FILED IN DISTRICT COURT
OKLAHOMA COUNTY

MAY 22 2013

TIM RHODES
COURT CLERK
30

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, Plaintiff,	)	
v.	)	Case No. CV – 2012 – 2629 Judge Roger H. Stuart
RAF Operating, LLC (formerly known as Big Oil, LLC), Defendant.	)	

PLAINTIFF'S APPLICATION FOR CONTEMPT, INJUNCTIVE RELIEF, CIVIL PENALTY, WRIT OF ATTACHMENT, ASSET FREEZE AND OTHER RELIEF AND AUTHORITY IN SUPPORT

Plaintiff, Oklahoma Department of Securities ("Department") *ex rel.* Irving L. Faught, Administrator, moves this Court for an order holding the Defendant in contempt for failure to comply with a subpoena duces tecum issued 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), to Big Oil, LLC ("BO") (the "Subpoena"), an Oklahoma company currently doing business as RAF Operating, LLC, (See Exhibit "A"), and ordering injunctive relief, a civil penalty, a *Writ of Attachment*, and a freeze on assets for BO's failure to comply with orders issued by this Court pursuant to the Act. 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. On October 22, 2012, the Department issued the Subpoena with a production deadline of November 9, 2012. The Subpoena was properly served on the

Defendant in accordance with 660:2-7-3(e)[1] 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. See Exhibit "B".

2. On November 27, 2012, the Department filed with this court an *Application for Order Enforcing Administrative Subpoena and Authority in Support* ("Application to Enforce"). The Application to Enforce was properly served on the Defendant, in accordance with 12 O.S. § 2004, on December 19, 2012, and the *Proof of Service* was filed with this Court on December 28, 2012. See Exhibit "C" (Exhibits to the Application to Enforce not included).

3. On February 5, 2013, a *Notice of Hearing on Application for Order Enforcing Administrative Subpoena* was filed with this Court, including the *Certificate of Mailing* evidencing proper service on the Defendant in accordance with 12 O.S. § 2005, notifying the Defendant of a February 21, 2013, hearing. See Exhibit "D".

4. On February 21, 2013, a hearing was held before this Court regarding the Application to Enforce. Neither the Defendant nor counsel for the Defendant appeared at the hearing. This Court issued an *Order Enforcing Administrative Subpoena* pursuant to Section 1-602(C) of the Act ("Order"). The Order gave the Defendant until no later than March 6, 2013, to produce all documents required by the Subpoena. On the same date, the Order and *Certificate of Mailing*, evidencing proper service on the Defendant in accordance with 12 O.S. § 2005, were filed with this Court. See Exhibit "E".

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[1]660:2-7-3(e) of the Rules states: "Subpoenas shall be served in the manner provided by law." Subpoenas commanding production of documents and things before trial shall be served on a party in accordance with 12 O.S. § 2005.B. 12 O.S. § 2004.1.B.1. Service upon the attorney or upon a party shall be made by . . . mailing it[.] [S]ervice by mail is complete upon mailing[.] 12 O.S. § 2005.B.

5. On February 21, 2013, a hearing was set for March 28, 2013, in order to allow the Defendant to show cause as to why a civil penalty should not be imposed upon the Defendant pursuant to the Application to Enforce ("Show-Cause Hearing"), and a notice of the hearing was filed with this Court. The Show-Cause Hearing notice filing included a *Certificate of Mailing* evidencing proper service on the Defendant in accordance with 12 O.S. § 2005. See Exhibit "F".

6. On March 28, 2013, the Show-Cause Hearing was held before this Court. Neither the Defendant nor counsel for the Defendant appeared at the hearing. This Court issued an *Order Imposing Civil Penalty* pursuant to Section 1-602(C) of the Act ("Civil Penalty Order"). The Civil Penalty Order gave the Defendant until no later than April 29, 2013, to pay to the Administrator a civil penalty in the amount of Five Thousand Dollars ($5,000). On the same date, the Civil Penalty Order and a *Certificate of Mailing* evidencing proper service on the Defendant in accordance with 12 O.S. § 2005, were filed with this Court. See Exhibit "G".

7. Robert A. Falco ("Falco"), represented by the same counsel as the Defendant, controls the Defendant as its "Sole Member, Co-Manager, and Sole Tax Matters Partner". William J. House ("House") controls the Defendant as a "Co-Manager". See Exhibit "H" (Defendant's "Second Amended Operating Agreement" evidencing Falco and House's positions within the Defendant's corporate structure; Emails between Department and Defendant's counsel, dated December 4, 2012, establishing Falco's legal representation by California attorney Peter Rimel ("Rimel"); Email chain between the Department and Defendant's counsel, from January 8 to 29, 2013, evidencing Rimel's legal representation of the Defendant; and a letter, dated

February 20, 2013, from Defendant's registered agent evidencing his belief of the Defendant's legal representation by Rimel).

8. To date, the Defendant has not answered the Application to Enforce, appeared before the Court or complied with the Subpoena, Order or Civil Penalty Order.

AUTHORITY

9. 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 . . . obey a subpoena as required by the Administrator under this act, the Administrator may apply to the district court of Oklahoma County . . . to enforce compliance. The court may:
>
> 1. Hold the person in contempt;
>
> * * *
>
> 5. Grant injunctive relief, *including* restricting or prohibiting the offer or sale of securities or the providing of investment advice (emphasis added);
>
> 6. Impose a civil penalty up to a maximum of Five Thousand Dollars ($5,000) for a single violation or Two Hundred Fifty Thousand Dollars ($250,000.00) for multiple violations in a single proceeding or a series of related proceedings; and
>
> 7. Grant any other necessary or appropriate relief.

