcement Division emailed a proposed scheduling order to Respondent at the address he provided.

- b. On July 16, 2014, after receiving no response to its July 9<sup>th</sup> email, counsel for the Enforcement Division called Respondent and left a voicemail referencing the proposed scheduling order. On the same date, counsel for the Enforcement Division sent an email to Respondent to confirm that he received the July 9<sup>th</sup> email with the proposed scheduling order attached.
  - c. On July 17, 2014, Respondent confirmed by email that he received the July 9<sup>th</sup> email. Respondent represented that he would review the proposed scheduling order and respond on Monday, July 21<sup>st</sup>.
  - d. On July 23, 2014, counsel for the Enforcement Division left another voicemail, referencing the proposed scheduling order, for Respondent.
  - e. The Enforcement Division has not received any response from Respondent regarding whether he is agreeable to the scheduling order proposed by the Enforcement Division on July 9<sup>th</sup>.
  - f. Respondent has not proposed a scheduling order to the Enforcement Division.
6. The parties are unable to prepare a single agreed scheduling order to submit to the Administrator.
  7. The scheduling order attached hereto is substantively similar<sup>1</sup> to the scheduling order the Enforcement Division proposed to Respondent on July 9<sup>th</sup>.
  8. The Administrator has ordered that a hearing on the merits of the Recommendation shall commence on October 23, 2014.
  9. To expedite the disposition of this action and ensure a fair, orderly and efficient proceeding, a scheduling order should be entered in this matter soon.

Based upon the foregoing, the Enforcement Division requests that the Administrator issue the attached scheduling order.

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<sup>1</sup> The scheduling order proposed to Respondent stated that it was agreed to by all parties and provided July 31, 2014, as the deadline for filing preliminary lists of witnesses, documents and exhibits.

Respectfully,



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Terra Bonnell  
Enforcement Attorney  
Oklahoma Department of Securities  
120 North Robinson, Suite 860  
Oklahoma City, OK 73102  
Telephone: (405) 280-7715  
Email: [tbonnell@securities.ok.gov](mailto:tbonnell@securities.ok.gov)

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 25<sup>th</sup> day of July, 2014, a true and correct copy of the above and foregoing application was emailed to Respondent at [jhammons@fifsmail.com](mailto:jhammons@fifsmail.com) and mailed with postage prepaid thereon, addressed to:

Mr. Jim J. Hammons  
9934 S. 68<sup>th</sup> E. Ave.  
Tulsa, OK 74133  
**Respondent**



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Terra Bonnell

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

In the Matter of:

Jim J. Hammons,

Respondent.

ODS File 14-017

**SCHEDULING ORDER**

This Scheduling Order is issued pursuant to 660:2-9-3 of the Rules of the Oklahoma Securities Commission and the Administrator of the Oklahoma Department of Securities ("Rules"). All times herein refer to Central Time.

**IT IS HEREBY ORDERED** that:

1. **Preliminary Lists of Witnesses, Documents and Exhibits.** The parties shall file preliminary lists identifying all witnesses, documents and exhibits intended to be utilized at the hearing, before **5:00 p.m. on August 11, 2014**. The parties shall identify expert witnesses intended to be called at hearing on their preliminary witness lists. The preliminary witness lists shall identify the witnesses by name, residential and/or business address, and telephone number and provide a short description of the witnesses' expected testimony. If the witness is known to be represented by counsel, contact information for the witness' counsel should also be included.

2. **Final Witness Lists.** Before **5:00 p.m. on September 11, 2014**, the parties shall file final witness lists. The final witness lists shall identify, by name, residential and/or business address, and telephone number, all witnesses, including but not limited to expert witnesses, intended to be called at hearing and contain a short description of the expected testimony of each witness. If the witness is known to be represented by counsel, contact information for the witness' counsel should also be included. *Failure to comply with this paragraph may result in the exclusion of witnesses at hearing.*

3. **Motions.** Any motions that are filed shall comply with 660:2-9-3(c) of the Rules unless otherwise agreed to by the parties or ordered by the Administrator or a designated hearing officer. A response to a written motion shall be filed within ten (10) days after service of the motion but no later than the date and time of the hearing. A reply to a response may be filed within five (5) days after service of the response but no later than the date and time of the hearing.

