



0000162051

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

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

Arizona Corporation Commission
DOCKETED

MAY 13 2015

2015 MAY 13 A 10:52

AZ CORP COMMISSION
DOCKET CONTROL

In the matter of:

DOCKETED BY

DOCKET NO. S-20926A-15-0116

DEER PARK DEVELOPMENT CORPORATION,

ORIGINAL

MARTY O'MALLEY and JULIE UNRUH
O'MALLEY, husband and wife,

ROBERT D. BJERKEN,

Respondents.

PROCEDURAL ORDER
(Sets Pre-Hearing Conference)

BY THE COMMISSION:

On April 8, 2015, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, for Restitution, for Administrative Penalties, and for Other Affirmative Action ("Notice") against Deer Park Development Corporation, Marty O'Malley and Julie Unruh O'Malley, husband and wife (the "O'Malleys"), and Robert D. Bjerken (collectively "Respondents"), in which the Division alleged violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of stock.

The spouse of Marty O'Malley, Julie Unruh O'Malley ("Respondent Spouse"), is joined in the action pursuant to A.R.S. § 44-2031(C) solely for the purpose of determining the liability of the marital community.

The Respondents were duly served with copies of the Notice.

On April 23, 2015, Respondents Marty O'Malley and Julie Unruh O'Malley filed a Request for Hearing pursuant to A.R.S. § 44-1972 and A.A.C. R14-4-306.

On April 24, 2015, Respondents Marty O'Malley and Julie Unruh O'Malley filed a Notice of Bankruptcy Filing. The Notice, filed through the O'Malleys' Special Litigation Counsel in Nevada, stated that the O'Malleys filed a Chapter 11 Bankruptcy Petition with the United States District

1 Bankruptcy Court, District of Nevada, on January 30, 2014, which was converted to a case under
2 Chapter 7 on August 5, 2014. The Notice advised that 11 U.S.C. § 362(a)(1) prohibits
3 commencement of judicial, administrative or other proceedings against the debtors.

4 Accordingly, a pre-hearing conference should be scheduled.

5 IT IS THEREFORE ORDERED a **pre-hearing conference** shall be held on **June 3, 2015, at**
6 **10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1,
7 Phoenix, Arizona.

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

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

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

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

23 DATED this 13th day of May, 2015.

24
25 
26 MARK PRENEY
27 ADMINISTRATIVE LAW JUDGE
28

1 Copies of the foregoing mailed/delivered
this 13 day of May, 2015, to:

2 Marty O'Malley
3 Julie Unruh O'Malley
4 1113 Cypress Ridge Lane
Las Vegas, NV 89144

5 Matthew L. Johnson
6 JOHNSON & GUBLER, P.C.
7 Lakes Business Park
8 8831 West Sahara
Las Vegas, NV 89117
Special Litigation Counsel for Marty
O'Malley and Julie O'Malley

9 Caleb M. Zobrist
10 RAHM & ASSOCIATES, LTD.
2950 E. Flamingo Road, Ste. K
Las Vegas, NV 89121

11 Dotan Y. Melech
12 9030 West Sahara Avenue, Ste. 467
Las Vegas, NV 89117

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

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

19
20 By: 
21 Tammy Velarde
Assistant to Mark Preny