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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

2009 DEC 17 P 2:36
AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

DEC 17 2009

DOCKETED BY [Signature]

IN THE MATTER OF:

DOCKET NO. S-20708A-09-0499

LARRY ZIEGLER (aka Zig Ziegler), a single man;

TROY DEE TRUVILLION and JENIA
DIMITROVA, husband and wife; and

MOTION DNA, INC., a Nevada corporation,

Respondents.

FOURTH
PROCEDURAL ORDER

BY THE COMMISSION:

On October 20, 2009, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Temporary Order to Cease and Desist ("T.O.") and a Notice of Opportunity for Hearing ("Notice") against Larry Wayne Ziegler, Troy Dee Truvillion and Jenia Dimitrova, husband and wife, and Motion DNA, Inc. ("MDNA") (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.

Respondent Troy Dee Truvillion was duly served with a copy of the Notice.

On November 2, 2009, a request for hearing was filed on behalf of Respondent Troy Dee Truvillion.

On November 9, 2009, by Procedural Order, a pre-hearing conference was scheduled on November 24, 2009.

On November 24, 2009, the Division and Respondent Truvillion appeared through counsel at the pre-hearing conference. The Division indicated that service had not yet been made on the other Respondents named in the proceeding. Counsel for Respondent Truvillion represented that he would accept service for Respondent Dimitrova, who had been named in the proceeding as Truvillion's

1 wife. Respondent Truvillion's counsel indicated that he was attempting to resolve the issues raised
2 by the Notice with the Division and in the interim while the Division attempted to serve the other
3 Respondents, both he and the Division's attorney agreed that another pre-hearing conference be
4 scheduled in early February 2010. In response to a request by Respondent Truvillion's attorney, to
5 improve the possibility of settlement, the Division was directed to disclose the number of investors in
6 the offering, the dates and the amounts of their investments.

7 On November 30, 2009, by Procedural Order, a pre-hearing conference was scheduled on
8 February 4, 2010.

9 On December 1, 2009, service of the Notice on Respondent Dimitrova was made on counsel
10 for Respondent Truvillion as agreed at the pre-hearing conference.

11 On December 4, 2009, counsel for Respondent Truvillion and who had accepted service for
12 Respondent Dimitrova filed a Motion to Withdraw ("Motion") as counsel for Respondent Truvillion
13 alone. Counsel cited disclosure of the reason would violate attorney-client privilege. Counsel further
14 represented that he had apprised Respondent Truvillion of the pending pre-hearing conference and
15 provided the Commission with Respondent Truvillion's current address. No mention was made of
16 Respondent Dimitrova nor was there evidence of service of Counsel's Motion on Respondent
17 Dimitrova. At that time, a request for hearing had not yet been filed for Respondent Dimitrova.

18 On December 9, 2009, by Procedural Order, counsel was ordered to refile his Motion and to
19 clarify the status of his relationship with both Respondent Truvillion and Respondent Dimitrova prior
20 to a ruling being made on the Motion filed on December 4, 2009. All prior Orders remained in
21 effect.

22 On December 14, 2009, a request for hearing signed by Respondent Truvillion was filed by
23 Respondent Truvillion "as Power of Attorney" for Respondent Dimitrova. There is no indication that
24 Respondent Truvillion is licensed as an attorney in Arizona or in any other jurisdiction. Additionally,
25 he cannot legally authorize himself "as Power of Attorney" to represent Respondent Dimitrova. A
26 Power of Attorney is a document in which an individual, the principal or Ms. Dimitrova, in this case,
27 appoints another individual to act as an agent on the principal's behalf to perform certain tasks or
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1 functions. Only Respondent Dimitrova can authorize someone to act on her behalf. Therefore,
2 Respondent Truvillion cannot lawfully represent her and his representation violates Arizona law and
3 the Rules of the Arizona Supreme Court. If Respondent Dimitrova has been lawfully served she may
4 represent herself and request a hearing or she may retain a licensed attorney to represent her
5 consistent with Arizona law.

6 Further, on December 14, 2009, counsel filed a supplement to his Motion to Withdraw as
7 counsel for Respondent Truvillion and indicated that he does not represent Respondent Dimitrova
8 except to accept service of the Notice as a courtesy in the proceeding. It is unclear at this point
9 whether Respondent Dimitrova has actually received a copy of the Notice.

10 Accordingly, the request for hearing filed by Respondent Truvillion "as Power of Attorney"
11 should be denied. Respondent Dimitrova, if she has received the Notice, is free to file her own
12 request for hearing or to secure a licensed attorney to do so on her behalf. Counsel's Motion to
13 Withdraw as counsel for Respondent Truvillion should be granted.

14 IT IS THEREFORE ORDERED that the request for hearing as filed by Respondent Truvillion
15 "as Power of Attorney" on Respondent Dimitrova's behalf is hereby denied.

16 IT IS FURTHER ORDERED that counsel for Respondent Truvillion is hereby authorized to
17 withdraw as counsel in this proceeding.

18 IT IS FURTHER ORDERED that the Division shall file affidavits of service on the remaining
19 Respondents in this proceeding as service is made since it remains unclear whether Respondent
20 Dimitrova has actual notice of this proceeding.

21 IT IS FURTHER ORDERED that a **pre-hearing conference** shall be held on **February 4,**
22 **2010, at 9:30 a.m.**, or as soon thereafter as practicable, at the Commission's offices, 1200 West
23 Washington Street, Room 100, Phoenix, Arizona, as previously ordered.

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

26 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
27 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
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1 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
2 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
3 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
4 Administrative Law Judge or the Commission.

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

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

11 DATED this 17TH day of December, 2009.



12
13 MARC E. STERN
14 ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
this 17th day of December, 2009 to:

16 Alan S. Baskin
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27 By: Debra Broyles
28 Debra Broyles
Secretary to Marc E. Stern