10. In addition, pursuant to Section 1-603 of the Act, the Court has the authority to enforce the Order and Civil Penalty Order. Section 1-603 provides:

> A. If the Administrator believes that a person has engaged . . . in an act . . . constituting a violation of . . . [an] order issued under this act . . . the Administrator may . . . maintain an action in the district

> court of Oklahoma County . . . to enforce compliance with . . . [an] order issued under this act.
>
> B. In an action under this section and on a proper showing, the court may:
>
> > 1. Issue a permanent or temporary injunction, restraining order, or declaratory judgment;
> >
> > 2. Order other appropriate or ancillary relief, which may include:
> >
> > > a. an asset freeze, . . . writ of attachment . . . ,
> > >
> > > * * *
> > >
> > > c. imposing a civil penalty up to a maximum of Five Thousand Dollars ($5,000.00) for a single violation or up to Two Hundred Fifty Thousand Dollars ($250,000.00) for more than one violation . . . ; [or]
> > >
> > > * * *
> >
> > 3. Order such other relief as the court considers appropriate.
>
> C. The Administrator may not be required to post a bond in an action or proceeding under this act.

11. Indirect contempt is defined in 21 O.S. § 565, in part, as willful disobedience of any order lawfully issued or made by a court. Proof of disobedience of the order must be made by clear and convincing evidence. *Hadley v. Hadley*, 280 P. 1097, 1100 (Okla. 1928)(citing *Morgan v. Nat'l Bank of Commerce of Shawnee*, 217 P. 388 (Okla. 1923) *overruled on different grounds by Henry v. Schmidt*, 91 P.3d 651 (Okla. 2004)). "Willful", in the context of contempt, is determined by whether the charged party could have, but refused, to comply. *Collins v. Collins*, 898 P.2d 1316,

1319 (Okla. Civ. App. 1995)(citing *McCrary v. McCrary*, 723 P.2d 268, 271 (Okla. 1986)).

12. Imprisonment for indirect contempt is limited, in accordance with 21 O.S. § 566, to no more than six months in the county jail. Although a contemptor may be imprisoned for indirect contempt, it is considered a civil offense and not a criminal conviction. *Harber v. Shaffer*, 755 P.2d 640, 642 (Okla. 1988).

13. The United States Supreme Court has stated that a judicial command to a corporation is, in effect, a command to those who are responsible for the affairs of that corporation; failure to obey a judicial command by those who are responsible for the corporation's affairs may themselves be punished for contempt. *Wilson v. United States*, 221 U.S. 361, 376 (1911); *Bd. of Comm'rs of Leavenworth Cnty. v. Sellew*, 99 U.S. 624, 627 (1878). The Oklahoma Supreme Court has stated that entities can "only act by and through their officers, members and agents." *Clark v. Most Worshipful St. John's Grand Lodge of Ancient Free & Accepted Masons of Okl.*, 181 P. 2d 229, 231 (Okla. 1947). When these actors knowingly and willingly violate a court's order, they too may be held in contempt of court to the same extent as though they had been personally named in the proceeding. *Id.* In addition:

> Even though . . . [an] order is addressed to the corporation only, the officers, as well as the corporation itself, may be punished for contempt for disobedience to its terms, at least if they knowingly disobey the court's mandate, since a lawful judicial command to a corporation is in effect a command to officers.

Id. (quoting *17 C.J.S. Contempt*).

14. As evidenced in Exhibit "H", Falco is the "Sole Member" and Falco and House are co-managers of the Defendant and, pursuant to *Wilson, Sellew* and *Clark*,

may be held in contempt of court to the same extent as the Defendant though not personally named in the Subpoena, Order or Civil Penalty Order ("Filings").

15. The Defendant had proper service and notice of the Filings as detailed in Item Nos. 1 through 6 above. The Defendant, Falco and House (the "Contemptors") willfully disregarded the Subpoena, Order and Civil Penalty Order by not producing any documents to the Department or paying the civil penalty to the Administrator. See Exhibit "I" (Affidavit of Brenda London, paralegal and custodian of records for the Department's Enforcement Division, evidencing Defendant's subpoenal non-compliance and the Contemptors' failure to pay the civil penalty to the Department). What is more, the Contemptors never responded to the Application to Enforce nor appeared before this Court.

16. Enforcement of the Subpoena, Order and Civil Penalty Order, under Sections 1-602 and 1-603 of the Act, respectively, is necessary for the effective enforcement of the Act by the Administrator.

