

THE RYCRAFT LAW FIRM, PLLC
2929 N. Power Rd., Suite 101, Mesa, Arizona 85215
(480) 659-5324

ORIGINAL



0000141081

BEFORE THE ARIZONA CORPORATE

COMMISSIONERS

RECEIVED
CORP COMMISSION
DOCKET CONTROL

GARY PIERCE, Chairman

BOB STUMP

SANDRA D. KENNEDY

PAUL NEWMAN

BRENDA BURNS

2012 DEC 20 AM 9 43

In the matter of:

TRI-CORE COMPANIES, LLC, an Arizona
limited liability company,

TRI-CORE MEXICO LAND
DEVELOPMENT, LLC, an Arizona limited
liability company,

TRI-CORE BUSINESS DEVELOPMENT,
LLC, an Arizona limited liability company,

ERC COMPACTORS, LLC, an Arizona
limited liability company,

ERC INVESTMENTS, LLC, an Arizona
limited liability company,

C&D CONSTRUCTION SERVICES, INC.,
a Nevada corporation;

PANGAEA INVESTMENT GROUP, LLC,
an Arizona limited liability company, d/b/a
Arizona Investment Center,

JASON TODD MOGLER, an Arizona
resident,

BRIAN N. BUCKLEY and CHERYL
BARRETT BUCKLEY, husband and wife,

CASIMER POLANCHEK, an Arizona
resident,

NICOLE KORDOSKY, an Arizona resident,

Respondents.

DOCKET NO. S-20867A-12-0459

C&D CONSTRUCTION SERVICES,
INC.'S ANSWER

(Assigned to Administrative Law Judge
Marc E. Stern)

Arizona Corporation Commission

DOCKETED

DEC 20 2012

DOCKETED BY

1 Respondent C&D CONSTRUCTION SERVICES, INC. ("C&D"), by and through the
2 undersigned counsel, hereby answers the ARIZONA CORPORATION COMMISSION'S
3 ("Commission") NOTICE OF OPPORTUNITY FOR HEARING REGARDING PROPOSED
4 ORDER TO CEASE AND DESIST, ORDER FOR RESTITUTION, ORDER FOR
5 ADMINISTRATIVE PENALTIES AND ORDER FOR OTHER AFFIRMATIVE ACTION
6 ("Complaint"), as follows:

7 **I.**

8 **JURISDICTION**

9 1. Answering Paragraph Number 1 of the Complaint, Respondent C&D admits the
10 allegations contained therein.

11 **II.**

12 **RESPONDENTS**

13 2. Answering Paragraph Number 2 of the Complaint, Respondent C&D is without sufficient
14 knowledge or information to ascertain the truth of the allegations and, therefore, deny each and
15 every allegation contained therein.

16 3. Answering Paragraph Number 3 of the Complaint, Respondent C&D is without sufficient
17 knowledge or information to ascertain the truth of the allegations and, therefore, denies each and
18 every allegation contained therein.

19 4. Answering Paragraph Number 4 of the Complaint, Respondent C&D is without sufficient
20 knowledge or information to ascertain the truth of the allegations and, therefore, denies each and
21 every allegation contained therein.

22 5. Answering Paragraph Number 5 of the Complaint, Respondent C&D is without sufficient
23 knowledge or information to ascertain the truth of the allegations and, therefore, denies each and
24 every allegation contained therein.

25 6. Answering Paragraph Number 6 of the Complaint, Respondent C&D is without sufficient
26 knowledge or information to ascertain the truth of the allegations and, therefore, denies each and
27 every allegation contained therein.

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1 7. Answering Paragraph Number 7 of the Complaint, Respondent C&D admits the
2 allegations contained therein.

3 8. Answering Paragraph Number 8 of the Complaint, Respondent C&D is without sufficient
4 knowledge or information to ascertain the truth of the allegations and, therefore, denies each and
5 every allegation contained therein.

6 9. Answering Paragraph Number 9 of the Complaint, Respondent C&D is without sufficient
7 knowledge or information to ascertain the truth of the allegations and, therefore, denies each and
8 every allegation contained therein.

