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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission
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COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MIKE GLEASON
KRISTIN K. MAYES
BARRY WONG

In the matter of: GARY WAYNE HARDY, CRD#1298371, dba HARDY ASSET MANAGEMENT HARDY ASSET MANAGEMENT, a sole proprietorship 4625 S. Wendler Drive, Suite 111 Tempe, AZ 85282 Respondents.	DOCKET NO. S-20426A-05-0768 **MOTION TO AMEND NOTICE OF OPPORTUNITY FOR HEARING REGARDING PROPOSED ORDER TO CEASE AND DESIST, ORDER FOR RESTITUTION, FOR ADMINISTRATIVE PENALTIES, OF REVOCATION, AND FOR OTHER AFFIRMATIVE ACTION**

Pursuant to A.A.C. R14-3-106 and A.A.C. R14-3-216, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") hereby moves for leave to amend the original Notice of Opportunity for Hearing ("Notice") filed in this action, to allege new grounds for revoking the securities salesman registration of GARY WAYNE HARDY ("HARDY"), and the investment adviser license of HARDY ASSET MANAGEMENT. The Division submits that this request to amend the original Notice is necessary and appropriate in light of additional facts that have developed since the original Notice was filed. This Motion is supported by the following Memorandum of Points and Authorities. A copy of the proposed Amended Notice is filed simultaneously herewith.

MEMORANDUM OF POINTS AND AUTHORITIES

In April 2006, the National Association of Securities Dealers ("NASD") issued a Letter of Acceptance, Waiver and Consent, NOs. 2005002188401 and 20050024315, barring HARDY from

association with any NASD member in any capacity. This amendment is requested to include the NASD's bar of HARDY as an additional ground for revoking HARDY's securities salesman registration and HARDY ASSET MANAGEMENT's investment adviser license.

Amendments to formal documents are authorized in these proceedings pursuant to the rules of practice and procedure before the Commission. A.A.C. R14-3-106(E). Moreover, these rules of practice and procedure "shall be liberally construed to secure [a] just and speedy determination of all matters presented to the commission." A.A.C. R14-3-101(B). In this case, the amendment is requested to augment the allegations so that additional facts now known to the Division are presented to the Commission. This would permit a more comprehensive adjudication.

Moreover, the Amended Notice, being a matter of public record, will also put the community at large on notice as to the type of conduct in which the Respondents have allegedly engaged, and serve to bring additional victims forward, if any. In this regard, amending the order will permit the Commission to fulfill its mandate not only to enforce, but also to investigate violations of the Arizona Securities Act.

For the foregoing reasons, the Division requests that the Administrative Law Judge grant this motion and permit filing of the attached Amended Notice.

Dated this 15th day of August, 2006.

By: Pamela T. Johnson

Pamela T. Johnson
Attorney for the Securities Division of
the Arizona Corporation Commission

ORIGINAL and 13 copies of the foregoing hand-delivered this 18 day of August, 2006 to:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix AZ 85007

COPY of the foregoing hand-delivered this 18 day of August , 2006 to:

Mark Stern, Esq.
Administrative Law Judge
Arizona Corporation Commission
1200 West Washington Street
Phoenix AZ 85007

COPY of the foregoing mailed this 18 day of August , 2006 to:

Gary Hardy, ADC #202334
Arizona State Prison, Florence North
PO 8000 Yard 3, T4DB8
Florence, AZ 85232

By: M Kenney