WHEREFORE, the Department requests this Court issue an order, pursuant to Sections 1-602 and 1-603 of the Act:

a. finding the Defendant, Falco and House in indirect contempt of court;

b. enjoining the Contemptors from conducting business in, and/or from, Oklahoma, including the offer or sale of securities, and/or any associated transactions or activities, or the providing of investment advice,

until the Defendant complies with the Subpoena and Order and has fully paid any and all civil penalties owed to the Department by the Defendant;

c. imposing a civil penalty payable to the Department on the Contemptors, jointly and severely, in the amount of Five Thousand Dollars ($5,000), in addition to the penalty imposed by the Court in the Civil Penalty Order;

d. issuing a bench warrant ordering the imprisonment of Falco and House for no longer than six months in duration or until the Defendant complies with the Subpoena and Order and has fully paid any and all civil penalties owed to the Department;

e. issuing a *Writ of Attachment* on any and all of the Contemptors' property in Oklahoma;

f. ordering an asset freeze on any and all of the Contemptors' assets in Oklahoma; and

g. 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

I, TIM RHODES, Court Clerk for Oklahoma County, Okla., certify that the foregoing is a true, correct and complete copy of the instrument as appears of record in the District Court Clerk's Office of Oklahoma County, Okla., this 22 day of May, 2013

TIM RHODES, Court Clerk

By _____ Deputy

Corporate Records & Business Registrations

Source Information

This Record Last Updated:	07/01/2012
Database Last Updated:	04/15/2013
Update Frequency:	WEEKLY
Current Date:	04/16/2013
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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EXHIBIT
A

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

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

FILED
OCT 22 2012
by the Administrator

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

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

EXHIBIT
B

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

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[1] Assistance complying with subpoenal 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

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.

Respectfully,

Rob Fagnant
Enforcement Attorney

Attachment

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
Certified Fee	295	Postmark Here
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 Pl, Suite 100
Tulsa, OK 74115

Subp 12-067 RF

2. Article Number *(Copy from service label)*
7000 0520 0022 7150 0447

COMPLETE THIS SECTION ON DELIVERY

A. Received by *(Please Print Clearly)* Laura M. Bennett

B. Date of Delivery 10/30/12

C. Signature X Laura M. Bennett ☐ Agent ☐ Addressee

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

USPS NORTHWEST STATION
OCT 30 2012
TULSA OK 74115-9999

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

PS Form 3811, July 1999 Domestic Return Receipt 102595-00-M-0952

7000 0520 0022 7150 0430

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

Subp 12-Oct RF

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

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

for Instructions

by mailer)

CERTIFIED MAIL

OKLAHOMA CITY

7000 0520 0022 7150 0430

UNITED STATES POSTAGE
HENRY BOWES
02 1R $ 05.95⁰
0002002312 OCT 23 2012
MAILED FROM ZIP CODE 73102

OKLAHOMA DEPARTMENT OF SECURITIES
First National Center, Suite 860
120 North Robinson
Oklahoma City, Oklahoma 73102

RECEIVED
OKLAHOMA DEPT.
OF SECURITIES
2012 NOV 20 A 7:58

On Hold

1st NOTICE
2nd NOTICE
RETURNED

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

1st NOTICE
2nd NOTICE
RETURNED

NIXIE 731 5E 1 00 11/15/12

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

BC: 73102749499 *0757-08094-23-38

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

NOV 27 2012

PATRICIA PRESLEY, COURT CLERK
by _____ DEPUTY

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, Plaintiff,	)	
v.	)	Case No. CV-2012-2629
RAF Operating, LLC (formerly known as Big Oil, LLC), Defendant.	)	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.

EXHIBIT
C

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, 2013, at 900 A.m. before Judge Stuart, Oklahoma County Courthouse, Oklahoma City, Oklahoma.

OUR FIRM FILE NUMBER:

Client: OKLAHOMA STATE DEPT. OF SECURITIES

County: Oklahoma

Case Number: CV-20129-2629

OKLAHOMA DEPARTMENT OF SECURITIES EX REL. IRVING L - Plaintiff(s)

vs

RAF OPERATING, LLC,. F/K/A BIG OIL, LLC,. - Defendant(s)

FILED IN THE DISTRICT COURT
OKLAHOMA COUNTY, OKLA.

DEC 28 2012

PATRICIA PRESLEY, COURT CLERK
by _____ Deputy

Date Served: 12/19/2012 2:05:00 PM

Served By: BENJAMIN ALSIP (PSS-10-3)

County of Origin: Oklahoma

Proof of Service

Case Number: CV-2012-2629

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

*Summons
*Application for Order
*Notice of Hearing
*Exhibits

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

Corporation/Partnership, Etc.

by delivering a true copy of said process to WARREN F. YOUNG he/she/it, being the service agent, agent in charge, an officer or partner of said entity, to wit: RAF OPERATING, LLC,. at 7105 E. ADMIRAL PLACE SUITE 100, TULSA, OK 74115. Date and Time: 12/19/2012 2:05:00 PM

Other Information:

Subscribed and sworn to before me this 26 day of December

JOSEPH HAMRA
Notary Public in and for
STATE OF OKLAHOMA
Commission # 12002613
Expires: March 16, 2016

Notary Public Commission Exp.

(SEAL)

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

Name of Server

12-26-12
(date)

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

FEB - 5 2013

TIM RHODES
COURT CLERK
33

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, Plaintiff,	)	
v.	)	Case No. CV – 2012 – 2629 Judge Roger H. Stuart
RAF Operating, LLC (formerly known as Big Oil, LLC), Defendant.	)	

NOTICE OF HEARING ON APPLICATION FOR ORDER ENFORCING ADMINISTRATIVE SUBPOENA

TAKE NOTICE that the hearing on Plaintiff's *Application for Order Enforcing Administrative Subpoena* is set for the 21 day of February, 2013, at 900 a. .m. before Judge Roger H. Stuart, Oklahoma County Courthouse, Oklahoma City, Oklahoma.

