

ORIGINAL



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

MAR 29 2016

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DOCKETED BY [Signature]

IN THE MATTER OF THE:
DAVID J. ESCARCEGA (CRD No. 4367584), an
unmarried man
Respondents.

DOCKET NO. S-20956A-16-0090

PROCEDURAL ORDER
(Sets Pre-Hearing Conference)

BY THE COMMISSION:

On March 14, 2016, 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, of Revocation, of Denial, and for Other Affirmative Action ("Notice") against David J. Escarcega, an unmarried man ("Escarcega" 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 debentures.

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

On March 24, 2016, Respondent filed a Request for Hearing pursuant to A.R.S. § 44-1972 and A.A.C. R14-4-306.

Accordingly, a pre-hearing conference should be scheduled.

IT IS THEREFORE ORDERED that a **pre-hearing conference** shall be held on **April 14, 2016, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2, Phoenix, Arizona.

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

IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 39 of the Rules of

1 the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission *pro*
2 *hac vice*.

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

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

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

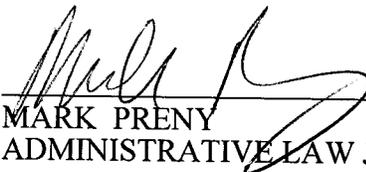
1 6. Understand and agree that the party will no longer receive service of filings in this
2 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
3 and until the party withdraws this consent through a filing made in this docket.

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

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

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

14 DATED this 29TH day of March, 2016.

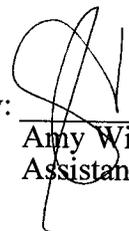
15
16 
17 MARK PRENY
18 ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered
20 this ___ day of March, 2016, to:

21 Paul J. Roshka
22 Craig M. Waugh
23 POLSINELLI, PC
24 City Scape, One E. Washington St., Ste. 120
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26 Attorney for Respondent David J. Escarcega

27 COASH & COASH, INC.
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23 Matthew Neubert, Director
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26 1200 West Washington Street
27 Phoenix, AZ 85007

28 By: 
Amy Wilson
Assistant to Mark Preny