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COMMISSIONERS

SUSAN BITTER SMITH, Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

RECEIVED

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ORIGINAL

AZ CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

In the matter of:

CONCORDIA FINANCING COMPANY, LTD,
a/k/a "CONCORDIA FINANCE,"

ER FINANCIAL & ADVISORY SERVICES,
LLC,

LANCE MICHAEL BERSCH, and

DAVID JOHN WANZEK and LINDA
WANZEK, husband and wife,

Respondents.

Docket No. S-20906A-14-0063

**ER RESPONDENTS'
MOTION TO COMPEL**

(Assigned to the Honorable Mark Preny,
Administrative Law Judge)

Oral Argument Requested Arizona Corporation Commission

DOCKETED

FEB 10 2015

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I. Introduction.

On October 7, 2014, the ER Respondents¹ served Respondent Concordia Financing Company, Ltd. ("Concordia") with Requests for Production of Documents ("RFP"). The RFP requested critical documents from Concordia, including the contracts that are alleged to be securities by the Securities Division, and Concordia's customer files for each customer alleged by the Division. Nearly four months later, Concordia has not provided a single document. After the ER Respondents granted Concordia multiple extensions of time, Concordia finally responded with a letter contending that subpoenas are the only form of discovery permitted by Commission rules and therefore refusing to provide any documents. Counsel for the ER Respondents replied with a letter explaining that the Commission's rules in fact provide for broad discovery, and also providing extensive precedents in the form of prior procedural orders demonstrating that broad

¹ ER Financial & Advisory Services, LLC, Lance Michael Bersch, David John Wanzek, and Linda Wanzek.

1 discovery is available in Commission proceedings. By email, Concordia's counsel still refused to
2 provide any documents. Accordingly, the ER Respondents now submit this Motion to Compel.

3 The motion is supported by the following exhibits:

- 4 Exhibit A October 7, 2014 Request for Production of Documents to Concordia.
- 5 Exhibit B November 25, 2014 Letter from Concordia's counsel.
- 6 Exhibit C December 16, 2014 Letter to Concordia's counsel.
- 7 Exhibit D December 24, 2014 Email from Concordia's counsel.
- 8 Exhibit E Affidavit of David Wanzek
- 9 Exhibit F Separate Statement of Counsel [Rule 37(a)(2)(C), ARCP]

10 **II. The Commission's rules provide for broad discovery.**

11 The same set of procedural rules applies to all types of Commission proceedings. *See*
12 A.A.C. R14-3-101(A) ("Except as may be otherwise directed by the Commission, and when not
13 in conflict with law or the regulations or orders of this Commission, these Rules of Practice and
14 Procedure shall govern in all cases before the Corporation Commission including but not limited
15 to those arising out of Article XV of the Arizona Constitution, or Titles 10, 40, or 44 of the
16 Arizona Revised Statutes.") (emphasis added).

17 The Commission's procedural rules incorporate the Arizona Rules of Civil Procedure
18 (ARCP). *See* A.A.C. R14-3-101(A). The ARCP, in turn, provides for broad discovery to prevent
19 surprise at trial and to enable parties to fairly prepare for trial. Therefore, the Commission has
20 long allowed broad discovery in Commission proceedings. The long-standing practice of broad
21 discovery in Commission proceedings applies in both utilities and securities proceedings, as
22 demonstrated in Exhibit C, and in the ER Respondents' Response to the Securities Division's
23 Motion to Quash. Rather than repeat that discussion again, those two documents are incorporated
24 in this Motion.

25 **III. Response to Concordia's objections.**

26 Concordia's last email makes four objections to the RFP. Each objection is baseless, and
27 Concordia should be ordered to promptly provide the documents requested in the RFP.

28

1 **A. The RFP is specific and not overbroad or burdensome.**

2 First, Concordia argues that the requests are overbroad, and that the ER Respondents
3 should provide “a specific list of documents with which” Concordia “can work”. However, the
4 email does not commit to actually provide any documents if the “specific list” is provided.

5 Concordia’s objection is without merit, because the RFP is specific. For example, the first
6 request asks for “All documents you produced to the Arizona Corporation Commission.” This
7 request is specific and clear. Moreover, documents produced to the ACC will be highly relevant,
8 and it should not be burdensome to provide these documents. Standard litigation practice would
9 be to keep copies of all documents produced to a government agency, so these documents should
10 be readily available and not burdensome to produce.

11 The second request is similarly specific. It requests “[a]ll documents you produced to the
12 California Department of Business Oversight, or its predecessor agencies, including all
13 documents you produced in the investigation leading to the Desist and Refrain Order, and in any
14 proceedings resulting from or related to the Desist and Refrain Order.” Again, these documents
15 are highly relevant and should be readily available.

16 Likewise, the third request is specific. It asks for “[t]he transcript and all exhibits for the
17 examination conducted pursuant to the California Department of Business Oversight subpoena
18 dated March 5, 2013.” A request for a transcript and exhibits is highly specific, and again is
19 relevant to the securities issues alleged in the Notice. Further, providing a single transcript and
20 related exhibits cannot be burdensome.

21 The remaining requests are similarly specific and relevant. For example, the fourth
22 request asks for “[c]opies of all custodial agreements signed by Mr. Wanzek, Mr. Bersch, or ER,
23 and copies of the related Sale of Contracts and Servicing Agreements.” This request is specific
24 and highly relevant. Moreover, such documents would likely have been provided to the Arizona
25 or California regulators, and would therefore be covered by the first or second requests.

26 Requests 21 through 24 provide further examples. These requests ask for amounts
27 received by Concordia from each of the alleged investors and from each of the alleged
28 investments, and the related amounts paid. Such information should be readily available to

1 Concordia from its accounting system or accounting records. Moreover, the Notice of
2 Opportunity provides aggregated information along these lines, alleging that “Concordia raised a
3 total of about \$35,206,803 in investment principal from approximately 446 distinct investments
4 made by about 192 investors, approximately 116 of which were Arizona residents. As of about
5 July, 2013, Concordia had paid out to investors in the form of principal repayments and profits
6 approximately \$32,929,066.” (Notice, ¶ 26). Presumably, this statement is based on data
7 Concordia provided to the Division. It is unfair for both Concordia and the Division to have
8 access to the detailed information for each investor or investment, while the ER Respondents
9 remain “in the dark”. Further, such financial data is relevant to calculation of restitution, if any
10 restitution is ordered. Moreover, unlike Concordia, the ER Respondents were not involved in
11 each alleged sale or alleged investment. Thus, it is even more important for them to know the
12 specific amounts for specific investors or investments.

13 **B. Concordia is the custodian of the requested documents and should provide**
14 **them.**

15 Concordia’s email suggests that the ER Respondents obtain the documents produced to
16 the California Department of Business Oversight from that Department. But Concordia is the
17 custodian of its own documents, not the California Department. Nor do we know if the California
18 Department retained these documents after completing its proceeding. Moreover, the California
19 Department is not a party to this proceeding and is therefore not obligated to provide discovery.
20 Further, materials provided to the California Department of Business Oversight as part of an
21 investigation do not appear to be available under a public records request. *See* California Code of
22 Regulations, Title 10 § 250.9.1, available at <http://www.dbo.ca.gov/Codes/PRA/adm500166.pdf>.

23 In any event, this objection applies only one of the twenty five requests in the RFP.

24 **C. A subpoena is not required because Concordia is a party.**

25 In response to the long-standing history of broad discovery in Commission proceedings,
26 and the multiple procedural orders cited by the ER Respondents’ counsel in Exhibit C, Concordia
27 does not dispute this long-standing practice, and instead argues that “the law is governed by the
28 adopted rules, not routine practice.” As explained at length in the ER Respondents’ Response to

1 the Division's Motion to Quash, the Commission's rules provide for broad discovery. Moreover,
2 those rules must be interpreted in light of long-standing practice and prior rulings of the
3 Commission and its ALJs.

4 Further, as a practical matter, there is little difference between an RFP and a formal
5 subpoena. Formal subpoenas are rarely used in Commission proceedings, because broad
6 discovery is available from parties to the proceeding in other ways. In the few occasions when
7 formal subpoenas have been issued in Commission proceedings, those subpoenas have typically
8 been issued by the Executive Director upon request, without any special showing. Indeed, the
9 subpoena application forms on the Commission's website do not include any space for a showing
10 of "reasonable need" as suggested by the Securities Division. *See*
11 <http://www.azcc.gov/Divisions/Administration/Subpoena/subpoena.asp> . Given that subpoenas
12 are freely available, and that both a *subpoena duces tecum* and an RFP request documents,
13 requiring a subpoena would elevate form over substance. However, if a subpoena is required,
14 then the ALJ should issue one.

15 Lastly, it is not clear that the Commission has subpoena jurisdiction over Concordia, an
16 out-of-state party with no presence in Arizona. It is our understanding that Concordia made that
17 objection in response to the Division's investigatory subpoena.

18 **D. Demand for affidavit.**

19 Lastly, Concordia's email demanded that the ER Respondents provide "sworn statements"
20 to support two assertions: (1) that the ER Respondents returned the vast majority of their files to
21 Concordia, at Concordia's direction and insistence; and (2) that Mr. Wanzek and Mr. Bersch were
22 privy to certain attorney-client communications between Concordia and its counsel. Accordingly,
23 an affidavit from Mr. Wanzek to this effect is attached as Exhibit E.

24 Concordia's email argues that the documents sent to Concordia were only the "original
25 vehicles titles relating to customer contracts and not customer files." This assertion is
26 contradicted by the contemporaneous shipping records attached to Mr. Wanzek's affidavit. Those
27 records show that the ER Respondents shipped 83.8 pounds of documents to Concordia, which
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1 equates to approximately 8,300 pages.² These documents could not have been all original vehicle
2 titles. The ER Respondents returned these crucial customer files to Concordia at Concordia's
3 demand, and the ER Respondents now require access to these files to prepare their defense.

4 Regarding the communications with Concordia's lawyers, Mr. Wanzek's affidavit
5 establishes that Mr. Crowder (Concordia's CEO) informed Mr. Wanzek and Mr. Bersch that
6 Concordia's lawyer advised that: (1) no licenses were required to offer the Truck Financing
7 Contracts and Servicing Agreements; and (2) that the contracts were not securities. Moreover, on
8 one occasion, Mr. Wanzek was in Mr. Crowder's office for a telephone call with Concordia's
9 lawyer where the lawyer confirmed that no licenses were required.

10 The Notice alleges that both Mr. Bersch and Mr. Wanzek were board members of
11 Concordia. (Notice, ¶ 29(b)). If this allegation is true, then Mr. Bersch and Mr. Wanzek would
12 be entitled to rely on the advice of Concordia's attorneys, and they in fact do intend to raise
13 "advice of counsel" as a mitigating factor in this case. Alternatively, if Mr. Bersch and Mr.
14 Wanzek are not considered recipients of this advice, Concordia waived the attorney-client
15 privilege as to them by disclosing the advice to them.

