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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2005 AUG 30 P 2:30

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

AZ CORP COMMISSION DOCUMENT CONTROL

IN THE MATTER OF:

DOCKET NO. S-20426A-05-0768

GARY WAYNE HARDY, CRD# 1298371,
 dba HARDY ASSET MANAGEMENT, and
 SHERRY HARDY, husband and wife
 1711 W. Gary Drive
 Chandler, AZ 85224

Arizona Corporation Commission
DOCKETED

AUG 30 2006

HARDY ASSET MANAGEMENT, a sole
 proprietorship
 4625 S. Wendler Drive, Ste. 111
 Tempe, AZ 85282

DOCKETED BY	NR
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Respondents.

PROCEDURAL ORDER

BY THE COMMISSION:

On October 27, 2005, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity of Hearing Regarding Proposed Order to Cease and Desist, Order for Restitution, for Administrative Penalties, of Revocation, and for Other Affirmative Action ("Notice") against Gary Wayne Hardy, Sherry Hardy and Hardy Asset Management ("Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities.

Respondents were duly served with a copy of the Notice.

On November 10, 2005, Respondent Gary Wayne Hardy filed a request for hearing.

On November 23, 2005, Respondent Gary Wayne Hardy filed a second request for hearing and an Answer.

On November 23, 2005, counsel for Respondent Sherry Hardy filed a Notice of Bankruptcy Filing.

On December 5, 2005, by Procedural Order, a pre-hearing conference was scheduled for February 16, 2005.

1 On December 13, 2005, the Division filed a Notice of Dismissal of Respondent Sherry Hardy
2 from the proceeding.

3 On December 23, 2005, Respondent Gary Wayne Hardy filed a request for a continuance of
4 the pre-hearing stating that he was currently in the custody of the Maricopa County Sheriff and was
5 scheduled to be transferred to the custody of the Arizona Department of Corrections ("ADOC") on
6 February 16, 2006. According to Mr. Hardy, his anticipated release date from custody was to be
7 April 28, 2006. Mr. Hardy further advised that his mailing address would be changed as of January
8 5, 2006.

9 On January 4, 2006, by Procedural Order, the pre-hearing conference scheduled for February
10 16, 2006, was continued indefinitely and the Division was ordered to file a Motion to Reschedule the
11 pre-hearing conference after Mr. Hardy's release from custody.

12 On August 1, 2006, the Division filed a Motion to Amend the Notice which was served upon
13 the Respondent while incarcerated. Mr. Hardy did not file a response.

14 On August 29, 2006, the Division filed a request to reschedule the pre-hearing conference and
15 indicated that Mr. Hardy had been released from the ADOC's custody.

16 Accordingly, the pre-hearing conference should be rescheduled and the Division's Motion to
17 Amend the Notice should be granted.

18 IT IS THEREFORE ORDERED that a **pre-hearing conference** shall be held on **September**
19 **21, 2006, at 10:30 a.m.** at the Commission's offices, 1200 West Washington Street, Phoenix,
20 Arizona..

21 IT IS FURTHER ORDERED that the Securities Division's Motion to Amend the Notice is
22 hereby granted.

23 Dated this 30TH day of August, 2006

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26 
27 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

28 ...

1 Copies of the foregoing mailed/delivered
this 30 day of August, 2006 to:

2 Gary Hardy
3 c/o Allen and Betty Hardy
4 8322 E. Dutchman Drive
5 Mesa, AZ 85208

6 Donald L. Gaffney
7 SNELL & WILMER
8 One Arizona Center
9 400 E. Van Buren
10 Phoenix, AZ 85004
11 Attorneys for Sherry Hardy

12 Matt Neubert
13 Securities Division
14 ARIZONA CORPORATION COMMISSION
15 1200 West Washington Street
16 Phoenix, AZ 85007

17 ARIZONA REPORTING SERVICE, INC.
18 2627 N. Third Street, Ste. Three
19 Phoenix, Arizona 85004-1126

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By: 
Molly Johnson
Secretary to Marc E. Stern