

IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

JUL 25 2017

RICK WARREN  
COURT CLERK

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Oklahoma Department of Securities	)
<i>ex rel.</i> Irving L. Faught,	)
Administrator,	)
Plaintiff,	)
v.	)
Stacy Wayne Travis, an individual,	)
Defendant.	)

Case No.

CV-2017-1501

**APPLICATION TO COMPEL TESTIMONY**  
**AND**  
**AUTHORITY IN SUPPORT**

Plaintiff, Oklahoma Department of Securities (“Department”) *ex rel.* Irving L. Faught, Administrator, moves this Court for an order compelling testimony that may tend to incriminate Stacy Wayne Travis (“Travis”) or subject him to a criminal fine, penalty, or forfeiture. This application is made pursuant to Section 1-602(E) of the Oklahoma Uniform Securities Act of 2004 (“Act”), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011 and Supp. 2016).

**BACKGROUND**

1. The Department has initiated an investigation of securities transactions in which Travis has participated. Section 1-602 of the Act sets out the authority of the Administrator of the Department (“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[.]

2. Based upon information obtained during the Department's investigation, Travis may have violated and may be continuing to violate the Act.

3. Subsection (A)(2) of Section 1-602 of the Act authorizes the Administrator to "[r]equire or permit a person to testify . . . under oath or otherwise as the Administrator determines, as to all the facts and circumstances concerning a matter to be investigated."

4. Section 1-602(B) of the Act authorizes the Administrator to "subpoena witnesses" and "take evidence."

5. On May 31, 2017, the Department issued a subpoena ad testificandum to Travis (the "Subpoena"). Service of the Subpoena on Travis was made via certified mail, return receipt requested, with postage prepaid thereon, in accordance with 660:2-7-3(e) 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.<sup>1</sup> See Exhibit A.

6. On July 24, 2017, the Department attempted to take the deposition of Travis upon oral examination pursuant to the Subpoena.

7. During the deposition, Travis refused to testify, invoking his privilege against self-incrimination.

8. The questions propounded by the Department to Travis were within the scope of its investigation: they were relevant to the securities transactions to which

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<sup>1</sup>660:2-7-3(e) of the Rules states: "Subpoenas shall be served in the manner provided by law." Subpoenas commanding a person's attendance may be made "by mailing a copy thereof by certified mail with return receipt requested[.]" 12 O.S. § 2004.1.B.2.

Travis was a party, and the solicited testimony was reasonably calculated to lead to the discovery of admissible evidence and was not otherwise privileged.

9. Robert Fagnant, attorney for the Department, and, Mack Martin, counsel for Travis, attempted to resolve this dispute without court action, but were unsuccessful.

### **AUTHORITY**

Pursuant to Section 1-602 of the Act, the Administrator has the authority to apply to this Court for an order to compel testimony despite an invocation of the privilege against self-incrimination. Subsection (E) of Section 1-602 of the Act provides as follows:

An individual is not excused from attending, testifying . . . or obeying a subpoena . . . under this act on the ground that the required testimony . . . directly or indirectly, may tend to incriminate the individual or subject the individual to a criminal fine, penalty, or forfeiture. If the individual refuses to testify . . . on the basis of the individual's privilege against self-incrimination, the Administrator may apply to the district court of Oklahoma County to compel the testimony[.] The testimony . . . compelled under such an order may not be used, directly or indirectly, against the individual in a criminal case, except in a prosecution for perjury or contempt or otherwise failing to comply with the order.

Compelling such testimony under Section 1-602 is necessary for the effective enforcement of the Act by the Administrator.

**WHEREFORE**, the Department requests this Court issue an order compelling Travis' testimony even though such testimony may tend to incriminate or subject him to a criminal fine, penalty, or forfeiture.

Respectfully submitted,

OKLAHOMA DEPARTMENT OF SECURITIES  
IRVING L. FAUGHT, ADMINISTRATOR

By:

A handwritten signature in black ink, appearing to read 'RF', is written over a horizontal line.

Robert Fagnant, OBA # 30548  
Terra Bonnell, OBA # 20838  
Oklahoma Department of Securities  
204 North Robinson Ave, Suite 400  
Oklahoma City, Oklahoma 73102  
Telephone (405) 280-7700  
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tbonnell@securities.ok.gov

STATE OF OKLAHOMA  
DEPARTMENT OF SECURITIES  
204 NORTH ROBINSON AVENUE, SUITE 400  
OKLAHOMA CITY, OKLAHOMA 73102

SUBPOENA AD TESTIFICANDUM  
ODS File No. 15-018



To: Stacy Wayne Travis

**IN THE NAME OF THE STATE OF OKLAHOMA**, and pursuant to Section 1-602 of the Oklahoma Uniform Securities Act of 2004, Okla. Stat. tit. 71, §§ 1-101 through 1-701 (2011 and Supp. 2016), **YOU ARE COMMANDED TO APPEAR AND TESTIFY** in an oral deposition before the Administrator of the Oklahoma Department of Securities, or his designated representative, at the Oklahoma Department of Securities, 204 North Robinson Avenue, Suite 400, Oklahoma City, Oklahoma, on **July 24, 2017, at 9:00 a.m.**

Witness my Hand and the Official Seal of the Oklahoma Department of Securities this 31st day of May, 2017.

(SEAL)

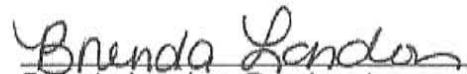
Melanie Hall, Deputy Administrator  
Oklahoma Department of Securities  
204 North Robinson Avenue, Suite 400  
Oklahoma City, Oklahoma 73102  
(405) 280-7700



CERTIFICATE OF SERVICE

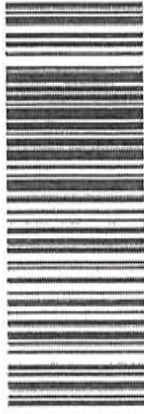
The undersigned hereby certifies that on this 31st day of May 2017, the above and foregoing *Subpoena Ad Testificandum* was mailed, via certified mail, return receipt requested, delivery restricted, to the following:

Stacy Wayne Travis  
1685 County Road 2800  
Chickasha, OK 73018

  
Brenda London, Paralegal

OKLAHOMA DEPARTMENT OF SECURITIES  
204 North Robinson, Suite 400  
Oklahoma City, Oklahoma 73102

**REGISTERED MAIL**



7015 0640 0004 8677 6089

Return Receipt,  
Requested.



U.S. POSTAGE



ZIP 73102 \$011.51<sup>9</sup>  
02 APR  
0000346013 MAY 31 2017

Stacy Wayne Travis  
1685 County Road 2800  
Chickasha, OK 73018

Subo 15-018 RF

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3.
- 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:

Stacy Wayne Travis  
1685 County Road 2800  
Chickasha, OK 73018

**RESTRICTED DELIVERY**



9590 9402 1524 5362 1151 57

2. Article Number (Transfer from service label)

7015 0640 0004 8677 6089

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

Walter T. Davis

6-3-17

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

3. Service Type

Adult Signature

Adult Signature Restricted Delivery

Certified Mail®

Certified Mail Restricted Delivery

Collect on Delivery

Collect on Delivery Restricted Delivery

all Restricted Delivery

Priority Mail Express®

Registered Mail™

Registered Mail Restricted Delivery

Return Receipt for Merchandise

Signature Confirmation™

Signature Confirmation Restricted Delivery