

ORIGINAL



0000169990

1 **Robert J. Moss**
2 **Jennifer L. Moss**
3 125 W. Baylor Lane
4 Gilbert, AZ 85233
5 robmoss@cox.net

6 Telephone
7 (480) 706-1282

Arizona Corporation Commission

DOCKETED

APR 28 2016

DOCKETED BY *[Signature]*

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2016 APR 28 P 3: 05

AZ CORP COMMISSION
DOCKET CONTROL

BEFORE THE ARIZONA CORPORATION COMMISSION

9 In the matter of:

10 Robert J. Moss and Jennifer L. Moss,
11 husband and wife,
12 The Fortitude Foundation, an Arizona
13 corporation,
14 Ventures 7000, LLC, an Oklahoma limited
15 liability company,
16 Jeffrey D. McHatton and Starla T.
17 McHatton, husband and wife,
18 Robert D. Sproat and Jane Doe Sproat,
19 husband and wife,
20 Kevin Krause, a single man, and
21 Vernon R. Twyman, Jr., a single man,
22 Respondents.

DOCKET NO. S-20953A-16-0061

**ANSWER OF ROBERT J. MOSS AND
JENNIFER L. MOSS TO
TEMPORARY ORDER TO CEASE
AND DESIST**

(Assigned to Administrative Law Judge
Marc E. Stern)

22 Respondents, Robert J. Moss and Jennifer L. Moss ("Moss"), are currently w/out
23 financial ability to retain legal counsel, and hereby admits, denies and alleges as follows:
24

25 1. In response to paragraph 1 of the Temporary Order to Cease and Desist
26 ("TOCD"), Moss is without sufficient knowledge or information with which to form a
27 belief as to the truth of the allegations contained therein and therefore denies them.
28

1 2. In response to paragraph 2 of the TOCD, Moss admits that Robert Moss has
2 been a director of The Fortitude Foundation (“TFF”). Moss admits that they reside in
3 Arizona.

4 3. In response to paragraph 3 of the TOCD, Moss is without sufficient
5 knowledge or information with which to form a belief as to the truth of the allegations
6 contained therein and therefore denies them. Moss admits that at some point Moss was a
7 director of V-7000.
8

9 4. In response to paragraph 4 of the TOCD, Moss admits to the sentence.
10

11 5. In response to paragraph 5 of the TOCD, Moss admits to being married.
12 Moss is without sufficient knowledge or information with which to form a belief as to the
13 truth of the allegations contained therein in the remainder of the paragraph and therefore
14 denies them.
15

16 6. In response to paragraph 6 of the TOCD, Moss admits the first and last
17 sentences of paragraph 6. Moss denies the remainder of this paragraph.
18

19 7. In response to paragraph 7 of the TOCD, Moss is without sufficient
20 knowledge or information with which to form a belief as to the truth of the allegations
21 contained therein and therefore denies them.

22 8. Moss admits the first and last sentences of paragraph 8 of the TOCD, but
23 denies the balance of the remaining allegations in paragraph 8 of the TOCD.
24

25 9. In response to paragraph 9 of the TOCD, Moss is without sufficient
26 knowledge or information with which to form a belief as to the truth of the allegations
27 contained therein and therefore denies them.
28

1 10. In response to paragraph 10 of the TOCD, Moss admits that Robert Sproat
2 has been a director of TFF. Moss denies the balance of the allegations in this paragraph.

3 11. In response to paragraph 11 of the TOCD, Moss is without sufficient
4 knowledge or information with which to form a belief as to the truth of the allegations
5 contained therein and therefore denies them.
6

7 12. Moss denies the allegations set forth in paragraph 12 of the TOCD.

8 13. In response to paragraph 13 of the TOCD, Moss is without sufficient
9 knowledge or information with which to form a belief as to the truth of the allegations
10 contained therein and therefore denies them.
11

12 14. In response to paragraph 14 of the TOCD, this is not a substantive factual
13 paragraph. To the extent a response is required, the allegations set forth in paragraph 14
14 of the TOCD are denied.