16 Further, to the extent that Concordia claims attorney-client privilege for any specific
17 documents, it should prepare a privilege log to support its claim of privilege.

18 **IV. Conclusion.**

19 The documents the ER Respondents have requested in are highly relevant to their defense.
20 The ER Respondents trusted Concordia when they were told that the contracts were fully vetted
21 by counsel and were not securities. They are entitled to present this information in mitigation—
22 their professional reputations are at stake in this proceeding.

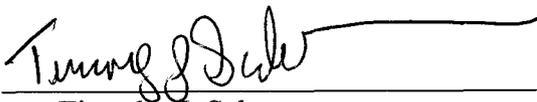
23 Moreover, the ER Respondents do not have access to the basic financial data for each
24 alleged investment contract, such as the amounts received by the investors or by Concordia.
25 Indeed, the ER Respondents do not have copies of almost all the contracts. Further, Concordia's
26

27 ² Assuming standard weight (20#) 8.5 x 11 office copy paper; a ream (500 sheets) of such paper
28 weighs approximately 5 pounds. (83.8 pounds \ 5 pounds per ream) * 500 sheets per ream =
8,380 pages.

1 client files will contain copies of communications that may be critical in defending against the
2 Division's overreaching "fraud" allegations against the ER Respondents—documents that
3 Concordia has no incentive to offer, because it does not face similar charges. Indeed, the ER
4 Respondents do not know the names and addresses of many of the alleged investors.

5 Without all of all of this information, the ER Respondents cannot meaningfully prepare
6 for the hearing. The RFP is well within the scope of the broad discovery allowed in Commission
7 proceedings, and Concordia should be compelled to promptly provide these essential documents.

8
9 RESPECTFULLY SUBMITTED this 10th day of February 2015.

10
11
12 By 

13 Timothy J. Sabo
14 SNELL & WILMER L.L.P.
15 One Arizona Center
16 400 East Van Buren
17 Phoenix, AZ 85004-2202
18 Phone: 602.382.6347
19 E-mail: tsabo@swlaw.com

20 and

21 Paul J. Roshka, Jr.
22 POLSINELLI, P.C.
23 One East Washington St., Suite 1200
24 Phoenix, AZ 85004-2568
25 Phone: 602.650.2098
26 Email: proshka@polsinelli.com

27 *Attorneys for the ER Respondents*
28

1 Original + 13 copies of the foregoing
2 filed this 10th day of February 2015, with:
3
4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington
7 Phoenix, Arizona 85007
8
9 Copies of the foregoing hand-delivered/mailed
10 this 10th day of February 2015, to:
11
12 Mark H. Preny, Esq.
13 Administrative Law Judge
14 Hearing Division
15 Arizona Corporation Commission
16 1200 West Washington
17 Phoenix, Arizona 85007
18
19 James D. Burgess, Esq.
20 Securities Division
21 Arizona Corporation Commission
22 1300 West Washington, 3rd Floor
23 Phoenix, Arizona 85007
24
25 Alan S. Baskin, Esq.
26 David E. Wood, Esq.
27 Baskin Richards, PLC
28 80 East Rio Salado Parkway, Suite 511
Tempe, Arizona 85281
Attorneys for Concordia Finance Company, LTD.

19
20 By Jaelyn Howard
21
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23
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27
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Exhibit-A

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

In the matter of:

CONCORDIA FINANCING COMPANY,
LTD, a/k/a "CONCORDIA FINANCE,"

ER FINANCIAL & ADVISORY SERVICES,
LLC,

LANCE MICHAEL BERSCH, and

DAVID JOHN WANZEK and LINDA
WANZEK, husband and wife,

Respondents.

Docket No. S-20906A-14-0063

**RESPONDENTS ER FINANCIAL &
ADVISORY SERVICES, LLC, LANCE
MICHAEL BERSCH, DAVID JOHN
WANZEK AND LINDA WANZEK's
FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO
CONCORDIA FINANCING
COMPANY, LTD, a/k/a
"CONCORDIA FINANCE"**

Pursuant to the Rules of Practice before the Arizona Corporation Commission, A.A.C. R14-3-101 et seq., Respondents, ER Financial & Advisory Services, LLC, Lance Michael Bersch, David John Wanzek and Linda Wanzek (the "ER Respondents") request that the documents or things designated in the list labeled "Documents to be Produced" be produced by Respondent Concordia Financing Company, LTD, a/k/a "Concordia Finance" for inspection and copying.

Except as provided otherwise in the attached list, the time and place of production are:

Time: No later than forty (40) calendar days from the date of service of this Request unless this time frame is modified by the Administrative Law Judge.

Place: Roshka DeWulf and Patten, PLC, One Arizona Center, 400 East Van Buren Street, Suite 800, Phoenix, Arizona 85004.

1 The list labeled "Documents to be Produced" sets forth the items to be produced, either by
2 individual item or by category; describes each item and category with reasonable particularity; and
3 specifies the reasonable time, place and manner of making the production and performing the
4 related acts in connection with each item.

5 The party upon whom this Request is served shall satisfy or object to it in writing within
6 twenty (20) days from the date of service of this Request unless this time frame is modified by the
7 Administrative Law Judge.

8 The Response shall state, with respect to each item or category, that the documents will be
9 produced and related activities will be permitted as requested, unless the Request is objected to, in
10 which event the reasons for objection shall be stated.

11 The documents or things sought by this Request include documents, information and things
12 in the possession, custody or control of the Respondent Concordia Financing Company, LTD,
13 a/k/a "Concordia Finance", its attorneys and all present and former agents, servants,
14 representatives, investigators and others who may have obtained custody of the documents and
15 things on behalf of the party or their attorneys.

16 Unless otherwise indicated, this Request covers the time frame of January 1, 1998 to the
17 present.

18 DEFINITIONS

19 For the purposes of this Request for Production of Documents, the following terms and
20 references have been abbreviated and defined as follows:

21 1. The terms "and" and "or" shall be construed conjunctively or disjunctively,
22 whichever makes the document request more inclusive.

23 2. The term "Concordia," "you" and "your" shall mean Concordia Financing
24 Company, Ltd., a/k/a "Concordia Finance".

25 3. The term "ER Respondents" shall mean collectively, ER Financial & Advisory
26 Services, LLC, Lance Michael Bersch, David John Wanzek and Linda Wanzek.

1 4. The term "ACC" shall mean the Arizona Corporation Commission.

2 5. The term "Desist and Refrain Order" shall refer to the October 7, 2013 State of
3 California Business, Consumer Services and Housing Agency Department of Business Oversight's
4 Desist and Refrain Order issued to Kenneth Crowder, Chris Crowder, David Wanzek, Michael
5 Bersch, and Concordia Financing Co., Ltd.

6 6. The terms "document" or "documents" include, without limiting their generality, all
7 contracts, agreements, correspondence, letters, files, memoranda, messages, handwritten notes,
8 e-mail, inter- or intra-departmental or office or firm communications, telephone logs, telephone
9 messages, computer disks, hard drives, telegrams, newsletters or other publications, stock
10 certificates, stock options, promissory notes, appraisal reports, expressions of opinion as to value
11 or use of real or personal property, valuation estimates of any kind, financial data, *pro formas*,
12 estimates, financial projections, statements, credit and loan applications, accounting records and
13 worksheets, financial statements, diaries, calendars, logs, desk diaries, appointment books,
14 feasibility studies, recordings, notes of conversations, notes of meetings, notes of conferences,
15 notes of investigations, notes of opinions, notes of interviews, written statements, recorded or
16 taped interviews or statements, drafts of reports, preliminary reports, final reports, studies,
17 forecasts, prospectuses, charts, graphs, maps, drawings or other representations or depictions,
18 telephone records, motion picture film, audio or video tape recordings, facsimile copies, computer
19 printouts, data card programs or other input or output of data processing systems, photographs
20 (positive print, slides or negatives), microfilm or microfiche, or other data compilations from
21 which information can be obtained or translated through detection devices into reasonably usable
22 form, whether originals or copies, altered or unaltered, made by any means. The terms
23 "document" and "documents" also include all copies which are, in any manner, not identical in
24 content to the originals. Any comment or notation appearing on any document, and not a part of
25 the original text, is to be considered a separate "document." Any draft, or any other preliminary
26 form of any document, is also to be considered a separate "document."

27

1 7. The term "all documents" means every document, as defined above, known to you
2 and every document which can be located or discovered by reasonably diligent efforts.

3 8. The terms "writing" or "written" are intended to include, but not necessarily be
4 limited to, the following: handwriting, typewriting, printing, photographing and every other means
5 of recording upon any tangible thing, any form of communication later reduced to a writing or
6 confirmed by a letter.

7 9. The term "communication" means any oral, written, electronic, graphic,
8 demonstrative, or other transfer of information, ideas, opinions or thoughts between two or more
9 individuals or entities, regardless of the medium by which such communication occurred, and shall
10 include, without limitation, written contact by such means as letters, memoranda, telegrams, telex,
11 or any documents, and oral contact by such means as face to face meetings and telephone
12 conversations.

13 10. The terms "concerns" or "concerning" include referring to, alluding to, responding
14 to, relating to, connected with, commenting on, impinging or impacting upon, in respect of, about,
15 regarding, discussing, showing, describing, affecting, mentioning, reflecting, analyzing,
16 constituting, evidencing or pertaining to.

17 11. The term "person(s)" shall mean any natural person, corporation, partnership, sole
18 proprietorship, joint venture, association, limited liability company, governmental or other public
19 entity, or any other form of organization or legal entity, and all of their officials, directors, officers,
20 employees, representatives, attorneys and agents.

21 12. The terms "meeting" and "meetings" mean any coincidence of presence of two or
22 more persons between or among whom some communication occurs, whether or not such
23 coincidence of presence was by chance or prearranged, formal or informal, or in connection with
24 some other activity.

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1 INSTRUCTIONS FOR USE

2 A. In producing documents and things, indicate the particular request to which a
3 produced document or thing is responsive.

4 B. In producing documents and things, furnish all documents or things known or
5 available to you, regardless of whether such documents or things are possessed directly by you or
6 your directors, officers, agents, employees, representatives and investigators or by your attorneys
7 or their agents, employees, representatives or investigators.

8 C. If any requested document or thing cannot be produced in full, produce each such
9 document to the extent possible, specifying each reason for your inability to produce the remainder
10 and stating whatever information, knowledge or belief you have concerning the unproduced
11 portion and the expected dates on which full production can be completed.

