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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

DOUG LITTLE - Chairman
BOB STUMP
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ANDY TOBIN

Arizona Corporation Commission

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AZ CORP COMMISSION
DOCKET CONTROL

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In the matter of:

DOCKET NO. S-20932A-15-0220

LOANGO CORPORATION, a Utah corporation,

JUSTIN C. BILLINGSLEY and HEATHER
BILLINGSLEY, husband and wife,

JEFFREY SCOTT PETERSON, an unmarried man,

JOHN KEITH AYERS and JENNIFER ANN
BRINKMAN-AYERS, husband and wife,

Respondents.

NINTH
PROCEDURAL ORDER
(Schedules Telephonic
Procedural Conference)

BY THE COMMISSION:

On June 30, 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 LoanGo Corporation, Justin C. Billingsley and Heather Billingsley, husband and wife (the "Billingsleys"), Jeffrey Scott Peterson, and John Keith Ayers and Jennifer Ann Brinkman-Ayers, husband and wife (the "Ayerses") (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 stock.

The spouse of Justin C. Billingsley, Heather Billingsley ("Billingsley Spouse") and the spouse of John Keith Ayers, Jennifer Ann Brinkman-Ayers ("Ayers Spouse") (collectively "Respondent Spouses") are joined in the action pursuant to A.R.S. § 44-2031(C) solely for the purpose of determining the liability of the respective marital communities.

The Respondents were duly served with copies of the Notice.

1 On July 13, 2015, Respondents LoanGo Corporation and Jeffrey Scott Peterson filed a Request
2 for Hearing pursuant to Arizona Administrative Code ("A.A.C.") R14-4-306.

3 On July 15, 2015, Respondents the Ayerses filed a Request for Hearing.

4 On July 17, 2015, by Procedural Order, a pre-hearing conference was scheduled to commence
5 on July 30, 2015.

6 On July 22, 2015, Frank R. Mead and Joshua C. Black filed a Notice of Appearance on behalf
7 of the Billingsleys.

8 On that same date, Respondent Justin Billingsley filed a Request for Hearing.

9 On July 23, 2015, by Procedural Order, the pre-hearing conference scheduled for July 30, 2015,
10 was affirmed.

11 On July 30, 2015, the pre-hearing conference was held as scheduled. The Division and
12 Respondents appeared through counsel. The parties requested the scheduling of a hearing and agreed
13 to the date of February 4, 2016.

14 On July 30, 2015, by Procedural Order, a hearing was scheduled for February 4, 2016.

15 On July 31, 2015, a Consent to Email Service was filed by Kevin Fallon McCarthy on behalf
16 of the Ayerses.

17 On that same date, the Ayerses filed their Answer.

18 On August 3, 2015, Respondents LoanGo Corporation and Jeffrey Scott Peterson filed their
19 Answer to Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, Order
20 for Restitution, Order for Administrative Penalties, and Order for Other Affirmative Action.

21 On August 3, 2015, Respondents Billingsley filed their Amended Request for Hearing.

22 On August 25, 2015, Respondents LoanGo Corporation and Jeffrey Scott Peterson filed another
23 Answer to Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, Order
24 for Restitution, Order for Administrative Penalties, and Order for Other Affirmative Action.

25 On September 25, 2015, a Motion for Substitution of Counsel for Justin C. Billingsley and
26 Heather Billingsley was filed.

27 On that same date, the Billingsleys filed their Answer to Notice of Opportunity for Hearing
28 Regarding Proposed Order to Cease and Desist, Order for Restitution, Order for Administrative

1 Penalties and Order for Other Affirmative Action.

2 On October 14, 2015, by Procedural Order, the Motion for Substitution of Counsel was granted
3 and Maureen Beyers of Osborn Maledon, P.A. was substituted as counsel for the Billingsleys.

4 On October 30, 2015, the Billingsleys filed an Unopposed Motion to Continue Administrative
5 Hearing requesting a continuance based upon counsel's upcoming jury trial which conflicted with the
6 scheduled dates of the hearing. Counsel for the Billingsleys averred to speaking with counsel for the
7 other parties and stated that no party objected to the requested continuance.

8 On November 3, 2015, by Procedural Order, the Unopposed Motion to Continue Administrative
9 Hearing was granted.

10 On December 11, 2015, by Procedural Order, the Ayerses' Consent to Email Service was
11 approved.

12 On January 27, 2016, Eric J. Jeide and Ashley C. Grimes filed a Notice of Appearance and
13 Substitution of Counsel. Mr. Jeide and Ms. Grimes asserted they are substituting for Alan S. Baskin
14 and the law firm of Baskins Richards PLC as counsel of record for Respondents LoanGo Corporation
15 and Jeffrey Scott Peterson.

