

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
CIVIL DIVISION

A. HEATH ABSHURE,  
ARKANSAS SECURITIES COMMISSIONER

PLAINTIFF

v.

No.

WILLIAM DAVID CRAIN

DEFENDANT

COMPLAINT TO ENFORCE SUBPOENA

Comes now the Plaintiff, A. Heath Abshure, Arkansas Securities Commissioner, by and through counsel, Scott Freydl, Staff Attorney, and for his complaint alleges the following:

PARTIES

1. A. Heath Abshure is the Arkansas Securities Commissioner (Commissioner), duly appointed in accordance with Ark. Code Ann. § 23-42-201(a). He is charged with the administration of the Arkansas Securities Act (Act), codified at Ark. Code Ann. §§ 23-42-101 through 23-42-509.

2. William David Crain (Crain), Central Registration Depository number 4742606, was registered with the Arkansas Securities Department as an agent of St. Bernard Financial Services, Inc. from January 11, 2006 until February 28, 2014, and as an investment advisor representative from February 18, 2010 until February 28, 2014. Crain's business office is located in Little Rock, Arkansas.

JURISDICTION AND VENUE

3. This is an action brought pursuant to the Act, specifically Ark. Code Ann. § 23-42-205(c)(1), which permits the Commissioner to seek enforcement of a subpoena in the Circuit Court of Pulaski County, Arkansas.

4. Pursuant to Ark. Code Ann. §§ 23-42-205(c)(1), jurisdiction and venue are proper in this Court.

#### FACTUAL ALLEGATIONS

5. The Commissioner directed the staff of the Arkansas Securities Department to initiate an investigation to determine if the Defendant had violated or was about to violate any provision of the Act.

6. On March 20, 2014, as part of this investigation, the Commissioner issued a Subpoena Dues Tecum for certain records relating to the securities business conducted by the Defendant in the State of Arkansas. A copy of this subpoena is attached to this Complaint as Exhibit "1".

7. On March 21, 2014, the subpoena issued by the Commissioner was served on the Defendant. A copy of the proof of service of this subpoena is attached as Exhibit "2".

8. The subpoena issued by the Commissioner listed a response date of April 7, 2014. As of the date of this Complaint, the Defendant has failed and refused to provide any response to this subpoena.

#### ALLEGED VIOLATION

9. Pursuant to Ark. Code Ann. § 23-42-205(a)(1) the Commissioner directed the staff of the Arkansas Securities Department to initiate an investigation of the Defendant. As part of this investigation, and under the authority granted by Ark. Code Ann. § 23-42-205(b), the Commissioner issued a Subpoena Dues Tecum to the Defendant. This subpoena was properly served on the Defendant. The Defendant has failed and refused to respond to this subpoena.

#### RELIEF REQUESTED

WHEREFORE, the Plaintiff, the Commissioner, respectfully requests that this Court enter an order directing the Defendant, Crain, to immediately respond to and comply with the

subpoena issued by the Commissioner, and, for all other relief as may be appropriate in the public interest.

Respectfully Submitted,

A. Heath Abshire  
Arkansas Securities Commissioner

By: /s/ Scott Freydl  
Scott Freydl, Bar No. 93-100  
Staff Attorney  
Arkansas Securities Department  
201 East Markham Street, Suite 300  
Little Rock, Arkansas 72201  
Telephone: (501) 324-9266  
Facsimile: (501) 324-9268

April 9, 2014  
Date



**Subpoena Duces Tecum**

**TO: WILLIAM DAVID CRAIN**

**IN THE MATTER OF:  
WILLIAM DAVID CRAIN**

**SUBPOENA NO: S-14-0019-SU01**

**CASE NO. S-14-0019**

You are hereby directed to produce and deliver copies for inspection to the attorney listed below the following books, papers, documents, or other tangible things described on or before April 7, 2014.

*"See Exhibit 'A', which is attached and incorporated by reference."*

This subpoena is issued pursuant to Arkansas Securities Act, Ark. Code Ann. § 23-42-205.

Location where documents are to be delivered: **Arkansas Securities Department  
201 E. Markham  
Heritage West Building, Suite 300  
Little Rock, Arkansas 72201**

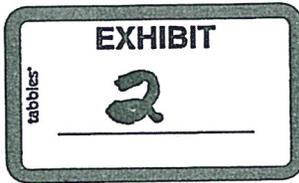
Attorney Requesting Subpoena: **Scott Freydl  
501-324-9260**

Dated this 20th day of March, 2014.

  
\_\_\_\_\_  
A. Heath Abshure  
Arkansas Securities Commissioner

EXHIBIT A

- A. Provide a complete copy of your St. Bernard Financial Services customer/client files for the following individuals:
  - 1. Gary Accord
  - 2. Gregory Accord
  - 3. Marie Head
  - 4. Kenneth & Fay Johnson
  - 5. Mitzi Roberts
  - 6. Kent & Betty Hyde
  - 7. Dain Matthey
  - 8. Lyndon Miller
  
- B. Provide a complete copy of the branch office advertising file.
  
