

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities)
ex rel. Irving L. Faught,)
Administrator,)
Plaintiff,)
v.)
Dennis R. Anderson,)
Defendant.)

Case No. CJ-2004- 4234

Dennis R. Anderson
512 SW 1st Street
Moore, OK 73160

SUMMONS

To the above-named Defendant:

You have been sued by the above-named plaintiff, and you are directed to file a written answer to the attached application in the court at the above address within twenty (20) days after service of this summons upon you, exclusive of the day of service. Within the same time, a copy of your answer must be delivered or mailed to the attorney for the plaintiff.

Unless you answer the application within the time stated, judgment will be rendered against you with costs of the action.

Issued this 19th day of May, 2004.

OKLAHOMA COUNTY COURT CLERK

(Seal)

By:

Shar
PATRICIA PRESLEY, Court Clerk

Attorney(s) for Plaintiff(s)
Name: Rebecca A. Cryer, OBA #2065
Address: First National Center, Suite 860
120 N. Robinson
Oklahoma City, OK 73102
Telephone: 405.280.7700

This summons was served on _____
(date of service)

Signature of person serving summons

YOU MAY SEEK THE ADVICE OF AN ATTORNEY ON ANY MATTER CONNECTED WITH THIS SUIT OR YOUR ANSWER. SUCH ATTORNEY SHOULD BE CONSULTED IMMEDIATELY SO THAT AN ANSWER MAY BE FILED WITHIN THE TIME LIMIT STATED IN THE SUMMONS.

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

Oklahoma Department of Securities
ex rel. Irving L. Faught,
Administrator,

Plaintiff,

v.

Dennis R. Anderson,

Defendant.

MAY 19 2004

PATRICIA PRESLEY, COURT CLERK

by _____

Case No. Deputy

CJ-2004- 4234

**APPLICATION FOR ORDER ENFORCING
ADMINISTRATIVE SUBPOENA DUCES TECUM**

Plaintiff, Oklahoma Department of Securities ("Department") *ex rel.* Irving L. Faught, Administrator, moves this Court for an order enforcing an administrative subpoena duces tecum issued pursuant to subsection (b) of Section 405 of the Oklahoma Securities (Act), Okla. Stat. tit. 71, §§ 1-413, 501, 701-703 (2001 & Supp. 2003). The subpoena duces tecum was issued for the purpose of requiring Dennis R. Anderson (Anderson) to produce documentary evidence in connection with an investigation being conducted by the Department.

Background

1. Anderson is a resident of the state of Oklahoma.
2. The Department initiated the investigation of Anderson in accordance with Section 405 of the Act that sets out the authority of the Administrator to investigate as follows:

(a) The Administrator in his discretion:

- (1) may make such public or private investigations within or outside of this state as he deems necessary to determine whether any person has violated or is about to violate any provision of this act or any rule or order hereunder, or to aid in the enforcement of this act or in the prescribing of rules and forms hereunder[.]

3. Subsection (b) of Section 405 of the Act authorizes the Administrator to subpoena witnesses, compel their attendance, and require production of documents as follows:

(b) For the purpose of any investigation or proceeding under this act, the Administrator, or his or her designee, may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, agreements, or other documents or records deemed relevant or material to the inquiry.

4. On January 27, 2004, the Administrator issued an administrative subpoena duces tecum (the "Subpoena"), attached hereto as Exhibit "1", to Anderson requiring that certain documents be produced to the Department on or before February 18, 2004, at 5:00 p.m.

5. The Subpoena was served by personal delivery to Anderson at 512 SW 1st Street, Moore, Oklahoma.

6. On February 18, 2004, a staff member of the Department spoke with an attorney who stated that he represented Anderson and requested that Anderson be given an extension of time to comply with the Subpoena. Anderson was given until February 27, 2004, to comply with the Subpoena.

7. On February 27, 2004, Anderson's attorney requested another extension of time to comply with the Subpoena. Anderson was given until March 5, 2004, to comply with the Subpoena.

8. To date, Anderson has not fully complied with the Subpoena. Specifically, Anderson has not provided incoming and outgoing correspondence with Verma Mosier or documentation identifying all beneficiaries in his personal life insurance program.

9. The Administrator is entitled to an order enforcing the Subpoena pursuant to the provisions of subsection (c) of Section 405 of the Act that provides as follows:

In case of contumacy by, or refusal to obey a subpoena issued to, any person, the district court of Oklahoma County or the district court in any other county where service can be obtained on one or more of the defendants, upon application by the Administrator, may issue to the person an order requiring him to appear before the Administrator, or the officer designated by him, there to produce documentary evidence if so ordered or to give evidence touching the matter under investigation or in question. Failure to obey the order of the court may be punished by the court as a contempt of court.