12 D. If any documents or things requested were in existence but are no longer in
13 existence, then so state, specifying for each document or thing:

- 14 (1) The type of document or thing;
- 15 (2) The type(s) of information contained therein;
- 16 (3) The date upon which it ceased to exist;
- 17 (4) The circumstances under which it ceased to exist;
- 18 (5) The identity of each person or persons having knowledge or who had
19 knowledge of the contents thereof; and
- 20 (6) The identity of each person or persons having knowledge of the
21 circumstances under which each document or thing ceased to exist.

22 E. This Request for Production of Documents is deemed to be continuing. If, after
23 producing documents and things, you obtain or become aware of any further documents, things or
24 information responsive to this Request for Production of Documents, you are required to produce
25 to Respondents such additional documents and things, or provide Respondents with such
26 additional information.

27

1 F. Documents attached to each other should not be separated.

2 G. In lieu of producing originals or copies thereof responsive to this Request, you may,
3 at your option, submit legible photographic or other reproductions of such documents, provided
4 that the originals or copies from which such reproductions were made are retained by you until the
5 final disposition of this proceeding.

6 H. In the event that you seek to withhold any documents, things or information on the
7 basis that it is properly subject to some limitation on discovery, you shall supply Respondents with
8 a list of the documents and things for which limitation of discovery is claimed, indicating:

- 9 (1) The name of each author, writer, sender or initiator of such document or
10 thing, if any;
- 11 (2) The name of each recipient, addressee or party for whom such document
12 or thing was intended, if any;
- 13 (3) The name of the person in custody or charge or possession of each such
14 document;
- 15 (4) The date of each such document, if any, or an estimate thereof and so
16 indicated as an estimate;
- 17 (5) The general subject matter as described in each such document, or, if no
18 such description appears, then such other description sufficient to identify
19 said document;
- 20 (6) The name, business address and position of each person who has seen, or
21 has access to or knowledge of, the contents or nature of any such
22 document; and
- 23 (7) The claimed grounds for limitation of discovery (e.g., "attorney-client
24 privilege").

25 **DOCUMENTS TO BE PRODUCED**

- 26 1. All documents you produced to the Arizona Corporation Commission.

27

1 2. All documents you produced to the California Department of Business Oversight,
2 or its predecessor agencies, including all documents you produced in the investigation leading to
3 the Desist and Refrain Order, and in any proceedings resulting from or related to the Desist and
4 Refrain Order.

5 3. The transcript and all exhibits for the examination conducted pursuant to the
6 California Department of Business Oversight subpoena dated March 5, 2013.

7 4. Any and all legal opinions received by Concordia regarding whether the Sale of
8 Contracts and Servicing Agreements, Custodial Agreements, Truck Financing Agreements, or
9 related agreements are "securities" under Arizona law, California law, the law of any other state,
10 or Federal law.

11 5. Copies of all custodial agreements signed by Mr. Wanzek, Mr. Bersch, or ER, and
12 copies of the related Sale of Contracts and Servicing Agreements.

13 6. For each investment or client identified in # 5, copies of all communications with
14 the investor.

15 7. For each investment or client identified in #5, documents sufficient to show the
16 amounts invested by each investor and the amounts paid to each investor.

17 8. Copies of all audited or unaudited financial statements of Concordia.

18 9. Documents sufficient to show the financial institutions with which Concordia has
19 had ongoing relationships.

20 10. Copies of all communications between Concordia and Pacific Financial Advisors.

21 11. Concordia's Articles of Incorporation.

22 12. Concordia's bylaws.

23 13. Concordia's board minutes for the time period that Mr. Bersch or Mr. Wanzek
24 were members of the board.

25 14. Documents sufficient to identify the board members of Concordia with dates of
26 service, for the period 1998 to present.

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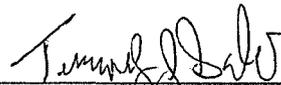
- 1 15. Documents sufficient to identify the current ownership structure of Concordia.
- 2 16. Organizational charts for Concordia from 1998 to present.
- 3 17. All communications between Concordia and the Arizona Corporation Commission.
- 4 18. Documents sufficient to show the law firms used by Concordia from 1998 to
- 5 present.
- 6 19. Documents sufficient to identify the 192 investors as alleged in Paragraph 26 of the
- 7 ACC's Notice of Opportunity.
- 8 20. Documents sufficient to identify the 446 distinct investments as alleged in
- 9 Paragraph 26 of the ACC's Notice of Opportunity.
- 10 21. Documents sufficient to show the amounts received by Concordia from each of the
- 11 192 investors alleged in Paragraph 26 of the ACC's Notice of Opportunity.
- 12 22. Documents sufficient to show the amounts paid by Concordia to each of the 192
- 13 investors alleged in Paragraph 26 of the ACC's Notice of Opportunity.
- 14 23. Documents sufficient to show the amounts received by Concordia for each of the
- 15 446 distinct investments alleged in Paragraph 26 of the ACC's Notice of Opportunity.
- 16 24. Documents sufficient to show the amounts paid by Concordia for each of the 446
- 17 distinct investments alleged in Paragraph 26 of the ACC's Notice of Opportunity.
- 18 25. All communications between Concordia and ER, Mr. Bersch, or Mr. Wanzek
- 19 regarding whether the Sale of Contracts and Servicing Agreements, Custodial Agreements, Truck
- 20 Financing Agreements, or related agreements are securities under Arizona law, California law, or
- 21 Federal law.
- 22 //
- 23 //
- 24 //
- 25 //
- 26 //
- 27

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

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RESPECTFULLY SUBMITTED this 7th day of October, 2014.

ROSHKA DEWULF & PATTEN, PLC

By 

Paul J. Roshka, Jr.
Timothy J. Sabo
One Arizona Center
400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

Copies of the foregoing hand-delivered
this 7th day of October, 2014, to:

Alan S. Baskin, Esq.
David E. Wood, Esq.
Baskin Richards, PLC
2901 North Central Avenue, Suite 1150
Phoenix, Arizona 85012
Attorneys for Respondent Concordia Finance Company, LTD.

James D. Burgess, Esq.
Securities Division
Arizona Corporation Commission
1300 West Washington, 3rd Floor
Phoenix, Arizona 85007

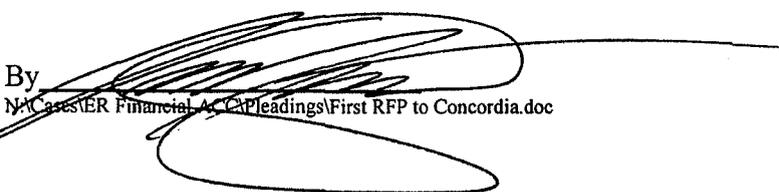
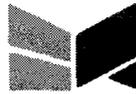
By 
N:\Cases\ER Financial Acc\Pleadings\First RFP to Concordia.doc

Exhibit-B



BASKINRICHARDS

David E. Wood
dwood@baskinrichards.com

November 25, 2014

VIA ELECTRONIC MAIL

Timothy Sabo
Roskha DeWulf & Patten, PLC
400 E. Van Buren St., Suite 800
Phoenix, AZ 85004

Re: *In the Matter of Concordia Financing Company, et al.*
Arizona Corporation Commission Docket No. S-20906A-14-0063

Dear Mr. Sabo:

We have carefully reviewed the request for production of documents. For a number of reasons, we will not be responding with any documents. First, the exclusive mechanism under the Rules of Practice before the Arizona Corporation Commission ("Commission") for obtaining documents is a subpoena. Second though, under either the Rules of Practice or civil rules, the requests for documents are overbroad and unduly burdensome. Even if the civil rules applied, they would not allow for the scope of these requests as stated against an identically situated party. Third, beyond the scope of the requested documents, the request includes numerous categories of documents that could not lead to any evidence relevant to this proceeding, that are otherwise privileged, or that are otherwise equally obtainable by the ER Respondents.

A request for production of documents is not an available device in this proceeding. The Rules of Practice adopted the civil rules of procedure only where procedure is otherwise set "neither by law, nor by these rules." R14-3-101. However, the Rules of Practice adopted a single, exclusive mechanism for obtaining documents, a subpoena. R14-3-109(O). Given that adopted procedure, no civil rule can be used to supplant the Commission's rule. "A well established rule of statutory construction provides that the expression of one or more items of a class indicates an intent to exclude all items of the same class which are not expressed." *Pima County v. Heinfeld*, 134 Ariz. 133, 134, 654 P.2d 281, 282 (1982). However, for the same reasons listed below, a subpoena for the same items in the request would be quashed.

Under either the civil rules of procedure or the Rules of Practice, many of the requested categories of documents could not lead to the discovery of any evidence relevant to this proceeding. As limited examples, documents relating to the ongoing relationships Concordia has

2901 North Central Avenue | Suite 1150 | Phoenix, Arizona 85012
Telephone 602-812-7979 | Facsimile 602-595-7800
www.baskinrichards.com

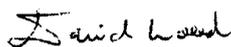
Mr. Sabo
November 25, 2014
Page 2

with any financial institutions does not bear on anything related to the ER Respondents or the claims that the Securities Division has lodged against the ER Respondents. Similarly, the current ownership structure of Concordia, organizational charts, its prior financial statements, communications with other entities, bylaws and board minutes cannot lead to anything relevant to this proceeding for the ER Respondents. Additionally, documents related to the legality of sales in other states may be irrelevant to the legality of sales in Arizona. *Tritschler v. Allstate Ins. Co.*, 213 Ariz. 505, 519, ¶ 44, 144 P.3d 519, 533 (Ct. App. 2006) (upholding trial court rejection of requests for documents nationwide as laws vary from state to state).

Relatedly, the requests are overbroad and unduly burdensome to Concordia, a company barely surviving. Requests for simply all communications, all board minutes, all financial statements, all exhibits, all transcripts, and even all custodial agreements is unlimited in scope. Compliance with that request would require Concordia to dig through its entire business history and make copies, not unlike requests that are denied for nationwide records searches. *Id.* ¶ 45 (upholding trial court rejection of requests for documents nationwide as overbroad). Additionally, the requests alone are unduly burdensome. Concordia would have to reallocate a large percentage of time and resources to digging, calling, retrieving, and redacting to comply with the requests, which again, would not lead to relevant information for the ER Respondents. Even if the requests were not overbroad, the Rules of Practice would condition compliance with any of the requests upon advancement of the reasonable cost of compliance. R14-3-109(O)(2).

Finally, some of the requests would encompass confidential materials or materials publicly available. The requests included materials that are privileged and not subject to disclosure in the request for “[a]ny and all legal opinions received by Concordia” Additionally, the request for communications with the Arizona Corporation Commission would encompass confidential materials. Some of the requests include materials equally available to the ER Respondents in the possession of public agencies or the ER Respondents themselves. The transcripts and exhibits related to the California Department of Business Oversight can be requested directly from that agency. Similarly, in this proceeding, Concordia is situated as an identical party to the ER Respondents. The burden of proof lies with the Securities Division, including to prove the existence of the subject agreements. Those exhibits are subject to disclosure in the ordinary course in this proceeding by the Securities Division.

