

ORIGINAL

OPEN MEETING AGENDA ITEM
EXCEPTION



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BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED Arizona Corporation Commission

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MAR 4 2013

CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

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

In the matter of:

DAVID SHOREY AND MARY JANE SHOREY, husband and wife,

WESTCAP ENERGY INC., an Arizona corporation, d/b/a Westcap Solar,

Respondents.

DOCKET NO. S-20790A-11-0104

SECURITIES DIVISION'S EXCEPTIONS TO THE RECOMMENDED OPINION AND ORDER

(Assigned to Administrative Law Judge Stern)

Pursuant to A.A.C. R14-3-110(B), the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") submits its exceptions to the Recommended Opinion and Order dated February 21, 2013 ("ROO"). The Division recommends one specific change to the ROO for the reason set forth below. The Division supports the ROO in all other respects.

1. For the purpose of obtaining an order that allows for the collection of money owed in the event that Respondents are unable to successfully complete a rescission offer pursuant to A.A.C. R14-4-308 or fail to comply with the Order, the Division requests that the outstanding balance be stated in the Order.

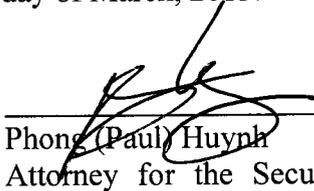
a. The Division asks that the ROO at page 19, line 12-16, be amended to read that "if Respondents Westcap Energy, Inc., and David and Mary Jane Shorey fail to comply with this Order, the amount of \$388,495, less any legal offset pursuant to A.A.C. R14-4-308(C), shall be in default and shall be immediately due and payable to the "State of Arizona" without notice or demand. The Commission shall disburse the funds on a pro-rata basis

1 to the investors shown on the records of the Commission.¹

2 A copy of the proposed amendment is attached as "Exhibit A."

3
4 RESPECTFULLY SUBMITTED this 4th day of March, 2013.

5 By: _____

6 
7 Phong (Paul) Huynh
8 Attorney for the Securities Division of the
9 Arizona Corporation Commission

10 ORIGINAL AND THIRTEEN (13) COPIES of the foregoing
11 filed this 4th day of March, 2013, with

12 Docket Control
13 Arizona Corporation Commission
14 1200 West Washington
15 Phoenix, AZ 85007

16 COPY of the foregoing hand-delivered this
17 4th day of March, 2013, to:

18 Administrative Law Judge Marc Stern
19 Arizona Corporation Commission/Hearing Division
20 1200 West Washington
21 Phoenix, AZ 85007

22 COPY of the foregoing mailed
23 this 4th day of March, 2013, to:

24 Bruce R. Heurlin
25 HEURLIN SHERLOCK
26 1636 North Swan Road, Suite 200
Tucson, AZ 85712-4096
Attorneys for Respondents David Shorey and
Mary Jane Shorey

By: _____



¹ This amount of \$388,495 is supported by the ROO, Findings of Fact, paragraph 60.

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EXHIBIT A

