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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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AZ CORP COMMISSION
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2 COMMISSIONERS

3 KRISTIN K. MAYES, Chairman
4 GARY PIERCE
5 PAUL NEWMAN
6 SANDRA D. KENNEDY
7 BOB STUMP

8 IN THE MATTER OF:

9 SIR MORTGAGE & FINANCE OF ARIZONA,
10 INC., an Arizona corporation,

11 GREGORY M. SIR (a/k/a "GREG SIR"), and
12 ERIN M. SIR, husband and wife,

13 Respondents.

DOCKET NO. S-20703A-09-0461

SECOND
PROCEDURAL ORDER
(Schedules Oral
Argument and Hearing)

14 **BY THE COMMISSION:**

15 On September 24, 2009, the Securities Division ("Division") of the Arizona Corporation
16 Commission ("Commission") filed a Temporary Order to Cease and Desist ("T.O.") and a Notice of
17 Opportunity for Hearing ("Notice") against Sir Mortgage & Finance of Arizona, Inc. ("SMFA") and
18 Gregory M. Sir and Erin M. Sir, husband and wife (collectively "Respondents"), in which the
19 Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the
20 offer and sale of securities in the form of notes, and/or investment contracts.

21 The Respondents were duly served with copies of the Notice.

22 On September 28, 2009, a request for hearing was filed on behalf of the Respondents.

23 On October 2, 2009, by Procedural Order, a pre-hearing conference was scheduled on
24 October 28, 2009.

25 On October 23, 2009, Respondents filed their Answer and Motion to Vacate the T.O.

26 On October 26, 2009, the Division filed a response to Respondents' Motion to Vacate the
27 T.O.

28 On October 28, 2009, the Division and Respondents appeared with counsel at the pre-hearing
conference. The Division and counsel for the Respondents discussed the status of the proceeding and
the issues raised by the T.O. and Notice. Respondents requested a hearing for oral argument to be

1 heard on their Motion to Vacate. It was agreed that the Division would file a supplement to its
2 response by November 13, 2009, and Respondents would have until November 25, 2009, to file their
3 reply. The parties further agreed that a hearing be scheduled to commence on February 1, 2010, with
4 the parties to exchange copies of their Exhibits and Witness Lists at the beginning of January 2010.

5 Accordingly, the parties should further supplement their pleadings with respect to the Motion
6 to Vacate the T.O. as agreed and that oral argument and a hearing be scheduled together with the
7 related exchange of documents.

8 IT IS THEREFORE ORDERED that the **Division** shall file by **November 13, 2009**, its
9 supplement to its response to the Motion to Vacate the T.O.

10 IT IS FURTHER ORDERED that **Respondents** shall file their reply by **November 25, 2009**.

11 IT IS FURTHER ORDERED that **oral argument** on Respondents' Motion to Dismiss the
12 T.O. shall be held on **December 8, 2009**, at 9:30 a.m. at the Commission's offices, 1200 West
13 Washington Street, Room 100, Phoenix, Arizona Corporation Commission.

14 IT IS FURTHER ORDERED that a **hearing** shall be held on **February 1, 2010**, at 10:00 a.m.
15 at the Commission's offices, 1200 West Washington Street, Room 100, Phoenix, Arizona
16 Corporation Commission.

17 IT IS FURTHER ORDERED that the parties shall also reserve **February 2, 3, 4 and 5, 2010**,
18 **for additional days of hearing**, if necessary.

19 IT IS FURTHER ORDERED that the parties shall exchange copies of their Exhibits and
20 Witness Lists, with courtesy copies provided to the presiding Administrative Law Judge by January
21 4, 2010.

22 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized
23 Communications) applies to this proceeding as the matter is now set for public hearing.

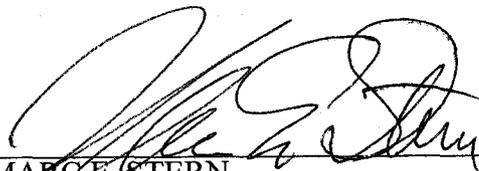
24 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
25 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
26 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
27 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
28

1 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
2 Administrative Law Judge or the Commission.

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

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

9 DATED this 29th day of October, 2009.

10
11
12 
13 MARCE. STERN
ADMINISTRATIVE LAW JUDGE

14
15 Copies of the foregoing mailed/delivered
this 29th day of October, 2009 to:

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17 Timothy J. Sabo
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22 Phoenix, Arizona 85007

23 ARIZONA REPORTING SERVICE, INC.
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25
26 By:


27 Debbi Person
Secretary to Marc E. Stern
28