Sincerely,



David E. Wood
For the Firm

DEW/cim

Exhibit-C

ROSHKA DEWULF & PATTEN

ROSHKA DEWULF & PATTEN, PLC
ATTORNEYS AT LAW
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET
SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

December 16, 2014

By first class mail and electronic mail

David E. Wood, Esq.
Baskin Richards
2901 North Central Ave., Suite 1150
Phoenix, Arizona 85012

Re: *In the matter of Concordia Financing Company, Ltd., et al.*
Arizona Corporation Commission Docket No. S-20906A-14-0063

Dear Mr. Wood:

I write regarding the Request for Production of Documents (“Request”) we sent to Concordia Financing Company, Ltd. (“Concordia”) on behalf of the ER Respondents.¹ We served the Request on October 7, 2014, and we granted Concordia two extensions of time. The only response we received was your letter of November 25, 2014, which flatly refuses to produce any documents to the ER Respondents. Concordia’s refusal to provide even a single document is contrary to its duties as a party appearing before the Arizona Corporation Commission.

Your letter states that a subpoena “is the single, exclusive mechanism for obtaining documents” in a Commission proceeding, citing A.A.C. R14-3-109(O). While that rule does authorize the issuance of subpoenas, it nowhere states that subpoenas are the sole means of obtaining documents. To the contrary, the Commission’s rules incorporate the Arizona Rules of Civil Procedure in “all cases in which procedure is set forth neither by law, nor by these rules, nor by regulations or orders of the Commission.” A.A.C. R14-3-101(A). Decades of rulings by the Commission’s Administrative Law Judges amply demonstrate that the scope of discovery afforded by the Commission’s procedural rules is extremely broad.

As Assistant Chief ALJ Nodes has explained in a Procedural Order, “[t]he standard for conducting discovery is intentionally broad to allow parties to a proceeding to prepare for hearing or trial and to mitigate the necessity for unnecessary discovery-based cross-examination on the witness stand.”² Judge Nodes specifically applied the Rules of Civil Procedure, including the rule allowing all discovery requests “reasonably calculated to lead to the discovery of

¹ As defined in the Request.

² Procedural Order dated November 23, 2009 in Docket Nos. SW-01428A-09-0103 at p. 5.

ROSHKA DEWULF & PATTEN

David E. Wood, Esq.
December 16, 2014
Page 2

admissible evidence.”³ ALJ Rodda applied that same standard in denying a motion to quash a subpoena in another Procedural Order.⁴ To the same effect is Judge Nodes’ earlier Procedural Order applying the Rules of Civil Procedure to a motion to compel.⁵ These Procedural Orders all recognize that the Commission’s Procedural Rules incorporate the Rules of Civil Procedure and allow the same broad discovery allowed in civil cases under those rules.

Similarly, the Commission itself in its decisions has repeatedly acknowledged the broad scope of discovery in Commission proceedings.⁶ For example, in Decision No. 67454 (January 4, 2005) the Commission discussed the “reasonably calculated to lead to the discovery of admissible evidence” discovery standard from the Rules of Civil Procedure.⁷

The examples above all deal with utilities cases. However, the Commission has a single set of procedural rules that is equally applicable to utilities and securities cases. *See* A.A.C. R14-3-101 *et seq.* Thus, the precedents above are equally applicable to securities cases.

Because the same procedural rules apply to both types of cases, there are, of course, many similar examples in securities cases as well. For example, over twenty years ago, the Division filed a motion for “waiver of civil discovery”; the Hearing Officer denied the motion and granted a Respondent’s motion to compel.⁸ More recently, in the Hockensmith case, the Administrative Law Judge granted a motion to compel against the Securities Division, ordering them to produce certain documents in response to a request for production of documents.⁹ Likewise, the Division was compelled to provide discovery in the Yucatan case¹⁰, and in the Reserve Oil case.¹¹

³ *Id.*, citing Arizona R. Civ. Pro. 26(b)(1)(A).

⁴ Procedural Order dated November 13, 2009 in Docket Nos. RT-00000H-97-0137 at p. 2.

⁵ Procedural Order dated August 11, 2006 in Docket No. T-03632A-06-0091.

⁶ *See e.g.* Decision No. 70355 (May 16, 2008) at Finding of Fact No. 9 (noting granting of motion to compel) and Decision No. 66984 (May 11, 2004) at Finding of Fact No. 55 (same); Decision No. 70011 (Nov. 27, 2007) at 48 (rejecting new argument raised by utility due to “insufficient time to conduct discovery.”); Decision No. 67454 (January 4, 2005)(discussing “reasonably calculated to lead to the discovery of admissible evidence” discovery standard); Decision No. 65121 (August 23, 2002) (at Finding of Fact No. 8)(noting that a hearing was vacated and rescheduled in order to allow for further discovery).

⁷ See page 39 of that order.

⁸ Procedural Order dated February 10, 1989 in Docket No. S-2430-I.

⁹ *See* Procedural Order dated May 18, 2009 in Docket No. S-20631A-08-0503, at page 2 lines 8-10 (noting that Division was ordered to provide discovery).

¹⁰ Docket No. S-03539A-03-0000.

¹¹ Docket No. S-20437A-05-0925.

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December 16, 2014
Page 3

In short, Concordia's argument that the discovery provisions of the Rules of Civil Procedure do not apply in Commission proceedings is baseless.

You have not provided any specific objection to most of the categories listed in the Request. Accordingly, Concordia must produce documents under all of those categories. Each specific objection made in your letter is addressed below.

First, you argue that documents relating to ongoing relationships Concordia has with financial institutions has no relevance. This appears to be a reference to request number 9, which asks for "Documents sufficient to show the financial institutions with which Concordia has had ongoing relationships." This is relevant to Second Affirmative Defense, see the ER Respondents' Motion to Dismiss and Answer, at pages 20 to 21. In particular, the ER Respondents argue that it was reasonable for them to believe that Concordia was operating lawfully in light of its relationships with reputable financial institutions (as well as a reputable law firm and accounting firm). At the very least, the ER Respondents' good faith reliance on such facts is relevant to their degree of culpability, and thus the amount of sanctions that should be awarded against them, should liability be found. However, as an accommodation to Concordia, we will agree that Concordia can, as an alternative, provide a summary of its past relationships with financial institutions.

You argue that "the current ownership structure of Concordia, organizational charts, its prior financial statements, communications with other entities, bylaws and board minutes cannot lead to anything relevant to this proceeding." This conclusory statement is without any basis. Organizational charts are relevant for a number of reasons. For example, the ER Respondents may testify as to matters communicated to them by certain persons affiliated with Concordia. Organizational charts would be relevant to establishing the positions held by such persons and the scope of their actual or apparent authority. Likewise, organizational charts may be relevant to establishing which persons may be subject to control person liability in this matter. If the ER Respondents can show that other persons should be named as Respondents in this matter, it could reduce the amount of restitution that would have to be paid by the ER Respondents, should they be found liable.

You do not identify which request concerns "communications with other entities". Several requests refer to such communications with other entities. They are all relevant. For example, request number 17 asks for all communications between the Commission and Concordia. Any such communications would of course, be about this case and would and are either relevant, or have the potential to lead to the discovery of admissible evidence. Request number 25 asks for "All communications between Concordia and ER, Mr. Bersch, or Mr. Wanzek regarding whether the Sale of Contracts and Servicing Agreements, Custodial Agreements, Truck Financing Agreements, or related agreements are securities under Arizona

ROSHKA DEWULF & PATTEN

David E. Wood, Esq.

December 16, 2014

Page 4

law, California law, or Federal law.” Such information is relevant to determining whether the contracts are in fact securities, as well as for the degree of culpability issue already discussed. Request number 6 asks for “each investment or client identified in number 5, copies of all communications with the investor.” How can communications with investors not be relevant in a securities case? Indeed, the ER Respondents are being charged with allegedly making false or misleading statements to investors, so communications with investors are highly relevant. In short, all of the “communications” requests are relevant or likely to lead to the discovery of admissible evidence.

Bylaws are relevant to show the extent to which Concordia may be required to indemnify some or all of the ER Respondents. Minutes may lead to the discovery of admissible evidence, and are also relevant to show the actual dates of board service of Mr. Wanzek and Mr. Berch – the Securities Division’s Notice of Opportunity alleges that they served as board members beyond the time that they contend they resigned.

You also argue that the “requests are overbroad and unduly burdensome to Concordia”, painting the picture of Concordia being “forced to dig through its entire business history”. That is far from the case. Concordia likely has produced almost all of these documents already to the Commission or the California Department of Business Oversight. It takes no effort to electronically copy the materials already provided. Likewise, financial statements, articles of incorporation, and bylaws are essential business records that should be easy to locate.

We also note that Concordia demanded that the ER Respondents send to Concordia all of the ER Respondents’ customer files, including their copies of all serving agreements and truck financing contracts. The ER Respondents complied and thus no longer have access to any of this information. These records were contained in eleven packages delivered to Ms. Christine Camacho at Concordia by UPS on or about November 29, November 30, and December 1, 2010. It is profoundly unfair for Concordia to turn around and refuse to produce copies of these same essential documents. We do not see how there can be any objection to producing copies of the actual contracts that are at issue in this proceeding. Concordia must produce these documents without delay.

Regarding request number 4, you argue that legal opinions are privileged. But Mr. Wanzek and Mr. Bersch were specifically told by Concordia—and its counsel Dick Millar—that the contracts were not securities. Concordia has thus waived privilege with ER Respondents on this topic.

You argue that communications with the ACC “would encompass confidential materials” but you do not identify any basis for confidentiality, nor do you offer to produce the non-confidential materials.

ROSHKA DEWULF & PATTEN

David E. Wood, Esq.
December 16, 2014
Page 5

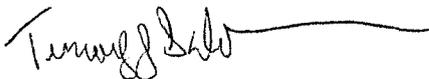
You also argue that certain documents are available from the California Department of Business Oversight. But that Department is not a party to this case, nor is it subject to the Commission's jurisdiction. We have no basis to assume that the Department would comply with such a request; certainly the Securities Division in Arizona would refuse to provide EUO transcripts and exhibits.

You also argue that the materials we request will ultimately be produced by the Securities Division, presumably in as exhibits. But there is no guarantee that the Division will identify and produce as exhibits the documents specified in the Request, and surely they will not identify and produce all of them. Moreover, exhibits are produced only weeks before the hearing and are likely to be voluminous. Thus, we requested the documents from Concordia back in October.

In short, both the Commission itself and its Administrative Law Judges have repeatedly found that the discovery provisions of the Rules of Civil Procedure apply in Commission proceedings. The documents we have requested are all relevant or likely to lead to the production of discoverable evidence. Thus, Concordia must produce these documents.

