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Arizona Corporation Commission

DOCKETED

JAN 19 2017

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DOCKETED BY

Attorney for Bauer Respondents

BEFORE THE ARIZONA CORPORATION COMMISSION

In the matter of:

Visionary Business Works, Inc., d/b/a
Fletronix, an Arizona corporation,

Robert Brian Brauer and Melissa Brauer,
husband and wife,

and

Timothy John Wales and Stacey Wales,
husband and wife,

Respondents.

DOCKET NO. S-20976A-16-0210

**RESPONDENTS BRAUERS' MOTION
TO DEPOSE VISIONARY BUSINESS
WORKS, INC., RESPONDENTS
TIMOTHY JOHN WALES AND STACEY
WALES, AND PERSONS IDENTIFIED IN
THE COMMISSION'S PLEADINGS AS
J.C., J.D.L.C., J.W.W., AND T.W.**

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NOW COME Respondents ROBERT BRIAN BRAUER and MELISSA BRAUER
(hereinafter "Respondents Brauer"), by and through undersigned counsel, and hereby move the
administrative law judge for an order allowing Respondents Brauer to depose Respondent
Visionary Business Works, Inc., Respondent Timothy John Wales, Respondent Stacey Wales,
and those individuals identified in the Commission's pleadings as J.C., J.D.L.C., J.W.W., and
T.W. In support of the instant motion, Respondent Brauer state the following:

1. Respondents Brauer were served with the allegations against them on December 21, 2017.
2. Respondents Brauer consulted with undersigned counsel on January 9, 2017, and hired undersigned counsel on January 11, 2017.

- 1 3. Respondents Brauer, by and through undersigned counsel, filed their appearances
2 and Answer on January 12, 2017.
- 3 4. On January 13, 2017, Respondents Brauer made a “not responsible” monetary
4 settlement offer to the Arizona Corporation Commission. The Commission
5 rejected Respondent Brauer’s settlement offer on the January, 13, 2017, and
6 indicated a position that appears to necessitate the hearing presently scheduled for
7 March 27, 2017, et seq.
- 8 5. The allegations against Respondent Robert Brian Brauer came as a shock to him,
9 as Respondent Robert Bryan Brauer to Attorney Kitchin upon learning of the
10 same and prior to undersigned counsel being retained. **Exhibit 1** (Text thread
11 between Atty. Kitchin and Rob Brauer). Respondents Brauer should be allowed
12 to depose Respondent Visionary Business Works, Inc., Respondent Timothy John
13 Wales, Respondent Stacey Wales, and those individuals identified in the
14 Commission’s pleadings as J.C., J.D.L.C., J.W.W., and T.W. in order to properly
15 ascertain the factual bases of the shocking allegations against them.
- 16 6. Beyond general due process principles as applicable, Respondents Brauer should
17 be permitted to depose Respondent Visionary Business Works, Inc., in order to
18 investigate and gather evidence concerning (i) the day to day operations of the
19 respondent corporation, (ii) the roles of each of its employees, independent
20 contractors, and owners, (iii) tasks performed by each employee, owner, and/or
21 others, (iv) any and all applicable master-servant relationships, and (v) possession
22 of Respondent Visionary Business Works, Inc.’s, accounting and taxation records,
23 including the responsibility for maintenance of such items and information.
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1 7. Beyond general due process principles as applicable, Respondents Brauer should
2 be permitted to depose Respondents Timothy John Wales and Stacey Wales in
3 order to investigate and gather evidence concerning (i) the day to day operations
4 of the respondent corporation, (ii) the roles of each of its employees, independent
5 contractors, and owners, (iii) tasks performed by each employee, owner, and/or
6 others, (iv) any and all applicable master-servant relationships, (v) possession of
7 Respondent Visionary Business Works, Inc.'s, accounting and taxation records,
8 including the responsibility for maintenance of such items and information, and
9 (vi) the identity of all legal professionals who represented the Wales Respondents
10 and/or Visionary Business Works, Inc., related to any business transaction that is
11 the subject of this Corporation Commission matter.
12

13
14 8. Respondent intends to call legal counsel hired by the Wales Respondents and/or
15 Respondent Visionary Business Works, Inc., and who served as counsel to the
16 Wales Respondents and/or Respondent Visionary Business Works, Inc., during
17 the business transactions that are at the heart of this matter. It is anticipated that
18 prior counsel will offer testimony regarding (i) due diligence done by each of J.C.,
19 J.D.L.C., J.W.W., and T.W., and (ii) the signing of documents by J.C., J.D.L.C.,
20 J.W.W., and T.W. acknowledging that the business transaction was not a
21 registered offering and that the deal was consummated in a manner to avoid any
22 violation of Arizona or federal law. As such, the dealings between the parties,
23 who were all friends trying to make a business together, are necessary to
24 discovery prior to hearing.
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1 9. This honorable administrative body recently granted Respondent Wales's motion
2 to depose the other parties, and Respondents Brauer respectfully request the same
3 opportunity to depose witnesses they deem relevant to properly preparing an
4 adequate defense.

5 10. Undersigned counsel cannot, in good conscience, ask the witnesses about these
6 matters at hearing without first knowing what their sworn testimony will be.
7

8 For the above reasons, it is respectfully requested that this honorable administrative body
9 **GRANT** Respondent Brauer's Motion and permit the depositions requested herein, and that the
10 same be ordered completed by Respondents Brauer no later than the previously stated
11 completion date for depositions by Respondents Wales.
12

13 Respectfully submitted this 18th day of January, 2017.
14

15 TRONCELLITO LAW

16 
17 _____
18 Michael A. Troncellito Jr.
19 Attorney for BRAUER Respondents

20 **Original** of the foregoing
21 filed this 18th day of January, 2017 with:

22 Docket Control
23 Arizona Corporation Commission
24 1200 W. Washington Street
25 Phoenix, Arizona 85007

26 And a **Copy E-mailed** to:

27 ***pkitchin@azcc.gov***

28 **Paul Kitchin**

Attorney for Securities Division of the Arizona Corporation Commission
1300 W. Washington Street, Third Floor
Phoenix, Arizona 85007

cc: wcoy@azcc.gov

1 *cc:kh@azcc.gov*

2 And

3 *nck@keytlaw.com*

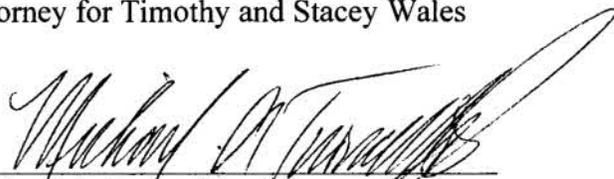
4 **Norman C. Keyt**

7373 E. Doubletree Ranch Road

Suite 165

Scottsdale, Arizona 85258

Attorney for Timothy and Stacey Wales

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8 

9 Michael A. Troncellito Jr.

Exhibit 1



(623) 349-1083

This is Paul Kitchin from the AZ Corporation Commission re Visionary Business Works. We want to make sure you and your wife received the Notice and are aware of the allegations so you can participate in the proceeding. Please text/call to confirm whether you both got the notice. If not, we can send it again. Thanks!

Tue, Nov 22, 7:34 PM

I apologize but I have no idea what you are referring to or why my wife would be brought up.

I also don't authorize being corresponded with via text message. So whatever it is you need to send me needs to come through mail system. I have not received anything previously so am shocked to hear about allegations you are referencing.

Tue, Nov 29, 2:21 PM

Just to confirm, this is Mr. Brauer, previously residing in Arizona, correct?



Text Message

