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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2005 OCT -6 A 9:12

JEFF HATCH-MILLER Chairman
WILLIAM A. MUNDELL AZ CORP COMMISSION
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MIKE GLEASON
KRISTIN K. MAYES

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.

REVISED
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, 2006, at 9:30 a.m.**,
13 at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

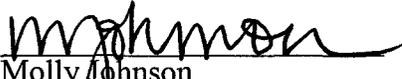
14 Dated this 6TH day of October, 2005

15
16
17 
18 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing were mailed/delivered
this 6 day of October, 2005 to:

20 Alan S. Baskin
21 BADE & BASKIN
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Tempe, AZ 85281
Attorneys for Respondent Kevin Krause
23 Matt Neubert, Director
24 Securities Division
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25 1300 West Washington Street
Phoenix, AZ 85007

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Phoenix, AZ 85004-1003

26
27
28 By: 
Molly Johnson
Secretary to Marc E. Stern