Please note that this letter constitutes our attempt to resolve this issue through "personal consultation and good faith efforts" as required by Rule 37(a)(2)(C), Arizona Rules of Civil Procedure. We would be happy to meet with you in person if you believe that would be fruitful. Please respond to this letter no later than December 19, 2014.

Very truly yours,

A handwritten signature in black ink, appearing to read "Timothy J. Sabo", with a long horizontal flourish extending to the right.

Timothy J. Sabo
For the firm

Exhibit-D

Howard, Jaclyn

From: Tim Sabo <tsabo@rdp-law.com>
Sent: Wednesday, February 04, 2015 5:53 PM
To: Sabo, Timothy
Subject: Fwd: Concordia.ACC response

Sent from my iPad

Begin forwarded message:

From: David Wood <dwood@baskinrichards.com>
Date: December 24, 2014, 11:07:00 AM MST
To: Tim Sabo <tsabo@rdp-law.com>, Alan Baskin <alan@baskinrichards.com>
Cc: James Burgess <JBurgess@azcc.gov>, Cristina McDonald <cmcdonald@baskinrichards.com>
Subject: Concordia.ACC response

Dear Mr. Sabo,

We write in response to your letter of December 16, 2014, challenging our response to your clients' discovery demands and labeling our response a "refusal to provide even a single demand." It appears that you have misconstrued that response. Additionally, while you cite to the Arizona Rules of Civil Procedure to defend your clients' requests, the requests themselves do not comply with those rules.

First, without any specificity of documents requested, Concordia had nothing to work with, and in defense of its own time and resources properly rejected the request of the ER respondents. Even if the rules of civil procedure applied, the ER respondents can and must do more than simply sending over a blanket request for every document under the sun. In order to avoid a continued exchange, Concordia asks for your clients to actually provide a specific list of documents with which it can work. Absent that, even under the rules of civil procedure, the blanket request is over broad and unduly burdensome.

Part of that undue burden stems from an apparent erroneous assumption held by the ER respondents that these materials are simply available at the click of a button to an unlimited number of people. For instance, one of the requests is simply everything previously provided to the California Department of Business Oversight. But, those materials were all hard copies provided years before downsizing. Since that time, Concordia has reduced its staff by fifty percent. Replicating those materials is an impossibility, which would require the limited staff to dig through multiple storage facilities for hard copies. Yet, your letter does not even suggest that the ER respondents have made an attempt at retrieving those materials from the California Department of Business Oversight. Demands on Concordia should be a final effort, not the first and only. Even under the civil rules, discovery may be limited if the information is "obtainable from some other source that is either more convenient, less burdensome, or less expensive." Ariz. R. Civ. Pro. 26(b)(1)(C).

In your letter, you assert that the rules of civil procedure apply because that is routinely done. However, the law is governed by the adopted rules, not routine practice. As we noted, the commission rules adopted a specific subpoena requirement. Whether that is ignored is immaterial.

Lastly, the position of the ER respondents reverses the burdens between the parties. As to a number of items listed, your response relies on the possible testimony of the ER respondents as to alleged communications. First, the ER respondents bore responsibility as to their communications to actually preserve them. And second, if they intend to proceed to the judge with their purported knowledge as the basis to compel disclosure, they should be prepared to provide sworn statements in support of each matter. Concordia will insist as to each claim and demand upon which they have asserted knowledge, communications, or any specific action, that the ER respondents either appear for sworn testimony, or provide a sworn statement with specific statements addressing the matter.

Unfortunately, due to inaccuracies in the letter, Concordia must be firm and insist upon the ER respondents undertaking oaths in support of any motion to compel. On page four of your letter, you stated that Concordia in 2010 demanded and received "the ER Respondents' customer files . . ." That did not happen. In 2010, Concordia received from the ER respondents original vehicles titles relating to customer contracts and not customer files. Additionally, the letter includes the allegation by the ER respondents that Dick Millar informed them that the contracts were not securities. We spoke with Mr. Millar, and he denies any such statement or conversation.

We appreciate anything that can be done to limit and specify the request of Concordia. Absent that, Concordia's position must remain the same.

Sincerely,

David

David Wood
Baskin Richards PLC
2901 N. Central Avenue, Suite 1150
Phoenix, AZ 85012
Telephone: (602) 812-7979
Fax: (602)-595-7800

Dwood@baskinrichards.com

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www.baskinrichards.com

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We do not provide tax advice and therefore any advice contained in this email and any attachments is not intended or written to be used, and cannot be used, for purposes of avoiding tax penalties that may be imposed on any taxpayer.

Exhibit-E

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COMMISSIONERS

SUSAN BITTER SMITH, Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

BEFORE THE ARIZONA CORPORATION COMMISSION

In the matter of:

CONCORDIA FINANCING COMPANY, LTD,
a/k/a "CONCORDIA FINANCE,"

Docket No. S-20906 A-14-0063

ER FINANCIAL & ADVISORY SERVICES,
LLC,

**AFFIDAVIT OF
DAVID JOHN WANZEK**

LANCE MICHAEL BERSCH, and

DAVID JOHN WANZEK and LINDA
WANZEK, husband and wife,

Respondents.

STATE OF FLORIDA)
) ss.
County of Osceola)

DAVID JOHN WANZEK, having been duly sworn upon his oath, deposes and says:

1. I submit this affidavit in support of the Motion to Compel by Respondents ER Financial & Advisory Services, LLC ("ER LLC"), Lance Michael Bersch, David John Wanzek, and Linda Wanzek (collectively, the "ER Respondents") in this docket.

2. I make this affidavit based on my own personal knowledge of the facts and review of pertinent records.

3. I am over 18 years of age and competent to testify.

4. In 2010, Concordia Financing Company, Ltd. ("Concordia") instructed us to return titles to them to change the addresses on the titles. The titles were stored in binders that included

1 the titles and other paperwork, which may have included contracts, notes and records. We
2 removed the documents from the binders and sent Concordia the entire contents of each binder.

3 5. Concordia stated that they would return the documents as soon as they changed the
4 addresses on the titles.

5 6. Given the volume of paper in the binders and Concordia's promise to return the
6 documents, we did not retain copies of these records.

7 7. Concordia never returned the documents from the binders that we sent them.

8 8. The documents from the binders were sent to Concordia in November 2010, by
9 shipping approximately 15 UPS packages to Concordia's offices.

10 9. The UPS shipping records for those packages are attached as Attachment 1 to this
11 affidavit.

12 10. The UPS shipping records indicate that the packages weighed a total of 83.8
13 pounds.

14 11. We never received copies of many of the contracts. ER LLC's role as custodian of
15 the titles was to maintain the original vehicle titles. The original contracts were kept by
16 Concordia. We only received copies of a contract when we specifically requested it.

17 12. The ER Respondents have few files or documents in their possession regarding the
18 matters alleged in the Notice of Opportunity in this docket. The total amount of documents we
19 have is less than one box. Many of the records were sent to Concordia as set forth above. Other
20 documents were lost due to the passage of time.

21 13. In addition, I suffered a hard drive failure in approximately late 2009 or early 2010
22 that resulted in a loss of records. Records on the hard drive that were lost included a mailing list
23 and copies of certain communications between Concordia and ER LLC.

24 14. Mr. Michael Bersch and I asked Mr. Kenneth Crowder, the CEO of Concordia,
25 whether we or Concordia needed any licenses for the Truck Financing Contracts and Servicing
26 Agreements. Mr. Kenneth Crowder advised us that no licenses were needed due to the nature of
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the contracts, and that their lawyer had confirmed this. This would have been early in our relationship with Concordia, sometime in the 1990's.

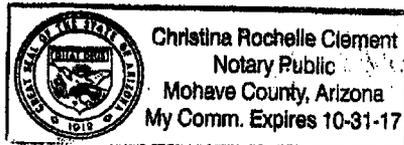
15. In addition, when a customer asked whether the contracts were "securities", Mr. Kenneth Crowder assured Mr. Bersch and me that Concordia's lawyer had looked at it and the contracts were not securities.

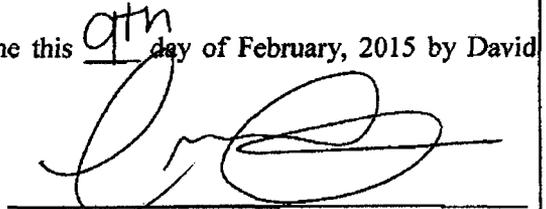
16. On one occasion, Mr. Bersch and I were present when Mr. Kenneth Crowder spoke to Concordia's lawyer on the phone. Mr. Kenneth Crowder and the attorney discussed the issue of whether any licenses were needed to offer the contracts. Based on this conversation, we understood that no licenses were needed. I do not know if the attorney knew that we were listening, but Mr. Kenneth Crowder was aware of it. I do not remember the exact language of the conversation or the date, because the conversation occurred over 15 years ago.

DATED this 9 day of February, 2015


DAVID JOHN WANZEK

SUBSCRIBED AND SWORN to before me this 9th day of February, 2015 by David John Wanzek




Notary Public

My commission expires: 10-31-2017

Snell & Wilmer

LLP

LAW OFFICES
One Arizona Center, 400 E. Van Buren, Suite 1900
Phoenix, Arizona 85004-2202
602.382.6000

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ATTACHMENT 1

UPS Next Day Air
 UPS Worldwide ExpressSM
 Shipping Document

See instructions on back. Visit UPS.com or call 1-800-PICK-UPS (800-742-5877) or additional information and UPS Tariff/Terms and Conditions.

TRACKING NUMBER **1Z 268 9W5 22 1000 5853**

SHIPMENT FROM
 SHIPPER'S UPS ACCOUNT NO. **2689W5**

REFERENCE NUMBER

NAME **Amanda** TELEPHONE **928-453-7377**

COMPANY **DAVID WANZEK CPA LLC**

STREET ADDRESS

CITY AND STATE **LAKE HAVASU CITY AZ** ZIP CODE **86403-5695**

EXTREMELY URGENT DELIVERY TO

NAME **Christine Camacho** TELEPHONE

COMPANY **Concordia Finance**

STREET ADDRESS **3633 Inland Empire Blvd. Ste. 700** DEPT./FLR.

