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BEFORE THE ARIZONA CORPORATION C

COMMISSIONERS

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

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL
2013 APR 24 PM 1 31

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

Arizona Corporation Commission
DOCKETED
APR 24 2013

DOCKETED BY *JM*

FIFTH
PROCEDURAL ORDER
(Continues Hearing)

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 Business Development, LLC ("TC Business"); ERC Compactors, LLC ("ERC Compactors"); ERC

1 Investments, LLC (“ERC Investments”); C&D Construction Services, Inc. (“C&D”); Pangaea
2 Investment Group, LLC (“Pangaea”), d/b/a Arizona Investment Center (“AIC”); Jason Todd Mogler;
3 Brian N. Buckley and Cheryl Barrett Buckley, husband and wife; Cassimere Panache; and Nicole
4 Kordosky (collectively “Respondents”). In the Notice, the Division alleged multiple violations of the
5 Arizona Securities Act (“Act”) in connection with the offer and sale of securities in the form of notes.

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

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

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

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

13 On January 15, 2013, at the pre-hearing conference, Respondents Tri-Core, TC Business,
14 ERC Compactors, ERC Investments, and Jason Mogler appeared through counsel. Respondents
15 Brian and Cheryl Buckley appeared on their own behalf. The Division also appeared through
16 counsel. Although the parties who requested a hearing were discussing a possible resolution of the
17 proceeding, the Division requested a status conference be scheduled to determine if a hearing should
18 be scheduled in the event settlement did not occur.

19 On January 16, 2013, by Procedural Order, a status conference was scheduled on March 20,
20 2013.

21 On January 29, 2013, Respondent Nicole Kordosky filed a request for hearing.

22 On January 31, 2013, by Procedural Order, Respondent Nicole Kordosky’s name was added
23 to the service list and she was apprised of the status conference scheduled for March 20, 2013.

24 On March 20, 2013, at the status conference, the Division appeared through counsel,
25 Respondents Tri-Core, TC Business, ERC Compactors, ERC Investments and Jason Mogler appeared
26 through counsel, Respondent C&D appeared through counsel, and Respondents Brian Buckley and
27 Nicole Kordosky appeared on their own behalf. Mrs. Buckley did not appear. The Division’s
28 counsel indicated that while discussions to resolve the issues raised by the Notice were ongoing, a

1 hearing should be scheduled in the fall to avoid scheduling conflicts in a lengthy proceeding because
2 there would be approximately 12 Division witnesses and voluminous exhibits. Additionally, one of
3 the attorneys who represents the Respondents indicated that he would call a like number of witnesses.

4 On March 21, 2013, by Procedural Order, a hearing was scheduled to commence on October
5 7, 2013 and last over a number of weeks.

6 On April 4, 2013, the Division filed a Motion to Continue ("Motion") the hearing due to the
7 unavailability of a key witness during the scheduled hearing. The Division requested that the
8 proceeding be continued to October 21, 2013, and that the remaining dates of the hearing also be
9 rescheduled. The Division further indicated that counsel for the Respondents who were represented
10 as well as the pro per Respondents in the proceeding had been contacted concerning the Division's
11 Motion and that they had no objections to the Motion.

12 Accordingly, the Division's Motion should be granted and the hearing continued.

13 IT IS THEREFORE ORDERED that the Division's Motion to Continue the hearing is hereby
14 granted.

15 IT IS FURTHER ORDERED that the **hearing** shall be continued from **October 7, 2013, to**
16 **October 21, 2013, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street,
17 Hearing Room No. 2, Phoenix, Arizona.

18 IT IS FURTHER ORDERED that the parties shall reserve **October 22, 23, 24, 28, 29, 30 and**
19 **31, and November 4, 5, 6, 7, 12, 13, 14, 18, 19, 20 and 21, 2013, for additional days of hearing, if**
20 necessary.

21 IT IS FURTHER ORDEREED that the **parties shall exchange copies of their Exhibits and**
22 **their Witness Lists by August 12, 2013**, with courtesy copies provided to the presiding
23 Administrative Law Judge, as previously ordered.

24 IT IS FURTHER ORDERED that **if the parties reach a resolution of the issues raised in**
25 **the Notice prior to the hearing, the Division shall file a Motion to Vacate the proceeding.**

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

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

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

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

13 DATED this 24TH day of April, 2013.

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17 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered
19 this 24th day of April, 2013 to:

20 Dale B. Rycraft, Jr.
21 THE RYCRAFT LAW FIRM PLLC
22 2929 North Power Road, Suite 101
23 Mesa, AZ 85215
24 Attorney for C&D Construction Services, Inc.

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3 Matt Neubert, Director
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8 By: 
9 Debbi Person
Assistant to Marc E. Stern

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