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BEFORE THE ARIZONA CORPORATION COMMISSION

JUN 18 11 41 AM '99

- 1
- 2 CARL J. KUNASEK
CHAIRMAN
- 3 JIM IRVIN
COMMISSIONER
- 4 RENZ D. JENNINGS
COMMISSIONER

DOCUMENT CONTROL

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6 IN THE MATTER OF:

DOCKET NO. S-03177A-98-0000

- 7 FOREX INVESTMENT SERVICES
CORPORATION
- 8 2700 N. Central Ave., Suite 1110
Phoenix, AZ 85004

Arizona Corporation Commission

DOCKETED

JUN 18 1999

- 9 EASTERN VANGUARD FOREX LTD.
- 10 2700 N. Central Ave., Suite 1110
Phoenix, AZ 85004

- 11 c/o HWR Services Limited, Registered Agent
- 12 P.O. Box 71, Craigmuir Chambers
Road Town, Tortola
- 13 British Virgin Islands

DOCKETED BY	
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- 14 EASTERN VANGUARD GROUP LIMITED
- 15 c/o AMS Trustees Limited, Registered Agent
- 16 Creque Building, Main Street, P.O. Box 116
Road Town, Tortola
- 17 British Virgin Islands

- 18 K. (DAVID) SHARMA
- 19 Eastern Vanguard Forex Ltd.
- 20 P. O. Box 71, Craigmuir Chambers
Road Town, Tortola
- 21 British Virgin Islands

- 22 SAMMY LEE CHUN WING
- 23 Eastern Vanguard Group Limited
- 24 Creque Building, Main Street, P.O. Box 116
Road Town, Tortola
- 25 British Virgin Islands

- 26 PETER SUEN SUK TAK
- 27 Eastern Vanguard Group Limited
- 28 Creque Building, Main Street, P.O. Box 116
Road Town, Tortola
- 29 British Virgin Islands

- 30 JAMES CHARLES SIMMONS, JR.
- 31 5045 N. 58th Ave. #23A
- 32 Glendale, AZ 85301

33 ...

1 MICHAEL E. CHO
2 839 Faxon Avenue
3 San Francisco, CA 94112

4 TO FAI CHENG
5 1800 Van Ness, 2nd Fl.
6 San Francisco, CA 94109

7 JEAN YUEN
8 439 3rd Avenue
9 San Francisco, CA 94118

10 Y & T INC. and TOKYO
11 INTERNATIONAL INVESTMENT LTD.
12 1800 Van Ness Ave., 2nd Fl.
13 San Francisco, CA 94109

14 WING MING TAM
15 c/o Tokyo International Investment Ltd.
16 1800 Van Ness Ave., 2nd Fl.
17 San Francisco, CA 94109

18 GUO QUAN ZHANG
19 O/o Tokyo International Investment Ltd.
20 1800 Van Ness Ave., 2nd Fl.
21 San Francisco, CA 94109

22 Respondents.

PROCEDURAL ORDER

23 **BY THE COMMISSION:**

24 By Procedural Order on June 3, 1999, the Arizona Corporation Commission (“Commission”)
25 continued to June 18, 1999 oral argument on the jurisdictional issues raised by Respondents except
26 for James Charles Simmons, Jr. (“Respondents”). During a procedural conference the morning of
27 June 18, 1999, Respondents requested a continuance of the oral argument. Respondents indicated
28 that in the prior procedural conference of June 2, 1999, the attorney for the Securities Division of the
Commission (“Division”) stated an intent at oral argument to cite to authorities not included in its
response brief. Respondents requested citations in sufficient time to prepare for argument, and the
Division agreed to provide the citations. According to Respondents’ attorney, a list of thirty citations
was delivered to his office at 3:30 p.m. on June 17, 1999, and Respondents’ attorney was not present
in the office that day. Respondents’ attorney claimed that he would be unable to review the
authorities in sufficient time for oral argument.

The Division objected to a continuance, claiming no obligation to provide the authorities, and

1 that Respondents should be aware of the listed authorities, or in the alternative, that Respondents had
2 sufficient time to review the authorities. The Division did not allege any prejudice in granting the
3 continuance, but indicated a desire to be able to close this docket, and to be able to concentrate on
4 other matters.

5 It is reasonable to grant the requested continuance. There is no substantial harm to the
6 Division in granting the delay, and any concern regarding due process should be decided in favor of
7 Respondents, especially since the Division had agreed to provide the citations in sufficient time to
8 prepare for oral argument.

9 IT IS THEREFORE ORDERED that oral argument on jurisdictional issues, presently
10 scheduled for June 18, 1999, shall be continued to July 8, 1999, at 1:00 p.m., at the Commission's
11 offices in Phoenix.

12 DATED this 18th day of June, 1999.

13
14 
15 BARBARA M. BEHUN
16 HEARING OFFICER

17 Copies of the foregoing mailed/delivered
18 this 18th day of June, 1999, to:

19 James Charles Simmons, Jr.
20 411 Hancock Lane
21 Pensacola, Florida 32503-7761
22 Respondent Pro Se

23 Paul J. Roshka, Jr.
24 Alan S. Baskin
25 ROSHKA HEYMAN & DEWULF
26 Two Arizona Center
27 400 N. 5th Street, Suite 1000
28 Phoenix, Arizona 85004
Attorneys for all Respondents except
James Charles Simmons

Robert A. Zumoff
Assistant Attorney General
ARIZONA ATTORNEY GENERAL'S OFFICE
1275 West Washington Street
Phoenix, Arizona 85007

1 W. Mark Sendrow, Director
Securities Division
2 ARIZONA CORPORATION COMMISSION
1300 West Washington Street
3 Phoenix, Arizona 85007

4 ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
5 Phoenix, Arizona 85004-1104

6
7 By: 
8 Debbi Person
Secretary to Barbara M. Behun

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