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **Ontario, CA** ZIP CODE **91764**



3	WEIGHT Enter "LTR" if Letter	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE	4 SHIPPER RELEASE
	5.10		<input type="checkbox"/>	<input type="checkbox"/>
5	TYPE OF SERVICE	CHARGES		
	<input checked="" type="checkbox"/> NEXT DAY AIR	<input type="checkbox"/> EXPRESS (INTL)	\$	
6	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value.	<input type="checkbox"/> DOCUMENTS ONLY	\$	
	<input type="checkbox"/> SATURDAY PICKUP See instructions.	<input type="checkbox"/> SATURDAY DELIVERY See instructions.	\$	
7	DECLARED VALUE FOR CARRIAGE Continue this category if declared value over \$100, see instructions.	AMOUNT	\$	
	<input type="checkbox"/> C.O.D. if C.O.D., entry account to be collected and attach completed UPS C.O.D. tag to package.	AMOUNT	\$	
8	<input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.	\$		
	TOTAL CHARGES	\$		
9	METHOD OF PAYMENT	BILL SHIPPER'S ACCOUNT NUMBER	BILL RECEIVER	BILL THIRD PARTY
	<input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER	<input type="checkbox"/> BILL RECEIVER	<input type="checkbox"/> BILL THIRD PARTY	<input type="checkbox"/> CREDIT CARD
9	RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.	AMERICAN EXPRESS	Diner's Club	MasterCard
		EXPIRATION DATE	Visa	<input type="checkbox"/> CHECK
THIRD PARTY'S COMPANY NAME				
STREET ADDRESS				
CITY AND STATE ZIP CODE				
<small>The shipper authorizes UPS to act as forwarding agent for import control and customs purposes. The shipper certifies that these commodities, technology or software were exported from the United States in accordance with the Export Administration Regulations. Diversion (primary to U.S. law is prohibited).</small>				
10	SHIPPER'S SIGNATURE	DATE OF SHIPMENT		
	X Christine Camacho	11/22/10		
<small>All shipments are subject to the terms contained in the UPS Tariff/Terms and Conditions of Service, which are available at ups.com and local UPS offices.</small>				
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ups UPS Next Day Air
UPS Worldwide ExpressSM
Shipping Document

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TRACKING NUMBER: **J213 048 295 8**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO.: **2689WS**

REFERENCE NUMBER

NAME: ~~David Wanzek CPA~~ TELEPHONE

COMPANY: **David Wanzek CPA**

STREET ADDRESS: **2153 McCulloch**

CITY AND STATE: **Lake Havasu AZ 86403** ZIP CODE

EXTREMELY URGENT DELIVERY TO

NAME: **Christine Camacho** TELEPHONE

COMPANY: **Concordia Finance**

STREET ADDRESS: **3633 Inland Empire Blvd # 700** DEPT./FLR.

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL): **Ontario CA 91764** ZIP CODE



WEIGHT Enter "LTR" if Letter	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE	SHIPPER RELEASE
5 lbs		<input type="checkbox"/>	<input type="checkbox"/>
TYPE OF SERVICE	CHARGES		
<input checked="" type="checkbox"/> NEXT DAY AIR	<input type="checkbox"/> EXPRESS (INT'L)	\$	
FOR WORLDWIDE EXPRESS SHIPMENTS Mark as "X" in this box if shipment only contains documents of no commercial value.		<input type="checkbox"/> DOCUMENTS ONLY	\$
<input type="checkbox"/> SATURDAY PICKUP See instructions.	<input type="checkbox"/> SATURDAY DELIVERY See instructions.	\$	
OPTIONAL SERVICES	DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions.	\$	AMOUNT
<input type="checkbox"/>	C.O.D. If C.O.D. value amount to be collected and attach completed UPS C.O.D. tag to package.	\$	AMOUNT
ADDITIONAL HANDLING CHARGE	<input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.		\$
TOTAL CHARGES	\$		
METHOD OF PAYMENT	BILL SHIPPER'S ACCOUNT NUMBER	BILL RECEIVER DOMESTIC ONLY	BILL THIRD PARTY CREDIT CARD American Express Diner's Club MasterCard Visa
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.	EXPIRATION DATE		
	THIRD PARTY'S COMPANY NAME		
THIRD PARTY'S STREET ADDRESS			
CITY AND STATE ZIP CODE			
SHIPPER'S SIGNATURE: X Christine Camacho DATE OF SHIPMENT: 11/29/10			
010191120 1/07 5 SHIPPER'S COPY			

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TRACKING NUMBER: **J213 048 298 5**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO.: **2689WS**

REFERENCE NUMBER

NAME: **Aminda** TELEPHONE

COMPANY: **David Wanzek CPA**

STREET ADDRESS: **2153 McCulloch**

CITY AND STATE: **Lake Havasu AZ 86403** ZIP CODE

EXTREMELY URGENT DELIVERY TO

NAME: **Christine C.** TELEPHONE

COMPANY: **Concordia Finance**

STREET ADDRESS: **3633 Inland Empire Blvd # 700** DEPT./FLR.

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL): **Ontario CA 91764** ZIP CODE

WEIGHT Enter "LTR" if Letter	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE	SHIPPER RELEASE
7 lbs		<input type="checkbox"/>	<input type="checkbox"/>
TYPE OF SERVICE	CHARGES		
<input checked="" type="checkbox"/> NEXT DAY AIR	<input type="checkbox"/> EXPRESS (INT'L)	\$	
FOR WORLDWIDE EXPRESS SHIPMENTS Mark as "X" in this box if shipment only contains documents of no commercial value.		<input type="checkbox"/> DOCUMENTS ONLY	\$
<input type="checkbox"/> SATURDAY PICKUP See instructions.	<input type="checkbox"/> SATURDAY DELIVERY See instructions.	\$	
OPTIONAL SERVICES	DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions.	\$	AMOUNT
<input type="checkbox"/>	C.O.D. If C.O.D. value amount to be collected and attach completed UPS C.O.D. tag to package.	\$	AMOUNT
ADDITIONAL HANDLING CHARGE	<input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.		\$
TOTAL CHARGES	\$		
METHOD OF PAYMENT	BILL SHIPPER'S ACCOUNT NUMBER	BILL RECEIVER DOMESTIC ONLY	BILL THIRD PARTY CREDIT CARD American Express Diner's Club MasterCard Visa
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.	EXPIRATION DATE		
	THIRD PARTY'S COMPANY NAME		
THIRD PARTY'S STREET ADDRESS			
CITY AND STATE ZIP CODE			
SHIPPER'S SIGNATURE: X Aminda			

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TRACKING NUMBER **J213 048 286 9**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689LUS**
REFERENCE NUMBER

NAME **Ananda** TELEPHONE

COMPANY **David Wanzek CPA**

STREET ADDRESS **2153 McCulloch**

CITY AND STATE **Lake Havasu City AZ 86403** ZIP CODE

EXTREMELY URGENT DELIVERY TO

NAME **Christine Camacho** TELEPHONE

COMPANY **Concordia Finance**

STREET ADDRESS **3633 Inland Empire Blvd #700** DEPT./FLR.

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **Ontario, CA 91764** ZIP CODE



3	WEIGHT Enter "LTR" if Letter 5.1 lbs	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	4 SHIPPER RELEASE <input type="checkbox"/>
5	TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value.		CHARGES
6	OPTIONAL SERVICES <input type="checkbox"/> SATURDAY PICKUP <input type="checkbox"/> SATURDAY DELIVERY	<input type="checkbox"/> DOCUMENTS ONLY		\$
7	ADDITIONAL HANDLING CHARGE <input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.	DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions.		\$
8	TOTAL CHARGES	C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package.		\$
9	METHOD OF PAYMENT <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER <input type="checkbox"/> BILL RECEIVER <input type="checkbox"/> BILL THIRD PARTY <input type="checkbox"/> CREDIT CARD <input type="checkbox"/> American Express <input type="checkbox"/> Diner's Club <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.		EXPIRATION DATE
THIRD PARTY'S COMPANY NAME				
STREET ADDRESS				
CITY AND STATE ZIP CODE				
10 SHIPPER'S SIGNATURE X Ananda Wanzek DATE OF SHIPMENT 11/24/10				
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TRACKING NUMBER **J213 048 290 3**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689LUS**
REFERENCE NUMBER

NAME **Ananda** TELEPHONE

COMPANY **David Wanzek CPA**

STREET ADDRESS **2153 McCulloch Blvd**

CITY AND STATE **Lake Havasu City AZ 86403** ZIP CODE

EXTREMELY URGENT DELIVERY TO

NAME **Christine Camacho** TELEPHONE

COMPANY **Concordia Finance**

STREET ADDRESS **3633 Inland Empire Blvd #700** DEPT./FLR.

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **Ontario, CA 91764** ZIP CODE



3	WEIGHT Enter "LTR" if Letter 5.1 lbs	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	4 SHIPPER RELEASE <input type="checkbox"/>
5	TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value.		CHARGES
6	OPTIONAL SERVICES <input type="checkbox"/> SATURDAY PICKUP <input type="checkbox"/> SATURDAY DELIVERY	<input type="checkbox"/> DOCUMENTS ONLY		\$
7	ADDITIONAL HANDLING CHARGE <input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.	DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions.		\$
8	TOTAL CHARGES	C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package.		\$
9	METHOD OF PAYMENT <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER <input type="checkbox"/> BILL RECEIVER <input type="checkbox"/> BILL THIRD PARTY <input type="checkbox"/> CREDIT CARD <input type="checkbox"/> American Express <input type="checkbox"/> Diner's Club <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.		EXPIRATION DATE
THIRD PARTY'S COMPANY NAME				
STREET ADDRESS				
CITY AND STATE ZIP CODE				
10 SHIPPER'S SIGNATURE X Ananda Wanzek DATE OF SHIPMENT 11/24/10				
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TRACKING NUMBER **J213 048 287 8**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689W5**
REFERENCE NUMBER

NAME **Amanda** TELEPHONE

COMPANY **David Wanzek CPA**
STREET ADDRESS **2153 McCulloch Blvd.**
CITY AND STATE **Lake Havasu City AZ** ZIP CODE **86403**

EXTREMELY URGENT DELIVERY TO
NAME **Christine Camacho** TELEPHONE

COMPANY **Concordia Finance**
STREET ADDRESS **3633 Inland Empire Blvd. #700**
CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **Ontario, CA** ZIP CODE **91764**



WEIGHT Enter "LTR" if Letter 6.1lbs	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	SHIPPER RELEASE <input type="checkbox"/>
TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value.	<input type="checkbox"/> DOCUMENTS ONLY	CHARGES
<input type="checkbox"/> SATURDAY PICKUP See instructions.	<input type="checkbox"/> SATURDAY DELIVERY See instructions.		
OPTIONAL SERVICES <input type="checkbox"/> DECLARED VALUE FOR CARRIAGE Declared value automatically protected up to \$100. For declared value over \$100, see instructions.	AMOUNT		
<input type="checkbox"/> C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package.	AMOUNT		
<input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.			
ADDITIONAL HANDLING CHARGE			
TOTAL CHARGES			
METHOD OF PAYMENT <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER IF SECTION 1 <input type="checkbox"/> BILL RECEIVER DOMESTIC ONLY RECORD ACCOUNT NO. IN SECTION 9 <input type="checkbox"/> BILL THIRD PARTY <input type="checkbox"/> CREDIT CARD American Express Diner's Club MasterCard Visa			CHECK <input type="checkbox"/>
RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.			EXPIRATION DATE 1/1
THIRD PARTY'S COMPANY NAME			
STREET ADDRESS			
CITY AND STATE			ZIP CODE
<p><small>The shipper certifies that the information provided is correct and complete. The shipper certifies that these commodities, technology or software were exported from the United States in accordance with the Export Administration Regulations. Receiver country (if U.S.) law is prohibited.</small></p>			
SHIPPER'S SIGNATURE X Amanda			DATE OF SHIPMENT 11/29/10
010191120 1107 9			SHIPPER'S COPY

