

OPEN MEETING AGENDA ITEM



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ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

- MIKE GLEASON - Chairman
- WILLIAM A. MUNDELL
- JEFF HATCH-MILLER
- KRISTIN K. MAYES
- GARY PIERCE

2008 FEB 29 A 9:35

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

KELLY J. WATERS AND DANIEL B. WATERS,
HUSBAND AND WIFE

KELLY'S MOBILE HOME SALES, INC.,
AN ARIZONA CORPORATION,

RESPONDENTS.

DOCKET NO. S-20539A-07-0425

Arizona Corporation Commission
DOCKETED

FEB 29 2008

DOCKETED BY

FIFTH
PROCEDURAL ORDER

NR

BY THE COMMISSION:

On July 20, 2007, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Temporary Order ("T.O.") and Notice of Opportunity for Hearing ("Notice") against Kelly's Mobile Home Sales, Inc. ("KMH"), Kelly J. Waters and Daniel B. Waters, husband and wife (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of investment contracts.

Respondents were duly served with copies of the Notice.

On August 16, 2007, Respondents filed a request for a hearing.

On August 21, 2007, by Procedural Order, a pre-hearing conference was scheduled on September 18, 2007.

On September 18, 2007, the Division and Respondents appeared through counsel. The parties requested and agreed that a status conference be scheduled in several weeks. By Procedural Order, a status conference was scheduled for October 10, 2007.

On October 10, 2007, the Division and Respondents appeared through counsel. Counsel for the Division indicated that more time was needed to review documents and records of the

1 Respondents to determine how best to resolve the proceeding with the Respondents. Counsel for the
2 parties agreed to another status conference being scheduled in approximately 60 days.

3 On October 11, 2007, by Procedural Order, a status conference was scheduled for December
4 13, 2007.

5 On December 13, 2007, counsel for the Division appeared and counsel for the Respondents
6 appeared telephonically. Issues in the proceeding were discussed and it was agreed that a hearing be
7 scheduled on the issues raised by the Notice.

8 On December 14, 2007, by Procedural Order, a hearing was scheduled on May 19, 2008.

9 On February 28, 2007, the Commission approved a Consent Order with respect to the
10 Respondent.

11 Accordingly, the hearing should be vacated.

12 IT IS THEREFORE ORDERED that the hearing scheduled on May 19, 2008 is hereby
13 vacated.

14 Dated this 29th day of February, 2008.

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18 MARC E. STERN
19 ADMINISTRATIVE LAW JUDGE

20 Copies of the foregoing were mailed/delivered
21 this 29th day of February, 2008 to:

22 Ashley Adams
23 RYAN RAPP & UNDERWOOD, P.L.C.
24 3101 North Central Avenue, Suite 1500
25 Phoenix, AZ 85012
26 Attorney for Respondents.

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

27 Matt Neubert, Director
28 Securities Division
ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, Arizona 85007

By: 
Debra Broyles
Secretary to Marc E. Stern