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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

2010 MAY 27 P 2:04
 AZ CORP COMMISSION
 DOCKET CONTROL

IN THE MATTER OF:

THEODORE J. HOGAN & ASSOCIATES, LLC
 a.k.a. TED HOGAN AND ASSOCIATES, an
 Arizona limited liability company,

 THEODORE J. HOGAN a.k.a. TED KILLS IN
 THE FOG, a married man,

 and

 CHRISTINA L. DAMITIO, a.k.a. CHRISTINA
 HOGAN, a married woman,

DOCKET NO. S-20714A-09-0553

Arizona Corporation Commission

DOCKETED

MAY 27 2010

DOCKETED BY	<i>MM</i>
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RESPONDENTS.

PROCEDURAL ORDER
(Denies Motion(s))

BY THE COMMISSION:

On December 8, 2009, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Theodore J. Hogan & Associates, LLC a.k.a. Ted Hogan and Associates, and a.k.a. Ted Kills in the Fog ("Hogan") and Christina L. Damitio a.k.a. Christina Hogan (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 investment contracts.

The Respondents were duly served with copies of the Notice.

On December 22, 2009, requests for hearing were filed by Respondents. Included within Respondents' requests appear to be an Answer and request for pre-hearing discovery.

On January 7, 2010, the Division filed a response to the requests of the Respondents request for discovery urging their denial.

On January 8, 2010, a pre-hearing conference was scheduled on January 28, 2010, and the request for discovery was taken under advisement.

1 On January 28, 2010, the Division appeared with counsel and Respondents appeared on their
2 own behalf. The parties discussed the scheduling of a hearing and discussed a possible settlement
3 prior to the hearing taking place.

4 On February 1, 2010, by Procedural Order, a hearing was scheduled to commence on June 15,
5 2010.

6 On May 21, 2010, Respondents each filed a Motion to Dismiss arguing that they had no
7 discovery and that the Commission lacked jurisdiction over them.

8 On May 25, 2010, the Division filed its Response to the Motion(s) to Dismiss stating that the
9 Division had provided, on April 23, 2010, copies of its Exhibits and Witness List to the Respondents
10 pursuant to the Commission's Procedural Order. The Division further stated that Respondents are
11 residents of Arizona and that the Division's evidence to be presented at hearing will establish that
12 Respondents offered and sold securities within or from Arizona.

13 Under the circumstances, Respondents Motion(s) to Dismiss should be denied.

14 IT IS THEREFORE ORDERED that a **hearing** shall be held on **June 15, 2010, at 10:00**
15 **a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix,
16 Arizona, as previously ordered.

17 IT IS FURTHER ORDERED that the parties shall also reserve **June 16 and 17, 2010**, for
18 additional days of hearing, if necessary, as previously ordered.

19 IT IS FURTHER ORDERED that the **Division shall provide copies of their Exhibits and**
20 **Witness List to Respondents**, with courtesy copies provided to the presiding Administrative Law
21 Judge, by **April 23, 2010**, as previously ordered.

22 IT IS FURTHER ORDERED that the **Respondents shall provide copies of their Exhibits**
23 **and Witness List to the Division**, with courtesy copies provided to the presiding Administrative
24 Law Judge by **May 21, 2010**, as previously ordered.

25 IT IS FURTHER ORDERED that the Motions to Dismiss filed by Respondent(s) are hereby
26 denied.

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

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

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

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

12 DATED this 27th day of May, 2010.

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16 _____
MARC E. STERN
ADMINISTRATIVE LAW JUDGE

17 Copies of the foregoing mailed/delivered
18 this 27th day of May, 2010 to:

19 Theodore J. Hogan
20 Christina L. Damitio
460 Andante
Sedona, AZ 86336

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

24 By: 
25 _____
Debra Broyles
26 Secretary to Marc E. Stern
27
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