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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE – Interim Chairman
BOB STUMP
BOB BURNS
TOM FORESE
VACANT

AZ CORP COMMISSION
DOCKET CONTROL

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Arizona Corporation Commission

DOCKETED

JAN 08 2016

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IN THE MATTER OF:

HENRYK JAN KUNOWSKI, aka H. JON
KUNOWSKI, aka JON KUNOWSKI, an unmarried
man.

Respondent.

DOCKET NO. S-20928A-15-0199

SECOND
PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On June 18, 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 Henryk Jan Kunowski, aka H. Jon Kunowski, aka John Kunowski (“Kunowski” or “Respondent”), 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, promissory notes and/or investment contracts.

The Respondent was duly served with a copy of the Notice.

On November 17, 2015, the Division filed a Notice of Service by Publication and Affidavit of Attempted Service in Support of Service by Publication. The Division stated that the Respondent was served by publication, pursuant to A.A.C. R14-4-303(H). The Division contended that “service on Kunowski by publication was complete on November 16, 2015.”

On December 1, 2015, the Division filed an Affidavit of Service stating that the Respondent had been personally served that day.

On December 8, 2015, the Respondent filed a Request for a Hearing.

On December 9, 2015, by Procedural Order, a pre-hearing conference was scheduled to commence on January 6, 2016.

1 On December 30, 2015, Mr. Kunowski filed an Answer to the Notice.

2 On January 6, 2016, the pre-hearing conference was held as scheduled. The Division appeared
3 through counsel and Respondent Kunowski appeared on his own behalf. The scheduling of a hearing
4 date was discussed. Mr. Kunowski expressed his intention of presenting physical evidence in the form
5 of one or more prototypes.

6 Accordingly, a hearing should be scheduled.

7 **IT IS THEREFORE ORDERED that a hearing shall be held commencing on March 8, 2016,**
8 **at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2,**
9 **Phoenix, Arizona.**

10 **IT IS FURTHER ORDERED that the parties shall also reserve March 9-11, 2016, for**
11 **additional days of hearing, if necessary.**

12 **IT IS FURTHER ORDERED that the Division and Respondents shall exchange copies of**
13 **their Witness Lists and copies of the Exhibits by January 25, 2016,** with courtesy copies provided
14 to the presiding Administrative Law Judge. A description and photograph of any prototype or other
15 non-documentary physical evidence sought to be presented at the hearing shall be included with the
16 copies of Exhibits.

17 **IT IS FURTHER ORDERED that if the parties reach a resolution of the issues raised in the**
18 **Notice prior to the hearing, the Division shall file a Motion to Vacate the Proceeding.**

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

22 **IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 39 of the Rules of**
23 **the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission *pro***
24 ***hac vice.***

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

1 for discussion, unless counsel has previously been granted permission to withdraw by the
2 Administrative Law Judge or the Commission.

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

6 DATED this 8TH day of January, 2016.

7
8 
9 MARK PRENY
ADMINISTRATIVE LAW JUDGE

10 Copies of the foregoing mailed/delivered
11 this 8TH day of January, 2016, to:

12 Henryk Jan (Jon) Kunowski
10003 W. Thunderbird Avenue
13 Sun City, AZ 85351

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

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

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20 By: 
21 Tammy Velarde
Assistant to Mark Preny

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