

ORIGINAL OPEN MEETING AGENDA ITEM

MORRISON | FOERSTER

5200 REPUBLIC PLAZA
370 SEVENTEENTH STREET
DENVER
COLORADO 80202-5638
TELEPHONE: 303.592.1500
FACSIMILE: 303.592.1510
WWW.MOFO.COM



0000082182

NORTHERN VIRGINIA,
ORANGE COUNTY, DENVER,
SACRAMENTO, WALNUT CREEK
TOKYO, LONDON, BEIJING,
SHANGHAI, HONG KONG,
SINGAPORE, BRUSSELS

19

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AZ CORP COMMISSION
February 21, 2008 DOCKET CONTROL

S-20578A-08-0079

Writer's Direct Contact
303.592.2246
nserfoss@mofo.com

By Overnight Delivery

Lyn Farmer
Chief Administrative Law Judge
Arizona Corporation Commission
Hearings Division
1200 West Washington
Phoenix, AZ 85007

Arizona Corporation Commission
DOCKETED

FEB 26 2008

DOCKETED BY
NR

RECEIVED

FEB 26 2008

ARIZONA CORPORATION COMMISSION
HEARINGS DIVISION

Re: Request for Temporary Admission *Pro Hac Vice*

Dear Judge Farmer:

Pursuant to Arizona Supreme Court Rule 33(d), we are writing to request permission, for good cause shown, for Randall J. Fons and Nicole K. Serfoss to appear *pro hac vice* on a temporary basis before the Arizona Corporation Commission. Our clients, Diamond Bay Investments, Inc., and Jonathan Jordan Wirsz, recently entered into a pre-notice consent order, which will be placed before the Commissioners on February 28, 2008. We have been working with Wendy Coy from the Securities Division of the Arizona Corporation Commission on this matter. We desire temporary *pro hac vice* admission to appear on behalf of our clients at the open meeting before the Commissioners scheduled for Thursday, February 28, 2008.

Mr. Fons is licensed to practice law and in good standing in Colorado and Illinois. Ms. Serfoss is licensed to practice law and in good standing in Colorado. We have filed our application for admission *pro hac vice* with the State Bar of Arizona. In particular, we have each mailed to the State Bar of Arizona (1) a verified application for admission *pro hac vice*; (2) a certificate of good standing from each relevant state of admission; and (3) the appropriate application fee. We have also associated with Jack Londen, a member of good standing of the State Bar of Arizona. We intend to complete the admission process as soon as possible and, in any event, no later than 45 days from the date of this letter. However, because the open meeting is scheduled for next week, we respectfully request temporary admission to appear *pro hac vice*.

Lyn Farmer
February 21, 2008
Page Two

Enclosed please find a copy of the application materials mailed to the State Bar of Arizona. Please do not hesitate to contact us at 303-592-2246 or nserfoss@mofa.com if you need anything further.

Sincerely,



Nicole K. Serfoss



Randall J. Fons

February 21, 2008

Writer's Direct Contact
303.592.2246
nserfoss@mofocom

By UPS Overnight Delivery

State Bar of Arizona
Pro Hac Vice
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016-6288

Re: *In re Matter of Diamond Bay Investments, Inc., et al.*

To whom it may concern:

Enclosed please find the attached documents for admission *pro hac vice* for Randall J. Fons and Nicole K. Serfoss:

- (1) Original signed and notarized application;
- (2) Original certificates of good standing; and
- (3) Two checks, each in the amount of \$391.00.

Please do not hesitate to call me if you have any questions or are in need of anything further.

Sincerely,


Nicole K. Serfoss

Enclosures



For Official Use Only
App# _____
Pro Hac ID # _____

**NONRESIDENT ATTORNEY
PRO HAC VICE APPLICATION**

Name: Nicole K. Serfoss
 Residence Address: 820 Grant Place, Boulder, CO 80302

Office Address: Morrison & Foerster LLP, 370 17th Street, Suite 5200, Denver, CO 80202

Telephone: (303) 592-1500 Fax: (303) 592-1510

Title of cause or case where applicant seeks to appear: In the matter of Diamond Bay Investments, Inc., et al.
 Docket Number: S-20578A-08-0079
 Court, Board, or Administrative Agency: Arizona Corporation Commission
 Party on whose behalf applicant seeks to appear: Diamond Bay Investments, Inc. and Jonathan Jordan Wirsz

Courts to Which Applicant Has Been Admitted:	Date of Admission:	Bar Number:
<u>Supreme Court State of Colorado</u>	<u>October 25, 2005</u>	<u>36815</u>
<u>U.S. District Court, District of Colorado</u>	<u>February 27, 2007</u>	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is a member in good standing in such courts.

Applicant is not currently disbarred or suspended in any court.

Applicant is / is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

Jurisdiction(s) Where Discipline Matter Pending:	Nature of Matter Under Investigation:	Name / Address of Disciplinary Authority:
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant has / has not (select one) been disciplined by any court, agency or organization authorized to discipline attorneys at law.