9 10. Answering Paragraph Number 10 of the Complaint, Respondent C&D is without
10 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
11 each and every allegation contained therein.

12 11. Answering Paragraph Number 11 of the Complaint, Respondent C&D is without
13 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
14 each and every allegation contained therein.

15 12. Answering Paragraph Number 12 of the Complaint, Respondent C&D is without
16 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
17 each and every allegation contained therein.

18 13. Answering Paragraph Number 13 of the Complaint, Respondent C&D admits the
19 allegations contained therein.

20 14. Answering Paragraph Number 14 of the Complaint, Respondent C&D is without
21 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
22 each and every allegation contained therein.

23 15. Answering Paragraph Number 15 of the Complaint, Respondent C&D is without
24 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
25 each and every allegation contained therein.

26 **III.**

27 16. Answering Paragraph Number 16 of the Complaint, Respondent C&D is without
28 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
each and every allegation contained therein.

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17. Answering Paragraph Number 17 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

18. Answering Paragraph Number 18 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

19. Answering Paragraph Number 19 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

20. Answering Paragraph Number 20 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

21. Answering Paragraph Number 21 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

22. Answering Paragraph Number 22 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

23. Answering Paragraph Number 23 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

24. Answering Paragraph Number 24 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

25. Answering Paragraph Number 25 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

1 26. Answering Paragraph Number 26 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 27. Answering Paragraph Number 27 of the Complaint, Respondent C&D is without
5 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
6 each and every allegation contained therein.

7 28. Answering Paragraph Number 28 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 29. Answering Paragraph Number 29 of the Complaint, Respondent C&D is without
11 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
12 each and every allegation contained therein.

13 TRI-CORE MEXICO INVESTMENT

14 30. Answering Paragraph Number 30 of the Complaint, Respondent C&D is without
15 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
16 each and every allegation contained therein.

17 31. Answering Paragraph Number 31 of the Complaint, Respondent C&D is without
18 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
19 each and every allegation contained therein.

20 32. Answering Paragraph Number 32 of the Complaint, Respondent C&D is without
21 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
22 each and every allegation contained therein.

23 33. Answering Paragraph Number 33 of the Complaint, Respondent C&D is without
24 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
25 each and every allegation contained therein.

26 34. Answering Paragraph Number 34 of the Complaint, Respondent C&D is without
27 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
28 each and every allegation contained therein.

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1 35. Answering Paragraph Number 35 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 36. Answering Paragraph Number 36 of the Complaint, Respondent C&D is without
5 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
6 each and every allegation contained therein.

7 37. Answering Paragraph Number 37 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 38. Answering Paragraph Number 38 of the Complaint, Respondent C&D is without
11 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
12 each and every allegation contained therein.

13 39. Answering Paragraph Number 39 of the Complaint, Respondent C&D is without
14 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
15 each and every allegation contained therein.

16 40. Answering Paragraph Number 40 of the Complaint, Respondent C&D is without
17 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
18 each and every allegation contained therein.

19 41. Answering Paragraph Number 41 of the Complaint, Respondent C&D is without
20 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
21 each and every allegation contained therein.

22 42. Answering Paragraph Number 42 of the Complaint, Respondent C&D is without
23 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
24 each and every allegation contained therein.

25 43. Answering Paragraph Number 43 of the Complaint, Respondent C&D is without
26 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
27 each and every allegation contained therein.

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1 44. Answering Paragraph Number 44 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 45. Answering Paragraph Number 45 of the Complaint, Respondent C&D is without
5 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
6 each and every allegation contained therein.

7 46. Answering Paragraph Number 46 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 47. Answering Paragraph Number 47 of the Complaint, Respondent C&D is without
11 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
12 each and every allegation contained therein.

13 48. Answering Paragraph Number 48 of the Complaint, Respondent C&D is without
14 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
15 each and every allegation contained therein.

16 49. Answering Paragraph Number 49 of the Complaint, Respondent C&D is without
17 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
18 each and every allegation contained therein.

19 50. Answering Paragraph Number 50 of the Complaint, Respondent C&D is without
20 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
21 each and every allegation contained therein.