Respectfully submitted,

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
Attorneys for Plaintiffs

EXHIBIT
D

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 5 day of February, 2013, a true and correct copy of the above and foregoing *Notice of Hearing on Application for Order Enforcing Administrative Subpoena* was mailed with postage prepaid thereon, via first-class US mail, addressed to:

Big Oil, LLC 9410 S. Elwood, Suite 114 Jenks, OK 74037	Big Oil, LLC c/o Warren F. Young, Esq. 7105 E. Admiral Pl, Suite 100 Tulsa, OK 74115
Peter Rimel, Esq. The Law Office of Peter J. Rimel 315 Centennial Way Tustin, CA 92780	

Robert Fagnant

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

FEB 21 2013

TIM RHODES
COURT CLERK

34

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, Plaintiff,	)	
v.	)	Case No. CV – 2012 – 2629 Judge Roger H. Stuart
RAF Operating, LLC, (formerly known as Big Oil, LLC) Defendant.	)	

ORDER ENFORCING ADMINISTRATIVE SUBPOENA

This matter came for hearing before this Court on the 21st day of February, 2013, on Plaintiff's *Application for Order Enforcing Administrative Subpoena and Authority in Support* ("Application to Enforce") seeking the production of documents from Defendant. After consideration of the evidence, the Court finds that good cause exists for the granting of said Application to Enforce.

IT IS THEREFORE ORDERED, ADJUGED AND DECREED that Defendant produce all documents required by the subpoena issued by the Administrator of the Oklahoma Department of Securities on October 22, 2012, no later than the 6 day of March, 2013.

Dated this 21 day of February, 2013.

ROGER H. STUART
DISTRICT JUDGE

EXHIBIT
tabbies
E

APPROVED

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
bonnell@securities.ok.gov
Attorneys for Plaintiffs

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 21 day of February, 2013, a true and correct copy of the above and foregoing *Order Enforcing Administrative Subpoena* was mailed 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, Esq. 7105 E. Admiral Pl, Suite 100 Tulsa, OK 74115
Peter Rimel, Esq. The Law Office of Peter J. Rimel 315 Centennial Way Tustin, CA 92780	

Robert Fagnant

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

FEB 21 2013

TIM RHODES
COURT CLERK
33

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, Plaintiff,	)	
v.	)	Case No. CV – 2012 – 2629 Judge Roger H. Stuart
RAF Operating, LLC (formerly known as Big Oil, LLC), Defendant.	)	

NOTICE OF SHOW-CAUSE HEARING

TAKE NOTICE that a hearing allowing the Defendant to show cause as to why a civil penalty in the amount of Five Thousand Dollars ($5,000), in accordance with the Plaintiff's requested relief in the *Application for Order Enforcing Administrative Subpoena,* should not be imposed against the Defendant is set for the 28 day of March, 2013, at 9:00 A.m. before Judge Roger H. Stuart, Oklahoma County Courthouse, Oklahoma City, Oklahoma.

Respectfully submitted,

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
Attorneys for Plaintiffs

EXHIBIT
tabbies
F

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 21 day of February, 2013, a true and correct copy of the above and foregoing *Notice of Show-Cause Hearing* was mailed with postage prepaid thereon, via first-class US mail, addressed to:

Big Oil, LLC 9410 S. Elwood, Suite 114 Jenks, OK 74037	Big Oil, LLC c/o Warren F. Young, Esq. 7105 E. Admiral Pl, Suite 100 Tulsa, OK 74115
Peter Rimel, Esq. The Law Office of Peter J. Rimel 315 Centennial Way Tustin, CA 92780	

Robert Fagnant

FILED IN DISTRICT COURT
OKLAHOMA COUNTY

MAR 28 2013

TIM RHODES
COURT CLERK
30

IN THE DISTRICT COURT OF OKLAHOMA COUNTY
STATE OF OKLAHOMA

Oklahoma Department of Securities *ex rel.* Irving L. Faught, Administrator, Plaintiff,	)	
v.	)	Case No. CV – 2012 – 2629 Judge Roger H. Stuart
RAF Operating, LLC, (formerly known as Big Oil, LLC) Defendant.	)	

ORDER IMPOSING CIVIL PENALTY

This matter came for hearing before this Court on the 28th day of March, 2013, in order to allow the Defendant to show cause as to why a civil penalty, in the amount of Five Thousand Dollars ($5,000), in accordance with the Plaintiff's requested relief in the *Application for Order Enforcing Administrative Subpoena*, ("Penalty"), should not be imposed against the Defendant. After consideration of the pleadings and evidence, the Court finds that good cause exists for the granting of said Penalty.

IT IS THEREFORE ORDERED, ADJUGED AND DECREED that Defendant pay to the Administrator a civil penalty in the amount of Five Thousand Dollars ($5,000) within thirty (30) days of the issuance of this Order.

Dated this 28th day of March, 2013.

I, TIM RHODES Court Clerk for Oklahoma County, Okla., certify that the foregoing is a true, correct and complete copy of the instrument as appears of record in the District Court Clerk's Office of Oklahoma County, Okla., this 28 day of March, 2013
TIM RHODES, Court Clerk
By Deputy

ROGER STUART
DISTRICT COURT JUDGE

EXHIBIT
tabbies
G

APPROVED

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
bonnell@securities.ok.gov
Attorneys for Plaintiffs

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 28 day of March, 2013, a true and correct copy of the above and foregoing *Order Imposing Civil Penalty* was mailed with postage prepaid thereon, addressed to:

Peter Rimel, Esq. The Law Office of Peter J. Rimel 315 Centennial Way Tustin, CA 92780	RAF Operating, LLC f/k/a Big Oil, LLC c/o Warren F. Young, Esq. 7105 E. Admiral Pl, Suite 100 Tulsa, OK 74115

Robert Fagnant

SECOND AMENDED
OPERATING AGREEMENT
of

RAF Operating, LLC

[OKLAHOMA LIMITED LIABILITY COMPANY]

This Amended Operating Agreement is effective the 11th day of April, 2012, and executed this 25th day of April, 2012.

