

ORIGINAL

OPEN MEETING AGENDA ITEM



0000107184

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

COMMISSIONERS

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

2010 FEB -5 1 P 12: 38

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

- STEVE JOHN ROGAN, a married man,
- CAROL ANN RICHEY, a married woman,
- DEM BONZ BARBEQUE RESTAURANTS, L.L.C., an Arizona limited liability company,
- PIAZZ, L.L.C., an Arizona limited liability company,

Respondents.

DOCKET NO. S-20654A-09-0068

Arizona Corporation Commission
DOCKETED

FEB - 5 2010

DOCKETED BY	
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THIRD
PROCEDURAL ORDER

BY THE COMMISSION:

On February 18, 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 Steve John Rogan, Carol Ann Richey, husband and wife, Dem Bonz Barbeque Restaurants, L.L.C. ("Dem Bonz") and Pizazz, L.L.C. ("Pizazz") (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 notes and for investment contracts.

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

On February 24, 2009, a request for hearing was filed by the Respondents.

On February 27, 2009, by Procedural Order, a pre-hearing conference was scheduled on March 23, 2009.

On March 23, 2009, the Division appeared with counsel and Respondents Rogan and Richey appeared on their own behalf. Subsequently, the parties agreed that a hearing be scheduled.

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1 On March 24, 2009, by Procedural Order, a hearing was scheduled on July 14, 2009.

2 On July 14, 2009, a full public hearing was commenced before a duly authorized
3 Administrative Law Judge of the Commission at its offices in Phoenix, Arizona. The Division was
4 present with counsel. Respondents appeared on their own behalf. Following the presentation of
5 evidence, the matter was taken under advisement pending submission of a Recommended Opinion
6 and Order to the Commission.

7 On August 28, September 2, 14 and 18, 2009, closing memorandum were filed by the parties.

8 On January 28, 2010, the Recommended Opinion and Order ("ROO") was issued in this
9 matter. The cover letter attached to the ROO contained a typographical error stating that the date for
10 filing exceptions would be January 28, 2010, and should have stated February 8, 2010.

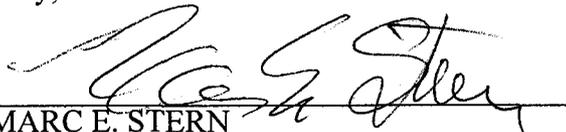
11 On February 4, 2010, Respondents filed what is captioned "Exceptions to the Hearing of July
12 14, 2009." Therein, Respondents stated that they had received the ROO on January 29, 2010, by
13 regular U.S. mail, and requested an extension of time to file their response. Because of the
14 typographical error, Respondents believed they were precluded from filing their exceptions to the
15 ROO.

16 On August 28, September 2, 14 and 18, 2009, closing memoranda were filed by the parties.

17 Under the circumstances, additional time should be added to the date for filing exceptions.

18 **IT IS THEREFORE ORDERED that Respondents shall have until 4:00 p.m. on**
19 **February 10, 2010, to file their exceptions.**

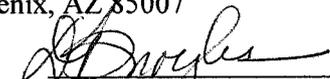
20 DATED this 5th day of February, 2010.

21
22 
MARC E. STERN
ADMINISTRATIVE LAW JUDGE

23 Copies of the foregoing mailed/delivered
24 this 5th day of March, 2009 to:

25 Steve John Rogan
26 Carol Ann Richey
8912 East Pinnacle Peak Road, No. 174
Scottsdale, AZ 85255

Matt Neubert, Director, Securities Division
ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, AZ 85007

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