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BEFORE THE ARIZONA CORPORATION CC

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Arizona Corporation Commission

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AZ CORP COMMISSION
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COMMISSIONERS

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

IN THE MATTER OF:

DAVID SHOREY AND MARY JANE SHOREY,
husband and wife,

WESTCAP ENERGY, INC., an Arizona
corporation, dba Westcap Solar,

RESPONDENTS.

DOCKET NO. S-20790A-11-0104

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On March 8, 2011, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against David Shorey and Mary Jane Shorey, husband and wife, and Westcap Energy, Inc., an Arizona corporation dba Westcap Solar ("WEI"), (collectively "Respondents") in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of stock. The spouse ("Respondent Spouse") of Respondent David Shorey was joined in the action pursuant to A.R.S. § 44-2031(C) solely for the purpose of determining the liability of the marital community.

On March 11, 2011, the Division filed an amended Notice.

The Respondents were duly served with copies of the amended Notice.

On March 25, 2011, a request for hearing was filed on behalf of David and Mary Jane Shorey and WEI.

On April 7, 2011, by Procedural Order, a pre-hearing conference was scheduled on May 5, 2011.

On May 5, 2011, at the pre-hearing conference, the Division and Respondents appeared through counsel. The parties were discussing a possible resolution of the issues raised by the Notice, but in the interim agreed to a status conference being scheduled in approximately 60 days.

1 On May 13, 2011, a status conference was scheduled on July 28, 2011.

2 On July 28, 2011, at the status conference, the Division appeared with counsel and counsel for
3 the Respondents appeared telephonically. Although the parties are continuing to discuss a resolution
4 of the proceeding, the Division requested that a hearing be scheduled in approximately 120 days in
5 the event a Consent Order is not approved by the Commission.

6 Accordingly, a hearing should be scheduled.

7 IT IS THEREFORE ORDERED that a **hearing** shall be held on **December 5, 2011, at 10:00 a.m.**,
8 at the Commission's offices, 1200 West Washington Street, **Hearing Room No. 1**, Phoenix, Arizona.

9 IT IS FURTHER ORDERED that the parties shall also set aside **December 6, 7 and 8, 2011**,
10 **for additional days of hearing**, if necessary.

11 IT IS FURTHER ORDERED that **the Division and Respondents shall exchange copies of**
12 **their Witness Lists and copies of their Exhibits by November 1, 2011**, with courtesy copies
13 provided to the presiding Administrative Law Judge.

14 IT IS FURTHER ORDERED that **if the case is resolved by a proposed Consent Order**
15 **prior to the hearing, the Division shall file a Motion to Vacate the proceeding.**

16 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
17 Communications) applies to this proceeding as the matter is now set for public hearing.

18 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
19 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
20 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
21 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
22 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
23 Administrative Law Judge or the Commission.

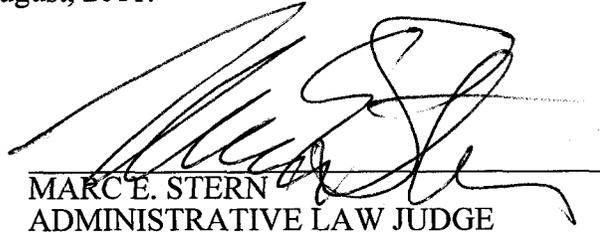
24 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
25 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission
26 *pro hac vice*.

27 ...

28 ...

1 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
2 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

3 DATED this 3rd day of August, 2011.

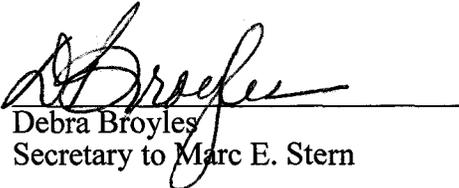
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6 
7 MARCE. STERN
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 3rd day of August, 2011 to:

10 Bruce R. Heurlin
11 Devin M. Sherlock
12 HURLIN SHERLOCK PANAH
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15 Attorney for Respondents

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20 Phoenix, AZ 85007

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22 2200 North Central Avenue, Suite 502
23 Phoenix, AZ 85004

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25
26
27
28
By: 
Debra Broyles
Secretary to Marc E. Stern