

ORIGINAL



0000014002

BEFORE THE ARIZONA CORPORATION COMMISSION

25H

COMMISSIONERS

2004 OCT -8 P 1:42

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

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

IN THE MATTER OF:

DOCKETED

DOCKET NO. S-03557A-04-0000

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

OCT - 8 2004

DOCKETED BY

Respondents.

FOURTH
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("Notice") against Lonzo Archer ("Respondent") in which the Division alleged that Respondent's securities license had been revoked by the Securities Division of the Department of Financial Institutions of the State of Washington ("Washington Division") on January 27, 2004 for selling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.

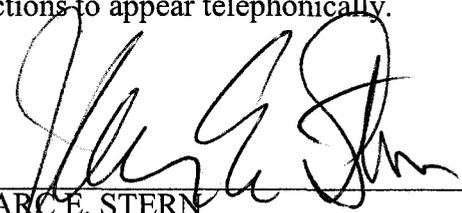
16 Accordingly, a hearing should be scheduled.

17 IT IS THEREFORE ORDERED that a hearing shall be held on November 18, 2004, at 9:30
18 a.m. at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

19 IT IS FURTHER ORDERED that the parties shall exchange copies of their witness lists and
20 proposed exhibits with copies provided to the presiding Administrative Law Judge by November 5,
21 2004.

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

25 Dated this 8TH day of October, 2004

26
27 
28 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

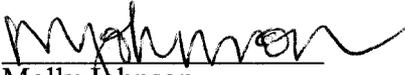
1 Copies of the foregoing were mailed/delivered
2 this 7 day of October, 2004 to:

3 Michael Kalmus
4 850 Third Avenue, 14th Floor
5 New York, NY 10022
6 Attorney for Respondent

7 Anthony B. Bingham
8 1423 South Higley Road
9 Bldg. 4, Ste. 110
10 Mesa, AZ 85206

11 Matt Neubert, Director
12 Securities Division
13 ARIZONA CORPORATION COMMISSION
14 1300 West Washington Street
15 Phoenix, AZ 85007

16 ARIZONA REPORTING SERVICE
17 2627 N. Third Street, Ste. 3
18 Phoenix, AZ 85004-1003

19 By: 
20 Molly Johnson
21 Secretary to Marc E. Stern
22
23
24
25
26
27
28