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TRACKING NUMBER **1Z 268 9W5 22 1000 6398**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689W5**
REFERENCE NUMBER

NAME **Amanda** TELEPHONE **928-453-7377**

COMPANY **DAVID WANZEK CPA LLC**
STREET ADDRESS
CITY AND STATE **LAKE HAVASU CITY** ZIP CODE **AZ 86403-5695**

EXTREMELY URGENT DELIVERY TO
NAME **Christine Camacho** TELEPHONE

COMPANY **Concordia Finance**
STREET ADDRESS **3633 Inland Empire Blvd. #700**
CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **Ontario, CA** ZIP CODE **91764**

WEIGHT Enter "LTR" if Letter 6.2lbs	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	SHIPPER RELEASE <input type="checkbox"/>
TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value.	<input type="checkbox"/> DOCUMENTS ONLY	CHARGES
<input type="checkbox"/> SATURDAY PICKUP See instructions.	<input type="checkbox"/> SATURDAY DELIVERY See instructions.		
OPTIONAL SERVICES <input type="checkbox"/> DECLARED VALUE FOR CARRIAGE Declared value automatically protected up to \$100. For declared value over \$100, see instructions.	AMOUNT		
<input type="checkbox"/> C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package.	AMOUNT		
<input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.			
ADDITIONAL HANDLING CHARGE			
TOTAL CHARGES			
METHOD OF PAYMENT <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER IF SECTION 1 <input type="checkbox"/> BILL RECEIVER DOMESTIC ONLY RECORD ACCOUNT NO. IN SECTION 9 <input type="checkbox"/> BILL THIRD PARTY <input type="checkbox"/> CREDIT CARD American Express Diner's Club MasterCard Visa			CHECK <input type="checkbox"/>
RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.			EXPIRATION DATE 1/1
THIRD PARTY'S COMPANY NAME			
STREET ADDRESS			
CITY AND STATE			ZIP CODE
<p><small>The shipper certifies that the information provided is correct and complete. The shipper certifies that these commodities, technology or software were exported from the United States in accordance with the Export Administration Regulations. Receiver country (if U.S.) law is prohibited.</small></p>			
SHIPPER'S SIGNATURE X Amanda			DATE OF SHIPMENT 11/23/10
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TRACKING NUMBER **1Z 268 9W5 22 1000 6389**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689W5**

REFERENCE NUMBER

NAME Aminda TELEPHONE **928-453-7377**

COMPANY **DAVID WANZEK CPA LLC**

STREET ADDRESS

CITY AND STATE **LAKE HAVASU CITY AZ** ZIP CODE **86403-6695**

EXTREMELY URGENT DELIVERY TO

NAME Christine Camacho TELEPHONE

COMPANY Concordia Finance

STREET ADDRESS 3633 Inland Empire Blvd. #700 DEPT./FLR. #700 Residential Delivery

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) Ontario, CA ZIP CODE 91764



WEIGHT Enter "LTR" if Letter 5.65 lbs	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	SHIPPER RELEASE <input type="checkbox"/>
TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value. <input type="checkbox"/> DOCUMENTS ONLY	CHARGES	
OPTIONAL SERVICES <input type="checkbox"/> SATURDAY PICKUP <input type="checkbox"/> SATURDAY DELIVERY	<input type="checkbox"/> DECLARED VALUE FOR CARRIAGE Contents are financially protected up to \$100. For declared value over \$100, see instructions.	\$	
ADDITIONAL HANDLING CHARGE <input type="checkbox"/> C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package.	<input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.	\$	
TOTAL CHARGES	\$		
METHOD OF PAYMENT <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER <input type="checkbox"/> BILL RECEIVER <input type="checkbox"/> BILL THIRD PARTY <input type="checkbox"/> CREDIT CARD <input type="checkbox"/> American Express <input type="checkbox"/> Diner's Club <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	CHECK <input type="checkbox"/>		
RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.	EXPIRATION DATE		
THIRD PARTY'S COMPANY NAME			
STREET ADDRESS			
CITY AND STATE ZIP CODE			
SHIPPER'S SIGNATURE <u>X Aminda</u> DATE OF SHIPMENT <u>11/29/10</u>			
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TRACKING NUMBER **1Z 268 9W5 22 1000 6405**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689W5**

REFERENCE NUMBER

NAME Aminda TELEPHONE **928-453-7377**

COMPANY **DAVID WANZEK CPA LLC**

STREET ADDRESS

CITY AND STATE **LAKE HAVASU CITY AZ** ZIP CODE **86403-6695**

EXTREMELY URGENT DELIVERY TO

NAME Christine Camacho TELEPHONE

COMPANY Concordia Finance

STREET ADDRESS 3633 Inland Empire Blvd. #700 DEPT./FLR. #700 Residential Delivery

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) Ontario, CA ZIP CODE 91764

WEIGHT Enter "LTR" if Letter 6.15 lbs	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	SHIPPER RELEASE <input type="checkbox"/>
TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value. <input type="checkbox"/> DOCUMENTS ONLY	CHARGES	
OPTIONAL SERVICES <input type="checkbox"/> SATURDAY PICKUP <input type="checkbox"/> SATURDAY DELIVERY	<input type="checkbox"/> DECLARED VALUE FOR CARRIAGE Contents are financially protected up to \$100. For declared value over \$100, see instructions.	\$	
ADDITIONAL HANDLING CHARGE <input type="checkbox"/> C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package.	<input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.	\$	
TOTAL CHARGES	\$		
METHOD OF PAYMENT <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER <input type="checkbox"/> BILL RECEIVER <input type="checkbox"/> BILL THIRD PARTY <input type="checkbox"/> CREDIT CARD <input type="checkbox"/> American Express <input type="checkbox"/> Diner's Club <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	CHECK <input type="checkbox"/>		
RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.	EXPIRATION DATE		
THIRD PARTY'S COMPANY NAME			
STREET ADDRESS			
CITY AND STATE ZIP CODE			
SHIPPER'S SIGNATURE <u>X Aminda</u> DATE OF SHIPMENT <u>11/29/10</u>			
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TRACKING NUMBER **1Z 268 9W5 22 1000 5880**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689W5**

REFERENCE NUMBER

NAME **Amanda** TELEPHONE **928-453-7377**

COMPANY **DAVID WANZEK CPA LLC**

STREET ADDRESS

CITY AND STATE **LAKE HAVASU CITY AZ** ZIP CODE **86403-5695**

EXTREMELY URGENT DELIVERY TO

NAME **Christine Camacho** TELEPHONE

COMPANY **Concordia Finance**

STREET ADDRESS **3633 Inland Empire Blvd #700** DEPT./FLR.

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **Ontario, CA** ZIP CODE **91764**



WEIGHT Enter "LTR" if Letter 4.55 lbs	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	SHIPPER RELEASE <input type="checkbox"/>
TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value. <input type="checkbox"/> DOCUMENTS ONLY	CHARGES	
OPTIONAL SERVICES <input type="checkbox"/> SATURDAY PICKUP <input type="checkbox"/> SATURDAY DELIVERY	DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions. \$ _____ AMOUNT	\$ _____	
ADDITIONAL HANDLING CHARGE <input type="checkbox"/> C.O.D. If C.O.D., copy attached to be collected and attach completed UPS C.O.D. tag to package. \$ _____ AMOUNT	<input type="checkbox"/> An Additional Handling Charge applies for certain items. See Instructions.	\$ _____	
TOTAL CHARGES	\$ _____		
METHOD OF PAYMENT <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER <input type="checkbox"/> BILL RECEIVER <input type="checkbox"/> BILL THIRD PARTY DOMESTIC ONLY <input type="checkbox"/> CREDIT CARD <input type="checkbox"/> American Express <input type="checkbox"/> Diner's Club <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.		EXPIRATION DATE
THIRD PARTY'S COMPANY NAME			
STREET ADDRESS			
CITY AND STATE ZIP CODE			
SHIPPER'S SIGNATURE X Amanda Saurer DATE OF SHIPMENT 11/2/10			
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TRACKING NUMBER **1Z 268 9W5 22 1000 5862**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689W5**

REFERENCE NUMBER

NAME **Amanda** TELEPHONE **928-453-7377**

COMPANY **DAVID WANZEK CPA LLC**

STREET ADDRESS

CITY AND STATE **LAKE HAVASU CITY AZ** ZIP CODE **86403-5695**

EXTREMELY URGENT DELIVERY TO

NAME **Christine Camacho** TELEPHONE

COMPANY **Concordia Finance**

STREET ADDRESS **3633 Inland Empire Blvd #700** DEPT./FLR.

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **Ontario, CA** ZIP CODE **91764**



WEIGHT Enter "LTR" if Letter 6.70 lbs	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	SHIPPER RELEASE <input type="checkbox"/>
TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value. <input type="checkbox"/> DOCUMENTS ONLY	CHARGES	
OPTIONAL SERVICES <input type="checkbox"/> SATURDAY PICKUP <input type="checkbox"/> SATURDAY DELIVERY	DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions. \$ _____ AMOUNT	\$ _____	
ADDITIONAL HANDLING CHARGE <input type="checkbox"/> C.O.D. If C.O.D., copy attached to be collected and attach completed UPS C.O.D. tag to package. \$ _____ AMOUNT	<input type="checkbox"/> An Additional Handling Charge applies for certain items. See Instructions.	\$ _____	
TOTAL CHARGES	\$ _____		
METHOD OF PAYMENT <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER <input type="checkbox"/> BILL RECEIVER <input type="checkbox"/> BILL THIRD PARTY DOMESTIC ONLY <input type="checkbox"/> CREDIT CARD <input type="checkbox"/> American Express <input type="checkbox"/> Diner's Club <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa	RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.		EXPIRATION DATE
THIRD PARTY'S COMPANY NAME			
STREET ADDRESS			
CITY AND STATE ZIP CODE			
SHIPPER'S SIGNATURE X Amanda Saurer DATE OF SHIPMENT 11/2/10			
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TRACKING NUMBER **1Z 268 9W5 22 1000 5899**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689W5**

REFERENCE NUMBER

NAME Amanda TELEPHONE **928-453-7377**

COMPANY **DAVID WANZEK CPA LLC**

STREET ADDRESS 1200

CITY AND STATE **LAKE HAVASU CITY AZ** ZIP CODE **86403-5695**

EXTREMELY URGENT DELIVERY TO

NAME Christine Camacho TELEPHONE

COMPANY Concordia Finance

STREET ADDRESS 3633 Inland Empire Blvd. ste. 700 DEPT./FLR.