15 15. Moss denies the allegations set forth in paragraph 15 of the TOCD.

16 16. Moss denies the allegations set forth in paragraph 16 of the TOCD.

17 17. Moss denies the allegations set forth in paragraph 17 of the TOCD.

18 18. Moss denies the allegations set forth in paragraph 18 of the TOCD.

19 19. Moss denies the allegations set forth in paragraph 19 of the TOCD.

20 20. In response to paragraph 20 of the TOCD, Moss is without sufficient
21 knowledge or information with which to form a belief as to the truth of the allegations
22 contained therein and therefore denies them.
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24 21. In response to paragraph 21 of the TOCD, Moss is without sufficient
25 knowledge or information with which to form a belief as to the truth of the allegations
26 contained therein and therefore denies them.
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22. Moss denies the allegations set forth in paragraph 22 of the TOCD.

23. Moss denies the allegations set forth in paragraph 23 of the TOCD.

24. Moss denies the allegations set forth in paragraph 24 of the TOCD.

25. Moss denies the allegations set forth in paragraph 25 of the TOCD.

26. Moss denies the allegations set forth in paragraph 26 of the TOCD.

27. Moss admits the allegations set forth in paragraph 27 of the TOCD.

28. Moss admits the allegations set forth in paragraph 28 of the TOCD.

29. In response to paragraph 29 of the TOCD, Moss is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and therefore denies them.

30. Moss denies the allegations set forth in paragraph 30 of the TOCD.

31. Moss denies the allegations set forth in paragraph 31 of the TOCD.

32. Moss denies the allegations set forth in paragraph 32 of the TOCD.

33. In response to paragraph 33 of the TOCD, Moss is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and therefore denies them.

34. In response to paragraph 34 of the TOCD, Moss is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and therefore denies them.

35. In response to paragraph 35 of the TOCD, Moss is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and therefore denies them.

1 36. In response to paragraph 36 of the TOCD, Moss is without sufficient
2 knowledge or information with which to form a belief as to the truth of the allegations
3 contained therein and therefore denies them.

4 37. In response to paragraph 37 of the TOCD, Moss is without sufficient
5 knowledge or information with which to form a belief as to the truth of the allegations
6 contained therein and therefore denies them.

8 38. In response to paragraph 38 of the TOCD, Moss is without sufficient
9 knowledge or information with which to form a belief as to the truth of the allegations
10 contained therein and therefore denies them.

12 39. In response to paragraph 39 of the TOCD, Moss is without sufficient
13 knowledge or information with which to form a belief as to the truth of the allegations
14 contained therein and therefore denies them.

15 40. Moss denies the allegations set forth in paragraph 40 of the TOCD.

17 41. Moss denies the allegations set forth in paragraph 41 of the TOCD.

18 42. Moss denies the allegations set forth in paragraph 42 of the TOCD.

19 43. In response to paragraph 43 of the TOCD, Moss is without sufficient
20 knowledge or information with which to form a belief as to the truth of the allegations
21 contained therein and therefore denies them.

23 44. In response to paragraph 44 of the TOCD, Moss is without sufficient
24 knowledge or information with which to form a belief as to the truth of the allegations
25 contained therein and therefore denies them.
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1 45. In response to paragraph 45 of the TOCD, Moss is without sufficient
2 knowledge or information with which to form a belief as to the truth of the allegations
3 contained therein and therefore denies them.

4 46. In response to paragraph 46 of the TOCD, Moss is without sufficient
5 knowledge or information with which to form a belief as to the truth of the allegations
6 contained therein and therefore denies them.