WHEREAS, effective the 31st day of March, 2011, an *Operating Agreement* was entered into by and among the members of Big Oil, LLC;

WHEREAS, effective the 22nd day of March, 2012, an *Amended Operating Agreement* was entered into by and among the members of Big Oil, LLC;

WHEREAS, on the 20th day of April, 2012, an *Amended Articles of Organization* was filed with the Secretary of State of Oklahoma which changed Big Oil, LLC's name to RAF Operating, LLC; and

WHEREAS, the members of RAF Operating, LLC, wish to amend said *Operating Agreement* and *Amended Operating Agreement;*

NOW THEREFORE, the members of RAF Operating, LLC, hereby amend and fully re-state the following Sections as set out herein:

A. Article I, Section 1.02, Name;
B. Article I, Section 1.03, Agent and Principal Office;
C. Article VI, Section 6.01, Managers.

ARTICLE I
Organizational Matters

Section 1.02. Name:

The name of the Company shall be "RAF Operating, LLC."

Section 1.03. Agent and Principal Office:

The principal place of business of the Company is:

9410 South Elwood, Suite 114, Jenks, OK 74037.

The name and address of the registered agent is:

Warren F. Young, 7105 E. Admiral Pl., Suite 100, Tulsa, OK 74115

EXHIBIT
H

The Company may also maintain offices at such other place or places as the Members deem advisable.

ARTICLE VI
Management and Operation of Business

Section 6.01. Managers:

Management of the Company shall be vested in one or more Managers, as are appointed by the members from time to time pursuant to the terms of this Agreement. The Co-Managers of the Company are:

ROBERT FALCO, and
WILLIAM HOUSE.

From time to time in the event that no Managers are appointed, or all Managers have been removed from office as provided in Article VI, the business of the Company shall be under the exclusive management of the Members, and in such case, the majority of all the Members shall be necessary and required for all decisions affecting the Company, and individual Members shall have no power as such.

All other terms and provisions of that certain *Operating Agreement* dated April 14, 2011, but effective March 31, 2011, and that certain *Amended Operating Agreement* dated and effective March 22, 2012, shall remain as written.

IN WITNESS WHEREOF, the parties hereto have executed this *Second Amended Operating Agreement* effective as of the 11th day of April, 2012, but such Agreement was executed by the undersigned on the 25th day of April, 2012.

MEMBER:

ROBERT FALCO
Sole Member, Co-Manager, and Sole Tax Matters Partner

From: Peter Rimel <Peter@RNLLP.COM>
Sent: Tuesday, December 04, 2012 11:11 AM
To: Rob Fagnant
Subject: Re: STATE OF OKLAHOMA SECURITIES RE SYNERGY OIL, LLC

No:(. I represent both synergy and mr Falco individually. I had no idea who big oil was until last night.

Sent from Peter J Rimel remote office

On Dec 4, 2012, at 5:39 AM, "Rob Fagnant" < rfagnant@securities.ok.gov> wrote:

Thanks Peter.

Just to make sure we're all on the same page, you are representing Synergy Oil, LLC, and NOT Mr. Falco individually...is this correct ?

The hearing is for on an *Application for Order Enforcing Administra tive Subpoena* filed by the Department with the Oklahoma County District Court naming RAF Operating, LLC (fka Big Oil, LLC), as the defendant. The application seeks enforcement of the subpoena along with a request for a $5K civil penalty. The link I provid ed below should have any document(s) filed available for a free download.

Thanks,
Rob

Rob Fagnant
Enforcement Attorne y
Oklahoma Department of Securitie s
Phone: 405.280.7718
Fax: 405.280.7742
www.securities.ok.gov

From: Peter Rimel [mailto:Peter@RNLLP.COM]
Sent: Monday, December 03, 2012 11:08 PM
To: Rob Fagnant
Subject: Re: STATE OF OKLAHOMA SECURITIES RE SYNERGY OIL, LL C

I spoke tonight w mr Falco. Big oil was his operating company. U were correct. He owned both. However, I do NOT represent big oil and don't plan on doing so. Still would like to know what this hearing is all about. I was not aware of a hearing. Peter

Sent from Peter J Rimel remote offic e

On Dec 3, 2012, at 2:59 PM, "Rob Fagnant" < rfagnant@securities.ok.gov> wrote:

Peter,

You have stated you have not been retained by Big Oil, LLC, however I feel I must inform you of the following:

As I started going through the documents produced by Synergy I noticed that Mr. Falco's signature is similar to the signature on a Big Oil, LLC, check that is an exhibit in case CV-2012-2629 here in Oklahoma County District Cou rt. You can see the Application and Exhibits here:
http://www.oscn.net/applications/oscn/GetCaseInformation.asp?number=CV -2012-2629&db=Oklahoma&submitted=true

Be advised there's a hearing scheduled on this matter for January 11, 2013, at 9 a.m.

If your client is not connected with Big Oil, I apologize for taking up your time however, there appears to be a connection if the signature on the exhibit is indeed Mr. Falco's.

