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CHAIRMAN

JIM IRVIN  
COMMISSIONER

MARC SPITZER  
COMMISSIONER

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ARIZONA CORPORATION COMMISSION

AZ CORP COMMISSION  
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DIRECTOR

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MEMORANDUM

TO: Chairman William A. Mundell  
Commissioner Jim Irvin  
Commissioner Marc Spitzer

FROM: Mark Sendrow *MS*  
Director of Securities

DATE: August 8, 2002

RE: Proposed Amendment to the Delegation of Authority  
Docket Number RS-00000A-02-0582

cc: Brian C. McNeil, Executive Secretary  
Hercules Dellas  
Kevin Barlay  
Paul Walker

OPEN MEETING ITEM

8/29/02

Arizona Corporation Commission  
DOCKETED

AUG 09 2002

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| DOCKETED BY | <i>CAR</i> |
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The Securities Division (the "Division") requests the Commission's approval and entry of an order that amends its October 4, 2001, Order (Decision No. 64081). The October 4 Order delegates to the Director of the Division specified authority under the Securities Act and Investment Management Act, pursuant to A.R.S. §§ 44-1821 and 44-3131.

The Division proposes amending the current delegation to reflect statutory changes created in Senate Bill 1107, which becomes effective August 22, 2002. Specifically, the amendment delegates the Commission's authority to appoint an attorney employed by the Securities Division to represent the Commission in an administrative or civil action arising under the Securities Act or the Investment Management Act. The amendment also delegates the Commission's authority to join the spouse in any action authorized under either Act to determine the liability of the marital community.

Attached is a copy of the proposed order for your review. The Division recommends that the order be entered as proposed.

Originator: Cheryl T. Farson  
Asst. AG Assigned: Moira McCarthy

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BEFORE THE ARIZONA CORPORATION COMMISSION

1 WILLIAM A. MUNDELL  
2 Chairman  
3 JIM IRVIN  
4 Commissioner  
5 MARC SPITZER  
6 Commissioner

6 IN THE MATTER OF )  
7 ) DOCKET NO. RS-00000A-02-0532  
8 AMENDMENT TO THE DELEGATION )  
9 OF AUTHORITY TO THE DIRECTOR OF )  
10 SECURITIES PURSUANT TO A.R.S. §§ 44-1821 ) DECISION NO. \_\_\_\_\_  
11 AND 44-3131 )

ORDER

9 Open Meeting  
10 August 29, 2002  
11 Phoenix, AZ

11 BY THE COMMISSION:

12  
13 The Securities Division of the Arizona Corporation Commission (the "Commission") has  
14 recommended to the Commission that it amend its October 4, 2001, Order (Decision No. 64081)  
15 delegating authority to the Director of Securities (the "Director") under specific provisions of the  
16 Securities Act of Arizona, A.R.S. § 44-1801 *et seq.*, the Arizona Investment Management Act,  
17 A.R.S. § 44-3101 *et seq.* (jointly hereinafter referred to as the "Acts"), and the rules under the  
18 Arizona Administrative Code promulgated under and governing the administration of the Acts,  
19 A.A.C. R14-4-101 *et seq.* and A.A.C. R14-6-101 *et seq.* (the "Rules").

20 The Commission has the power to make such delegation of authority pursuant to A.R.S.  
21 §§ 44-1821(B) and 44-3131(B); and such delegation is convenient and necessary to the efficient  
22 administration of the Acts and Rules.

23 IT IS THEREFORE ORDERED, to the extent consistent with other provisions of this  
24 Order and in addition to the authority granted under the Order dated October 4, 2001 (Decision No.  
25 64081), that the Commission delegates to the Director all authority granted to the Commission in  
26 the provisions set forth below:

1 1. A.R.S. § 40-106(A).

2 2. A.R.S. § 44-2031(C)

3 3. A.R.S. § 44-3291(C).

4 IT IS FURTHER ORDERED that the Director may subdelegate all or part of the foregoing  
5 authority to the Assistant Director of Securities (the "Assistant Director").

6 IT IS FURTHER ORDERED that the Director may, in his discretion, refer to the  
7 Commission for action any matter covered by this delegation.

8 IT IS FURTHER ORDERED that nothing in this Order is to be construed in any way to  
9 restrict the powers of the Commission under A.R.S. §§ 44-1821 and 44-3131 at any future time to  
10 revoke any part of this Order or to rescind authority delegated to the Director.

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

12 BY ORDER OF THE ARIZONA CORPORATION COMMISSION

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15 CHAIRMAN

COMMISSIONER

COMMISSIONER

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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  
\_\_\_\_\_, 2002.

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22

\_\_\_\_\_  
BRIAN C. MCNEIL  
Executive Secretary

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24  
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26

DISSENT  
(cf)

This document is available in alternative formats by contacting Shelly M. Hood, Executive  
Assistant to the Executive Secretary, voice phone number 602-542-3931, E-mail  
[shood@cc.state.az.us](mailto:shood@cc.state.az.us)