7 47. In response to paragraph 47 of the TOCD, Moss is without sufficient
8 knowledge or information with which to form a belief as to the truth of the allegations
9 contained therein and therefore denies them.
10

11 48. In response to paragraph 48 of the TOCD, Moss is without sufficient
12 knowledge or information with which to form a belief as to the truth of the allegations
13 contained therein and therefore denies them.
14

15 49. In response to paragraph 49 of the TOCD, Moss is without sufficient
16 knowledge or information with which to form a belief as to the truth of the allegations
17 contained therein and therefore denies them.
18

19 50. In response to paragraph 49 of the TOCD, Moss is without sufficient
20 knowledge or information with which to form a belief as to the truth of the allegations
21 contained therein and therefore denies them.
22

23 51. Moss denies the allegations set forth in paragraph 51 of the TOCD.

24 52. In response to paragraph 52 of the TOCD, Moss admits the final sentence
25 of the paragraph and denies all preceding allegations.
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27 53. Moss denies the allegations set forth in paragraph 53 of the TOCD.

28 54. Moss denies the allegations set forth in paragraph 54 of the TOCD.

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- 55. Moss denies the allegations set forth in paragraph 55 of the TOCD.
- 56. Moss denies the allegations set forth in paragraph 56 of the TOCD.
- 57. Moss denies the allegations set forth in paragraph 57 of the TOCD.
- 58. Moss denies the allegations set forth in paragraph 58 of the TOCD.
- 59. Moss denies the allegations set forth in paragraph 59 of the TOCD.
- 60. Moss denies the allegations set forth in paragraph 60 of the TOCD.
- 61. Moss denies the allegations set forth in paragraph 61 of the TOCD.
- 62. Moss denies the allegations set forth in paragraph 62 of the TOCD.
- 63. Moss denies the allegations set forth in paragraph 63 of the TOCD.
- 64. Moss denies the allegations set forth in paragraph 64 of the TOCD.
- 65. Moss denies the allegations set forth in paragraph 65 of the TOCD.
- 66. Moss denies the allegations set forth in paragraph 66 of the TOCD.
- 67. Moss denies the allegations set forth in paragraph 67 of the TOCD.
- 68. Moss denies the allegations set forth in paragraph 68 of the TOCD.
- 69. Moss denies the allegations set forth in paragraph 69 of the TOCD.
- 70. Moss denies the allegations set forth in paragraph 70 of the TOCD.
- 71. Moss denies the allegations set forth in paragraph 71 of the TOCD.

72. In response to paragraph 72 of the TOCD, Moss is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and therefore denies them.

73. In response to paragraph 73 of the TOCD, Moss is without sufficient knowledge or information with which to form a belief as to the truth of the allegations contained therein and therefore denies them.

1 74. In response to paragraph 74 of the TOCD, Moss is without sufficient
2 knowledge or information with which to form a belief as to the truth of the allegations
3 contained therein and therefore denies them.

4 75. Moss denies the allegations set forth in paragraph 75 of the TOCD.

5 76. Moss denies the allegations set forth in paragraph 76 of the TOCD.

6 77. Moss denies the allegations set forth in paragraph 77 of the TOCD.

7 78. Moss denies the allegations set forth in paragraph 78 of the TOCD.

8 79. In response to paragraph 79 of the TOCD, Moss is without sufficient
9 knowledge or information with which to form a belief as to the truth of the allegations
10 contained therein and therefore denies them.

11 80. In response to paragraph 80 of the TOCD, Moss is without sufficient
12 knowledge or information with which to form a belief as to the truth of the allegations
13 contained therein and therefore denies them.

14 81. In response to paragraph 81 of the TOCD, Moss is without sufficient
15 knowledge or information with which to form a belief as to the truth of the allegations
16 contained therein and therefore denies them.

17 82. In response to paragraph 82 of the TOCD, Moss is without sufficient
18 knowledge or information with which to form a belief as to the truth of the allegations
19 contained therein and therefore denies them.

20 83. In response to paragraph 83 of the TOCD, Moss is without sufficient
21 knowledge or information with which to form a belief as to the truth of the allegations
22 contained therein and therefore denies them.

1 84. In response to paragraph 84 of the TOCD, Moss is without sufficient
2 knowledge or information with which to form a belief as to the truth of the allegations
3 contained therein and therefore denies them.

