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BEFORE THE ARIZONA CORPORATION COMMISSION
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Arizona Corporation Commission

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

COMMISSIONERS

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

IN THE MATTER OF:

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

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

Respondents.

DOCKET NO. S-20661A-09-0108

FOURTH
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 knees in the near future and would also require a period for recovery before the Respondents can

1 participate in a hearing.

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

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

11 On June 30, 2009, by Procedural Order, the date(s) for the exchange of Witness Lists and
12 copies of Exhibits and the scheduled hearing were vacated, and a status conference scheduled on
13 August 18, 2009.

14 On August 18, 2009, at the status conference, the Division appeared with counsel. The
15 Respondents did not appear. The Division's attorney indicated that although he has spoken with the
16 Respondents recently, a settlement has not been reached and requested that a hearing be scheduled.

17 Accordingly, a hearing should be scheduled.

18 IT IS THEREFORE ORDERED that a **hearing** shall be held on **October 1, 2009, at 9:30**
19 **a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix,
20 Arizona.

21 IT IS FURTHER ORDERED that **Witness Lists** and copies of **Exhibits** shall be exchanged
22 between the parties no later than **September 11, 2009**, with courtesy copies provided to the presiding
23 Administrative Law Judge.

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

27 IT IS FURTHER ORDERED that if Respondents wish to conclude a settlement in this
28 proceeding, they should do so as soon as possible.

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 19th day of August, 2009.

5
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7 
8 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

9
10 Copies of the foregoing mailed/delivered
this 19th day of August, 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

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27
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By: 
Debra Broyles
Secretary to Marc E. Stern