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2015 MAY 18 A 11:07

AZ CORP COMMISSION
DOCKET CONTROL

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

In the matter of:

Docket No. S-20926A-15-0116

11 Deer Park Development Corporation,
 12 Marty O'Malley and Julie Unruh
 13 O'Malley, husband and wife,
 14 Robert D. Bjerken,
 15 Respondents.

**RESPONDENTS MARTY O'MALLEY
 AND JULIE UNRUH O'MALLEY'S
 RESPONSE TO: NOTICE OF
 OPPORTUNITY FOR HEARING
 REGARDING PROPOSED ORDER
 TO CEASE AND DESIST, ORDER
 FOR RESTITUTION, ORDER FOR
 ADMINISTRATIVE PENALTIES
 AND ORDER FOR OTHER
 AFFIRMATIVE ACTION**

17 Respondents, Marty O'Malley and Julie Unruh O'Malley ("Respondents O'Malley"), by
 18 and through undersigned counsel, hereby file their Response to Notice of Opportunity for Hearing
 19 regarding Proposed Order to Cease and Desist, Order for Restitution, Order for Administrative
 20 Penalties and Order for other Affirmative Action (hereinafter "Notice"), and admit, deny and
 21 allege as follows:

I.

JURISDICTION

1. Respondents O'Malley admits Paragraph 1.

II.

RESPONDENTS

Arizona Corporation Commission

DOCKETED

MAY 18 2015

DOCKETED BY

WALLINHESTER PLC
 1760 East Pecos Road, Suite 332, Gilbert, AZ 85295

1 2. Respondents O'Malley deny Paragraph 2 as they are without sufficient knowledge and
2 information to form a belief as to the truth or falsity of the allegations set forth therein, and
3 demand strict proof thereof.

4 3. Respondents O'Malley deny Paragraph 3 as they are without sufficient knowledge and
5 information to form a belief as to the truth or falsity of the allegations set forth therein, and
6 demand strict proof thereof.

7 4. Respondents O'Malley deny Paragraph 4 as they are without sufficient knowledge and
8 information to form a belief as to the truth or falsity of the allegations set forth therein, and
9 demand strict proof thereof.

10 5. Respondents O'Malley admit that Marty O'Malley is a married man and a resident of the
11 State of Nevada, but deny the remaining allegations in Paragraph 5 as they are without sufficient
12 knowledge and information to form a belief as to the truth or falsity of the allegations set forth
13 therein, and demand strict proof thereof.

14 6. Respondents O'Malley admits that he was President and a Director for a time at DPDC,
15 but deny the remaining allegations of Paragraph 6 as they are without sufficient knowledge and
16 information to form a belief as to the truth or falsity of the allegations set forth therein, and
17 demand strict proof thereof.

18 7. Respondents O'Malley deny Paragraph 7 as they are without sufficient knowledge and
19 information to form a belief as to the truth or falsity of the allegations set forth therein, and
20 demand strict proof thereof.

21 8. Respondents O'Malley deny Paragraph 8 as they are without sufficient knowledge and
22 information to form a belief as to the truth or falsity of the allegations set forth therein, and
23 demand strict proof thereof.

24 8. Respondents O'Malley deny Paragraph 8 as they are without sufficient knowledge and
25 information to form a belief as to the truth or falsity of the allegations set forth therein, and
26 demand strict proof thereof.
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1 17. Respondents O'Malley deny Paragraph 17 as they are without sufficient knowledge and
2 information to form a belief as to the truth or falsity of the allegations set forth therein, and
3 demand strict proof thereof.

4 18. Respondents O'Malley deny Paragraph 18 as they are without sufficient knowledge and
5 information to form a belief as to the truth or falsity of the allegations set forth therein, and
6 demand strict proof thereof.

7 19. Respondents O'Malley deny Paragraph 19 as they are without sufficient knowledge and
8 information to form a belief as to the truth or falsity of the allegations set forth therein, and
9 demand strict proof thereof.

10 20. Respondents O'Malley deny Paragraph 20 as they are without sufficient knowledge and
11 information to form a belief as to the truth or falsity of the allegations set forth therein, and
12 demand strict proof thereof.

13 21. Respondents O'Malley deny Paragraph 21 as they are without sufficient knowledge and
14 information to form a belief as to the truth or falsity of the allegations set forth therein, and
15 demand strict proof thereof.

16 22. Respondents O'Malley deny Paragraph 22 as they are without sufficient knowledge and
17 information to form a belief as to the truth or falsity of the allegations set forth therein, and
18 demand strict proof thereof.

19 23. Respondents O'Malley deny Paragraph 23 as they are without sufficient knowledge and
20 information to form a belief as to the truth or falsity of the allegations set forth therein, and
21 demand strict proof thereof.

22 24. Respondents O'Malley deny Paragraph 24 as they are without sufficient knowledge and
23 information to form a belief as to the truth or falsity of the allegations set forth therein, and
24 demand strict proof thereof.

