

REHEARING JUN 28 2010



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ARIZONA CORPORATION COMMISSION
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Arizona Corporation Commission
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JUN - 7 2010

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BEFORE THE ARIZONA CORPORATION COMMISSION

In the matter of:

Richard Bradford (CRD# 2706290)

DOCKET NO. S-20605A-08-0377

and Cindy Bradford (a.k.a. Cindy White),

husband and wife; Respondents.

APPLICATION FOR REHEARING OF DECISION NOS. 70544 and 71695

Cindy White, appearing pro se, requests the Commission to grant a rehearing of Decision Nos. 70544 and 71695.

I. Under R14-3-112 *Rehearing's in cases relating to the regulation of securities and corporations*

I am a party in a contested case before the Commission, arising out of the pertinent statutes.

I was advised the date for filing a request for a re-hearing was by June 7, 2010. This application is dated and delivered to the Commissioners within the applicable time.

I am aggrieved by the decision to pay \$1,298,416.00 plus \$100,000 jointly and severally with my ex-husband, Richard Bradford.

II. The grounds for which I am seeking a rehearing as per the statute are:

As per R14-3-112 C. ***A rehearing of the decision may be granted for any of the following causes materially affecting the moving party's rights:***

1. *Irregularity in the proceedings before the Commission or any order or abuse of discretion, whereby the moving party was deprived of a fair hearing;*

- I was deprived of a fair hearing because one of the Commissioners admitted he was not prepared at the open meeting May 13th and did not have time to review the information. A decision was made on the same day, therefore not giving the Commissioner time to review the pertinent evidence and make a judicial decision. This constitutes an unfair hearing.

5. *Excessive or insufficient penalties;* the penalties are excessive because:

- I did not commit the acts, Mr. Bradford was found to have violated the securities laws.

As a divorced spouse, with a divorce decree specifically absolving me of any debt or judgment incurred by my ex-husband, I should not have been joined as a party.

I have been victimized by my ex-husband, and the prosecutors in this case who insisted I file consent agreement while under duress and convinced me I was signing an immunity agreement, I have been victimized by the continuance of this process, as it is clear I did not commit the acts, I was not a participant in the fraudulent activity of Bradford, nor was I aware that Mr. Bradford's claims to potential investors were in fact misrepresentations. I am rather, a victim of Bradford's misconduct. I invested \$42,000 of my sole and separate property proceeds from the sale of a house she purchased prior to the marriage.

I have appeared pro se because I cannot afford an attorney, and with the little funds I had, I hired one with confidence that justice and logic would be served, yet the prosecutors insist on continuing this illegal prosecution of me. I cannot afford a lawyer. If this rehearing ends up with a judgment, I will be forced to go to Superior Court, or file an appeal, all of which I cannot afford. It will be a miscarriage of justice, and an unnecessary expenditure of the court's time and the People of Arizona's tax dollars.

As per R14-3-112 C. 6. I am asserting there were errors of law occurring at the hearing because this Administrative Body does not have the jurisdiction to adjudicate or override divorce decrees, Error in the admission or rejection of evidence or other errors of law occurring at the hearing;

6. Error in the admission or rejection of evidence or other errors of law occurring at the hearing;

- I am asserting there were errors of law occurring at the hearing because this Administrative Body does not have the jurisdiction to adjudicate or override divorce decrees.

7. That the decision is not justified by the evidence or is contrary to law.

The decision is contrary to the law because:

- *First, as of the date of the Notice, there was no “marital community” which the Commission could ultimately determine to be liable for an administrative penalty or restitution. At the time a divorce decree is entered, the marital community is severed, and all community assets and liabilities are transmuted to assets and liabilities. A.R.S. § 25-318(A) The sstu*
- Statue to bring the marital community reads may join spouse.
- April 7th hearing Ms. Coleman stated that the statue reads shall join the community but Mr. Stern read the statue 44-2031(C) says the Commission MAY join the spouse that it is not required OR does not state SHALL join the spouse. Mr. Stern stated that it is not mandatory by the language to join the spouse and this should be examined before we make a determination.
- 44-2031 (C) or 44-3291 (C) does not authorize the Division to name an ex-spouse to impose liability on the post-divorce separate property of the ex-spouse. It was further argued that since Respondent Spouse and Mr. Bradford had been divorced as of the date of the Notice there was no longer a marital community on which the liability could be impose and that nothing in the language 44-2031(C) and 44-3291(C) suggests or grants the Commission authority to name and ex-spouse or grants the Commission jurisdiction to adjudicate the alleged liability of the former spouse.
- Open Meeting April May 13th Ms. Coleman again stated that it is required to join the community.
- The Division stated that I failed to produce clear and convincing evidence to rebut the Divisions evidence that the marital community was not beneficiary of Mr. Bradford’s action.
- I am stating the Division did not prove I didn’t benefit based on the information given by Mr. Fink in the July 7th hearing.

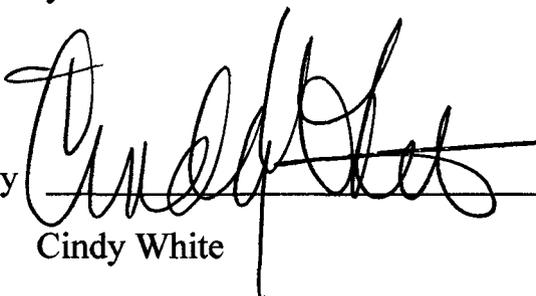
- Mr. Fink's purpose was to analyze the flow of the investor's funds through Scottrade account of the Fishing Partners – Salmon and then to determine what the source of the deposits were that went to the personal bank accounts of Richard and Cindy Bradford's accounts. He stated that a large part of the disbursements were for rental payments utilities groceries and other various payments, and there were a number of cash withdrawals'. Mr. Bradford was living 2 lives one with Vivian Harper in which there were checks written to her for over 20,000 in which she admitted on the stand 7-7-09 she used to pay off her American Express Card and they did not determine what payments where to what house hold. In addition Mr. Fink said there were a number of significant debit items related to pokerstars which is online poker tournaments these occurred from March 2006 to March 2007 (see hearing 7-7-09 Page 93) Mr. Fink was not asked to do a detailed analysis of those personal accounts so there is no clear documentation or investigation based on all the income I brought to the community which was over 100,000 from May 2005 to November 2007 or detailed analysis of the second life he was leading at the home of 9357 Kiowa, Mesa AZ with Vivian Harper that clearly benefited from the bad act.

I am requesting to modify the decision or grant a rehearing based on these reasons.

Therefore, White requests that the Commission vacate Decision No. 70544 and 71695 issue an order dismissing White from this docket with prejudice.

Dated this 5th day of June, 2010.

Cindy White

By 
Cindy White

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Gilbert, AZ 85295

480-206-7100

ORIGINAL AND THIRTEEN (13) COPIES of the
foregoing filed this _6th day of June 2010 with:

Docket Control
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

COPY of the foregoing hand-delivered
This 7th day of June, 2010 to:

Mr. Marc E. Stern
Administrative Law Judge
Arizona Corporation Commission/Hearing Division
1200 W. Washington Street
Phoenix, AZ 85007

Phong (Paul) Huynh
Arizona Corporation Commission
Securities Division
1300 W. Washington St., 3rd Flr.
Phoenix, AZ 85007