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BEFORE THE ARIZONA CORPORATION COMMISSION

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
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In the matter of:)
CAROL DEE AUBREY and JOHN DOE)
AUBREY, husband and wife,)
PROGRESSIVE ENERGY PARTNERS,)
L.L.C., a Nevada limited liability company,)
PROGRESSIVE ENERGY PARTNERS,)
L.L.C. #1, a Nevada limited liability company,)
PROGRESSIVE ENERGY PARTNERS,)
L.L.C. #2, a Nevada limited liability company,)
PROGRESSIVE ENERGY PARTNERS,)
L.L.C. #3, a Nevada limited liability company,)
PROGRESSIVE ENERGY PARTNERS,)
L.L.C. #4, a Nevada limited liability company,)
Respondents.)

DOCKET NO. S-20723A-10-0042

AFFIDAVIT IN SUPPORT OF
SERVICE BY PUBLICATION RE:

RESPONDENT CAROL DEE AUBREY

Arizona Corporation Commission
DOCKETED

JUL 21 2010

DOCKETED BY

I, GUY PHILLIPS, Special Investigator for the Arizona Corporation Commission, Securities Division, swear and affirm that the following attempts have been made to contact and serve respondent Carol Dee Aubrey ("Aubrey") with a copy of the Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, Order for Restitution, Order for Administrative Penalties and for Other Affirmative Action ("Notice") filed by the Securities Division on February 4, 2010:

- 1 A. I mailed a copy of the Notice to Aubrey via certified mail, return receipt requested
2 through the United States Postal Service (“USPS”) on February 8, 2010, at 2060
3 Placentia Ave., Suite A5, Costa Mesa, California 92627. This is the business
4 address listed for all respondents in the investment offering materials and on their
5 website at <http://www.pepllc.net>, discussed, in part, at paragraphs 18 and 25 of the
6 Notice. This Notice mailing was returned to me by the USPS as unclaimed.
- 7 B. I also mailed a copy of the Notice to Aubrey via certified mail, return receipt
8 requested through the USPS on February 8, 2010, at 2532 N. Waterford, Orange,
9 California 92867. Based on my background research of Aubrey in my capacity as a
10 certified peace officer and as the Special Investigator assigned to this matter, I
11 determined that this was a possible, alternative residential address for Aubrey. This
12 Notice mailing was returned to me by the USPS as “Not at this address.”
- 13 C. I next mailed a copy of the Notice to Aubrey via certified mail, return receipt
14 requested through the USPS on March 3, 2010, at 1661 Serrine Dr., Santa Ana,
15 California 92705. At the time, this address was determined by me to be Aubrey’s
16 last known residential address. The certified receipt returned to me by the USPS on
17 March 15, 2010, shows that this Notice was signed for by an unknown person; the
18 signature was not legible.
- 19 D. I again sent a copy of the Notice to Aubrey via certified mail, return receipt
20 requested through the USPS on March 23, 2010, at 1661 Serrine Dr., Santa Ana,
21 California 92705. This Notice mailing was returned to me on April 14, 2010, by the
22 USPS because it had been “Refused” by an unknown person. The returned mailing
23 also indicated that Aubrey had not authorized the USPS to forward any mail to her
24 at her new address. When I peeled back the yellow “Refused” sticker on this
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1 returned mailing, however, I discovered another, underlying yellow sticker
2 indicating that Aubrey's new address is 14825 Silvertree Road, Moreno Valley,
3 California 92553. Specifically, the underlying yellow sticker has a hand-written
4 slash across it, but stated "NOTIFY SENDER OF NEW ADDRESS AUBREY"
5 CAROL 14825 SILVERTREE RD MORENO VALLEY CA 92553-5819."

6 E. On May 6, 2010, I caused to be mailed a copy of the Notice to Aubrey via certified
7 mail, return receipt requested through the USPS at the address listed on the yellow
8 sticker of the returned mailing discussed in paragraph D above, or to 14825
9 Silvertree Road, Moreno Valley, California 92553. This mailing was returned to the
10 Division in July 2010, by the USPS as "RETURN TO SEND UNCLAIMED
11 UNABLE TO FORWARD."

12 F. The Securities Division also asked for service of process assistance from the
13 securities division of the California Department of Corporations. On April 6, 2010,
14 California Corporation Commission Investigator Diane Plaza, attempted to
15 personally serve Aubrey with copy of the Notice at Aubrey's last known address at
16 1661 Serrine Dr., Santa Ana, California 92705. Ms. Plaza was unable to serve
17 Aubrey at this residence because it was in foreclosure and Aubrey had been recently
18 evicted as of March 21, 2010. At this time, Ms. Plaza also determined that Aubrey
19 had used this residence as a business address for corporate respondent Progressive
20 Energy Partners, L.L.C. Ms. Plaza was also unable to obtain a forwarding address
21 for Aubrey from the actual owner of the residence at 1661 Serrine Dr., Santa Ana,
22 California 92705.