22 51. Answering Paragraph Number 51 of the Complaint, Respondent C&D is without
23 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
24 each and every allegation contained therein.

25 52. Answering Paragraph Number 52 of the Complaint, Respondent C&D is without
26 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
27 each and every allegation contained therein.

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TRI-CORE FEBRUARY

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2 53. Answering Paragraph Number 53 of the Complaint, Respondent C&D is without
3 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
4 each and every allegation contained therein.

5 54. Answering Paragraph Number 54 of the Complaint, Respondent C&D is without
6 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
7 each and every allegation contained therein.

8 55. Answering Paragraph Number 55 of the Complaint, Respondent C&D is without
9 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
10 each and every allegation contained therein.

11 56. Answering Paragraph Number 56 of the Complaint, Respondent C&D is without
12 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
13 each and every allegation contained therein.

14 57. Answering Paragraph Number 57 of the Complaint, Respondent C&D is without
15 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
16 each and every allegation contained therein.

17 58. Answering Paragraph Number 58 of the Complaint, Respondent C&D is without
18 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
19 each and every allegation contained therein.

20 59. Answering Paragraph Number 59 of the Complaint, Respondent C&D is without
21 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
22 each and every allegation contained therein.

23 60. Answering Paragraph Number 61 of the Complaint, Respondent C&D is without
24 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
25 each and every allegation contained therein.

26 61. Answering Paragraph Number 61 of the Complaint, Respondent C&D is without
27 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
28 each and every allegation contained therein.

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1 62. Answering Paragraph Number 62 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 63. Answering Paragraph Number 63 of the Complaint, Respondent C&D is without
5 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
6 each and every allegation contained therein.

7 64. Answering Paragraph Number 64 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 65. Answering Paragraph Number 65 of the Complaint, Respondent C&D is without
11 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
12 each and every allegation contained therein.

13 66. Answering Paragraph Number 66 of the Complaint, Respondent C&D is without
14 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
15 each and every allegation contained therein.

16 67. Answering Paragraph Number 67 of the Complaint, Respondent C&D is without
17 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
18 each and every allegation contained therein.

19 68. Answering Paragraph Number 68 of the Complaint, Respondent C&D is without
20 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
21 each and every allegation contained therein.

22 69. Answering Paragraph Number 69 of the Complaint, Respondent C&D is without
23 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
24 each and every allegation contained therein.

25 70. Answering Paragraph Number 70 of the Complaint, Respondent C&D is without
26 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
27 each and every allegation contained therein.

28 TRI-CORE MARCH 2008 INVESTMENT

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1 71. Answering Paragraph Number 71 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 72. Answering Paragraph Number 72 of the Complaint, Respondent C&D is without
5 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
6 each and every allegation contained therein.

7 73. Answering Paragraph Number 73 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 74. Answering Paragraph Number 74 of the Complaint, Respondent C&D is without
11 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
12 each and every allegation contained therein.

13 75. Answering Paragraph Number 75 of the Complaint, Respondent C&D is without
14 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
15 each and every allegation contained therein.

16 76. Answering Paragraph Number 76 of the Complaint, Respondent C&D is without
17 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
18 each and every allegation contained therein.

19 77. Answering Paragraph Number 77 of the Complaint, Respondent C&D is without
20 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
21 each and every allegation contained therein.

22 78. Answering Paragraph Number 78 of the Complaint, Respondent C&D is without
23 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
24 each and every allegation contained therein.

25 79. Answering Paragraph Number 79 of the Complaint, Respondent C&D is without
26 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
27 each and every allegation contained therein.

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1 80. Answering Paragraph Number 80 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 81. Answering Paragraph Number 81 of the Complaint, Respondent C&D is without
5 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
6 each and every allegation contained therein.

7 82. Answering Paragraph Number 82 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 83. Answering Paragraph Number 83 of the Complaint, Respondent C&D is without
11 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
12 each and every allegation contained therein.

13 84. Answering Paragraph Number 84 of the Complaint, Respondent C&D is without
14 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
15 each and every allegation contained therein.

16 85. Answering Paragraph Number 85 of the Complaint, Respondent C&D is without
17 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
18 each and every allegation contained therein.