In the preceding three (3) years, applicant has filed applications to appear as counsel under Rule 38(a), Arizona Rules of Supreme Court in the following:

Title of Matter:	Docket #:	Court or Agency:	Application Granted? (Y/N)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Name of local counsel: Jack W. Londen
State Bar of Arizona Number: 006053
Address: Morrison & Foerster LLP, 425 Market Street, San Francisco, CA 94105-2482

Telephone : (415) 268-7000 Fax: (415) 268-7522

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$391.00.

This case or cause is / is not (select one) a related or consolidated matter for which applicant has previously applied to appear pro hac vice in Arizona. If this matter is a related or consolidated with any previous application, applicant certifies the following:

Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF COLORADO
County of Denver ss.

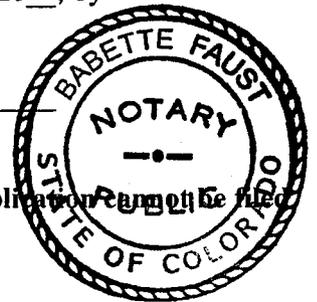
I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

Dated: Feb. 21, 2008

Applicant's signature Nicole Serfoss

SUBSCRIBED AND SWORN TO before me this 21st day of Feb., 2008 by
Nicole K. Serfoss
Name of Applicant

Babette Faust
Notary Public



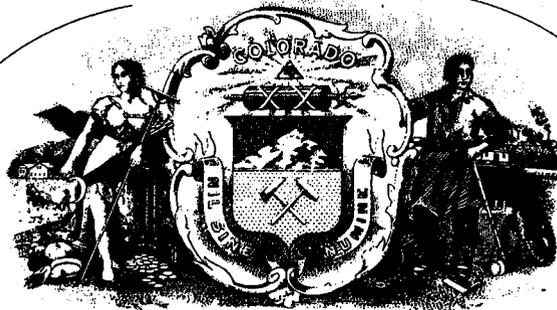
NOTE - As the application requires original signatures of the applicant and notary, this application cannot be filed electronically. Please submit all documents and fees by mail to:

State Bar of Arizona
Pro Hac Vice
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016

My Comm. Expires 06-04-2008

For further information, please contact our Resource Center at 602-340-7239.

SUPREME COURT



State of Colorado,

STATE OF COLORADO, ss:

I, Susan J. Festag Clerk of the Supreme Court of the State of Colorado, do hereby certify that

NICOLE KELLEY SERFOSS

has been duly licensed and admitted to practice as an

ATTORNEY AND COUNSELOR AT LAW

within this State; and that his/her name appears upon the Roll of Attorneys and Counselors at Law in my office of date the _____^{25th}

day of October A. D. 2005 and that at the date hereof

the said NICOLE KELLEY SERFOSS

is in good standing at this Bar.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Supreme Court, at Denver, in said State, this

20th day of February A. D. 2008

Susan J. Festag

Clerk

By Ayari Serrano

Deputy Clerk

MORRISON & FOERSTER LLP

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

STATE BAR OF ARIZONA
Vendor Number 099342

Check No.: [REDACTED]
Check Date: 02/20/08

Invoice No.	Invoice Date	Amount	Description
[REDACTED]	02-20-08	391.00	Arizona fee for Admission Pro Hac Vice for N. Serfoss.
		\$391.00	TOTAL

TOUCH OR RUB TOUCHSAFE® AREA TO SEE VALID AND VERIFY AUTHENTICITY - HOLD UP TO LIGHT TO VIEW TRUE WATERMARK

MORRISON & FOERSTER LLP

ADMINISTRATIVE OFFICE
555 MARKET STREET
SAN FRANCISCO, CA 94105-5819
415-266-7000

POSITIVE PAY IN USE

Bank of America
345 Montgomery Street
San Francisco, CA 94105

PAY

THREE HUNDRED NINETY-ONE AND 00/100 Dollars

Feb 20, 2008

\$391.00*****

TO THE
ORDER OF

STATE BAR OF ARIZONA
4201 N. 24TH STREET
SUITE 200
PHOENIX, AZ 85016
U.S.A.

Patent #5,636,874

BY:
TouchSafe®

[Signature]
AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE



For Official Use Only
App# _____
Pro Hac ID # _____

**NONRESIDENT ATTORNEY
PRO HAC VICE APPLICATION**

Name: Randall J. Fons
 Residence Address: 4910 East Mineral Circle, Centennial, CO 80122
 Office Address: Morrison & Foerster LLP, 370 17th Street, Suite 5200, Denver, CO 80202

Telephone: (303) 592-1500 Fax: (303) 592-1510

Title of cause or case where applicant seeks to appear: In the matter of Diamond Bay Investments, Inc., et al.
 Docket Number: S-20578A-08-0079
 Court, Board, or Administrative Agency: Arizona Corporation Commission
 Party on whose behalf applicant seeks to appear: Diamond Bay Investments, Inc. and Jonathan Jordan Wirsz

Courts to Which Applicant Has Been Admitted:	Date of Admission:	Bar Number:
<u>Supreme Court State of Colorado</u>	<u>April 12, 2006</u>	<u>37214</u>
<u>U.S. District Court, District of Colorado</u>	<u>May 4, 2007</u>	_____
<u>Supreme Court of Illinois</u>	<u>January 5, 1989</u>	<u>6199808</u>
_____	_____	_____
_____	_____	_____

Applicant is a member in good standing in such courts.

