



0000100161

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

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

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 JUN 30 P 2:43

Arizona Corporation Commission

DOCKETED

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF:

DOCKET NO. S-20661A-09-0108

WEST MINING AND INNOVATIONS, INC.,
an Arizona corporation,

AVISON C. ("AC") WEST and BARBARA M.
WEST, husband and wife,

Respondents.

THIRD
PROCEDURAL ORDER

BY THE COMMISSION:

On March 13, 2009, the Securities division ("Division") of the Arizona Corporation Commission ("Commission") filed a Temporary Order to Cease and Desist ("T.O.") and Notice of Opportunity for Hearing ("Notice") against West Mining and Innovations, Inc. ("West") and Avison C. West and Barbara M. West, 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 stock and/or investment contracts.

The Respondents were duly served with a copy of the Notice.

On April 2, 2009, a request for hearing was filed by the Respondents, Avison and Barbara West.

On April 7, by Procedural Order, a pre-hearing conference was scheduled on April 30, 2009.

On April 30, 2009, at the pre-hearing conference, the Division appeared with counsel and Mr. and Mrs. West appeared on their own behalf. The parties were unable to reach a resolution of the proceeding and requested that a hearing be scheduled on the issues raised by the T.O. and Notice. Respondents indicated that Mrs. West recently had surgery on both feet and would be undergoing therapy for approximately eight weeks and that Mr. West is facing total knee replacements on both

1 knees in the near future and would also require a period for recovery before the Respondents can
2 participate in a hearing.

3 On May 5, 2009, by Procedural Order, a status conference was scheduled on June 29, 2009,
4 and a hearing was scheduled on July 30, 2009, on the issues in this proceeding.

5 On June 29, 2009, the West Respondents appeared on their own behalf and the Division
6 appeared through counsel at the status conference. The parties indicated that they are in the process
7 of resolving the issues in this proceeding and requested that the date(s) for the exchange of Witness
8 Lists and copies of Exhibits on July 6, 2009, and the hearing on July 30, 2009, be vacated. The
9 Division's attorney also requested that a status conference be scheduled in the event the parties are
10 unable to conclude a settlement. Subsequently, Respondents and the Division agreed to file a motion
11 or stipulation to vacate the above referenced dates.

12 Accordingly the date(s) for the exchange of Witness Lists and copies of Exhibits and the
13 scheduled hearing should be vacated.

14 IT IS THEREFORE ORDERED that the **hearing** to be held on **July 30, 2009, at 9:30 a.m.**, is
15 hereby **vacated**.

16 IT IS FURTHER ORDERED that **Witness Lists** and copies of **Exhibits** to be exchanged
17 between the parties on **July 6, 2009**, with courtesy copies provided to the presiding Administrative
18 Law Judge, is hereby **vacated**.

19 IT IS FURTHER ORDERED that a status conference on the proceeding shall be held on
20 **August 18, 2009, at 9:30 a.m.**, at the Commission's offices, 1200 West Washington Street, Room
21 100, Phoenix, Arizona.

22 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
23 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
24 *hac vice*.

25 ...

26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,
2 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
3 ruling at hearing.

4 DATED this 30TH day of June, 2009.

5
6
7 
8 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

9
10 Copies of the foregoing mailed/delivered
this 30TH day of June, 2009 to:

11 Avison C. West
12 Barbara M. West
13 WEST MINING AND INNOVATIONS, INC.
14 1729 East Pony Lane
15 Gilbert, AZ 85295

16 Matt Neubert, Director
17 Securities Division
18 ARIZONA CORPORATION COMMISSION
19 1300 West Washington Street
20 Phoenix, AZ 85007

21 ARIZONA REPORTING SERVICE, INC.
22 2200 North Central Avenue, Suite 502
23 Phoenix, AZ 85004

24
25
26
27
28
By: 
Debra Broyles
Secretary to Marc E. Stern