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1 25. Respondents O'Malley deny Paragraph 25 as they are without sufficient knowledge and
2 information to form a belief as to the truth or falsity of the allegations set forth therein, and
3 demand strict proof thereof.

4 26. Respondents O'Malley deny Paragraph 26 as they are without sufficient knowledge and
5 information to form a belief as to the truth or falsity of the allegations set forth therein, and
6 demand strict proof thereof.

7 27. Respondents O'Malley deny Paragraph 27 as they are without sufficient knowledge and
8 information to form a belief as to the truth or falsity of the allegations set forth therein, and
9 demand strict proof thereof.

10 28. Respondents O'Malley deny Paragraph 28 as they are without sufficient knowledge and
11 information to form a belief as to the truth or falsity of the allegations set forth therein, and
12 demand strict proof thereof.

13 29. Respondents O'Malley deny Paragraph 29 as they are without sufficient knowledge and
14 information to form a belief as to the truth or falsity of the allegations set forth therein, and
15 demand strict proof thereof.

16 30. Respondents O'Malley deny Paragraph 30 as they are without sufficient knowledge and
17 information to form a belief as to the truth or falsity of the allegations set forth therein, and
18 demand strict proof thereof.

19 31. Respondents O'Malley deny Paragraph 31 as they are without sufficient knowledge and
20 information to form a belief as to the truth or falsity of the allegations set forth therein, and
21 demand strict proof thereof.

22 32. Respondents O'Malley deny Paragraph 32 as they are without sufficient knowledge and
23 information to form a belief as to the truth or falsity of the allegations set forth therein, and
24 demand strict proof thereof.

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1 33. Respondents O'Malley deny Paragraph 33 as they are without sufficient knowledge and
2 information to form a belief as to the truth or falsity of the allegations set forth therein, and
3 demand strict proof thereof.

4 34. Respondents O'Malley deny Paragraph 34 as they are without sufficient knowledge and
5 information to form a belief as to the truth or falsity of the allegations set forth therein, and
6 demand strict proof thereof.
7

8 35. Respondents O'Malley deny Paragraph 35 as they are without sufficient knowledge and
9 information to form a belief as to the truth or falsity of the allegations set forth therein, and
10 demand strict proof thereof.

11 36. Respondents O'Malley deny Paragraph 36 as they are without sufficient knowledge and
12 information to form a belief as to the truth or falsity of the allegations set forth therein, and
13 demand strict proof thereof.
14

15 37. Respondents O'Malley deny Paragraph 37 as they are without sufficient knowledge and
16 information to form a belief as to the truth or falsity of the allegations set forth therein, and
17 demand strict proof thereof.

18 38. Respondents O'Malley deny Paragraph 38 as they are without sufficient knowledge and
19 information to form a belief as to the truth or falsity of the allegations set forth therein, and
20 demand strict proof thereof.
21

22 39. Respondents O'Malley deny Paragraph 39 as they are without sufficient knowledge and
23 information to form a belief as to the truth or falsity of the allegations set forth therein, and
24 demand strict proof thereof.

25 40. Respondents O'Malley deny Paragraph 40 as they are without sufficient knowledge and
26 information to form a belief as to the truth or falsity of the allegations set forth therein, and
27 demand strict proof thereof.
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Defendant conditionally incorporates by reference and alleges each and every affirmative defense and avoidance set forth in Rules 8(c) and 12 of the Arizona Rules of Civil Procedure.

5. Respondents O'Malley acted in good faith at all times relevant to this matter.

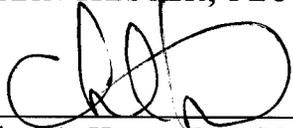
6. Respondents are entitled to be awarded their reasonable attorneys' fees pursuant to A.R.S. § 12-341.01.

7. Respondents are entitled to an award of their taxable costs pursuant to A.R.S. § 12-341.

WHEREFORE, having fully answered the Notice, Respondents' Marty O'Malley and Julie Unruh O'Malley, pray that the Notice be dismissed with prejudice, that the Division take nothing thereby, that Respondents O'Malley be awarded their costs and reasonable attorneys' fees pursuant to A.R.S. §§ 12-341 and 12-341.01; and for such other and further relief that the Court deems just and proper in the premises.

RESPECTFULLY SUBMITTED this 13th day of May, 2015.

WALLIN HESTER, PLC

By: 
Chad A. Hester, Esq. (No. 022894)
1760 East Pecos Road, Suite 332
Gilbert, Arizona 85295
Attorneys for Respondents O'Malley

1 ORIGINAL FILED/mailed this 13th day of May, 2015, with:

2 Arizona Corporation Commission
3 Docket Control
4 1200 W. Washington
5 Phoenix, Arizona 85007

6 COPY e-mailed this 13th day of May, 2015, to:

7 Ryan J. Millecam
8 Division
9 1300 W. Washington, 3rd Floor
10 Phoenix, Arizona 85007
11 rmillecam@azcc.gov

12 By Susana Lewis

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