

ORIGINAL



0000168817

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE – Chairman
BOB STUMP
BOB BURNS
TOM FORESE
ANDY TOBIN

RECEIVED
AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

2016 MAR 4 AM 9 38

MAR 04 2016

DOCKETED BY

KL

IN THE MATTER OF:

DOCKET NO. S-20928A-15-0199

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

Respondent.

THIRD
PROCEDURAL ORDER
(Vacates 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 On January 8, 2016, by Procedural Order, a hearing was scheduled to commence on March 8,
7 2016.

8 On March 3, 2016, the parties filed a Joint Motion to Continue Hearing. The parties have
9 moved to continue the hearing scheduled for March 8, 2016, because the Respondent has agreed to
10 enter a proposed Order to Cease and Desist, Order for Restitution, Order for Administrative Penalties
11 and Consent to Same ("Proposed Consent Order") for consideration by the Commission at the Open
12 Meeting scheduled for April 12 and 13, 2016.

13 Good cause has been shown to continue the administrative hearing.

14 IT IS THEREFORE ORDERED that the **Joint Motion to Continue Administrative Hearing**
15 **is hereby granted.**

16 IT IS FURTHER ORDERED that **the hearing currently scheduled to commence on March**
17 **8, 2016, is vacated.**

18 IT IS FURTHER ORDERED that **the hearing be continued indefinitely pending**
19 **Commission approval or rejection of the Proposed Consent Order.**

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

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

26 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
27 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
28 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances at

1 all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
2 for discussion, unless counsel has previously been granted permission to withdraw by the
3 Administrative Law Judge or the Commission.

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 4th day of March, 2016.

8 

9 _____
10 MARK PRENY
ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/delivered
12 this 4th day of March, 2016, to:

13 Henryk Jan (Jon) Kunowski
14 10003 W. Thunderbird Avenue
Sun City, AZ 85351

15 Matthew Neubert, Director
16 Securities Division
ARIZONA CORPORATION COMMISSION
17 1300 West Washington Street
Phoenix, AZ 85007

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

20
21 By: 
22 _____
Rebecca Unquera
Assistant to Mark Preny

23
24
25
26
27
28