19 86. Answering Paragraph Number 86 of the Complaint, Respondent C&D is without
20 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
21 each and every allegation contained therein.

22 87. Answering Paragraph Number 87 of the Complaint, Respondent C&D is without
23 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
24 each and every allegation contained therein.

24 TRI-CORE JUNE 2010 INVESTMENT

25 88. Answering Paragraph Number 88 of the Complaint, Respondent C&D is without
26 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
27 each and every allegation contained therein.

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89. Answering Paragraph Number 89 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

90. Answering Paragraph Number 90 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

91. Answering Paragraph Number 91 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

92. Answering Paragraph Number 92 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

93. Answering Paragraph Number 93 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

94. Answering Paragraph Number 94 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

95. Answering Paragraph Number 95 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

96. Answering Paragraph Number 96 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

97. Answering Paragraph Number 97 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

1 98. Answering Paragraph Number 98 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 99. Answering Paragraph Number 99 of the Complaint, Respondent C&D is without
5 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
6 each and every allegation contained therein.

7 100. Answering Paragraph Number 100 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 101. Answering Paragraph Number 101 of the Complaint, Respondent C&D is without
11 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
12 each and every allegation contained therein.

13 102. Answering Paragraph Number 102 of the Complaint, Respondent C&D is without
14 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
15 each and every allegation contained therein.

16 ERC COMPACTORS INVESTMENT

17 103. Answering Paragraph Number 103 of the Complaint, Respondent C&D is without
18 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
19 each and every allegation contained therein.

20 104. Answering Paragraph Number 104 of the Complaint, Respondent C&D is without
21 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
22 each and every allegation contained therein.

23 105. Answering Paragraph Number 105 of the Complaint, Respondent C&D is without
24 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
25 each and every allegation contained therein.

26 106. Answering Paragraph Number 106 of the Complaint, Respondent C&D is without
27 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
28 each and every allegation contained therein.

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1 107. Answering Paragraph Number 107 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 108. Answering Paragraph Number 108 of the Complaint, Respondent C&D is without
5 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
6 each and every allegation contained therein.

7 109. Answering Paragraph Number 109 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 110. Answering Paragraph Number 110 of the Complaint, Respondent C&D is without
11 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
12 each and every allegation contained therein.

13 111. Answering Paragraph Number 111 of the Complaint, Respondent C&D is without
14 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
15 each and every allegation contained therein.

16 112. Answering Paragraph Number 112 of the Complaint, Respondent C&D is without
17 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
18 each and every allegation contained therein.

19 113. Answering Paragraph Number 113 of the Complaint, Respondent C&D is without
20 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
21 each and every allegation contained therein.

22 114. Answering Paragraph Number 114 of the Complaint, Respondent C&D is without
23 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
24 each and every allegation contained therein.

25 115. Answering Paragraph Number 115 of the Complaint, Respondent C&D is without
26 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
27 each and every allegation contained therein.
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1 116. Answering Paragraph Number 116 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 ERCI INVESTMENT

5 117. Answering Paragraph Number 117 of the Complaint, Respondent C&D is without
6 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
7 each and every allegation contained therein.

8 118. Answering Paragraph Number 118 of the Complaint, Respondent C&D is without
9 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
10 each and every allegation contained therein.

11 119. Answering Paragraph Number 119 of the Complaint, Respondent C&D is without
12 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
13 each and every allegation contained therein.

14 120. Answering Paragraph Number 120 of the Complaint, Respondent C&D is without
15 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
16 each and every allegation contained therein.

17 121. Answering Paragraph Number 121 of the Complaint, Respondent C&D is without
18 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
19 each and every allegation contained therein.

20 122. Answering Paragraph Number 122 of the Complaint, Respondent C&D is without
21 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
22 each and every allegation contained therein.

23 123. Answering Paragraph Number 123 of the Complaint, Respondent C&D is without
24 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
25 each and every allegation contained therein.

26 124. Answering Paragraph Number 124 of the Complaint, Respondent C&D is without
27 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
28 each and every allegation contained therein.

