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## BEFORE THE ARIZONA CORPORATION COMMISSION

## **COMMISSIONERS**

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

Arizona Corporation Commission DOCKETED

DEC 2 2 2003

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In the matter of: PHILIP WILLIAM MERRILL 3788 N. 156<sup>th</sup> Drive

Goodyear, Arizona 85338 CRD #2436444,

Respondent.

DOCKET NO. S-03450A-02-0000

FINAL ORDER OF RESTITUTION

The Arizona Corporation Commission ("Commission"), having considered the entire record herein and being fully advised in the premises, finds, concludes and orders, based upon Decision No. 66614 in this matter, entered on December 9, 2003, as follows:

# FINDINGS OF FACT

- 1. We find that the Respondent should be ordered to pay restitution to the State of Arizona in the amount of \$2,424.26, which includes pre-judgment interest, regarding Beatrice DuChene.
- 2. We find that the Respondent should be ordered to pay restitution to the State of Arizona in the amount of \$39,243.46, which includes pre-judgment interest, regarding Viola Brotherson.

## **CONCLUSIONS OF LAW**

- 1. Restitution in the amount of \$2,424.26, regarding Beatrice Du Chene, is reasonable in this case.
- 2. Restitution in the amount of \$39,243.46, regarding Viola Brotherson, is reasonable in this case.

66645 DECISION NO.

ORDER IT IS THEREFORE ORDERED that pursuant to A.R.S. § 44-2032, Respondent shall pay restitution to the State of Arizona, regarding Beatrice DuChene, in the amount of \$2,424.26, within sixty days of the effective date of this Order. IT IS FURTHER ORDERED that pursuant to A.R.S. § 44-2032, Respondent shall pay restitution to the State of Arizona, regarding Viola Brotherson, in the amount of \$39,243.46, within sixty days of the effective date of this Order. DECISION NO.

1	IT IS FURTHER ORDERED that if Respondent has not paid the restitution ordered within				
2	sixty days of the effective date of this Order, the unpaid amount shall bear interest at the rate o				
3	five percent per year.				
4	BY ORDER OF THE ARIZONA CORPORATION COMMISSION				
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6	And I	I MANADO DE LA BOR			
7	CHAIRMAN	COMMISSIONER COMMISSIONER			
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11	COMMISSIONER	COMMISSIONER			
12		IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have			
13		hereunto set my hand and caused the official seal of the			
14		Commission to be affixed at the Capitol, in the City of Phoenix, this 22nd day of December, 2003.			
15					
16		Y / MIN I			
17		BRIAN C. MCNEIL			
18		EXECUTIVE SECRETARY			
	DISSENT	요즘 하는 사람이 하는 사람들이 들어 가는 것이 하는 것이 되었다. 그런 기계를 보게 되었다. 이 생물하게 되었다. 이 사람들이 되었다. 생물을 보는 것이 되었다. 그리고 되었다.			
19		<del>이 경</del> 기 하면 그로 스타지 아들이 가득 기계를 보는 것으로 그리고 있다. 이 기계를 되는 것 없는 경찰, 리틴 경기 경찰, 최고 경험 경험 등 이 기계를 보고 있습니다.			
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21	DISSENT	<u>이 가게 되는 것은 이번, 이 경우에 내려가 되었다. 그런 하다 하는데 이 마음이다. 그런 것은 사람들은 이 것은 것은 다른데 되었다. 이 것은 것은 것은 되었다. 그런데 되었다. 이 것은 것은 것은 되었다. 그런데 되었다면 되었다. 이 것은 것은 것은 되었다. 그런데 되었다면 되었다면 되었다. 그런데 되었다면 되었다면 되었다면 되었다면 되었다면 되었다면 되었다면 되었다면</u>			
22	This document is available in	alternative formats by contacting Vision I. McDulin Diserting			
23	Assistant to the Executive Sec	alternative formats by contacting Yvonne L. McFarlin, Executive cretary, voice phone number 602-542-3931, E-mail			
24	ymcfarlin@cc.state.az.us. (PTJ)				
25		하는 사용하는 사용 보다는 사용하는 사람들은 사용하는 사용하는 사용하는 것이다. 하는 사용하는 사용하는 사용하는 사용하는 것이 하는 사용하는 것이다.			
26		DECISION NO. 66645			
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#### BEFORE THE ARIZONA CORPORATION COMMISSION

## COMMISSIONERS

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

In the matter of:

PHILIP WILLIAM MERRILL
3788 N. 156<sup>th</sup> Drive
Goodyear, Arizona 85338
CRD #2436444,

Respondent.

DOCKET NO. S-03450A-02-0000

AMENDED PROPOSED FINAL ORDER OF RESTITUTION

The Securities Division ("Division") of the Arizona Corporation Commission ("Commission"), based upon Decision No. 66614 in the above-referenced matter, entered on December 9, 2003, hereby proposes the amended Final Order of Restitution in this matter, attached hereto. This amended proposed Final Order of Restitution reduces the pre-judgment and post-judgment interest rates for the restitution amounts previously proposed for the Recommended Opinion and Order regarding Beatrice DuChene and Viola Brotherson.

Respondent's counsel has communicated to the Securities Division that Respondent, although he does not agree with the Order and does not waive any right to file an appropriate appeal, has no objection to the proposed revised interest rates. The proposed pre-judgment interest rates were calculated using interest rates provided by Federal Reserve for government securities with one year maturities. The proposed post-judgment interest rate on any restitution amount unpaid after sixty days from the effective date of this Order is five percent per year.

RESPECTFULLY SUBMITTED this 15th day of December, 2003.

Pamela T. Johnson Senior Counsel Securities Division

Division's Amended Proposed Restitution Order

Decision No. 66645

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ORIGINAL AND 13 COPIES filed	
With Docket Control on December 15,	2003

- Copies of the foregoing faxed and mailed December 15, 2003, to:
- Frank Lewis, Esq.
  BEGAM, LEWIS, MARX AND WOLFE
  111 W. Monroe, Ste. 1400
  Phoenix, AZ 85003
- Philip William Merrill 3788 N. 156<sup>th</sup> Drive Goodyear, AZ 85338

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