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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

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.

DOCKET NO. S-20708A-09-0499

SIXTH
PROCEDURAL ORDER
(Schedules Hearing)

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 wife. Respondent Truvillion's counsel indicated that he was attempting to resolve the issues raised

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

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

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

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

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

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

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

9 On December 17, 2009, by Procedural Order, , the request for hearing filed by Respondent
10 Truvillion "as Power of Attorney" for Respondent Dimitrova was be denied, and Counsel's Motion to
11 Withdraw as the attorney for Respondent Truvillion was granted.

12 On February 4, 2010, the Division appeared through counsel and Respondent Truvillion
13 appeared on his own behalf. The Division's attorney indicated that the parties were attempting to
14 resolve the issues raised by the Notice and anticipated submitting a Consent Order for approval by
15 the Commission at its March 18, 2010, Open Meeting. The Division further requested that a status
16 conference be scheduled after March 18, 2010, in the event the Consent Order was not approved by
17 the Commission. Subsequently, by Procedural Order, a status conference was scheduled on March
18 30, 2010.

19 On March 30, 2010, the Division appeared through counsel at the status conference.
20 Respondent Truvillion failed to appear. Although counsel for the Division indicated that he is
21 attempting to settle the matter, he requested that a hearing be scheduled in the event a settlement does
22 not take place.

23 Accordingly, a hearing should be scheduled.

24 **IT IS THEREFORE ORDERED** that a **hearing** shall be held on **May 19, 2010, at 9:30 a.m.**,
25 or as soon thereafter as is practicable, at the Commission's offices, 1200 West Washington Street,
26 Room 100, Phoenix, Arizona, as previously ordered.

27 **IT IS FURTHER ORDERED** that the parties shall set aside **May 20, 2010, for an additional**
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1 **day of hearing, if necessary.**

2 IT IS FURTHER ORDERED that the **Division and Respondent shall exchange copies of**
3 **their Witness Lists and copies of their Exhibits by April 16, 2010**, with courtesy copies provided
4 to the presiding Administrative Law Judge.

5 IT IS FURTHER ORDERED that **if the case is resolved by a proposed Consent Order**
6 **prior to the hearing, the Division shall file a Motion to Vacate the proceeding.**

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

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

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

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

21 DATED this 15th day of April, 2010.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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1 Copies of the foregoing mailed/delivered
this 1st day of April, 2010 to:

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3 Troy Truvillion
1635 West Yellowstone Way
Chandler, AZ 85248

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

7 ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
8 Phoenix, AZ 85004-1481

9
10 By: 
Debra Broyles
11 Secretary to Marc E. Stern

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