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Applicant is / is not (select one) currently subject to any pending disciplinary proceeding or investigation by any court, agency or organization authorized to discipline attorneys at law.

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State Bar of Arizona Number: 006053
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Telephone : (415) 268-7000 Fax: (415) 268-7522

Name(s) of each party in this cause and name and address of all counsel of record:

Party:	Counsel of Record:	Address:
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Applicant is including with this application a nonrefundable application fee, payable to the State Bar of Arizona, in the amount of \$391.00.

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Applicant certifies the following:

1. Applicant shall be subject to the jurisdiction of the courts and agencies of the State of Arizona and to the State Bar of Arizona with respect to the law of this state governing the conduct of attorneys to the same extent as an active member of the State Bar of Arizona, as provided in Rule 46(b) Rules of the Supreme Court.
2. Applicant will review and comply with appropriate rules of procedure as required in the underlying cause.
3. Applicant understands and shall comply with the standards of conduct required of members of the State Bar of Arizona.

Verification

STATE OF COLORADO
County of Denver ss.

I, the Applicant, swear that all statements in the application are true, correct and complete to the best of my knowledge and belief.

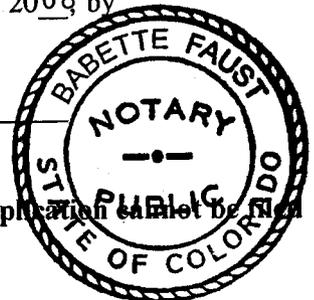
Dated: Feb. 21, 2008

Applicant's signature *Randall J. Fons*

SUBSCRIBED AND SWORN TO before me this 21st day of Feb., 2008 by

Randall J. Fons
Name of Applicant

Babette Faust
Notary Public



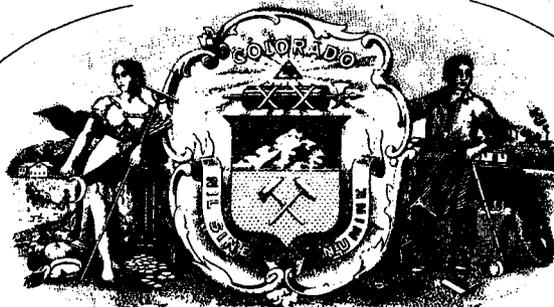
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State Bar of Arizona
Pro Hac Vice
4201 N. 24th Street, Suite 200
Phoenix, AZ 85016

My Comm. Expires 06-04-2008

For further information, please contact our Resource Center at 602-340-7239.

SUPREME COURT



State of Colorado,

STATE OF COLORADO, ss:

I, Susan J. Festag Clerk of the Supreme Court of the State of Colorado, do hereby certify that

RANDALL JOHN FONS

has been duly licensed and admitted to practice as an

ATTORNEY AND COUNSELOR AT LAW

within this State; and that his/her name appears upon the Roll of Attorneys and Counselors at Law in my office of date the _____^{12th}

day of April A. D. 2006 and that at the date hereof

the said RANDALL JOHN FONS

is in good standing at this Bar.



IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Supreme Court, at Denver, in said State, this

20th day of February A. D. 2008

Susan J. Festag

Clerk

By Suzai Servau

Deputy Clerk

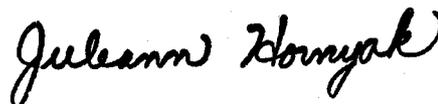
Certificate of Admission To the Bar of Illinois

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Randall John Fons

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on January 5, 1989 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto placed my hand and affixed the seal of said Supreme Court, at Springfield, in said State, this Wednesday, February 20, 2008.



Clerk

MORRISON & FOERSTER LLP

STATE BAR OF ARIZONA

Vendor Number 099342

DETACH AND RETAIN THIS STATEMENT
THE ATTACHED CHECK IS IN PAYMENT OF ITEMS DESCRIBED BELOW.
IF NOT CORRECT PLEASE NOTIFY US PROMPTLY. NO RECEIPT DESIRED.

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02/20/08

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		\$391.00	TOTAL

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MORRISON & FOERSTER LLP

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Bank of America
345 Montgomery Street
San Francisco, CA 94105

ADMINISTRATIVE OFFICE
555 MARKET STREET
SAN FRANCISCO, CA 94105-6819
415-268-7000

PAY

THREE HUNDRED NINETY ONE AND 00/100 Dollars

Feb 20, 2008

\$391.00*****

TO THE ORDER OF

STATE BAR OF ARIZONA
4201 N. 24TH STREET
SUITE 200
PHOENIX, AZ 85016
U.S.A.

BY: TouchSafe®

[Signature]
AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE