



BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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2005 SEP 13 P 1:44

AZ CORP COMMISSION
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IN THE MATTER OF:

DOCKET NO. S-03585A-05-0000

LISTO, INC., a Nevada corporation
668 N. 44th Street, Ste. 233
Phoenix, AZ 85008

ROBERT SMART and JANE DOE SMART,
husband and wife
819 Donato Guerra Rep. Belice Col. Machi-Lopez
Hermosillo, Sonora, Mexico 83127

KEVIN KRAUSE, an unmarried man
23444 N. 21st Wat
Phoenix, AZ 85024

Respondents.

FOURTH
PROCEDURAL ORDER

BY THE COMMISSION:

On March 10, 2005, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Temporary Order to Cease and Desist ("T.O.") and a Notice of Opportunity for Hearing ("Notice") against Listo, Inc. ("Listo"), Robert and Jane Doe Smart and Kevin Krause (collectively the "Respondents") in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of stock.

Respondent, Krause was duly served with a copy of the T.O. and the Notice.

On March 30, 2005, Respondent Krause filed a request for a hearing.

On April 4, 2005, by Procedural Order, a pre-hearing conference was scheduled for May 10, 2005.

On April 18, 2005, counsel for the Division and Mr. Krause, who were present on another matter, orally requested that this proceeding be continued to June 21, 2005. By Procedural Order, a pre-hearing was scheduled as requested.

1 On June 21, 2005, the Division and Respondent Krause appeared through counsel and jointly
2 requested that another pre-hearing be scheduled while the parties attempt to settle the issues raised in
3 this proceeding. By Procedural Order, a pre-hearing conference was scheduled for September 13,
4 2005.

5 On September 13, 2005, prior the pre-hearing conference, the Division telephonically
6 requested that the pre-hearing conference be vacated in anticipation of a Consent Order being agreed
7 upon and presented to the Commission for its approval at Open Meeting. The Division also
8 requested that a hearing be scheduled in the event that a Consent Order is not agreed upon or
9 approved.

10 Accordingly, the pre-hearing conference should be vacated and a hearing scheduled.

11 IT IS THEREFORE ORDERED that the pre-hearing conference is hereby vacated.

12 IT IS FURTHER ORDERED that a **hearing** shall be held on **January 12, 2005, at 9:30 a.m.**,
13 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

14 Dated this 13th day of September, 2005

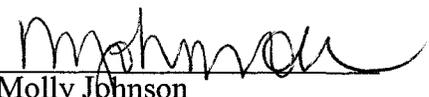

MARC E. STERN
ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing were mailed/delivered
19 this 13 day of September, 2005 to:

20 Alan S. Baskin
21 BADE & BASKIN
22 80 East Rio Salado Parkway, Ste. 515
23 Tempe, AZ 85281
24 Attorneys for Respondent Kevin Krause

ARIZONA REPORTING SERVICE
2627 N. Third Street, Ste. Three
Phoenix, AZ 85004-1003

23 Matt Neubert, Director
24 Securities Division
25 ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, AZ 85007

By: 
Molly Johnson
Secretary to Marc E. Stern