4 85. In response to paragraph 85 of the TOCD, Moss is without sufficient
5 knowledge or information with which to form a belief as to the truth of the allegations
6 contained therein and therefore denies them.

7 86. In response to paragraph 86 of the TOCD, Moss is without sufficient
8 knowledge or information with which to form a belief as to the truth of the allegations
9 contained therein and therefore denies them.
10

11 87. In response to paragraph 87 of the TOCD, Moss is without sufficient
12 knowledge or information with which to form a belief as to the truth of the allegations
13 contained therein and therefore denies them.
14

15 88. In response to paragraph 88 of the TOCD, Moss is without sufficient
16 knowledge or information with which to form a belief as to the truth of the allegations
17 contained therein and therefore denies them.
18

19 89. In response to paragraph 89 of the TOCD, Moss is without sufficient
20 knowledge or information with which to form a belief as to the truth of the allegations
21 contained therein and therefore denies them.
22

23 90. In response to paragraph 90 of the TOCD, Moss is without sufficient
24 knowledge or information with which to form a belief as to the truth of the allegations
25 contained therein and therefore denies them.
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1 91. In response to paragraph 91 of the TOCD, Moss is without sufficient
2 knowledge or information with which to form a belief as to the truth of the allegations
3 contained therein and therefore denies them.

4 92. In response to paragraph 92 of the TOCD, Moss is without sufficient
5 knowledge or information with which to form a belief as to the truth of the allegations
6 contained therein and therefore denies them.

7 93. In response to paragraph 93 of the TOCD, Moss is without sufficient
8 knowledge or information with which to form a belief as to the truth of the allegations
9 contained therein and therefore denies them.
10

11 94. Moss denies the allegations set forth in paragraph 94 of the TOCD.

12 95. Moss denies the allegations set forth in paragraph 95 of the TOCD.

13 96. Moss denies the allegations set forth in paragraph 96 of the TOCD.

14 97. Moss denies the allegations set forth in paragraph 97 of the TOCD.

15 98. Moss denies the allegations set forth in paragraph 98 of the TOCD.

16 99. In response to paragraph 99 of the TOCD, Moss is without sufficient
17 knowledge or information with which to form a belief as to the truth of the allegations
18 contained therein and therefore denies them.
19

20 100. In response to paragraph 100 of the TOCD, Moss is without sufficient
21 knowledge or information with which to form a belief as to the truth of the allegations
22 contained therein and therefore denies them.
23

24 101. Moss denies the allegations set forth in paragraph 101 of the TOCD.

25 102. Moss denies the allegations set forth in paragraph 102 of the TOCD.

26 103. Moss denies the allegations set forth in paragraph 103 of the TOCD.
27
28

1 104. Moss denies the allegations set forth in paragraph 104 of the TOCD.

2 105. In response to paragraph 105 of the TOCD, Moss is without sufficient
3 knowledge or information with which to form a belief as to the truth of the allegations
4 contained therein and therefore denies them.

5 106. In response to paragraph 106 of the TOCD, Moss is without sufficient
6 knowledge or information with which to form a belief as to the truth of the allegations
7 contained therein and therefore denies them.

8 107. In response to paragraph 107 of the TOCD, Moss is without sufficient
9 knowledge or information with which to form a belief as to the truth of the allegations
10 contained therein and therefore denies them.

11 108. In response to paragraph 108 of the TOCD, Moss is without sufficient
12 knowledge or information with which to form a belief as to the truth of the allegations
13 contained therein and therefore denies them.

14 109. In response to paragraph 109 of the TOCD, Moss is without sufficient
15 knowledge or information with which to form a belief as to the truth of the allegations
16 contained therein and therefore denies them.

17 110. In response to paragraph 110 of the TOCD, Moss is without sufficient
18 knowledge or information with which to form a belief as to the truth of the allegations
19 contained therein and therefore denies them.