Regards,

Rob Fagnant
Enforcement Attorney
Oklahoma Department of Securit ies
Phone: 405.280.7718
Fax: 405.280.7742
www.securities.ok.gov

From: Peter Rimel [mailto:Peter@RNLLP.COM]
Sent: Monday, November 19, 2012 10:54 AM
To: Rob Fagnant
Subject: Re: STATE OF OKLAHOMA SECURITIES RE SYNERGY OIL, LL C

Rob, no. I do not. Have not been retained. Is the subpoena as to more than synergy? I don't have it in front of me:)

Peter

Sent from Peter J Rimel remote offic e

On Nov 19, 2012, at 8:41 AM, "Rob Fagnant" <rfagnant@securities.ok.gov> wrote:

> Peter, are you also representing Big Oil, LLC, by any chance ?
>
> Rob Fagnant
> Enforcement Attorney
> Oklahoma Department of Securitie s
> Phone: 405.280.7718
> Fax: 405.280.7742
> www.securities.ok.gov

From: Peter Rimel [mailto:Peter@RNLLP.COM]
Sent: Monday, November 19, 2012 10:07 AM
To: Rob Fagnant
Cc: 07.05.1960 Robert Falco
Subject: Re: STATE OF OKLAHOMA SECURITIES RE SYNERGY OIL, LL C

U betcha! Thanks for understanding and for the patience.

Peter

Sent from Peter J Rimel remote offic e

On Nov 19, 2012, at 7:25 AM, "Rob Fagnant" <rfagnant@securities.ok.gov> wrote:

> Peter,
>
> I received your VM, and understand you're sending out your client's response to the Department's subpoena today, Nov. 19. I appreciate your update and will be awaiting your documents to arrive within the next few days.
>
> Regards,
>
> Rob Fagnant
> Enforcement Attorne y
> Oklahoma Department of Securitie s
> Phone: 405.280.7718
> Fax: 405.280.7742
> www.securities.ok.gov
>
> ---
>
> **From:** Peter Rimel [mailto:Peter@RNLLP.COM]
> **Sent:** Friday, November 09, 2012 3:06 PM
> **To:** Rob Fagnant
> **Cc:** peter@RNLLP.COM; robert@synergyoil-llc.com
> **Subject:** RE: STATE OF OKLAHOMA SECURITIES RE SYNERGY OIL, LLC
> **Importance:** High
>
> Rob:
>
> Thank you. I will ask my client to begin work on this immediately.
>
> Peter
>
> Peter Rimel, Esq.
>
> The Law Office of Peter J. Rimel, A PC

315 Centennial Way
Tustin, California 92780
714.544.5193 telephone
714.544.3796 facsimile

This message may contain confidential and privileged information of The Law Office of Peter J. Rimel, A PC., or the intended recipient. The information transmitted in this message is intended only for use by the intended recipient. Unless you are the intended recipient (or authorized to receive for the intended recipient), you may not use, copy, retransmit, take any action in reliance on or disclose to anyone the message or information contained in the message. If you received the message in error, please immediately send or forward it to Peter@rnllp.com or contact us telephonically at 714.544.5193 and delete the message. Thank you.

IRS Circular 230 Disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

Neither Peter J. Rimel, Esq. nor The Law Office of Peter J. Rimel, A PC hold any Securities Licenses, including but not limited to Series 7 and the like. Nothing herein shall be considered a solicitation for the purchase or sale of any security instrument. Any information herein regarding any security instrument SHALL NOT be relied upon and SHALL NOT be considered to be advice re the purchase, sale, or the like of any security instrument or the like. To the extent that any security information (anything that whose governing body would be the Securities and Exchange Commission or a like agency) whatsoever is found herein, such should NOT be relied upon and should be forwarded to the appropriate professionals (i.e. properly licensed brokers, traders, or the like) for his/her/their expert opinion.

From: Rob Fagnant [mailto:rfagnant@securities.ok.gov]
Sent: Friday, November 09, 2012 12:56 PM
To: Peter Rimel
Cc: Terra Bonnell
Subject: RE: STATE OF OKLAHOMA SECURITIES RE SYNERGY OIL, LLC

That should be "see the note on page 4 of the subpoena".

Rob Fagnant
Enforcement Attorney
Oklahoma Department of Securities
Phone: 405.280.7718
Fax: 405.280.7742
www.securities.ok.gov

From: Rob Fagnant
Sent: Friday, November 09, 2012 2:52 PM
To: 'Peter Rimel'
Cc: Terra Bonnell; Charles Kaiser
Subject: RE: STATE OF OKLAHOMA SECURITIES RE SYNERGY OIL, LLC

Peter,

Basically, documents must be produced in their native format (for example: Spreadsheets as .xls files, documents as .doc files, emails produced as .pst files if Outlook is used, etc.) and not printed out and delivered in a banker's box(s) (as in the days of old) or made into PDF files and sent to the ODS.

Imaged production (such as TIF or PDF files) will only be accepted if that's the format they are used and kept in the normal course of business.

Some assistance can be had through the ODS IT office at 405 280 7710. (See note 4 of the Subpoena).

FYI: CC'd in this email is Terra Bonnell, an Enforcement Attorney also assigned to this case, and Charles Kaiser from our IT office.

