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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

- SUSAN BITTER SMITH - Chairman
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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

In the matter of:

DOCKET NO. S-20938A-15-0308

USA BARCELONA REALTY ADVISORS, LLC,
an Arizona limited liability company,

USA BARCELONA HOTEL LAND COMPANY I,
LLC, an Arizona limited liability company,

RICHARD C. HARKINS, an unmarried man,

ROBERT J. KERRIGAN (CRD no. 268516), an
unmarried man,

GEORGE T. SIMMONS and JANET B. SIMMONS,
husband and wife,

BRUCE ORR, an unmarried man,

Respondents.

PROCEDURAL ORDER
(Sets Pre-Hearing Conference)

BY THE COMMISSION:

On August 26, 2015, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Temporary Order to Cease and Desist and Notice of Opportunity for Hearing ("T.O. and Notice") against USA Barcelona Realty Advisors, LLC ("Barcelona Advisors"), USA Barcelona Hotel Land Company I, LLC ("Barcelona Land Company"), Richard C. Harkins, Robert J. Kerrigan, George T. Simmons and Janet B. Simmons, husband and wife (the "Simmonses"), and Bruce Orr (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 promissory notes, and investment contracts or membership interests.

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Arizona Corporation Commission

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1 The spouse of George T. Simmons, Janet B. Simmons (“Respondent Spouse”) is joined in the
2 action pursuant to A.R.S. § 44-2031(C) solely for the purpose of determining the liability of the
3 marital community.

4 The Respondents were duly served with copies of the T.O. and Notice.

5 On September 11, 2015, Respondent George T. Simmons, individually and on behalf of his
6 marital community, filed a Request for Hearing pursuant to A.A.C. R14-4-306.

7 On September 14, 2015, Respondent Robert J. Kerrigan filed a Request for Hearing pursuant
8 to A.A.C. R14-4-306.

9 On September 15, 2015, Respondent Richard C. Harkins filed a Request for Hearing pursuant
10 to A.A.C. R14-4-306.

11 On September 18, 2015, a Notice of Appearance and Request for Hearing, pursuant to A.R.S.
12 § 44-1972, A.A.C. R14-4-306 and A.A.C. R14-4-307, was filed on behalf of Robert J. Kerrigan by
13 counsel Robert D. Mitchell and Sarah K. Deutsch.

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

15 IT IS THEREFORE ORDERED a **pre-hearing conference** shall be held on **October 13,**
16 **2015, at 10:00 a.m.,** at the Commission’s offices, 1200 West Washington Street, Hearing Room No.
17 1, Phoenix, Arizona.

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

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

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

1 Administrative Law Judge or the Commission.

2 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to
3 this matter may opt to receive service of all filings in this docket, including all filings by parties and
4 all Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the
5 Commission's Hearing Division, via email sent to an email address provided by the party rather than
6 via U.S. Mail. To exercise this option, a party shall:

- 7 1. Ensure that the party has a valid and active email address to which the party has
8 regular and reliable access ("designated email address");
- 9 2. Complete a Consent to Email Service form, available on the Commission's website
10 (www.azcc.gov);
- 11 3. File the original and 13 copies of the Consent to Email Service form with the
12 Commission's Docket Control, also providing service to each party to the service list;
- 13 4. Send an email, containing the party's name and the docket number for this matter, to
14 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to
15 allow the Hearing Division to verify the validity of the designated email address;
- 16 5. Understand and agree that service of a document on the party shall be complete upon
17 the sending of an email containing the document to the designated email address,
18 regardless of whether the party receives or reads the email containing the document;
19 and
- 20 6. Understand and agree that the party will no longer receive service of filings in this
21 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
22 and until the party withdraws this consent through a filing made in this docket.

23 IT IS FURTHER ORDERED that a party's consent to email service shall not become
24 effective until a Procedural Order is issued approving the use of email service for the party. The
25 Procedural Order shall be issued only after the party has completed steps 1 through 4 above, and the
26 Hearing Division has verified receipt of an email from the party's designated email address.

1 IT IS FURTHER ORDERED that a party's election to receive service of all filings in this
2 matter via email does not change the requirement that all filings with the Commission's Docket
3 Control must be made in hard copy and must include an original and 13 copies.

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

7 DATED this 23RD day of September, 2015.

8
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10 
11 MARK PRENY
12 ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/delivered
12 this 23RD day of September, 2015, to:

13 Robert D. Mitchell
14 Sarah K. Deutsch
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19 George T. Simmons
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27 By: 
28 Tammy Welarde
Assistant to Mark Preny