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125. Answering Paragraph Number 125 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

126. Answering Paragraph Number 126 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

127. Answering Paragraph Number 127 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

128. Answering Paragraph Number 128 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

C&D INVESTMENT

129. Answering Paragraph Number 129 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

130. Answering Paragraph Number 130 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

131. Answering Paragraph Number 131 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

132. Answering Paragraph Number 132 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

133. Answering Paragraph Number 133 of the Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies each and every allegation contained therein.

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1 134. Answering Paragraph Number 134 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 135. Answering Paragraph Number 135 of the Complaint, Respondent C&D is without
5 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
6 each and every allegation contained therein.

7 136. Answering Paragraph Number 136 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 137. Answering Paragraph Number 137 of the Complaint, Respondent C&D is without
11 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
12 each and every allegation contained therein.

13 138. Answering Paragraph Number 138 of the Complaint, Respondent C&D denies the
14 allegations contained therein.

15 139. Answering Paragraph Number 139 of the Complaint, Respondent C&D is without
16 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
17 each and every allegation contained therein.

18 140. Answering Paragraph Number 140 of the Complaint, Respondent C&D is without
19 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
20 each and every allegation contained therein.

21 141. Answering Paragraph Number 141 of the Complaint, Respondent C&D is without
22 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
23 each and every allegation contained therein.

24 142. Answering Paragraph Number 142 of the Complaint, Respondent C&D is without
25 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
26 each and every allegation contained therein.

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IV.

VIOLATION OF A.R.S. § 44-1841

(Offer or Sale of Unregistered Securities)

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4 143. Answering Paragraph Number 143 of the Complaint, Respondent C&D is without
5 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
6 each and every allegation contained therein.

7 144. Answering Paragraph Number 144 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 145. Answering Paragraph Number 145 of the Complaint, Respondent C&D is without
11 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
12 each and every allegation contained therein.

13 146. Answering Paragraph Number 146 of the Complaint, Respondent C&D is without
14 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
15 each and every allegation contained therein.

16 147. Answering Paragraph Number 147 of the Complaint, Respondent C&D is without
17 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
18 each and every allegation contained therein.

19 148. Answering Paragraph Number 148 of the Complaint, Respondent C&D is without
20 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
21 each and every allegation contained therein.

22 149. Answering Paragraph Number 149 of the Complaint, Respondent C&D is without
23 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
24 each and every allegation contained therein.

25 150. Answering Paragraph Number 150 of the Complaint, Respondent C&D is without
26 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
27 each and every allegation contained therein.
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1 151. Answering Paragraph Number 151 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 V.

5 VIOLATION OF A.R.S. § 44-1842

6 (Transactions by Unregistered Dealers or Salesmen)

7 152. Answering Paragraph Number 152 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 153. Answering Paragraph Number 153 of the Complaint, Respondent C&D is without
11 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
12 each and every allegation contained therein.

13 VI.

14 VIOLATION OF A.R.S. § 44-1991

15 (Fraud in Connection with the Offer or Sale of Securities)

16 154. Answering Paragraph Number 154 of the Complaint, Respondent C&D is without
17 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
18 each and every allegation contained therein.

19 Fraud Related to Tri-Core Mexico Investment

20 a) Answering Paragraph Number 154(a) of the Complaint, Respondent C&D is
21 without sufficient knowledge or information to ascertain the truth of the allegations and,
22 therefore, denies each and every allegation contained therein.

23 b) Answering Paragraph Number 154(b) of the Complaint, Respondent C&D is
24 without sufficient knowledge or information to ascertain the truth of the allegations and,
25 therefore, denies each and every allegation contained therein.

26 c) Answering Paragraph Number 154(c) of the Complaint, Respondent C&D is
27 without sufficient knowledge or information to ascertain the truth of the allegations and,
28 therefore, denies each and every allegation contained therein.

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1 d) Answering Paragraph Number 154(d) of the Complaint, Respondent C&D is
2 without sufficient knowledge or information to ascertain the truth of the allegations and,
3 therefore, denies each and every allegation contained therein.