Hope that helps,
Rob

Rob Fagnant
Enforcement Attorney
Oklahoma Department of Securities
Phone: 405.280.7718
Fax: 405.280.7742

www.securities.ok.gov

From: Peter Rimel [mailto:Peter@RNLLP.COM]
Sent: Friday, November 09, 2012 2:36 PM
To: Rob Fagnant
Cc: peter@RNLLP.COM; robert@synergyoil-llc.com
Subject: RE: STATE OF OKLAHOMA SECURITIES RE SYNERGY OIL, LLC
Importance: High

Hi Rob:

Gosh, I am not familiar with all this new fangled tech jargon☺. In basic terms, do you merely wish us to copy everything to a disk to send to you, or do I need to get an IT guy on this? I want to comply completely, but I really am ignorant in tech stuff. Please advise.

Thank you.

Peter

Peter Rimel, Esq.

The Law Office of Peter J. Rimel, A PC
315 Centennial Way
Tustin, California 92780
714.544.5193 telephone
714.544.3796 facsimile

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From: Rob Fagnant [mailto:rfagnant@securities.ok.gov]
Sent: Friday, November 09, 2012 12:32 PM
To: Peter Rimel
Cc: Terra Bonnell
Subject: RE: STATE OF OKLAHOMA SECURITIES RE SYNERGY OIL, LLC

Mr. Rimel,

Although the deadline has been extended the subpoena's other requirements have not changed; the OK Department of Securities' (ODS) subpoena generally requires native/electronic format production. Please refer to the subpoena's "Definitions" and "Instructions" sections.

I bring this up only because you mentioned on the call the package sent to California regulators would probably be copied and sent to the ODS. I'm assuming their requirements may be different then the ODS' requirements.

Regards,

Rob Fagnant
Enforcement Attorney
Oklahoma Department of Securities
Phone: 405.280.7718
Fax: 405.280.7742
www.securities.ok.gov

From: Peter Rimel [mailto:Peter@RNLLP.COM]
Sent: Friday, November 09, 2012 2:14 PM
To: Rob Fagnant
Cc: peter@RNLLP.COM; robert@synergyoil-llc.com
Subject: STATE OF OKLAHOMA SECURITIES RE SYNERGY OIL, LLC
Importance: High

Dear Mr. Fagnant:

Thank you so much for today's conversation. I really appreciate your willingness to extend the time for Synergy to produce the documents re your subpoena of October 22, 2012 from today at 5pm to next Friday, November 16, 2012 at 5pm. I doubt I will need more time, but will certainly contact you ahead of time if so.

Have a great weekend, and thank you again for your professional courtesy.

Regards,

Peter Rimel, Esq.

The Law Office of Peter J. Rimel
315 Centennial Way
Tustin, California 92780
714.544.5193 telephone
714.544.3796 facsimile

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From: Peter Rimel <Peter@RNLLP.COM>
Sent: Tuesday, January 29, 2013 11:06 AM
To: Rob Fagnant
Cc: 07.05.1960 Robert Falco
Subject: Re: Big Oil, LLC, Application to Enforce Subpoena

Rob, this is partially my fault. I just got out of hoag hospital. Had aseptic meningitis. I'll haven secretary call mr Falco today. I apologize.

Peter

Sent from Peter J Rimel remote office

On Jan 29, 2013, at 8:46 AM, "Rob Fagnant" < rfagnant@securities.ok.gov> wrote:

Peter we have not received anything from Big Oil. Have they sent us any production ?

Rob Fagnant
Enforcement Attorney
Oklahoma Department of Securities
Phone: 405.280.7718
Fax: 405.280.7742
www.securities.ok.gov

From: Peter Rimel [mailto:Peter@RNLLP.COM]
Sent: Thursday, January 10, 2013 9:47 AM
To: Rob Fagnant
Subject: Re: Big Oil, LLC, Application to Enforce Subpoena

U the man. I'll jump on mr Falco to get the big oil response out ASAP.

Peter

Sent from Peter J Rimel remote office

On Jan 10, 2013, at 6:23 AM, "Rob Fagnant" < rfagnant@securities.ok.gov> wrote:

Thanks Peter.

For now I believe all that's pending is Big Oil's response to the subpoena, now due on the 25th. I'll call the Judge this morning and get the hearing off his docket.

Thanks,
Rob

Rob Fagnant

Enforcement Attorney
Oklahoma Department of Securities
Phone: 405.280.7718
Fax: 405.280.7742
www.securities.ok.gov

From: Peter Rimel [mailto:Peter@RNLLP.COM]
Sent: Wednesday, January 09, 2013 8:53 PM
To: Rob Fagnant
Subject: Re: Big Oil, LLC, Application to Enforce Subpoena

Damn rob, I guess I will. Obviously cannot make a hearing Friday. Big oil will comply w subpoena. I'll make sure response goes out by 25th.

What else needs to be done?

Peter

Sent from Peter J Rimel remote office

On Jan 9, 2013, at 2:15 PM, "Rob Fagnant" <rfagnant@securities.ok.gov> wrote:

> Peter, any word from your client?
>
> Rob Fagnant
> Enforcement Attorney
> Oklahoma Department of Securities
> Phone: 405.280.7718
> Fax: 405.280.7742
> www.securities.ok.gov
>
> ---
>
> **From:** Rob Fagnant
> **Sent:** Tuesday, January 08, 2013 12:32 PM
> **To:** 'Peter Rimel'
> **Cc:** Terra Bonnell
> **Subject:** RE: Big Oil, LLC, Application to Enforce Subpoena
>
> Here you go Peter, attached.
>
> Thanks,
> Rob
>
> Rob Fagnant
> Enforcement Attorney
> Oklahoma Department of Securities
> Phone: 405.280.7718
> Fax: 405.280.7742
> www.securities.ok.gov

From: Peter Rimel [mailto:Peter@RNLLP.COM]
Sent: Tuesday, January 08, 2013 12:24 PM
To: Rob Fagnant
Subject: Re: Big Oil, LLC, Application to Enforce Subpoena

My gosh, I'd love to offer an excuse but there is none. I think that u r one of numerous issues and the big oil thing got lost in the shuffle. Can u forward to me the big oil subpoena? I'll have answers for u today.