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25 Moreover, I conducted a search and inquiry for Aubrey's residence, location and current
26 contact information as follows:

1 G. On April 15, 2006, I faxed written requests to the Postmasters of two different
2 USPS offices located near Aubrey's last known address of 1661 Serrine Dr., Santa
3 Ana, California 92705 in an effort to obtain Aubrey's current residential mailing
4 address. These two USPS offices were located at: (1) 340 E. 1st Street, Tustin,
5 California 92781; and (2) 3744 East Chapman Ave., Suite F, Orange, California
6 92859. As of the date of this affidavit, I have not received a response to these two
7 written requests for information.

8 H. I also researched proprietary databases such as "Accurint" for addresses and
9 telephone number listings near the last known location of respondents' business
10 operations and Aubrey's last known residences discussed above in an attempt to
11 locate Aubrey's current address and contact information. I called four of these
12 located telephone numbers in an attempt to speak to Aubrey or one of her family
13 members without success; no one answered these calls and I could not leave a
14 message. Moreover, my search of these databases identified possible addresses for
15 Aubrey listed in paragraphs A, B & C above, or: (1) 2060 Placentia Ave., Suite
16 A5, Costa Mesa, California 92627; (2) 2532 N. Waterford, Orange, California
17 92867; and (3) 1661 Serrine Dr., Santa Ana, California 92705.

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19 I. I similarly attempted to contact Aubrey by calling the telephone number listed on
20 respondents' website identified at paragraph 25 of the Notice. On April 20, 2010, I
21 and staff attorney Mike Dailey also attempted to fax a copy of the Notice to
22 Aubrey using the fax number listed on Respondents' website. These efforts were
23 not successful; no one answered this call, I could not leave a message and the fax
24 would not go through.
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- 1 J. I conducted multiple computer and Internet search engine searches for Aubrey's
2 current address and contact information without success.
- 3 K. I obtained information from the Nevada Secretary of State's Office regarding the
4 respondent entities to obtain Aubrey's current address and contact information.
5 The address for the respondent entities on record with the Nevada Secretary of
6 State's Office is and has been at all times relevant the same business address
7 identified in paragraph A above and in the Notice.
- 8 L. I and staff attorney Mike Dailey repeatedly attempted to contact Mr. and Mrs.
9 Aubrey through their former attorney who represented them in a similar securities
10 enforcement action filed against them by the Department of Corporations of the
11 State of California. This attorney failed to respond to numerous email and
12 telephone requests by the Securities Division requesting the current address and
13 contact information for Aubrey. We also provided this attorney with a copy of the
14 Notice via email, and asked him to have Aubrey contact the Securities Division to
15 no avail.
- 16 M. Additionally, I reviewed information provided by the securities division of the
17 California Department of Corporations, and other agencies who have filed similar
18 securities enforcement actions against Aubrey and respondents including: (1) the
19 South Dakota Division of Securities; (2) the State of Washington, Department of
20 Financial Institutions (S-06-230-09-SC01), Securities Division; and (3) the Alberta
21 Securities Commission in Canada (Docket E/04555). I similarly located and
22 reviewed civil litigation pleadings filed by investors against Respondents in the
23 United States District Court, Western District of Texas, Case No. 5:09-CV-00482-
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1 FB. These efforts did not enable me to serve Aubrey with a copy of the Notice as
2 set forth above.

3 N. I also researched real estate records and/or county recorders in the California
4 counties of Orange and Riverside in which all of the above listed residential and
5 business addresses are located on the internet to locate a current address and/or
6 contact information for Aubrey. These efforts were not successful.

7 O. I tried to check the County Assessor's Office for Orange & Riverside Counties to
8 locate Aubrey's contact information. These efforts were not successful.

9 P. I tried to check the records of the Orange & Riverside Counties Superior Courts to
10 locate Aubrey's contact information. I was unable to obtain access to the
11 information sought from these databases and this effort was not successful.

12 Q. It was not feasible for me to check all Internet and email service providers known
13 to have been used by Aubrey to locate her contact information. I was unable to
14 determine which Internet providers and email service(s) that Aubrey uses or used.

15 R. In addition to my efforts regarding to the USPS noted above, it was not feasible for
16 me to check all mail servicing companies including Federal Express, etc. to locate
17 Aubrey's contact information. I was unable to do so because she has no fixed
18 address, as noted above.

19 S. It was not feasible for me to check all banks and financial institutions that have or
20 may have had a contractual relationship with Aubrey. This effort was not practical
21 or successful because I could not determine which banks and financial institutions
22 Aubrey has or had such relationship(s) with.
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T. It was not feasible for me to check with vendors that may have supplied business services or resources for Aubrey or her companies. I was unable to locate any such vendors or business suppliers related to Aubrey or the respondent entities.

The aforementioned efforts to both locate and use information regarding Aubrey's current address and contact information to serve her with a copy of the Notice were not successful. The exact, current location of Aubrey is unknown and cannot be ascertained.

Date: July 21, 2010

Guy Phillips
Guy Phillips
Special Investigator

Subscribed and affirmed, or sworn to before me in the County of Maricopa, State of Arizona, this 21st day of July, 2010.

Michael D Brokaw
Notary

My commission expires: 10-06-2011

