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BEFORE THE ARIZONA CORPORATION COMMISSION

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

AZ CORP 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.

Arizona Corporation Commission

DOCKETED

OCT 2 2015

DOCKETED BY

**SECOND**  
**PROCEDURAL ORDER**  
**(Affirms 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.

The spouse of George T. Simmons, Janet B. Simmons ("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.

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

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

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

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

8 On September 18, 2015, a Notice of Appearance and Request for Hearing, pursuant to A.R.S.  
9 § 44-1972, A.A.C. R14-4-306 and A.A.C. R14-4-307, was filed on behalf of Robert J. Kerrigan by  
10 counsel Robert D. Mitchell and Sarah K. Deutsch.

11 On September 23, 2015, by Procedural Order, a pre-hearing conference was scheduled to  
12 commence on October 13, 2015.

13 On September 28, 2015, a Notice of Appearance and Request for Hearing, pursuant to A.A.C.  
14 R14-4-306 and R14-4-307, was filed on behalf of George T. Simmons and Janet B. Simmons by  
15 counsel Charles R. Berry and Stanley R. Foreman.

16 On September 29, 2015, Respondent Robert J. Kerrigan filed an Answer to Temporary Order  
17 to Cease and Desist and Notice of Opportunity for Hearing.

18 Also on that day, Bruce Orr filed a letter. Mr. Orr's letter responded to assertions made in the  
19 T.O. and Notice. Mr. Orr further requested to "have my name removed from this complaint."

20 To preserve Mr. Orr's due process rights, his September 29, 2015 letter is interpreted as a  
21 request for hearing and answer to the T.O. and Notice. Mr. Orr is hereby provided notice of the  
22 scheduled pre-hearing conference.

23 Accordingly,

24 IT IS THEREFORE ORDERED that the **pre-hearing conference** remains scheduled on  
25 **October 13, 2015, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing  
26 Room No. 1, Phoenix, Arizona.

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

1 is final and non-appealable.

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

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

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

- 16 1. Ensure that the party has a valid and active email address to which the party has regular  
17 and reliable access ("designated email address");
- 18 2. Complete a Consent to Email Service form, available on the Commission's website  
19 ([www.azcc.gov](http://www.azcc.gov));
- 20 3. File the original and 13 copies of the Consent to Email Service form with the  
21 Commission's Docket Control, also providing service to each party to the service list;
- 22 4. Send an email, containing the party's name and the docket number for this matter, to  
23 [HearingDivisionServicebyEmail@azcc.gov](mailto:HearingDivisionServicebyEmail@azcc.gov) from the designated email address, to allow  
24 the Hearing Division to verify the validity of the designated email address;
- 25 5. Understand and agree that service of a document on the party shall be complete upon  
26 the sending of an email containing the document to the designated email address,  
27 regardless of whether the party receives or reads the email containing the document;  
28 and



1 Bruce Orr  
2 3757 Falcon Avenue  
3 Long Beach, CA 90807

3 Matthew Neubert, Director  
4 Securities Division  
5 ARIZONA CORPORATION COMMISSION  
6 1300 West Washington Street  
7 Phoenix, AZ 85007

7 By: Rebecca Unquera  
8 Rebecca Unquera  
9 Assistant to Mark Preny

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