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BEFORE THE ARIZONA CORPORATION COMMISSION

19

COMMISSIONERS

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

2006 AUG 29 A 8:46

AZ CORP COMMISSION
DOCUMENT CONTROL

Arizona Corporation Commission

DOCKETED

AUG 29 2006

DOCKETED BY [Signature]

In the matter of:
GARY WAYNE HARDY, CRD#1298371,
dba HARDY ASSET MANAGEMENT, and
SHERRY HARDY, husband and wife
1711 W. Gary Drive
Chandler, AZ 85224
HARDY ASSET MANAGEMENT, a sole
proprietorship
4625 S. Wendler Drive, Suite 111
Tempe, AZ 85282
Respondents.

DOCKET NO. S-20426A-05-0768
DIVISION'S REQUEST FOR RULING ON
MOTION TO AMEND NOTICE OF
OPPORTUNITY FOR HEARING
AND
REQUEST FOR PRE-HEARING
CONFERENCE

The Securities Division ("Division") of the Arizona Corporation Commission ("Commission") hereby requests a ruling on its Motion to Amend Notice of Opportunity for Hearing ("Motion"), filed on August 1, 2006. The Division served Respondents with a copy of the Motion and the proposed Amended Notice of Opportunity for Hearing ("Notice") on August 1, 2006, pursuant to A.A.C. Rule R14-3-107(B), by mailing. (See Affidavit of Service, attached.)

Respondents have not filed a response to the Motion. The time limitation for Respondents to file a response to the Motion passed on August 16, 2006, pursuant to A.A.C. Rule R14-3-106(K) and Rules 7.1(a) and 6(e), Arizona Rules of Civil Procedure. Therefore, the Division hereby requests the Administrative Law Judge to grant the Division's Motion, and to schedule a pre-hearing conference, pursuant to A.A.C. Rule R14-3-108, to set this matter for hearing.

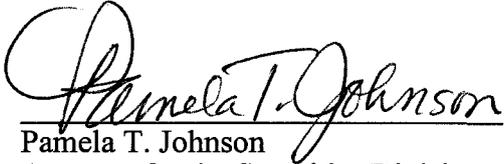
Based upon information and belief, Respondent Hardy was released from the custody of the

...

...

1 Arizona State Prison at Florence on August 4, 2006, and is now available for a pre-hearing
2 conference and/or a hearing.

3 Dated this 29th day of August, 2006.

4
5 By: 
6 Pamela T. Johnson
7 Attorney for the Securities Division of
8 the Arizona Corporation Commission

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

11 Docket Control
12 Arizona Corporation Commission
13 1200 West Washington Street
14 Phoenix AZ 85007

15 COPY of the foregoing hand-delivered
16 this MR day of August, 2006 to:

17 Mark Stern, Esq.
18 Administrative Law Judge
19 Arizona Corporation Commission
20 1200 West Washington Street
21 Phoenix AZ 85007

22 COPY of the foregoing mailed
23 this 29 day of August, 2006 to:

24 Gary Wayne Hardy
25 c/o Allen & Betty Hardy
26 8322 E. Dutchman Dr.
Mesa, AZ 85208

By:  _____

1 STATE OF ARIZONA)
2 County of Maricopa)

AFFIDAVIT OF SERVICE

3 I, Meg Kennedy, for the Arizona Corporation Commission, Securities Division
4 ("Division"), hereby certify that on the 1st day of August, 2006, I served a copy of the Division's
5 Motion to Amend Notice of Opportunity for Hearing and the proposed Division's Amended
6 Notice of Opportunity for Hearing, filed on August 1, 2006 in Docket number S-20426A-05-0768,
7 upon Gary Wayne Hardy by mailing a FedEx shipment with tracking instructions. According to
8 the record returned to me from TrackingUpdates@fedex.com, the shipment was delivered to
9 Repondent Hardy on August 3, 2006, at the following address:

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

14 Based upon public record, Respondent Hardy was released from the custody of the Arizona
15 State Prison Florence on August 4, 2006.

16 Meg Kennedy 8/29/06
17 AFFIANT DATE

18 SUBSCRIBED AND SWORN TO BEFORE me this 29 day of
19 August, 2006.

20 [Signature]
21 NOTARY PUBLIC

22 My Commission Expires:
23 Feb. 25, 2010

