



0000159049

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

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

2014 DEC 26 A 10:14

Arizona Corporation Commission

DOCKETED

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DEC 26 2014

DOCKETED BY

ORIGINAL

DOCKET NO. S-20920A-14-0388

In the matter of:

RED MOUNTAIN FUNDING, INC., an Arizona corporation; and

BRYAN J. SAMMONS and MARY L. SAMMONS, husband and wife,

Respondents.

**THIRD
PROCEDURAL ORDER**
(Reschedules Pre-Hearing Conference)

BY THE COMMISSION:

On November 14, 2014, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, for Restitution, for Administrative Penalties, and for Other Affirmative Action ("Notice") against Red Mountain Funding, Inc., and Bryan J. Sammons and Mary L. Sammons (collectively "Respondents"), in which the Division alleged violations of the Arizona Securities Act ("Act") in connection with the execution of notes.

The spouse of Bryan J. Sammons, Mary L. Sammons ("Respondent Spouse"), is joined in the action pursuant to A.R.S. § 44-2031(C) solely for the purpose of determining the liability of the marital community.

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

On December 1, 2014, Respondents filed a Request for Hearing pursuant to A.R.S. § 44-1972 and A.A.C. R14-4-306.

On December 2, 2014, by Procedural Order, a pre-hearing conference was scheduled for December 22, 2014.

...

1 On December 9, 2014, the Respondents filed a Motion to Continue the Prehearing Conference
2 Scheduled for December 22, 2014. The reason for a continuance was attributed to a vacation by
3 Respondents' counsel. Respondents' counsel asserted he contacted counsel for the Securities
4 Division and stated that a short continuance would not be opposed.

5 On December 10, 2014, by Procedural Order, the pre-hearing conference was rescheduled to
6 January 6, 2015.

7 On December 22, 2014, Respondents filed an Answer.

8 It has become necessary to continue the pre-hearing conference scheduled for January 6,
9 2015.

10 IT IS THEREFORE ORDERED that the pre-hearing conference is rescheduled to **January**
11 **26, 2015 at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room
12 No. 2, Phoenix, Arizona.

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

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

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

25 ...
26 ...
27 ...
28 ...

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

4 DATED this 26TH day of December, 2014.

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


MARK PRENY
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered
this 26TH day of December, 2014, to:

Paul J. Roshka, Jr.
Jennifer A. Stevens
ROSHKA, DeWULF & PATTEN, PLC
One Arizona Center
400 E. Van Buren, Suite 800
Phoenix, AZ 85004
Attorney for Respondents

Matthew Neubert, Director
Securities Division
ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, AZ 85007

COASH & COASH, INC.
Court Reporting, Video and
Videoconferencing
1802 North 7th Street
Phoenix, AZ 85006

By: 
Tammy Velarde
Assistant to Mark Preny