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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

SUSAN BITTER SMITH, Chairman  
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2015 JUL 27 P 4: 25

AZ CORP COMMISSION  
DOCKET CONTROL

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

**REQUEST FOR PUBLIC  
BROADCAST OF THE HEARING**

Arizona Corporation Commission

**DOCKETED**

JUL 27 2015

DOCKETED BY

MUB

SNELL & WILMER

L.L.P.  
ONE ARIZONA CENTER  
400 E. VAN BUREN, SUITE 1900  
PHOENIX, ARIZONA 85004-2202

Respondents ER Financial and Advisory Services, LLC<sup>1</sup>, Lance Michael Bersch, David John Wanzek, and Linda Wanzek (collectively, the "ER Respondents") request that the hearing in this case be broadcast using the Commission's existing internet broadcasting facilities and archived on the Commission's website. In recent years, Commission hearings and open meetings have been broadcast to the public over the internet and then archived on the Commission's website for anyone to see. Indeed, the Commissioners have often remarked on the importance of providing the public access to Commission hearings, and the Commission has established a Media Services Division to pursue this important purpose.

<sup>1</sup> To the extent it still exists and is capable of being named a respondent in this matter.

1 While Securities Division hearings were available over the internet or the Commission's  
2 "Listen Line" in the past, at some point, it appears this has changed, and recent securities hearings  
3 do not appear in the Commission's video archives.

4 This case raises important public policy issues, and the public deserves the opportunity to  
5 observe. In this case, the Securities Division is prosecuting actions from up to 17 years ago.  
6 Many members of the public would be shocked at such extreme government actions. Indeed, it is  
7 the Division's position that there is no limit to how far back they can reach with their  
8 administrative charges. Many Arizona businesses would be concerned if they knew there was no  
9 limit how far into the past their liability could extend. And because the burden of proof to prove  
10 an exemption lies with a respondent, it also means that the businesses must retain records of  
11 investments forever, least they be called before this Commission to account for sales made in the  
12 1990's (as is happening in this very case), or the 1970's, or even the 1920's.

13 In addition, there may be political interest in the case as well. The Division justifies its  
14 unlimited power to reach into the past using a case based on "royal prerogative". See *Trimble v.*  
15 *Am. Sav. Life Ins., Co.* 152 Ariz. 548, 555, 733 P2d 1131, 1138 (App. 1986). This extreme claim  
16 to royal power would be antithetical to many across the political spectrum, from "tea party"  
17 conservatives to die-hard liberals.

18 In short, this extreme case presents important public policy issues, and the Securities  
19 Division should not be able to shield its actions from public scrutiny in this way. The hearing  
20 should be broadcast in the same way Commission hearings are normally broadcast, so that the  
21 public can see their government in action, in accordance with the Commission's commendable  
22 tradition of openness.

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RESPECTFULLY SUBMITTED this 27<sup>th</sup> day of July 2015.

By Timothy J. Sabo

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

and

Paul J. Roshka, Jr.  
Craig Waugh  
POLSINELLI, P.C.  
One East Washington St., Suite 1200  
Phoenix, AZ 85004-2568  
Phone: 602.650.2098  
Email: [proshka@polsinelli.com](mailto:proshka@polsinelli.com)

*Attorneys for the ER Respondents*

SNELL & WILMER  
LLP  
ONE ARIZONA CENTER  
400 E. VAN BUREN, SUITE 1900  
PHOENIX, ARIZONA 85004-2202

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Original + 13 copies of the foregoing  
filed this 27<sup>th</sup> day of July 2015, with:

Docket Control  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

Copies of the foregoing hand-delivered/mailed  
this 27<sup>th</sup> day of July 2015, to:

Mark H. Preny, Esq.  
Administrative Law Judge  
Hearing Division  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, Arizona 85007

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

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

By *Jacqueline Howard*

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