- C. Provide a complete copy of the branch office correspondence file.
  
- D. Provide a complete copy of the branch office complaint file.



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p> <input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.  <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece or on the front if space permits.         </p> <p>1. Article Addressed to:</p> <p style="text-align: center;"> <b>William David Crain</b>  <b>11015 Arcade Drive, Suite B</b>  <b>Little Rock, AR 72212</b> </p>	<p>A. Signature</p> <p><input checked="" type="checkbox"/> <i>David Crain</i> <span style="float: right;"><input type="checkbox"/> Agent</span></p> <p><input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <span style="float: right;">C. Date of Delivery</span></p> <p><i>David Crain</i> <span style="float: right;"><b>3/21/14</b></span></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes</p> <p>If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>3. Service Type</p> <p> <input checked="" type="checkbox"/> Certified Mail <span style="margin-left: 100px;"><input type="checkbox"/> Express Mail</span>  <input type="checkbox"/> Registered <span style="margin-left: 100px;"><input checked="" type="checkbox"/> Return Receipt for Merchandise</span>  <input type="checkbox"/> Insured Mail <span style="margin-left: 100px;"><input type="checkbox"/> C.O.D.</span> </p> <p>4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p>	<p><b>91 7199 9991 7032 4166 0025</b></p>

**IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS  
HON. CHRISTOPHER L. PALMER - 3RD DIVISION 6TH CIRCUIT**

A.HEATH ABSHURE ET AL V WILLIAM DAVID CRAIN

60CV-14-1409

**SUMMONS**

**THE STATE OF ARKANSAS TO DEFENDANT:**

WILLIAM DAVID CRAIN  
11015 ARCADE DRIVE STE.B  
LITTLE ROCK, AR 72212

A lawsuit has been filed against you. The relief demanded is stated in the attached complaint. Within 30 days after service of this summons on you (not counting the day you received it) - or 60 days if you are incarcerated in any jail, penitentiary, or other correctional facility in Arkansas - you must file with the clerk of this court a written answer to the complaint or a motion under Rule 12 of the Arkansas Rules of Civil Procedure.

The answer or motion must also be served on the plaintiff or plaintiff's attorney, whose name and address are:

SCOTT FREYDL  
201 EAST MARKHAM STE.300  
Little Rock, AR 72201

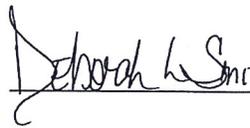
If you fail to respond within the applicable time period, judgment by default may be entered against you for the relief demanded in the complaint.

Additional notices:

Address of Clerks Office

LARRY CRANE, CIRCUIT CLERK  
CIRCUIT COURT OF PULASKI COUNTY  
401 W MARKHAM  
LITTLE ROCK, AR 72201

CLERK OF COURT

DLJOHNSON Deborah Johnson, DC

Date: 04/10/2014

No. 60CV-14-1409 This summons is for WILLIAM DAVID CRAIN (name of Defendant).

PROOF OF SERVICE

I personally delivered the summons and complaint to the individual at \_\_\_\_\_ [place] on \_\_\_\_\_ [date];  
or

I left the summons and complaint in the proximity of the individual by \_\_\_\_\_ after he/she refused to receive it when I offered it to him/her; or

I left the summons and complaint at the individual's dwelling house or usual place of abode at \_\_\_\_\_ [address] with \_\_\_\_\_ [name], a person at least 14 years of age who resides there, on \_\_\_\_\_ [date]; or

I delivered the summons and complaint to \_\_\_\_\_ [name of individual], an agent authorized by appointment or by law to receive service of summons on behalf of \_\_\_\_\_ [name of defendant] on \_\_\_\_\_ [date]; or

I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I served the summons and complaint on the defendant by certified mail, return receipt requested, restricted delivery, as shown by the attached signed return receipt.

I am the plaintiff or an attorney of record for the plaintiff in this lawsuit, and I mailed a copy of the summons and complaint by first-class mail to the defendant together with two copies of a notice and acknowledgment and received the attached notice and acknowledgment form within twenty days after the date of mailing.

Other [specify]:  
\_\_\_\_\_

I was unable to execute service because:  
\_\_\_\_\_  
\_\_\_\_\_

My fee is \$ \_\_\_\_.

**To be completed if service is by a sheriff or deputy sheriff:**

Date: \_\_\_\_\_ SHERIFF OF \_\_\_\_\_ COUNTY, ARKANSAS

By: \_\_\_\_\_  
[Signature of server]

\_\_\_\_\_  
[Printed name, title, and badge number]

**To be completed if service is by a person other than a sheriff or deputy sheriff:**

Date: \_\_\_\_\_ By: \_\_\_\_\_  
[Signature of server]

\_\_\_\_\_  
[Printed name]

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Subscribed and sworn to before me this date: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Additional information regarding service or attempted service:  
\_\_\_\_\_  
\_\_\_\_\_