



0000089073

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

2 COMMISSIONERS:
3 MIKE GLEASON — Chairman
4 WILLIAM A. MUNDELL
5 JEFF HATCH
6 MILLER KRISTIN K. MAYES
7 GARY PIERCE

Arizona Corporation Commission

DOCKETED

OCT -1 2008

DOCKETED	<i>MM</i>
----------	-----------

8 In the matter of:

Docket No.: S-20600A-08-0340

9 MARK W. BOSWORTH and LISA A.
10 BOSWORTH, husband and wife;

**ANSWER OF RESPONDENT
STEPHEN G. VAN CAMPEN AND
DIANE V. VAN CAMPEN**

11 STEPHEN G. VAN CAMPEN and DIANE V.
12 VAN CAMPEN, husband and wife;

13 MICHAEL J. SARGENT and PEGGY L.
14 SARGENT, husband and wife;

15 ROBERT BORNHOLD and JANE DOE
16 BORNHOLDT, husband and wife;

17 MARK BOSWORTH & ASSOCIATES, LLC.,
18 an Arizona limited liability company;

19 3 GRINGOS MEXICAN INVESTMENTS,
20 LLC, an Arizona limited liability company,

21 Respondents.

RECEIVED
2008 OCT -1 P 2:25
AZ CORP COMMISSION
DOCKET CONTROL

22 Respondents Stephen G. Van Campen and Diane V. Van Campen, by and through
23 their undersigned counsel, answer the Notice of Opportunity for Hearing Regarding
24 Proposed Order to Cease and Desist, For Restitution, For Administrative Penalties and for
25 Other Affirmative Action (hereafter "Notice").
26
27
28

1 Respondent Diane V. Van Campen is without sufficient information and belief to
2 form an opinion as to each of the allegations made by the Commission in the Notice.

3 Therefore she denies each and every allegation contained in the Notice.

4 Respondent Diane V. Van Campen specifically adopts and incorporates into her
5 answer each of the affirmative defenses made by Respondent Stephen G. Van Campen set
6 out below.

7
8 Stephen G. Van Campen answers as follows:

9
10 **I. Jurisdiction**

- 11 1. Admit allegations in paragraph 1 of the Notice.

12
13 **II. Respondents**

14 2. Respondent is without sufficient information or knowledge to form a belief as
15 to the truth of the allegations of paragraph 2 of the Notice and, therefore, denies same.

16
17 3. Answering paragraph 3, Respondent Admits he resides in Maricopa County
18 and that he has an Arizona real estate license. Denies remaining allegation in the paragraph.

19
20 4. Respondent is without sufficient information or knowledge to form a belief as
21 to the truth of the allegations of paragraph 4 of the Notice and, therefore, denies same.

22
23 5. Respondent is without sufficient information or knowledge to form a belief as
24 to the truth of the allegations of paragraph 5 of the Notice and, therefore, denies same.

25
26 6. Answering paragraph 6, Respondent admits that Mark Bosworth & Associates,
27 LLC (hereafter "MBA") is an Arizona limited liability company. Respondent is without
28

1 5. The application of ARS 44-2031(C) in this case exceeds the authority granted to the
2 Commission by the Constitution of the State of Arizona.

3 6. If any securities were offered or sold, Respondent alleges that they were exempt from
4 the registration provisions of the Arizona Securities Act.

5 7. With respect to all conduct described in the notice, and all allegations contained
6 therein, Respondent has not acted with the requisite scienter required by the statutes involved.

7 8. Respondent did not offer or sell investment contracts or securities under Arizona law.

8 9. The Commission has failed to allege securities fraud with reasonable particularity as
9 required by Rule 9(b) of the Arizona Rules of Civil Procedure.

10 10. Respondent did not know or in the exercise of reasonable care, could not have
11 known, of any alleged untrue statements or material omissions as alleged in the Notice.

12 11. Respondent did not employ a deceptive or manipulative device in connection with the
13 offer, purchase or sale of any security.

14 12. Respondent did not make any misrepresentations or omissions of fact relating to any
15 of the allegations contained in the Notice.

16 13. Respondent alleges that purchasers relied on others, not Respondent in connection
17 with the allegations contained in the Notice.

18 14. Respondent has not damaged any alleged purchasers and if they have been damaged,
19 Respondent alleges that any such damage was caused by the acts and omission of others, or the
20 purchaser's own actions or omissions.

21 15. Restitution is barred because purchasers failed to mitigate their damages.

22 16. If any purchasers were damaged, Respondent alleges that such damage were caused
23 by intervening or superseding acts of others, over whom Respondent had not control and for whose
24 conduct Respondent is not legally responsible.

25 17. Claims in the Notice are barred by mutual mistake.

26 18. Claims in the Notice are barred by accord and satisfaction.

27 19. Claims in the Notice are barred by ratification on the part of alleged purchasers.
28

1 Copies mailed/delivered to:
2
3 Marc E. Stern, Hearing Officer
4 Hearing Division
5 Arizona Corporation Commission
6 1200 W. Washington St.
7 Phoenix, AZ 85007
8
9 Arizona Corporation Commission
10 Securities Division
11 Aaron Ludwig
12 1300 W. Washington St., 3rd floor
13 Phoenix, AZ 85007
14
15 Robert D. Mitchell
16 Joshua R. Forest
17 Julie M. Beauregard
18 Mitchell & Forest, P.C.
19 1850 N. Central Ave., Suite 1715
20 Phoenix, AZ 85004
21 Attorneys for Respondents Bornholdt
22
23 Paul J. Roshka, Jr.
24 James M. McGuire
25 Roshka DeWulf & Patten, PLC
26 400 E. Van Buren St., Suite 800
27 Phoenix, AZ 85004
28 Attorneys for Respondents Sargent
29
30 David R. Farney, Esq.
31 7972 West Thunderbird Road, Suite 107
32 Peoria, Arizona 85381-4903
33 Attorney for Respondents Bosworth
34
35
36
37
38