

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



In the Matter of:

Wilbanks Securities, Inc., CRD No. 40673,
Randall Lee Wilbanks, CRD No. 2675482, and
Aaron Bronelle Wilbanks, CRD No. 1983697,

Respondents.

File No. ODS 05-029

**OKLAHOMA DEPARTMENT OF SECURITIES' RESPONSE TO RESPONDENTS'
MOTION TO QUASH AND OBJECTION TO JURISDICTION**

The Oklahoma Department of Securities ("Department") alleges and states that Respondents' motion to quash and objection to jurisdiction should be denied for the following reasons:

1. The Administrator issued and served upon Respondents a *Notice of Opportunity for Hearing* ("Notice") stating that Respondents had fifteen (15) days from the date of service of the Notice to request a hearing as required by Section 1-411 of the Oklahoma Uniform Securities Act of 2004 ("Act"), Okla. Stat. tit. 71, §§ 1-101 through 1-701 (Supp. 2003), rather than twenty (20) days as required by Section 660:2-9-1 of the Rules of the Oklahoma Securities Commission and the Administrator of the Department of Securities ("Rules").
2. On August 22, 2006, thirteen days after service of the Notice upon Respondents, counsel for the Department informed Respondents' legal counsel via telephone that Respondents had twenty days, rather than fifteen days, from the date of service of the Notice in which to request a hearing. The following day, Respondents' legal counsel confirmed the correction in a letter to the Department. See Exhibit 1. On the twentieth day, Respondents filed the *Motion to Quash and Objection to Jurisdiction by Respondents, and, Pleading in the Alternative, Answer, and, Pleading in the Alternative, Request for Hearing*, containing a request for hearing and admissions and denials as required by Section 660:2-9-2 of the Rules.
3. Because Respondents filed a request for hearing containing admissions and denials within the time period required by Section 660:2-9-1 of the Rules, no prejudice or harm to Respondents resulted from the error in the Notice. Issuing a new Notice of Opportunity for Hearing would cause unnecessary delay.
4. Pursuant to Sections 1-411, 1-610, and 1-611 of the Act, the Notice was properly served upon Respondents, and the Department has jurisdiction over the parties despite the error in the Notice.

5. Pursuant to Section 1-411 of the Act, the claims asserted in the Enforcement Division Recommendation are valid, and the Administrator has the authority to render the requested relief.

WHEREFORE, the Department requests that Respondents' motion to quash and objection to jurisdiction be denied and that a hearing on this matter be set in accordance with Section 660:2-9-2 of the Rules.

Respectfully submitted,



Terra Shamas, OBA No. 20838
Amanda Cornmesser, OBA No. 20044
Oklahoma Department of Securities
120 North Robinson, Suite 860
Oklahoma City, OK 73102
(405) 280-7700

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 30th day of August, 2006, a true and correct copy of the above and foregoing *Oklahoma Department of Securities' Response to Respondents' Motion to Quash and Objection to Jurisdiction* was mailed, with postage prepaid thereon, to:

Bill V. Wilkinson, Esq.
Wilkinson Law Firm
7625 East 51st Street, Suite 400
Tulsa, OK 74145-7857



Terra Shamas

Wilkinson Law Firm

ATTORNEYS & COUNSELORS AT LAW

August 23, 2006

Via E-mail

Ms. Terra Shamas, Attorney
Oklahoma Department of Securities
120 North Robinson #860
Oklahoma City, Oklahoma 73102

In the Matter of:

Wilbanks Securities, Inc., CRD No. 40673
Randall Lee Wilbanks, CRD No. 2675482, and
Aaron Bronelle Wilbanks, CRD No. 1983697

Respondents

File No. ODS-05-029

Dear Terra:

In accordance with our telephone conversation earlier yesterday, please be advised that this law firm will be representing Wilbanks Securities, Inc., Randall Lee Wilbanks and Aaron Ranell Wilbanks in the above-captioned matters. In our conversation, you indicated that the registered mail, returned receipt reflects that my clients were served the Notice of Opportunity for Hearing on August 9, 2006. According to the statutory provisions, the answer date for my clients is August 29, 2006. The provision in paragraph 4 of your Notice which provides that the hearing date is fifteen (15) days after the service of the notice, is incorrect and conflicts with the statute.

In accordance with our conversation, we will file the appropriate pleading on or before August 29, 2006. In the meantime, should you have any questions, please do not hesitate to call.

Thank you for your cooperation.

Very truly yours,

WILKINSON LAW FIRM

/s/B. Wilkinson

Bill Wilkinson

BVW:cds