4 e) Answering Paragraph Number 154(e) (mistakenly designated "c") of the
5 Complaint, Respondent C&D is without sufficient knowledge or information to ascertain the
6 truth of the allegations and, therefore, denies each and every allegation contained therein.

7 **Fraud Related to Tri-Core February 2008 Investment**

8 f) Answering Paragraph Number 154(f) of the Complaint, Respondent C&D is
9 without sufficient knowledge or information to ascertain the truth of the allegations and,
10 therefore, denies each and every allegation contained therein.

11 g) Answering Paragraph Number 154(g) of the Complaint, Respondent C&D is
12 without sufficient knowledge or information to ascertain the truth of the allegations and,
13 therefore, denies each and every allegation contained therein.

14 h) Answering Paragraph Number 154(h) of the Complaint, Respondent C&D is
15 without sufficient knowledge or information to ascertain the truth of the allegations and,
16 therefore, denies each and every allegation contained therein.

17 **Fraud Related to Tri-Core March 2008 Investment**

18 i) Answering Paragraph Number 154(i) of the Complaint, Respondent C&D is
19 without sufficient knowledge or information to ascertain the truth of the allegations and,
20 therefore, denies each and every allegation contained therein.

21 j) Answering Paragraph Number 154(j) of the Complaint, Respondent C&D is
22 without sufficient knowledge or information to ascertain the truth of the allegations and,
23 therefore, denies each and every allegation contained therein.

24 k) Answering Paragraph Number 154(k) of the Complaint, Respondent C&D is
25 without sufficient knowledge or information to ascertain the truth of the allegations and,
26 therefore, denies each and every allegation contained therein.

27 l) Answering Paragraph Number 154(l) of the Complaint, Respondent C&D is
28 without sufficient knowledge or information to ascertain the truth of the allegations and,
therefore, denies each and every allegation contained therein.

1 155. Answering Paragraph Number 155 of the Complaint, Respondent C&D is without
2 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
3 each and every allegation contained therein.

4 156. Answering Paragraph Number 156 of the Complaint, Respondent C&D is without
5 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
6 each and every allegation contained therein.

7 157. Answering Paragraph Number 157 of the Complaint, Respondent C&D is without
8 sufficient knowledge or information to ascertain the truth of the allegations and, therefore, denies
9 each and every allegation contained therein.

10 **AFFIRMATIVE DEFENSES**

11 **FIRST AFFIRMATIVE DEFENSE**

12 The Complaint fails to state a claim against Respondent upon which relief may be
13 granted.

14 **SECOND AFFIRMATIVE DEFENSE**

15 Respondent C&D did not participate in the activities which form the basis for the
16 claims against the other Respondents.

17 **THIRD AFFIRMATIVE DEFENSE**

18 Respondent C&D never received any money from the alleged offering made on its
19 behalf by Tri-Core Business Development.

20 **FOURTH AFFIRMATIVE DEFENSE**

21 Respondent C&D was a victim of any alleged fraud perpetrated by Tri-Core Business
22 Development and the other Respondents, and not a knowing or voluntarily participant in the
23 same.

24 **FIFTH AFFIRMATIVE DEFENSE**

25 Respondent C&D reasonably relied on the advice and expertise of Tri-Core Business
26 Development regarding any investment activities allegedly performed on C&D's behalf.

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SIXTH AFFIRMATIVE DEFENSE

Respondent C&D never provided Tri-Core Business Development, or any other person, a power of attorney to sign securities documents on its behalf.

SEVENTH AFFIRMATIVE DEFENSE

Some of the foregoing Affirmative Defenses have been asserted for purposes of non-waiver. Respondents have not concluded discovery in this matter and specifically reserve the right to amend this Answer to include additional Affirmative Defenses if discovery of facts so warrant.

WHEREFORE RESPONDENT C&D prays that the Commission take nothing by reason of its Complaint, that the claims against Respondent C&D be dismissed with prejudice, that Respondent C&D be awarded its attorney's fees, costs and expenses incurred in defense of the same, and for such other and further relief as the court deems just or proper.

DATED this 17th day of December, 2012.

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COPIES of the foregoing mailed
this _____ day of December, 2012 to:

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