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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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CARL J. KUNASEK
CHAIRMAN

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COMMISSIONER

DEC 02 1999

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WILLIAM A. MUNDELL
COMMISSIONER

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AZ CORP COMMISSION
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IN THE MATTER OF

DOCKET NO. S-03312A-99-0000

Charles Shull
687 Pampas Place
Sierra Vista, Arizona 85636

John Ebdon
4814 Equestrian Avenue
Sierra Vista, Arizona 85650

Cochise Financial Corp.
687 Pampas Place
Sierra Vista, Arizona 85636

Respondents.

IN THE MATTER OF

DOCKET NO. S-03375A-99-0000

Carol Ebdon
1101 E. Carmelita Drive
Sierra Vista, Arizona 85636

Daniel Joe Garcia
8823 N. 38th Drive
Phoenix, Arizona 85051

Respondents.

PROCEDURAL ORDER

BY THE COMMISSION:

On August 24, 1999, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order for Relief ("Notice"), naming Respondents Charles Shull, John Ebdon, and Cochise Financial Corp. ("Cochise").

By Procedural Order dated September 13, 1999, a hearing as to the allegations against Respondents Shull and Cochise Financial Corp. ("Shull and Cochise") was set for December 6, 1999. On November 9, 1999, John Ebdon requested that a hearing be held in Cochise County, for medical and financial reasons.

1 On November 12, 1999, the Division filed a Notice against Respondents Carol Ebdon¹ and
2 Daniel Joe Garcia. On November 19, 1999, Respondent Daniel Joe Garcia requested a hearing.

3 On November 17, 1999, the Division filed a Motion to Consolidate Cases and Request for
4 Pre-Hearing Conference in the above dockets. On November 24, 1999, a pre-hearing conference was
5 scheduled for December 2, 1999. On November 29, 1999, the Division filed a motion to continue the
6 Shull and Cochise hearing, and a request for an expedited ruling on the motion.

7 A pre-hearing conference was held on December 2, 1999, with the following participants: the
8 Division; Respondent Shull on behalf of Shull and Cochise; John Ebdon; Carol Ebdon; and Mr.
9 Garcia appeared through counsel. With the exception of Mr. Garcia, the parties agreed to a
10 consolidation of the matters; that the hearing should be held no earlier than mid-to-late January 2000;
11 and that the consolidated hearing may be held in Tucson. Mr. Garcia opposed consolidation on the
12 issue of liability, but did not oppose a consolidated restitution hearing if Mr. Garcia were found
13 liable. Mr. Garcia had no objection to the time frame for a hearing, or the location of a consolidated
14 hearing in Tucson.

15 Mr. Garcia was concerned that "finger-pointing" from various Respondents might occur with
16 a consolidated hearing, and that a decision regarding him might be tainted by the presentation of
17 evidence against other Respondents. The Division alleged that the Respondents worked in concert,
18 and that time and resources would be utilized more efficiently through consolidation. The Division
19 claimed that Respondents would be able to avail themselves of the same defenses in a consolidated
20 hearing; and that in an administrative proceeding without a jury, a decision regarding one Respondent
21 will not be tainted by the presentation of evidence regarding other Respondents. The Division argued
22 that witness testimony would be duplicated if the matters were not consolidated. It is appropriate to
23 grant the Division's request.

24 IT IS THEREFORE ORDERED that the above matters shall be consolidated for hearing.

25 IT IS FURTHER ORDERED that the hearing presently scheduled for December 6, 1999 shall
26 be continued to February 8, 2000, at 400 West Congress Street, Tucson, Arizona, at 9:30 a.m. The

27 ¹ Ms. Ebdon was listed as "Carol Ebdon Garcia". She has informed the Commission that an annulment was granted and
28 she has returned to using "Ebdon" as her last name. The Division agreed to the removal of "Garcia" from Ms. Ebdon's
name in the caption.

1 hearing shall be regarding Respondents Charles Shull, Cochise Financial Corp., John Ebdon, Carol
2 Ebdon, and Daniel Joe Garcia.

3 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
4 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

5 DATED this 2nd day of December, 1999.

7 
8 BARBARA M. BEHUN
HEARING OFFICER

9 Copies of the foregoing mailed/delivered
10 this 2nd day of December, 1999 to:

11 Charles Shull
12 P.O. Box 530400
Henderson, Nevada 89053

13 John Ebdon
14 4814 Equestrian Avenue
Sierra Vista, Arizona 85650

15 Cochise Financial Corp.
16 P.O. Box 530400
Henderson, Nevada 89053

17 Carol Ebdon
18 1101 E. Carmelita Drive
Sierra Vista, Arizona 85636

19 Joseph DiRoberto
20 333 West Wilcox, Suite 204
Sierra Vista, Arizona 85635-1756
21 Attorney for Daniel Joe Garcia

22 Robert A. Zumoff
Assistant Attorney General
ARIZONA ATTORNEY GENERAL'S OFFICE
23 1275 West Washington Street
24 Phoenix, Arizona 85007

25 W. Mark Sendrow, Director
Securities Division
ARIZONA CORPORATION COMMISSION
26 1300 West Washington Street
27 Phoenix, Arizona 85007

28

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4 By:


5 Brenda Sanchez
6 Secretary to Barbara M. Behun
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