20 111. In response to paragraph 111 of the TOCD, Moss is without sufficient
21 knowledge or information with which to form a belief as to the truth of the allegations
22 contained therein and therefore denies them.

23 112. In response to paragraph 112 of the TOCD, Moss is without sufficient
24 knowledge or information with which to form a belief as to the truth of the allegations
25 contained therein and therefore denies them.
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1 112. In response to paragraph 112 of the TOCD, Moss is without sufficient
2 knowledge or information with which to form a belief as to the truth of the allegations
3 contained therein and therefore denies them.

4 113. In response to paragraph 100 of the TOCD, Moss is without sufficient
5 knowledge or information with which to form a belief as to the truth of the allegations
6 contained therein and therefore denies them.
7

8 **(NOTE: In the TOCD, the numbering at heading**
9 **“VIOLATION OF A.R.S. §44-1841” reverts to paragraph 110)**

10 110. Moss denies the allegations set forth in paragraph 110 of the TOCD.

11 111. Moss denies the allegations set forth in paragraph 111 of the TOCD.

12 112. Moss denies the allegations set forth in paragraph 112 of the TOCD.

13 113. Moss denies the allegations set forth in paragraph 113 of the TOCD.

14 114. Moss denies the allegations set forth in paragraph 114 of the TOCD.

15 115. Moss denies the allegations set forth in paragraph 115 of the TOCD.

16 116. Moss denies the allegations set forth in paragraph 116 of the TOCD.

17 117. Moss denies the allegations set forth in paragraph 117 of the TOCD.

18 118. Moss denies the allegations set forth in paragraph 118 of the TOCD.

19 119. Moss denies the allegations set forth in paragraph 119 of the TOCD.

20 120. Moss denies the allegations set forth in paragraph 120 of the TOCD.

21 121. Moss denies the allegations set forth in paragraph 121 of the TOCD.

22 122. Moss denies the allegations set forth in paragraph 122 of the TOCD.

23 123. Moss denies the allegations set forth in paragraph 123 of the TOCD.

24 124. Moss denies the allegations set forth in paragraph 124 of the TOCD
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1
2 **AFFIRMATIVE DEFENSES**

3 125. Moss denies each and every allegation of the TCOB not expressly admitted
4 herein.

5
6 126. Moss alleges that they have not knowingly waived any defenses available
7 to them under Arizona law. Moss reserves the right to amend their Answer to assert any
8 additional defenses.

9
10 127. Moss alleges that they did not sell a "security" (as defined under governing
11 Arizona law) within or from Arizona.

12 128. Moss did not knowingly participate in any acts that violate Arizona law or
13 the Arizona Securities Act.

14 129. Moss did not aid or abet the violation of Arizona law or the Arizona
15 Securities Act.

16
17 130. Moss is not liable for administrative penalties or the payment of restitution
18 based on its actions as alleged in the TCOB.

19 131. Jennifer Moss was not involved and has no knowledge of any of the facts
20 alleged in the TCOB.

21
22 132. The Moss marital community is not liable for any separate actions of
23 Robert Moss as alleged in the TCOB.

24 [END – PAGE 13 OF 14]

25 PLEASE NOTE:

26
27 * Signature Page to Follow (last & final page 14 of 14)

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MOSS : TOCD ANSWER DATED this 28th day of April, 2016.

Robert J. Moss

Jennifer L. Moss

Robert J. Moss

Jennifer L. Moss

Robert J. Moss
Jennifer L. Moss
125 W. Baylor Lane
Gilbert, AZ 85233
robmoss@cox.net

Telephone
(480) 706-1282

ORIGINAL and 13 COPIES of the
Foregoing hand-delivered this 28th day
Of April, 2016 to:

Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

COPY of the foregoing mailed this
28th day of April, 2016 to:

James Burgess
Senior Enforcement Attorney
Securities Division, Arizona Corporation
Commission
1300 W. Washington, Third Floor
Phoenix, Arizona 85007

[END – PAGE 14 OF 14]