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) Ontario, CA ZIP CODE 91764



WEIGHT Enter "LTR" if Letter 5.60lbs	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	SHIPPER RELEASE <input type="checkbox"/>
TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INTL)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value. <input type="checkbox"/> DOCUMENTS ONLY		CHARGES
OPTIONAL SERVICES <input type="checkbox"/> SATURDAY PICKUP See instructions. <input type="checkbox"/> SATURDAY DELIVERY See instructions.	DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions. \$ AMOUNT \$		\$
ADDITIONAL HANDLING CHARGE <input type="checkbox"/> C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package. \$ AMOUNT \$	An Additional Handling Charge applies for certain items. See instructions.		\$
TOTAL CHARGES	METHOD OF PAYMENT <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER IN SECTION 1 <input type="checkbox"/> BILL RECEIVER DOMESTIC ONLY <input type="checkbox"/> BILL THIRD PARTY <input type="checkbox"/> CREDIT CARD American Express Diner's Club MasterCard Visa <input type="checkbox"/> CHECK		\$
RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.	THIRD PARTY'S COMPANY NAME		EXPIRATION DATE
STREET ADDRESS			
CITY AND STATE			ZIP CODE
SHIPPER'S SIGNATURE <u>X Amanda</u> <u>Saward</u> DATE OF SHIPMENT <u>11/23/10</u>			
0101911202809 1/07 S SHIPPER'S COPY			

UPS Next Day Air
-UPS Worldwide ExpressSM
Shipping Document

See instructions on back. Visit UPS.com or call 1-800-PICK-UPS (800-742-5877) or additional information and UPS Tariff/Terms and Conditions.

TRACKING NUMBER **1Z 268 9W5 22 1000 5844**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689W5**

REFERENCE NUMBER

NAME Amanda TELEPHONE **928-453-7377**

COMPANY **DAVID WANZEK CPA LLC**

STREET ADDRESS

CITY AND STATE **LAKE HAVASU CITY AZ** ZIP CODE **86403-5695**

EXTREMELY URGENT DELIVERY TO

NAME Christine Camacho TELEPHONE

COMPANY Concordia Finance

STREET ADDRESS 3633 Inland Empire Blvd. ste. 700 DEPT./FLR.

CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) Ontario, CA ZIP CODE 91764

WEIGHT Enter "LTR" if Letter 4.75lbs	DIMENSIONAL WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	SHIPPER RELEASE <input type="checkbox"/>
TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INTL)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value. <input type="checkbox"/> DOCUMENTS ONLY		CHARGES
OPTIONAL SERVICES <input type="checkbox"/> SATURDAY PICKUP See instructions. <input type="checkbox"/> SATURDAY DELIVERY See instructions.	DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions. \$ AMOUNT \$		\$
ADDITIONAL HANDLING CHARGE <input type="checkbox"/> C.O.D. If C.O.D., enter amount to be collected and attach completed UPS C.O.D. tag to package. \$ AMOUNT \$	An Additional Handling Charge applies for certain items. See instructions.		\$
TOTAL CHARGES	METHOD OF PAYMENT <input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER IN SECTION 1 <input type="checkbox"/> BILL RECEIVER DOMESTIC ONLY <input type="checkbox"/> BILL THIRD PARTY <input type="checkbox"/> CREDIT CARD American Express Diner's Club MasterCard Visa <input type="checkbox"/> CHECK		\$
RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.	THIRD PARTY'S COMPANY NAME		EXPIRATION DATE
STREET ADDRESS			
CITY AND STATE			ZIP CODE
SHIPPER'S SIGNATURE <u>X Amanda</u> <u>Saward</u> DATE OF SHIPMENT <u>11/23/10</u>			

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Shipping Document

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TRACKING NUMBER **J213 048 291 2**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689WS**
REFERENCE NUMBER

NAME **Amanda Samons** TELEPHONE

COMPANY **David Wanzek CPA**

STREET ADDRESS **2153 McCulloch Blvd**
CITY AND STATE **Lake Havasu AZ** ZIP CODE **86403**

EXTREMELY URGENT DELIVERY TO

NAME **Christine Camacho** TELEPHONE

COMPANY **Concordia Finance**

STREET ADDRESS **3633 Inland Empire Blvd #700**
CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **Ontario, CA** ZIP CODE **91764**



WEIGHT Enter "LTR" if Letter 5 LBS	WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	SHIPPER RELEASE <input type="checkbox"/>
TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value. <input type="checkbox"/> DOCUMENTS ONLY		CHARGES
<input type="checkbox"/> SATURDAY PICKUP See instructions.	<input type="checkbox"/> SATURDAY DELIVERY See instructions.	\$	
<input type="checkbox"/> DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions.	\$	AMOUNT	\$
<input type="checkbox"/> C.O.D. If C.O.D., entry amount to be indicated and attach completed UPS C.O.D. tag to package.	\$	AMOUNT	\$
<input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.	\$		\$
TOTAL CHARGES	\$		\$
METHOD OF PAYMENT	<input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER IN SECTION 9	<input type="checkbox"/> BILL RECEIVER DOMESTIC ONLY	<input type="checkbox"/> BILL THIRD PARTY CREDIT CARD
RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.	EXPIRATION DATE		<input type="checkbox"/> CHECK
THIRD PARTY'S COMPANY NAME			
STREET ADDRESS			
CITY AND STATE			
ZIP CODE			
SHIPPER'S SIGNATURE X Amanda Samons DATE OF SHIPMENT 11/29/10			
All shipments are subject to the terms contained in the UPS Tariff/Terms and Conditions of Service, which are available at ups.com and local UPS offices.			
010191120 1/07 5 SHIPPER'S COPY			

UPS Next Day Air
UPS Worldwide ExpressSM
Shipping Document

See instructions on back. Visit UPS.com or call 1-800-PICK-UPS® (800-742-5877) for additional information and UPS Tariff/Terms and Conditions.

TRACKING NUMBER **J213 048 294 9**

SHIPMENT FROM
SHIPPER'S UPS ACCOUNT NO. **2689WS**
REFERENCE NUMBER

NAME **Amanda Samons** TELEPHONE

COMPANY **David Wanzek CPA**

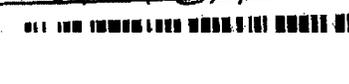
STREET ADDRESS **2153 McCulloch**
CITY AND STATE **Lake Havasu AZ** ZIP CODE **86403**

EXTREMELY URGENT DELIVERY TO

NAME **Christine Camacho** TELEPHONE

COMPANY **Concordia Finance**

STREET ADDRESS **3633 Inland Empire Blvd #700**
CITY AND STATE (INCLUDE COUNTRY IF INTERNATIONAL) **Ontario, CA** ZIP CODE **91764**



WEIGHT Enter "LTR" if Letter 6 LBS	WEIGHT If Applicable	LARGE PACKAGE <input type="checkbox"/>	SHIPPER RELEASE <input type="checkbox"/>
TYPE OF SERVICE <input checked="" type="checkbox"/> NEXT DAY AIR <input type="checkbox"/> EXPRESS (INT'L)	FOR WORLDWIDE EXPRESS SHIPMENTS Mark an "X" in this box if shipment only contains documents of no commercial value. <input type="checkbox"/> DOCUMENTS ONLY		CHARGES
<input type="checkbox"/> SATURDAY PICKUP See instructions.	<input type="checkbox"/> SATURDAY DELIVERY See instructions.	\$	
<input type="checkbox"/> DECLARED VALUE FOR CARRIAGE Contents are automatically protected up to \$100. For declared value over \$100, see instructions.	\$	AMOUNT	\$
<input type="checkbox"/> C.O.D. If C.O.D., entry amount to be indicated and attach completed UPS C.O.D. tag to package.	\$	AMOUNT	\$
<input type="checkbox"/> An Additional Handling Charge applies for certain items. See instructions.	\$		\$
TOTAL CHARGES	\$		\$
METHOD OF PAYMENT	<input checked="" type="checkbox"/> BILL SHIPPER'S ACCOUNT NUMBER IN SECTION 9	<input type="checkbox"/> BILL RECEIVER DOMESTIC ONLY	<input type="checkbox"/> BILL THIRD PARTY CREDIT CARD
RECEIVER'S/THIRD PARTY'S UPS ACCT. NO. OR MAJOR CREDIT CARD NO.	EXPIRATION DATE		<input type="checkbox"/> CHECK
THIRD PARTY'S COMPANY NAME			
STREET ADDRESS			
CITY AND STATE			
ZIP CODE			
SHIPPER'S SIGNATURE X Amanda Samons DATE OF SHIPMENT 11/29/10			
All shipments are subject to the terms contained in the UPS Tariff/Terms and Conditions of Service, which are available at ups.com and local UPS offices.			

Exhibit-F

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COMMISSIONERS

SUSAN BITTER SMITH, Chairman
BOB STUMP
BOB BURNS
DOUG LITTLE
TOM FORESE

BEFORE THE ARIZONA CORPORATION COMMISSION

In the matter of:

CONCORDIA FINANCING COMPANY, LTD,
a/k/a "CONCORDIA FINANCE,"

ER FINANCIAL & ADVISORY SERVICES,
LLC,

LANCE MICHAEL BERSCH, and

DAVID JOHN WANZEK and LINDA
WANZEK, husband and wife,

Respondents.

Docket No. S-20906A-14-0063

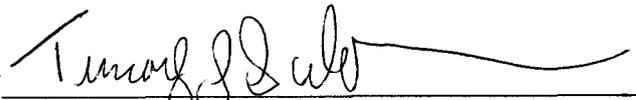
**SEPARATE STATEMENT OF
COUNSEL IN SUPPORT OF
ER RESPONDENTS'
MOTION TO COMPEL**

(Assigned to the Honorable Mark
Preney, Administrative Law Judge)

Oral Argument Requested

Pursuant to Rule 37(a)(2)(C), Arizona Rules of Civil Procedure, I certify that after personal consultation and good faith efforts, counsel for the parties have been unable to satisfactorily resolve the issues set forth in the ER Respondents Motion to Compel.

DATED this 9th day of February, 2015.

By 

Timothy J. Sabo
SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, AZ 85004-2202
Phone: 602.382.6347
Fax: 602.382.6070
E-mail: tsabo@swlaw.com