

OPEN MEETING ITEM



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CARL J. KUNASEK
CHAIRMAN
JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER



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ARIZONA CORPORATION COMMISSION JUN 5 12:21

Arizona Corporation Commission
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JUN 05 2000

AZ CORP COMMISSION
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DOCKETED BY [Signature]

DATE: June 5, 2000

DOCKET NO.: S-03312A-99-0000 and S-03375A-99-00000

TO ALL PARTIES:

Enclosed please find the recommendation of Hearing Officer Jane Rodda. The recommendation has been filed in the form of an Order on:

CHARLES SHULL, JOHN EBDON, COCHISE FINANCIAL CORP.; CAROL EBDON
and DANIEL JOE GARCIA
(RE-HEARING APPLICATION)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Hearing Officer by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by 4:00 p.m. on or before:

JUNE 14, 2000

The enclosed is NOT an order of the Commission, but a recommendation of the Hearing Officer to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

JUNE 27, 2000 AND JUNE 28, 2000

For more information, you may contact Docket Control at (602) 542-3477 or the Hearing Division at (602) 542-4250.

[Signature]
BRIAN C. McNEILL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 CARL J. KUNASEK
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 WILLIAM A. MUNDELL
COMMISSIONER

5
6 IN THE MATTER OF
Charles Shull
687 Pampas Place
7 Sierra Vista, Arizona 85636

DOCKET NO. S-03312A-99-0000

8 John Ebdon
4814 Equestrian Avenue
9 Sierra Vista, Arizona 85650

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

12 IN THE MATTER OF
Carol Ebdon
13 1101 E. Carmelita Drive
Sierra Vista, Arizona 85636

DOCKET NO. S-03375A-99-0000

14 Daniel Joe Garcia
15 8823 N. 38th Drive
Phoenix, Arizona 85051

DECISION NO. _____

16 **ORDER**

17 Open Meeting
June 27 and 28, 2000
18 Phoenix, Arizona

19 **BY THE COMMISSION:**

20 Having considered the entire record herein and being fully advised in the premises, the
21 Arizona Corporation Commission ("Commission") finds, concludes and orders that:

22 **FINDINGS OF FACT**

23 1. On May 4, 2000, the Commission issued Decision No. 62509 ("Decision") in the
24 above-captioned matter.

25 2. By letter dated May 22, 2000, addressed to Commissioners Kunasek, Irvin and
26 Mundell, Respondent Charles Shull filed with the Commission an application for Rehearing or
27 Review ("Application") of the decision on the grounds that the Decision was not justified by the
28 evidence and contrary to law, and the hearing officer and Commission's counsel for the Securities

1 Division ("Division") allegedly engaged in misconduct by consulting in off the record
2 communications.

3 3. On June 1, 2000, the Division filed its response requesting that the Application be
4 denied on the grounds that Respondent Shull failed to support his allegations with any facts, analysis
5 or evidence and did not provide any legal basis for the order being contrary to the law.

6 4. The Division's responses are well made and should be adopted.

7 **CONCLUSIONS OF LAW**

8 1. The Commission has jurisdiction over this matter pursuant to Article XV of the
9 Arizona Constitution and A.R.S. § 44-1801 et seq. and A.A.C. R14-3-112.

10 2. Mr. Shull has not demonstrated adequate grounds to justify further review of the
11 Decision pursuant to A.A.C. R14-2-112.

12 3. The Application should be denied.

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ORDER

IT IS THEREFORE ORDERED that Charles Shull's Application for Rehearing or Review of Decision No. 62509 is hereby denied.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2000.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____

JR:bbs

1 SERVICE LIST FOR:

CHARLES SHULL, JOHN EBDON, COCHISE
FINANCIAL CORP.; CAROL EBDON and DANIEL
JOE GARCIA

2

3 DOCKET NO.

S-03312A-99-0000

S-03375A-99-0000

4

5 Charles Shull

P.O. Box 530400

6 Henderson, Nevada 89053

7 John Ebdon

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