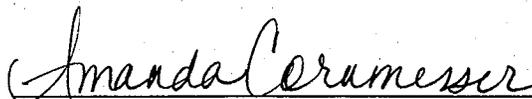
10. Without relief, the Department has no means to carry out its legislative mandate to enforce the Act.

WHEREFORE, the Department requests that this Court issue an order enforcing the Subpoena issued by the Administrator on January 27, 2004, and granting such other relief as this Court deems appropriate.

Respectfully submitted,

OKLAHOMA DEPARTMENT OF SECURITIES
Irving L. Faught, Administrator

By:



Rebecca Cryer, #2065

Amanda Cornmesser, #20044

Oklahoma Department of Securities

120 North Robinson, Suite 860

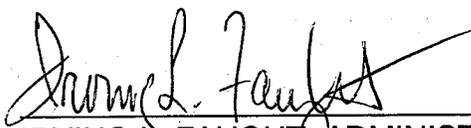
Oklahoma City, Oklahoma 73102

(405) 280-7700

STATE OF OKLAHOMA)
)
COUNTY OF OKLAHOMA) SS.

Irving Faught, of lawful age, being first duly sworn deposes and says: that he is the Administrator of the Oklahoma Department of Securities, that he has read the foregoing Petition for Permanent Injunction and Other Equitable Relief and knows the contents thereof, and that the matters and things stated therein have been provided to him by staff members of the Department under his authority and direction, and are true and correct to the best of his knowledge, information and belief.

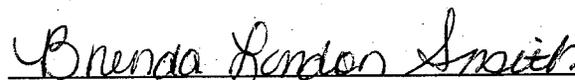
(SEAL)



IRVING L. FAUGHT, ADMINISTRATOR OF THE
OKLAHOMA DEPARTMENT OF SECURITIES
120 North Robinson, Suite 860
Oklahoma City, Oklahoma 73102
(405) 280-7700

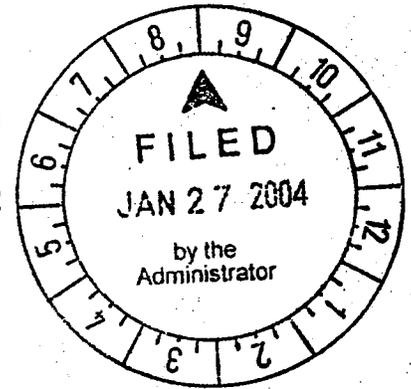
Subscribed and sworn to before me this 19th day of May, 2004.

(NOTARIAL SEAL)


Notary Public

My Commission Expires: August 26, 2005
My Commission No.: 01013792

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



SUBPOENA DUCES TECUM

TO: Dennis R. Anderson

ODS 04-027

IN THE NAME OF THE STATE OF OKLAHOMA, and pursuant to Section 405(b) of the Oklahoma Securities Act ("Act"), Okla. Stat. tit. 71, §§ 1-413, 501, 701-703 (West 2003), you are commanded to produce all documents described in Appendix "A", attached hereto and incorporated 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, on the **18th day of February, 2004, at 5:00 p.m.**

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 27th day of January, 2004.

(SEAL)

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

EXHIBIT "1"

Definitions

1. As used herein, the terms "*you*" and "*your*" refer to Dennis R. Anderson, an Oklahoma citizen, and all entities in which such person has or has had a controlling interest, and all subsidiaries, affiliates, predecessors and successors thereof.

2. As used herein, the term "*Opportunity*" or "*Opportunities*" refers to any investment opportunity from which a purchaser or participant expects to receive future income including, but not limited to, opportunities to invest in the profits of any company.

3. 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 registrant or any of its parents or subsidiaries.

4. As used herein, the term "*Department*" shall refer to the Oklahoma Department of Securities.

5. As used herein, the term "*person*" shall refer to any natural person, firm, association, partnership, limited liability company, corporation or other form of business entity or any legal or governmental entity or political subdivision thereof or association.

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 and business 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, 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, the term "*document*" or "*writing*" means any medium upon which intelligence or information can be recorded or retrieved, and includes, without limitation; any 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. "Document" or "writing" shall also mean all computer generated data including, but not limited to, spreadsheets, databases, graphics, charts and presentations, electronic mail messages, electronic facsimiles, scanned material or all computer generated data stored on removable storage media, including but not limited to, 3.5" and 5.25" floppy disks, rewritable optical disks, cd-recordable disks, removable hard drives, 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 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.

