

ORIGINAL



0000126561

BEFORE THE ARIZONA CORPORATION COMMISSION

2011 JUN 23 P 1:33

COMMISSIONERS

GARY PIERCE, Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

AZ CORP COMMISSION
DOCKET CONTROL

In the matter of:
MARK W. BOSWORTH and LISA A. BOSWORTH, husband and wife;
STEPHEN G. VAN CAMPEN and DIANE V. VAN CAMPEN, 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, L.L.C., an Arizona limited liability company;
3 GRINGOS MEXICAN INVESTMENTS, L.L.C., an Arizona limited liability company;
Respondents.

DOCKET NO. S-20600A-08-0340

MOTION FOR CLARIFICATION

(Assigned to the Honorable Marc E. Stern)

Arizona Corporation Commission

DOCKETED

JUN 23 2011

DOCKETED BY [Signature]

At the June 1, 2011, hearing, Respondent Bosworth entered his appearance by stating "Mark Bosworth for Mark Bosworth, Lisa Bosworth, 3 Gringos, and Mark Bosworth & Associates." (Hearing Transcript page 967 lines 13 - 15). The Securities Division previously objected to Respondent Bosworth's assertion that he represented Respondent Lisa Bosworth (Procedural Conference dated February 9, 2011, transcript page 29 line 16 through page 32 line 13).

The Securities Division requests that the Administrative Law Judge clarify the limitations on Respondent Bosworth's ability to represent any other Respondent in this matter.

1 Respondent Bosworth is not a licensed attorney in the State of Arizona. Respondent  
2 Bosworth is only able to represent himself and, under limited circumstances, the entities.  
3 Respondent Bosworth is prohibited from representing Respondent Lisa Bosworth at any  
4 proceeding. See 17A A.R.S. Sup.Ct.Rules, Rule 31. The Arizona Appellate Court in *Encinas v.*  
5 *Mangum*, 203 Ariz. 357, 359, 54 P.3d 826, 828 (Ct.App.2002) quoting *Haberkorn v. Sears,*  
6 *Roebuck & Co.*, 5 Ariz. App. 397, 399, 427 P.2d 378, 380 (Ct.App.1967), stated that familial  
7 relationship does not allow a husband to represent a wife in legal proceedings despite any  
8 community interest.

9 Respondent Lisa Bosworth was personally served the Notice of Opportunity on July 16,  
10 2008. On July 28, 2008, Respondent Lisa Bosworth requested a hearing. On February 24, 2009,  
11 Respondent Lisa Bosworth signed and filed an Answer in this proceeding. Respondent Lisa  
12 Bosworth has the right to appear and present evidence as to the allegations in the Notice of  
13 Opportunity. Respondent Bosworth cannot represent Respondent Lisa Bosworth in any proceeding  
14 before the Arizona Corporation Commission. See 17A A.R.S. Sup.Ct.Rules, Rule 31.

15 Respondent Bosworth is only able to represent 3 Gringos Mexican Investments, LLC and  
16 Mark Bosworth & Associates, LLC under limited circumstances. Respondent Bosworth may  
17 represent legal entities only if the legal entity has specifically authorized such person to represent  
18 it in a particular matter; such representation is not the person's primary duty to the legal entity; and  
19 the person is not receiving separate or additional compensation for such representation. See 17A  
20 A.R.S. Sup.Ct.Rules, Rule 31.

21 ...  
22 ...  
23 ...  
24 ...  
25 ...  
26 ...



1 **ORIGINAL** and **8 COPIES** of the foregoing filed  
2 this 23<sup>rd</sup> day of June 2011 with:

3 Docket Control  
4 Arizona Corporation Commission  
5 1200 W. Washington St.  
6 Phoenix, AZ 85007

7 **COPY** of the foregoing hand delivered  
8 this 23<sup>rd</sup> day of June 2011 to:

9 The Honorable Marc E. Stern  
10 Hearing Division  
11 Arizona Corporation Commission  
12 1200 W. Washington St.  
13 Phoenix, AZ 85007

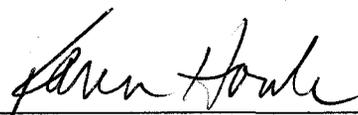
14 **COPY** of the foregoing mailed/e-mailed  
15 this 23<sup>rd</sup> day of June 2011 to:

16 Timothy J. Sabo, Esq.  
17 Paul J. Roshka, Jr., Esq.  
18 ROSHKA DeWULF & PATTEN, PLC  
19 One Arizona Center  
20 400 E. Van Buren St., Ste. 800  
21 Phoenix, AZ 85004  
22 Attorneys for Michael J. Sargent and  
23 Peggy L. Sargent

24 Mark W. Bosworth  
25 18094 N. 100<sup>th</sup> St.  
26 Scottsdale, AZ 85255

Lisa A. Bosworth  
18094 N. 100<sup>th</sup> St.  
Scottsdale, AZ 85255

Mark Bosworth  
10115 E. Bell Road  
Scottsdale, AZ 85260

22 By:   
23 \_\_\_\_\_  
24  
25  
26