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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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1
2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
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COMMISSIONER

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AZ CORP COMMISSION
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DOCKET NO. S-03450A-02-0000

5 IN THE MATTER OF:

6
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 On May 2, 2002, the Hearing Division received a letter from Mr. Frank Lewis, who is the
25 attorney representing the Respondent in this matter. In the letter, Mr. Lewis requested that the
26 hearing in this matter be continued. Mr. Lewis indicates that there are some discovery issues that
27 need to be resolved, that his client had forgotten about a prior engagement in which he would be out
28

1 of state on the date of the hearing, and that Mr. Lewis, due to doctor's orders, has had to schedule eye
2 surgery for the week of the hearing as well. Mr. Bingham on behalf of the Securities Division stated
3 that, due to Mr. Lewis' medical condition, the Division did not object to the proposed continuance in
4 this matter. Both parties agreed to re-set this matter for August 26, 2002.

5 Accordingly, the hearing in this matter should be re-scheduled.

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

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

11 DATED this 9 day of May, 2002.


PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

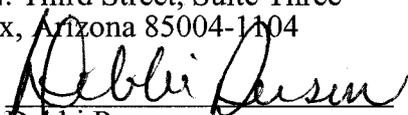
15 Copies of the foregoing were mailed/delivered
16 this 9 day of May, 2002 to:

17 Frank Lewis
18 BEGAN, LEWIS, MARX AND WOLFE
19 111 W. Monroe, Ste. 1400
20 Phoenix, AZ 85003

21 Moira McCarthy
22 Assistant Attorney General
23 ARIZONA ATTORNEY GENERAL'S OFFICE
24 1275 West Washington Street
25 Phoenix, Arizona 85007

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

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

27 By: 
28 Debbi Person.
Secretary to Philip J. Dion III