



0000098067

254

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSIONED

1
2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER
5

Arizona Corporation Commission

2002 MAR 22 A 10:36

DOCKETED

17 0000 COMMISSION
PROPERTY CONTROL

MAR 22 2002

6 IN THE MATTER OF:

DOCKETED BY	<i>rac</i>
-------------	------------

DOCKET NO. S-03450A-02-0000

7 Philip William Merrill
3788 N. 156th Drive
8 Goodyear, AZ 85338
CRD#2436444,

9 Respondent.

PROCEDURAL ORDER

10 **BY THE COMMISSION:**

11 On January 17, 2002, the Securities Division ("Division") of the Arizona Corporation
12 Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order to
13 Cease and Desist, for Restitution, for Administrative Penalties, and for Other Affirmative Action
14 ("Notice") against Philip William Merrill ("Merrill") in which the Division alleged that Respondent
15 engaged in acts, practices and transactions that constitute violation of the Arizona Securities Act
16 ("Act").

17 On January 23, 2002, Merrill filed a request for hearing.

18 On February 5, 2002, the Commission issued a Procedural Order that set this matter for a pre-
19 hearing conference on March 5, 2002.

20 On March 5, 2002, the pre-hearing was held as scheduled. The Respondents appeared with
21 the assistance of counsel. The Division also appeared with counsel. Following discussions with the
22 parties, it was agreed that a hearing should be scheduled on the issues raised in the Notice on June 10,
23 2002. In the interim, the parties agreed to attempt to resolve the issues raised in the Notice.

24 Accordingly, a hearing should be scheduled to address the issues raised in the Notice and the
25 presentation of evidence.

26 IT IS THEREFORE ORDERED that a hearing shall be held on June 10, 2002 at 10:00 a.m. at
27 the Commission's offices, 1200 West Washington, Phoenix, Arizona.
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS FURTHER ORDERED that the parties shall exchange witness lists and exhibits not later than 10 days before the hearing and provide a copy of same to the presiding Administrative Law Judge.

IT IS FURTHER ORDERED that Mr. Lewis, counsel for Respondent, shall file a Notice of Appearance with the Commission no later than April 15, 2002.

DATED this 22 day of March, 2002.



PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing were mailed/delivered this 22 day of March, 2002 to:

Frank Lewis
BEGAN, LEWIS, MARX AND WOLFE
111 W. Monroe, Ste. 1400
Phoenix, AZ 85003

Moira McCarthy
Assistant Attorney General
ARIZONA ATTORNEY GENERAL'S OFFICE
1275 West Washington Street
Phoenix, Arizona 85007

W. Mark Sendrow, Director
Securities Division
ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, Arizona 85007

ARIZONA REPORTING SERVICE, INC.
2627 N. Third Street, Suite Three
Phoenix, Arizona 85004-1104

By: 
Molly Johnson
Secretary to Philip J. Dion III