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**BEFORE THE ARIZONA CORPORATION COMMISSION**

2010 MAY -3 P 1:29

AZ CORP COMMISSION  
DOCKET CONTROL

COMMISSIONERS:  
KRISTIN K MAYES – Chairman  
GARY PIERCE  
PAUL NEWMAN  
SANDRA D. KENNEDY  
BOB STUMP

Docket No. S-20600A-08-0340

IN THE MATTER OF: )  
MARK W. BOSWORTH and LISA A. )  
BOSWORTH, husband and wife; )  
STEPHEN G. VAN CAMPEN and DIANE V. )  
VANCAMPEN, husband and wife; )  
MICHAEL J. SARGENT and PEGGY L. )  
SARGENT, husband and wife; )  
ROBERT BORNHOLDT and JANE DOE )  
BORNHOLDT, husband and wife; )  
MARK BOSWORTH & ASSOCIATES, LLC, )  
An Arizona limited liability company; )  
3 GRINGOS MEXICAN INVESTMENTS, LLC; )  
An Arizona limited liability company )  
Respondents. )

SUBPOENA DUCES TECUM  
PURSUANT TO A.R.S. §41-1062(A)(4)

Arizona Corporation Commission  
**DOCKETED**

MAY - 3 2010

DOCKETED BY

**THE STATE OF ARIZONA HEREBY COMMANDS:**

Arizona Corporation Commission (by its records keeper)  
1200 W. Washington  
Phoenix, AZ 85007

To appear and produce at the home office of MARK BOSWORTH, 18094 N. 100th Street, Scottsdale AZ 85255, the following records for inspection and copying, pursuant to A.R.S. §41-1062(A)(4); A.R.S. §12-2212(A) and Administrative Rule R14-3-210:

All documents, data or information in your possession, in any type or form, including paper documents, internal communications, notes, complaints or requests for investigation from any source including any governmental or regulatory agencies, results of any investigations or audits, electronic or other ledgers, databases. All e-mails (including attachments). All emails (including attachments) and complete chains/threads to or from former AZDRE Commissioner Sam Wercinski and any past or present

1 AZDRE employee , Former Az Governor Janet Napolitano or her office including Jan Leshner, Bob  
2 Brunanski –Az AG’s office, Arizona Corporation Commissioner Sandra Kennedy, Arizona Corporation  
3 Commissioner Paul Newman, Catherine Reagor, The Arizona Republic or Republic Media, Ray Stern,  
4 The Phoenix New Times, Phoenix Magazine, Channel 15 ABC or related parties, John DuPree, Matthew  
5 J. Nuebert, Matt Culbertson, or any other person that include the names of any respondents, parties or  
6 entities listed herein.

7 All copies of ACC’s written policies or other during previous 5 years, if any, on releasing  
8 information regarding ongoing investigations, releases under Freedom of Information Act and any form  
9 of press releases including persons and resources used for such services in the normal course of business  
10 and any associated costs. All photographs in any format. All recordings including audio or video or other,  
11 (analog or digital), transcriptions, digital files (in any format, including “. pdf,” “Word”, “Wordperfect”,  
12 or the like), relating to this matter and/or specifically the following persons or entities:

- 13 STEPHEN G. VAN CAMPEN
- 14 DIANE V. VAN CAMPEN
- 15 ROBERT BORNHOLDT
- 16 MICHAEL J. SARGENT
- 17 BARBARA BROYLES
- 18 DAVE ZUNDEL
- 19 ALAN BYWATER
- 20 ALAN L DAVIS
- 21 BERNIE FLEMMING
- 22 GREG DAWSON
- 23 DAN MANLEY
- 24 GLEN WEBSTER
- 25 HOME AMERICA PROPERTY MANAGEMENT, LLC
- 26 MARK BOSWORTH & ASSOCIATES, LLC
- 27 3 GRINGOS MEXICAN INVESTMENTS, LLC
- 28 DAVID M. REAVES
- ALAN R. COSTELLO
- MARK BOSWORTH
- LISA BOSWORTH
- RUSSELL BOSWORTH
- ARIZONA HIGH PERFORMANCE REALTY
- GORENTER
- GORENTER.COM
- THE MARK BOSWORTH COMPANIES
- HOME AMERICA PROPERTY MANAGEMENT
- PROPERTY MASTERS OF AMERICA

23 The reason these documents will be of service in the proceeding (pursuant to Administrative Rule  
24 R14-3-210 (B) are because the Respondents cannot properly and adequately prepare for the hearing  
25 scheduled in this matter without knowing the evidence that will be presented against them. Further, the  
26 documents will provide the basis the State of Arizona is seeking this hearing and the relative culpability  
27 (if any) of the Respondents in relation to the other parties. The information will also verify the extent of  
28 other documentation that is in the possession of other Respondents (and turned over to your office) that  
may not have been within the files of what Mark & Lisa Bosworth produced under subpoena.

