

ORIGINAL

OPEN MEETING AGENDA ITEM



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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

- BOB STUMP - Chairman
- GARY PIERCE
- BRENDA BURNS
- BOB BURNS
- SUSAN BITTER SMITH

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 liability company,
 - C&D CONSTRUCTION SI Nevada corporation,
 - PANGAEA INVESTMENT, LLC Arizona limited liability company, d/b/a Arizona Investment Center,
 - JASON TODD MOGLER, an Arizona resident,
 - BRIAN W. 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

Arizona Corporation Commission
DOCKETED

JAN 16 2013

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SECOND
PROCEDURAL ORDER
(Schedules Status Conference)

BY THE COMMISSION:

On November 8, 2012, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Tri-Core Companies, LLC, ("Tri-Core"), Tri-Core Mexico Land Development, LLC ("TC Mexico"), Tri-Core

1 Business Development, LLC ("TC Business"), ERC Compactors, LLC ("ERC Compactors"), ERC
2 Investments, LLC ("ERC Investments"), C&D Construction Services, Inc. ("C&D"), Pangaea
3 Investment Group, LLC ("Pangaea"), d/b/a Arizona Investment Center ("AIC"), Jason Todd Mogler,
4 Brian W. Buckley And Cheryl Barrett Buckley, husband and wife, Casimer Polanchek, And Nicole
5 Kordosky (collectively "Respondents"), in which the Division alleged multiple violations of the
6 Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of notes.

7 The Respondents were duly served with a copy of the Notice.

8 On November 26, 2012, a request for hearing in this matter was filed on behalf of C&D.

9 On November 30, 2012, Respondents Tri-Core, TC Business, ERC Compactors, ERC
10 Investments, Jason Todd Mogler, Brian N. Buckley and Cheryl Barrett Buckley filed requests for
11 hearing.

12 On December 10, 2012, by Procedural Order, a pre-hearing conference was scheduled on
13 January 15, 2013.

14 On January 15, 2013, at the pre-hearing conference, Respondents Tri-Core, TC Business,
15 ERC Compactors, ERC Investments and Jason Mogler appeared through counsel. Respondents Brian
16 and Cheryl Buckley appeared on their own behalf. The Division also appeared through counsel. The
17 parties who requested a hearing are discussing a possible resolution of the proceeding, but the
18 Division requested a status conference be scheduled to determine if a hearing should be scheduled if
19 the parties are unable to conclude a settlement.

20 Accordingly, a status conference should be scheduled.

21 IT IS THEREFORE ORDERED that a **status conference** shall be held on **March 20, 2013,**
22 **at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2,
23 Phoenix, Arizona.

24 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
25 Communications) is in effect and shall remain in effect until the Commission's Decision in this
26 matter is final and non-appealable.

27 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
28 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission

1 *pro hac vice.*

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

8 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,
9 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
10 ruling at hearing.

11 DATED this 16~~th~~ day of January, 2013.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed/delivered
17 this 16~~th~~ day of January, 2013 to:

18 Dale B. Rycraft, Jr.
19 THE RYCRAFT LAW FIRM PLLC
20 2929 North Power Road, Suite 101
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28 Core Business Development, LLC, ERE
Compactors, LLC, ERC Investments, LLC
and Jason Todd Mogler

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By: 
Debra Broyles
Secretary to Marc E. Stern