(A) Dispositive motions will not be considered if filed after **5:00 p.m.** on **September 11, 2014.**

(B) Motions in limine will not be considered if filed after **5:00 p.m.** on **October 9, 2014.**

4. **Discovery.** Any discovery that is conducted shall comply with 660:2-9-3(b) of the Rules unless otherwise agreed to by the parties or ordered by the Administrator or a designated hearing officer. Discovery, including depositions, must be completed before **5:00 p.m.** on **October 2, 2014.** Be aware that any requests for production of documents to be served upon a party should be served at least fifteen (15) days before the discovery deadline, or *before* September 18, 2014.

5. **Document and Exhibit Exchange.** Before **5:00 p.m.** on **October 3, 2014,** each party shall provide all other parties with a copy of all documents and exhibits intended to be utilized by the party at hearing. *Failure to comply with this paragraph may result in the exclusion of documents and exhibits at hearing.*

6. **Prehearing Briefs and Proposed Findings of Fact and Conclusions of Law.** The Department may file a prehearing brief and/or proposed findings of fact and conclusions of law before **5:00 p.m.** on **October 9, 2014.** Respondent may file a prehearing brief and/or proposed findings of fact and conclusions of law before **5:00 p.m.** on **October 15, 2014.**

7. **Prehearing Conference.** Unless waived by agreement of all parties or cancelled by order of the Administrator or a designated hearing officer, a prehearing conference shall be held in person or by telephone at **1:30 p.m.** on **October 16, 2014,** at the offices of the Oklahoma Department of Securities, 120 North Robinson Avenue, Suite 860, Oklahoma City, Oklahoma, to address the following matters:

- (A) simplification of issues;
- (B) the final list of witnesses and exhibits to be utilized at the hearing;
- (C) admissions and stipulations of fact;
- (D) stipulations regarding admission and authenticity of documents;
- (E) requests for official notice;
- (F) discovery disputes;
- (G) pending motions;
- (H) requests for additional briefing; and
- (I) other matters that will promote the orderly and prompt conduct of the hearing.

8. **Hearing Date.** The hearing has been set to commence at **10:00 a.m.** on **October 23, 2014,** at the offices of the Oklahoma Department of Securities, 120 North Robinson Avenue, Suite 860, Oklahoma City, Oklahoma. The parties estimate that the hearing will take one (1) day.

9. **Filings and Service.** All documents required to be filed in connection with this matter shall be filed by email to [blondon@securities.ok.gov](mailto:blondon@securities.ok.gov) or by U.S. Mail, third-party carrier, or personal delivery to the Department to the attention of Brenda London. All filings made after 5:00 p.m. shall be treated as filed on the next business day. All filings shall be served, by the party making the filing, by email *and* U.S. Mail, third-party carrier, or personal delivery, upon the opposing party, or counsel for the opposing party if represented, before 5:00 p.m. on the date of the filing. Any other document served on an opposing party, or counsel for an opposing party, shall be served by email *and* U.S. Mail, third-party carrier, or personal delivery. The effective date of service for filings and other documents is the date on which the serving party sends the filing or document by email to the opposing party, or counsel for the opposing party, if sent before 5:00 p.m. or the next business day if sent after 5:00 p.m.

10. **Failure to Comply.** Failure to comply with the terms of this Order may result in sanctions as set forth in 660:2-9-3(f) of the Rules.

**IT IS FURTHER ORDERED** that no date set by this Order can be changed except by agreement of all parties or for good cause upon written order of the Administrator or a designated hearing officer.

**WITNESS MY HAND** and the Official Seal of the Oklahoma Department of Securities this \_\_\_ day of July, 2014.

(SEAL)

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

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the \_\_\_\_ day of July, 2014, a true and correct copy of the above and foregoing Scheduling Order was mailed with postage prepaid thereon, addressed to:

Mr. Jim J. Hammons  
9934 S. 68<sup>th</sup> E. Ave.  
Tulsa, OK 74133  
**Respondent**

\_\_\_\_\_  
Brenda London, Paralegal