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BEFORE THE ARIZONA CORPORATION COMMISSION

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2 COMMISSIONERS

2005 OCT 26 P 1:40

3 JEFF HATCH-MILLER, Chairman  
4 WILLIAM A. MUNDELL  
5 MARC SPITZER  
6 MIKE GLEASON  
7 KRISTIN K. MAYES

AZ CORP COMMISSION  
DOCUMENT CONTROL

8 IN THE MATTER OF:

DOCKET NO. S-20392A-05-0507

9 Thomas C. Messina aka Thomas Campbell Messina  
10 aka Tom C. Messina and Donna M. Messina  
11 Husband and wife  
12 17212 N. Scottsdale Road, #2239  
13 Scottsdale, AZ 85255

Respondents.

PROCEDURAL ORDER

14 **BY THE COMMISSION:**

15 On July 21, 2005, the Securities Division ("Division") of the Arizona Corporation  
16 Commission ("Commission") filed a Notice of Opportunity of Hearing ("Notice") against Thomas C.  
17 Messina and Donna M. Messina (collectively "Respondents"), in which the Division alleged multiple  
18 violations of the Arizona Securities Act ("Act") in connection with the offer and sale of promissory  
19 notes and/or investment contracts.

20 The Respondents were duly served with a copy of the Notice.

21 On August 11, 2005 and August 18, 2005, respectively, a request for hearing and an Answer  
22 were filed by Respondents.

23 On September 1, 2005, by Procedural Order, a pre-hearing conference was scheduled on  
24 October 5, 2005.

25 On October 5, 2005, the Division appeared with counsel and the Respondents appeared on  
26 their own behalf. During a brief recess, the parties discussed resolution of the issues raised in the  
27 Notice. Subsequently, the parties requested a pre-hearing be set in 14 days.

28 On October 6, 2005, by Procedural Order, a pre-hearing conference was scheduled for  
October 26, 2005.

On October 26, 2005, the Division appeared with counsel and Mr. Messina appeared on his  
and his wife's behalf. The parties requested a hearing be scheduled because they had been unable to

1 conclude a Consent Order.

2 Accordingly, a hearing should be scheduled on the issues raised in the Notice.

3 IT IS THEREFORE ORDERED that a **hearing** shall be held on **January 18, 2006, at 9:30**  
4 **a.m.**, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

5 IT IS FURTHER ORDERED that the parties shall also set aside January 19 and 20, 2006, for  
6 additional days of hearing, if necessary.

7 IT IS FURTHER ORDERED that the parties shall exchange copies of their exhibits and their  
8 lists of witnesses by January 4, 2006, with courtesy copies provided to the Administrative Law Judge.

9 Dated this 26<sup>TH</sup> day of October, 2005

10  
11   
12 \_\_\_\_\_  
13 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered  
this 26 day of October, 2005 to:

15 Thomas and Donna Messina  
16 17212 N. Scottsdale Road, #2239  
17 Scottsdale, AZ 85255  
Respondents

18 Matt Neubert  
19 Securities Division  
20 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

21 ARIZONA REPORTING SERVICE, INC.  
22 2627 N. Third Street, Ste. Three  
Phoenix, Arizona 85004-1104

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