



0000050762

BEFORE THE ARIZONA CORPORATION COMMISSION

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

COMMISSIONERS

Jeff Hatch-Miller, Chairman  
William A. Mundell  
Marc Spitzer  
Mike Gleason  
Kristin K. Mayes

Arizona Corporation Commission

**DOCKETED**

JUN 01 2006

DOCKETED BY	<i>AK</i>
-------------	-----------

In the matter of \_\_\_\_\_  
 PROPOSED RULEMAKING TO AMEND  
 A.A.C. R14-4-135

DOCKET NO. RS-00000A-06-0210

DECISION NO. 68716

ORDER

Open Meeting  
May 25, 2006  
Phoenix, AZ

BY THE COMMISSION:

INTRODUCTION

The Securities Division of the Arizona Corporation Commission (the "Commission") has forwarded to the Commission a proposal recommending that the Commission amend A.A.C. R14-4-135 ("rule 135") of the Arizona Administrative Code governing the administration of the securities statutes.

FINDINGS

1. Rule 135 provides an exemption from registration for offers declared effective with the Securities and Exchange Commission (the "SEC") pursuant to its multi-jurisdictional rules, provided that a filing is made with the Commission seven days before the offering is made in Arizona. The Securities Division recommends that the Commission amend rule 135 by deleting the seven-day period and providing an exemption upon SEC effectiveness provided a prospectus or offering circular is filed with the Commission before an offer is made in the state.

2. The Securities Division has recommended that a notice of the proposed rulemaking regarding rule 135 be forwarded to the secretary of state. The Securities Division also has

1 recommended that the Hearing Division schedule a hearing on rule 135 for a date no earlier than  
2 August 1, 2006.

3 3. The Commission finds that the Securities Division's recommendations have merit  
4 and that the proposed amendment to rule 135 should be published and public comment obtained.

5 CONCLUSION OF LAW

6 The Commission has the authority for the proposed rulemaking under the Arizona  
7 Constitution Article XV §§ 6 and 13, and under A.R.S. §§ 44-1821 and 44-1845.

8 ORDER

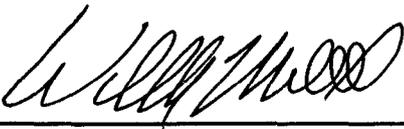
9 THEREFORE IT IS ORDERED that a hearing be set by the Hearing Division on this  
10 matter to be held at the Commission Offices in Phoenix, Arizona, on a date no earlier than August  
11 1, 2006.

12 ...  
13 ...  
14 ...  
15 ...  
16 ...  
17 ...  
18 ...  
19 ...  
20 ...  
21 ...  
22 ...  
23 ...  
24 ...  
25 ...  
26 ...

1 IT IS FURTHER ORDERED that the Securities Division prepare a notice of the proposed  
2 rulemaking and forward it to the office of the secretary of state for publication in the Arizona  
3 Administrative Register.

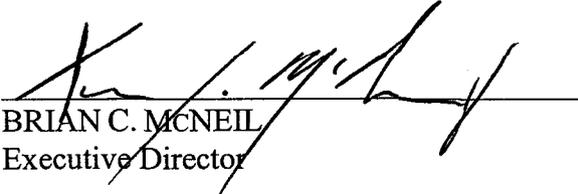
4 IT IS FURTHER ORDERED that this Decision shall become effective immediately.

5 BY ORDER OF THE ARIZONA CORPORATION COMMISSION

6    
7  
8 CHAIRMAN COMMISSIONER

9     
10 COMMISSIONER COMMISSIONER COMMISSIONER

11  
12 IN WITNESS WHEREOF, I, BRIAN C. McNEIL,  
13 Executive Director of the Arizona Corporation  
14 Commission, have hereunto set my hand and caused  
15 the official seal of the Commission to be affixed at  
16 the Capitol, in the City of Phoenix, this 15<sup>th</sup> day of  
17 June, 2006.

18   
19 BRIAN C. McNEIL  
20 Executive Director

21 \_\_\_\_\_  
22 DISSENT  
23 ah

24 This document is available in alternative formats by contacting Linda Hogan, ADA Coordinator,  
25 voice phone number 602-542-3931, E-mail [lhogan@azcc.gov](mailto:lhogan@azcc.gov)