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AZ CORP COMMISSION

Arizona Corporation Commission

BEFORE THE ARIZONA CORPORATION COMMISSION

JUN 22 12 17 PM '00

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JUN 22 2000

2 CARL J. KUNASEK
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 WILLIAM A. MUNDELL
COMMISSIONER

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5 IN THE MATTER OF:
6
7 SAFARI MEDIA, INCORPORATED
1580 North Kolb, #200
Tucson, Arizona 85715
8
9 MARYANNE CHISHOLM
4056 N. West Fernhill Circle
Tucson, Arizona 85750
10
11 MARK FILLMORE CHISHOLM
4056 N. West Fernhill Circle
Tucson, Arizona 85750
12
13 THUC NGUYEN
300 Linda Vista Terrace
Freemont, California 94539

DOCKET NO. S-03242A-99-0000

Respondents.

THIRD
PROCEDURAL ORDER

15 **BY THE COMMISSION:**

16 On November 9, 1999, the Securities Division ("Division") of the Arizona Corporation
17 Commission ("Commission") filed a Temporary Order to Cease and Desist ("Temporary Order") and
18 Notice of Opportunity for Hearing Regarding Proposed Order for Relief ("Notice") against Safari
19 Media, Incorporated ("SMI"), Mrs. Maryann Chisholm, Mr. Mark Fillmore Chisholm, and Mr. Thuc
20 Nguyen in which the Division alleged multiple violations of the Securities Act in connection with the
21 offer and sale of securities in the form of shares of stock.

22 On November 26, 1999, SMI, Mrs. Maryann Chisholm and Mr. Mark Chisholm filed a
23 Request for Hearing ("Request") with respect to the Temporary Order and Notice.

24 On December 23, 1999, by Procedural Order, a pre-hearing conference was scheduled for
25 January 4, 2000.

26 On January 4, 2000, at the pre-hearing conference, the Division, SMI, Mr. and Mrs. Chisholm
27 entered in appearance through counsel. Discussions were had with regard to a possible settlement,
28

1 the presentation of evidence and other details concerning the proceeding. It was also confirmed that
2 Mr. Nguyen had not yet been served in California. Additionally, the Division indicated that it had
3 scheduled three Examinations Under Oath with respect to the proceeding and would be conducting
4 those in the near future. Counsel for Respondents, SMI and Mr. and Mrs. Chisholm, indicated that he
5 would be conferring with the Respondents with respect to filing a written stipulation to continue the
6 Temporary Order indefinitely pending a resolution of the proceeding. Lastly, the Division
7 acknowledged that service had not yet been made upon Mr. Thuc Nguyen.

8 On January 10, 2000, Respondents, SMI and Mr. and Mrs. Chisholm filed an agreement to
9 continue the Temporary Order indefinitely.

10 On January 11, 2000, the Commission issued a Procedural Order holding the proceeding in
11 abeyance pending the Division filing a Motion to schedule further proceedings.

12 On March 7, 2000, the Division filed an Affidavit of Service dated March 1, 2000, which
13 indicated that service had been made upon an employee of Mr. Nguyen at his place of business in Las
14 Vegas, Nevada.

15 On June 1, 2000, Mr. Nguyen, by counsel, filed a Motion to Dismiss for Lack of Personal
16 Jurisdiction ("Dismissal Motion"). Therein, Mr. Nguyen argued that the Temporary Order and
17 Notice should be dismissed as against Mr. Nguyen because "the Commission has not plead, and
18 cannot prove, sufficient facts to establish personal jurisdiction over Respondent in the State of
19 Arizona."

20 On June 14, 2000, the Division filed its Response to the Dismissal Motion. The Division
21 argued that Mr. Nguyen had sufficient minimum contacts in Arizona for the Commission to assert
22 personal jurisdiction over him without denying Mr. Nguyen his right to due process of law. In
23 support of its arguments, the Division attached seven exhibits to its Response that strongly bolstered
24 its position with respect to Mr. Nguyen.

25 Accordingly, the Dismissal Motion should be denied and Respondent Nguyen should file a
26 request for a hearing or be in default.

27 IT IS THEREFORE ORDERED that the Dismissal Motion filed by Mr. Thuc Nguyen be, and
28 is hereby, denied.

1 IT IS FURTHER ORDERED that Mr. Thuc Nguyen shall file a request for hearing within 20
2 days of the date of this Procedural Order or he may be found to be in default of the allegations against
3 him.

4 IT IS FURTHER ORDERED that a pre-hearing status conference shall be held on July 12,
5 2000, at 9:30 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

6 DATED this 22nd day of June, 2000.

7
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9 
10 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/delivered
12 this 22nd day of June, 2000 to:

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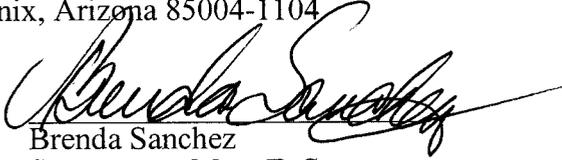
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