27 You are to appear on MAY 26th, 2010 at 11:00 a.m. In the alternative, in lieu of personal  
28 appearance you may comply with this subpoena by providing the above data in either of the two  
following manners:

1. Electronically, in either Adobe Acrobat “. pdf”, Microsoft Word, or Excel file formats, along with an electronically signed statement or a “. pdf” facsimile attachment which attests to the completeness and accuracy of the records from the records custodian, e-mailed to [theboz@cox.net](mailto:theboz@cox.net) within the timeframe herein provided; or
2. Provide paper copies of the documents and/or C/D copies, together with a signed attachment, which attests to the completeness and accuracy of the records from the records custodian, mailed to the above address within the timeframe herein provided.

**The date for appearance on this subpoena is MAY 26th, 2010 at 11:00 a.m.**

### **Your Duties In Responding To This Subpoena**

You have duty to produce the documents requested as you keep them in the usual course of business, or you may organize the documents and label them to correspond with the categories set forth in this subpoena. *See* Rule 45(d)(1) of the Arizona Rules of Civil Procedure.

If this subpoena asks you to produce and permit inspection and copying of designated books, papers, documents, tangible things, or the inspection of premises, you need not appear to produce the items unless the subpoena states that you must appear for a deposition, hearing or trial. *See* Rule 45(c)(2)(A) of the Arizona Rules of Civil Procedure.

### **Your Right to Object**

The party or attorney serving the subpoena has a duty to take reasonable steps to avoid imposing an undue burden or expense on you. The Superior Court enforces this duty and may impose sanctions upon the party or attorney serving the subpoena if this duty is breached. *See* Rule 45(c)(1) of the Arizona Rules of Civil Procedure.

You may object to this subpoena if you feel that you should not be required to respond to the request(s) made. Any objection to this subpoena must be made within 14 days after it is served upon you, or before the time specified for compliance, by providing a written objection to the party or attorney serving the subpoena. *See* Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you object because you claim the information requested is privileged or subject to protection as trial preparation material, you must express the objection clearly, and support each objection with a description of the nature of the document, communication or item not produced so that the demanding party can contest the claim. *See* Rule 45(d)(2) of the Arizona Rules of Civil Procedure.

If you object to the subpoena in writing you do not need to comply with the subpoena until a court orders you to do so. It will be up to the party or attorney serving the subpoena to seek an order from the court to compel you to provide the documents or inspection requested, after providing notice to you. *See* Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

If you are not a party to the litigation, or an officer of a party, the court will issue an order to protect you from any significant expense resulting from the inspection and copying commanded. *See* Rule 45(c)(2)(B) of the Arizona Rules of Civil Procedure.

You also may file a motion in the superior court of the county in which the case is pending to quash or modify the subpoena if the subpoena:

- (i) does not provide a reasonable time for compliance;

1 (ii) requires a non-party or officer of a party to travel to a county different from the county where  
2 the person resides or does business in person; or to travel to a county different from where the subpoena  
3 was served; or to travel to a place farther than 40 miles from the place of service; or to travel to a place  
4 different from any other convenient place fixed by an order of a court, except that a subpoena for you to  
5 appear and testify at trial can command you to travel from any place within the state;

6 (iii) requires the disclosure of privileged or protected information and no waiver or exception  
7 applies; or

8 (iv) subjects you to an undue burden. See Rule 45(c)(3)(A) of the Arizona Rules of Civil  
9 Procedure.

10 If this subpoena:

11 (i) requires disclosure of a trade secret or other confidential research, development, or  
12 commercial trade information; or

13 (ii) requires disclosure of an unretained expert's opinion or information not describing specific  
14 events or occurrences in dispute and resulting from the expert's study made not at the request of any  
15 party; or

16 (iii) requires a person who is not a party or an officer of a party to incur substantial travel  
17 expense;

18 The court may either quash or modify the subpoena, or the court may order you to appear or  
19 produce documents only upon specified conditions, if the party who served the subpoena shows a  
20 substantial need for the testimony or material that cannot be otherwise met without undue hardship and  
21 assures that you will be reasonably compensated. See Rule 45(c)(3)(B) of the Arizona Rules of Civil  
22 Procedure.

23 A command to produce evidence or to permit inspection may be joined with a command to  
24 appear at trial or hearing or at deposition, or may be issued separately.

25 Requests for reasonable accommodation for persons with disabilities must be made to the court  
26 by parties at least 3 working days in advance of a scheduled court proceeding.

27 SIGNED AND SEALED this date:

28 \_\_\_\_\_  
Executive Secretary of the A.C.C.

29 ORIGINAL FILED WITH:  
30 Docket Control  
31 Arizona Corporation Commission

1 1200 West Washington Street  
Phoenix, Arizona 85007

2 COPIES MAILED TO:

3 Matthew J. Neubert, Director Securities Division  
4 Arizona Corporation Commission  
5 1300 West Washington Street  
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6 Marc E. Stern, Hearing Officer  
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