9. 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 should be accompanied by a list briefly identifying each document or other material and the item or items of the subpoena to which it relates.

2. Should any document(s), required to be produced by the subpoena, be withheld pursuant to a claim of privilege or for any other reason, you should 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.

3. 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.

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

5. 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, for the time period June 1, 1994, to the present, the following documents, maintained by you or within your possession, custody or control:

1. Documentation to identify each type of Opportunity offered by you.
2. Documentation to identify each person soliciting the sale of each Opportunity identified in number 1 above.
3. All offering documents, advertising, sales literature, solicitation letters or other promotional materials used in connection with the offer or sale of each Opportunity identified in number 1 above.
4. Documentation to identify each person to whom you have offered or sold each Opportunity identified in number 1 above.
5. All contracts, agreements, applications and incoming and outgoing correspondence, including electronic communications, with each person identified in item 4 above.
6. Documentation to identify the date and the amount of each investment made by persons identified in number 4 above, and the amount of money each such person received as a return on their investment or as a return of principal.
7. All internal memoranda, correspondence, electronic communications or reports relating to each Opportunity identified in number 1 above.
8. Documentation between you and any life insurance company, including documentation identifying all beneficiaries in your personal life insurance program.
9. All documents, including pleadings, identifying any administrative or civil proceeding in which you are a party, whether such proceeding is pending or has been concluded.
10. Documentation identifying all open and closed accounts for you including, but not limited to, checking, savings, certificate of deposit, loan, safe deposit box, trust and escrow, by the name the account is carried in, the mailing address, the account number, the type of account, and the name(s) of persons authorized to sign on the account.
11. For any account identified in response to Item No. 10 above, copies of the bank statements; the front and reverse sides of canceled checks; deposit slips with supporting deposit items; debit memorandums; credit memorandums; electronic transfer records and receipts; and incoming and outgoing wire transfer records and receipts.

12. Documentation identifying the exemption from registration under the Act relied upon for the offer and sale of each Opportunity identified in number 1 above.

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

In the Matter of: Dennis R. Anderson

ODS 04-027

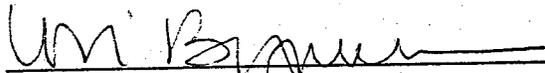
PROOF OF SERVICE OF SUBPOENA DUCES TECUM
BY PERSONAL DELIVERY

STATE OF OKLAHOMA)
) SS.
COUNTY OF OKLAHOMA)

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

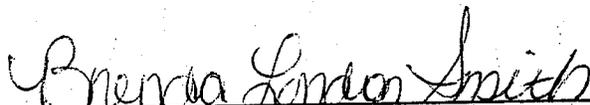
1. I received this Subpoena Duces Tecum on the 27th day of January, 2004.
2. I served the same by delivering a copy thereof to Dennis Anderson at 512 SW 1st Street, Moore, Oklahoma, on this 29th day of January, 2004.

FURTHER AFFIANT SAYETH NOT.


(Signature of Server)

Subscribed and sworn to before me this 29th day of January, 2004.

(NOTARY SEAL)


Notary Public

My Commission Expires: August 26, 2005
My Commission No.: 01013792

Client: REBECCA A. CRYER

County of Origin: OKLAHOMA

Case Number: CJ-2004-4234

005 04-027

OKLAHOMA DEPARTMENT OF SECURITIES

EX REL. IRVING L. FAUGHT,
ADMINISTRATOR, - Plaintiff(s)

vs

DENNIS R. ANDERSON - Defendant(s)

Date Served: 5/19/04 9:10:00 PM

Served By: AMIE WEST (PSS-01-35)

County of Origin: OKLAHOMA

PROOF OF SERVICE

Case Number: CJ-2004-4234

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

Summons with Petition

METHOD OF SERVICE:

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

PERSONAL SERVICE

by delivering a true copy of said process personally to DENNIS R. ANDERSON at 512 SW 1ST ST, MOORE, OK 73160-.
Date and Time: 5/19/04 9:10:00 PM

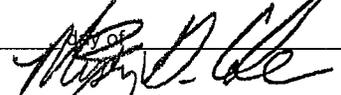
 **MISTY D. COLE**
Pottawatomie County
Notary Public in and for
State of Oklahoma
Commission # 03000034 Expires 1/2/07

**FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.**

MAY 20 2004

- PATRICIA PRESLEY, COURT CLERK
by **Deputy**

Suscribed and sworn to before me this



Notary Public (SEAL) Commission Exp.

MAY 20 2004

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



Name of Server (date)

MAY 20 2004