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BEFORE THE ARIZONA CORPORATION COMMISSION

25 HC

COMMISSIONERS

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

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AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

NOV 10 2004

DOCKETED BY [Signature]

IN THE MATTER OF:

DOCKET NO. S-03557A-04-0000

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

Respondents.

FIFTH
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("Notice") against Lonzo Archer ("Respondent") in which the Division alleged that Respondent's securities license had been revoked by the Securities Division of the Department of Financial Institutions of the State of Washington ("Washington Division") on January 27, 2004 for selling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 On August 19, 2004, by Procedural Order, the pre-hearing conference was continued to
12 October 7, 2004.

13 On October 7, 2004, a pre-hearing conference was held with the Division and Respondent
14 present with counsel. After a review of the pending issues, it was agreed that a hearing be held on
15 November 18, 2004.

16 On October 8, 2004, by Procedural Order, a hearing was scheduled for November 18, 2004.

17 On November 5, 2004, Respondent's counsel, by facsimile, requested a continuance of the
18 hearing scheduled on November 18, 2004 because Respondent had been scheduled for throat surgery
19 on November 17, 2004, in New York City. Subsequently, during a teleconference on November 5,
20 2004, counsel for the parties agreed to a continuance of the proceeding to January 24, 2005.

21 Accordingly, the hearing should be continued.

22 IT IS THEREFORE ORDERED that the hearing scheduled for November 18, 2004, shall be
23 continued to **January 24, 2005, at 9:30 a.m.** at the Commission's offices, 1200 West Washington
24 Street, Phoenix, Arizona.

25 IT IS FURTHER ORDERED that all other prior orders shall remain in effect.

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28 ...

1 IT IS FURTHER ORDERED that, in the event Respondent's New York counsel wishes to
2 participate telephonically, he shall contact Molly at the Hearing Division by telephone at (602) 542-
3 4250 at least seven days prior to the scheduled proceeding for instructions to participate
4 telephonically.

5 Dated this 10TH day of November, 2004


6
7 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

8
9 Copies of the foregoing were mailed/delivered
10 this 10 day of November, 2004 to:

11 Michael Kalmus
12 850 Third Avenue, 14th Floor
13 New York, NY 10022
14 Attorney for Respondent

15 Anthony B. Bingham
16 1423 South Higley Road
17 Bldg. 4, Ste. 110
18 Mesa, AZ 85206

19 Matt Neubert, Director
20 Securities Division
21 ARIZONA CORPORATION COMMISSION
22 1300 West Washington Street
23 Phoenix, AZ 85007

24 ARIZONA REPORTING SERVICE
25 2627 N. Third Street, Ste. 3
26 Phoenix, AZ 85004-1003

27 By:


28 Molly Johnson
Secretary to Marc E. Stern