Thx man.

Peter

Sent from Peter J Rimel remote office

On Jan 8, 2013, at 10:01 AM, "Rob Fagnant" <rfagnant@securities.ok.gov> wrote:

> Peter,
>
> I'm sympathetic that you are just being retained, but I'm confused as to why Big Oil has not attempted to produce and/or contact the Department?
>
> Big Oil has had notice of the subpoena since at least October 30th but has been non-responsive and appears to be delaying, especially in light of the Synergy's response to its subpoena (and Mr. Falco being a principle in both entities).
>
> Does your client intend to respond to the subpoena? If your client intends to respond to the subpoena we can set a deadline of January 25th and move the hearing until after the deadline.
>
> As far as pro hac vice, the subpoena was administrative but the application to enforce is through the civil courts. I'd start with Rule 49 of the Rules of the Seventh and Twenty-Sixth Judicial Districts.
> http://www.oklahomacounty.org/documents/2000rules1.htm#RULE_NO._49
>
> Thanks,
> Rob
>
> Rob Fagnant
> Enforcement Attorney
> Oklahoma Department of Securities

Phone: 405.280.7718
Fax: 405.280.7742
www.securities.ok.gov

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Oklahoma
STEPHANIE M. L. BOWDEN
Oklahoma & Arkansas

RUSSELL F. HUNT 1909-1981

Paralegals:
KRISTI L. TIMO
MELISSA J. GRUBB
LAURA M. BENNETT

Administrator:
MICHELLE MITCHELL

February 20, 2013

Robert Fagnant, Attorney
Oklahoma Department of Securities
120 N. Robinson, Suite 860
Oklahoma City, OK 73102

Dear Mr. Fagnant:

This letter will confirm my phone message to your office regarding RAF Operating, LLC.

The Young Bowden Law Group, P.C. is not representing either RAF Operating, LLC or Synergy Oil LLC in this securities dispute.

It is our understanding that the following attorney is representing RAF/Synergy:

Peter Rimel: (714) 544-5193- office
(714) 335-2499- cell

Best regards,

Warren F. Young

WFY: lmb

7105 East Admiral Place, Suite 100, Tulsa, OK 74115
Telephone (918) 585-8158 Facsimile (918) 585-9813
yblawgroup.com

AFFIDAVIT OF BRENDA LONDON

STATE OF OKLAHOMA)
) ss:
COUNTY OF OKLAHOMA)

Brenda London, of lawful age, being first duly sworn, upon oath states as follows:

1. I am a Paralegal for the Oklahoma Department of Securities ("Department") and the custodian of records for the Enforcement Division of the Department.

2. It is the regular practice of the Enforcement Division to make a record of all incoming mail and hand-delivered items relating to an investigation or proceeding. These records are made at or near the time the Department receives the mail or hand-delivered items, by an employee of the Department with knowledge of the Department's receipt of the mail or items. The Enforcement Division preserves these records for an indefinite period of time.

3. The Enforcement Division also preserves, in an electronic file, all documents, relating to an investigation or proceeding, submitted by electronic upload through the Department's website.

4. After a diligent search of the Enforcement Division's records and electronic files relating to RAF Operating, LLC, formerly known as Big Oil, LLC, I have determined:

a. the Department has not received any of the documents listed on Appendix "A" of the subpoena duces tecum issued by the Administrator of the Department to Big Oil, LLC, on October 22, 2012;

b. the Department has not received $5,000, or any portion thereof, from RAF Operating, LLC, Big Oil, LLC, Robert A. Falco or William J. House.

EXHIBIT
tabbies
I

FURTHER AFFIANT SAITH NOT.

Brenda London
Brenda London

Subscribed and sworn to before me this 9TH day of May, 2013, by Brenda London.

Lisa D. Halstied
Notary Public

My Commission No.: 06002294
My Commission Expires: 03-01-14
(SEAL)

CERTIFICATE OF MAILING

The undersigned hereby certifies that on the 22d day of May, 2013, a true and correct copy of the above and foregoing *Plaintiff's Application for Contempt, Injunctive Relief, Civil Penalty, Writ of Attachment, Asset Freeze and Other Relief and Authority in Support* was mailed via certified mail, return receipt requested, with postage prepaid thereon, addressed to:

RAF Operating, LLC (fka Big Oil, LLC) c/o Warren F. Young, Esq. Registered Agent 7105 E. Admiral Pl, Suite 100 Tulsa, OK 74115	RAF Operating, LLC (fka Big Oil, LLC) Robert A. Falco c/o Peter Rimel, Esq. The Law Office of Peter J. Rimel 315 Centennial Way Tustin, CA 92780
William J. House 1318 Lake Drive Longview, TX 75601	William J. House PO Box 1097 Stilwell, OK 74960

Robert Fagnant