16 On February 16, 2016, Maureen Beyers filed a Motion to Withdraw as Counsel for the
17 Billingsleys, pursuant to A.A.C. R-14-3-104(E) and Rule 5.1(a)(2)(B) of the Arizona Rules of Civil
18 Procedure. Citing ER 1.16(b)(5) of the Arizona Rules of Professional Conduct, Ms. Beyers contended
19 that good cause existed for the permissive withdrawal of her representation of the Billingsleys, arising
20 from the Billingsleys' failure to fulfill an obligation to counsel. Ms. Beyers asserted that the
21 Billingsleys had been notified in writing of the status of the case and that they had been advised of the
22 pending deadlines in this matter. Ms. Beyers provided the Commission with the last known mailing
23 address and telephone number of the Billingsleys.

24 On February 18, 2016, the Division filed its Response to Motion to Withdraw as Counsel. The
25 Division stated that it had no objection to the motion provided that the withdrawal of counsel would
26 not affect the scheduling of the hearing.

27 On February 19, 2016, Maureen Beyers, on behalf of the Billingsleys, filed an Unopposed
28 Motion to Extend Deadline for Respondents Billingsley to Exchange Witness and Exhibit Lists.

1 Specifically, Ms. Beyers requested on behalf of the Billingsleys that they be granted an extension until
2 February 29, 2016, “[t]o avoid any prejudice to Respondents Billingsley pending an order on the
3 Motion to Withdraw.” Ms. Beyers stated that she conferred with counsel for the Division and asserted
4 that the Division does not object to this request.

5 On February 19, 2016, by Procedural Order, Ms. Beyers’ motion to withdraw as counsel for the
6 Billingsleys was granted.

7 Also on February 19, 2016, Respondents LoanGo and Jeffrey Scott Peterson filed a Witness
8 and Exhibit List. Respondents LoanGo and Jeffrey Scott Peterson requested additional time to examine
9 documents from other parties before filing copies of their exhibits, which would total over 1,300 pages
10 if filed, with thirteen copies, to docket control.

11 On February 22, 2016, by Procedural Order, the Unopposed Motion to Extend Deadlines for
12 Respondents Billingsley to Exchange Witness and Exhibit Lists was granted and the Billingsleys
13 received an extension to February 29, 2016.

14 On February 29, 2016, Eric J. Jeide filed a Notice of Appearance on behalf of Respondents
15 Justin C. Billingsley and Heather Billingsley. The Billingsleys, Jeffrey Peterson and LoanGo requested
16 “to be represented by counsel as a class since they appear to have ‘substantially like interests and
17 positions’” under A.A.C. R14-4-104(C).

18 On March 4, 2016, Respondents Justin C. Billingsley and Heather Billingsley, Jeffrey Peterson
19 and LoanGo filed a Motion to Continue April 4, 2016 Hearing. The reason for the requested
20 continuance is that counsel recently entered his appearance for the Billingsleys and he requires further
21 time to prepare based upon his new representation of these additional Respondents. Counsel for the
22 Billingsleys, Jeffrey Peterson and LoanGo asserts he spoke with counsel for the Division and that the
23 Division would not object to a continuance to August 2016.

24 Accordingly, it is necessary to schedule a telephonic procedural conference to address the
25 pending motion to continue and the request for class status made by some of the Respondents.

26 IT IS THEREFORE ORDERED that a telephonic procedural conference shall be scheduled for
27 **March 16, 2016, at 10:00 a.m.**

28 IT IS FURTHER ORDERED that on the date of and at least five minutes before the time set

1 for the status conference, the parties shall call 1 (800) 689-9374, passcode 415962#, from a landline
2 telephone, to participate telephonically in the status conference.

3 IT IS FURTHER ORDERED that the **hearing remains scheduled to commence on April 4,**
4 **2016, at 10:00 a.m., at the Commission's Offices, 1200 West Washington Street, Hearing Room**
5 **No. 2, Phoenix, Arizona.** The parties shall also **set aside April 5-7, 11, and 13-15, 2016, for**
6 **additional days of hearing,** if necessary.

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

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

12 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
13 31 and 38 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

23 DATED this 7th day of March, 2016.

24
25
26 
27 MARK PRENEY
28 ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing mailed/mailed/delivered
this 1st day of March, 2016, to:

2 Eric J. Jeide
3 JEIDE LAW, PLLC
4 5115 N. Dysart Rd., Ste. 202-213
5 Litchfield Park, AZ 85340
6 Attorney for Justin C. Billingsley, Heather Billingsley,
7 LoanGo Corporation and Jeffrey Peterson
8 jeidelaw@gmail.com

9 Ashley C. Grimes
10 GRIMES LAW PLLC
11 4140 E. Baseline Rd., Suite 101
12 Mesa, AZ 85206
13 Attorney for LoanGo Corporation
14 and Jeffrey Peterson

15 Kevin Fallon McCarthy
16 MCCARTHY LAW PLC
17 4250 North Drinkwater Blvd., Suite 320
18 Scottsdale, AZ 85251
19 Attorney for John Keith Ayers
20 and Jennifer Ann Brinkman-Ayers
21 kevin.mccarthy@mccarthylawyer.com

22 **Consented to Service by Email**

23 Matthew Neubert, Director
24 Securities Division
25 ARIZONA CORPORATION COMMISSION
26 1300 West Washington Street
27 Phoenix, AZ 85007

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

By: Rebecca Unquera
Rebecca Unquera
Assistant to Mark Preney