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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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COMMISSIONERS

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

2004 AUG 19 P 3: 53

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED

AUG 19 2004

DOCKETED BY

DOCKET NO. S-03557A-04-0000

IN THE MATTER OF:

LONZO ARCHER
1512 Plymouth Road
N. Brunswick, NJ 08902
CRD No. 1979672

Respondents.

THIRD
PROCEDURAL ORDER

BY THE COMMISSION:

On May 7, 2004, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Lonzo Archer ("Respondent") in which the Division alleged that Respondent's securities license had been revoked by the Securities Division of the Department of Financial Institutions of the State of Washington ("Washington Division") on January 27, 2004 for selling unsuitable investments to an elderly couple. The Final Order of the Washington Division was not appealed. The Division alleges that Respondent's actions and license revocation by the State of Washington constitute violations of the Arizona Securities Act ("Act") and are grounds to suspend or revoke his securities license registration in Arizona.

Respondent was duly served with copies of the Notice.

On June 10, 2004, Respondent, through New York counsel, Michael Kalmus, filed a request for hearing and notice of appearance. Respondent's counsel did not submit evidence of admission Pro Hac Vice ("PHV") in compliance with Rule 33 of the Rules of the Arizona Supreme Court and evidence that he had paid the required filing fees.

On June 11, 2004, by Procedural Order, it was ordered that Respondent's request filed in response to the Notice should be held in abeyance for 60 days pending Respondent's counsel filing a Motion and Consent for Admission Pro Hac Vice ("Motion PHV") with the Commission which

1 establishes compliance with Rule 33 of the Rules of the Arizona Supreme Court and evidence that the
2 required filing fees have been paid in a timely fashion or Respondent would be in default.

3 On August 9, 2004, Respondent's New York counsel filed a Motion Pro Hac Vice through
4 local counsel that he had complied in a timely manner with Rule 33 of the Rules of the Arizona
5 Supreme Court.

6 On August 10, 2004, by Procedural Order, New York Counsel was authorized Pro Hac Vice
7 to represent Respondent and a pre-hearing conference was scheduled for September 8, 2004.

8 On August 18, 2004, the Division filed a Motion to Continue the pre-hearing conference
9 because counsel for the Division and local Counsel for Respondent will be unavailable on September
10 8, 2004. The Division requested at least a 20 day continuance.

11 Accordingly, the pre-hearing conference should be continued.

12 IT IS THEREFORE ORDERED that the pre-hearing conference shall be continued from
13 September 8, 2004, to October 7, 2004 at 10:30 a.m. at the Commission's offices, 1200 West
14 Washington Street, Phoenix, Arizona.

15 IT IS FURTHER ORDERED that, in the event Respondent's New York counsel wishes to
16 appear telephonically, he shall contact the Hearing Division by telephone at (602) 542-4250 at least
17 seven days prior to the scheduled proceeding for instructions to appear telephonically.

18 Dated this 19TH day of August, 2004

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20
21 
22 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

23 ...
24 Copies of the foregoing were mailed/delivered
this 19TH day of August, 2004 to:

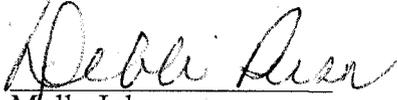
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Attorney for Respondent

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1423 South Higley Road

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Mesa, AZ 85206

2 Matt Neubert, Director
3 Securities Division
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Phoenix, AZ 85007

5 ARIZONA REPORTING SERVICE
6 2627 N. Third Street, Ste. 3
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7 By: 
8 Molly Johnson
9 Secretary to Marc E. Stern

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