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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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ARIZONA CORPORATION COMMISSION
DOCUMENT CONTROL

CARL J. KUNASEK
Chairman
JIM IRVIN
Commissioner
WILLIAM A. MUNDELL
Commissioner

DOCKETED BY

In the matter of)
)
JOSEPH MICHAEL GUESS, SR.)
2911 E. Calavar Road)
Phoenix, Arizona 85032)
)
PROGRESSIVE FINANCIAL MANAGEMENT)
2911 E. Calavar Road)
Phoenix, Arizona 85032)
)
JAMES DOUGLAS SHERRIFFS)
5544 East Helena Drive,)
Scottsdale, Arizona 85254)
)
RICHARD GORDON DAVIS)
4330 North 30TH Street)
Phoenix, Arizona 85016)
)
RGD)
4330 North 30TH Street)
Phoenix, Arizona 85016)
)
RGD ENTERPRISES, INC.)
4330 North 30TH Street)
Phoenix, Arizona 85016)
)
IRA JOE PATTERSON)
4330 North 30th Street)
Phoenix, Arizona 85016)
)
RANDALL WAYNE SMITH, JR.)
1905 Springlake Court)
Birmingham, Alabama 35215)
)
BALLY OVERSEAS TRADING INC.)
1905 Springlake Court)
Birmingham, Alabama 35215,)
)
Respondents.)

DOCKET NO. S-03280A-00-0000

**NOTICE OF INTENT TO
APPLY FOR DEFAULT ORDER
AGAINST RESPONDENT
RANDALL WAYNE SMITH, JR.**

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1 In view of the failure of respondent Randall Wayne Smith, Jr. ("Smith") to timely request
2 a hearing in the above-referenced matter after being served with the Notice of Opportunity for
3 Hearing Regarding Proposed Order for Relief ("Notice") dated April 6, 2000, the Securities
4 Division ("Division") of the Arizona Corporation Commission ("Commission") hereby provides
5 notice of its intent to apply directly to the Commission for issuance of an order against the
6 defaulting respondent granting the relief requested in the Notice.

7 **FACTS**

8 On September 18, 2000, Requests for Hearing ("Requests") were docketed in this matter
9 on behalf of Smith and Bally Overseas Trading Inc. On September 22, 2000, the Division
10 docketed and served by mail a Response to Requests for Hearing ("Response") opposing these
11 Requests on grounds that both respondents were duly served with the Notice at their last known
12 place of business in the British Virgin Islands on or about June 28, 2000, but failed to request a
13 hearing before the expiration of the ten-day deadline imposed by A.R.S. § 44-1972 and A.A.C.
14 R14-4-306. Attached to the Response as Exhibit B was an affidavit of service separately
15 docketed in this matter certifying service of the Notice on Smith by International Registered
16 Mail. Thereafter, the Hearing Officer issued the Sixth Procedural Order ("Order") in this matter
17 on September 26, 2000, denying the Requests on a finding of untimeliness. Smith did not docket
18 any reply to the Response or to the Order.

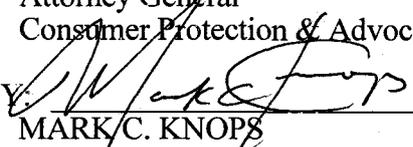
19 **CONCLUSION**

20 By reason of the Order and his failure to timely request a hearing, Smith lost the
21 opportunity to administratively contest the allegations against him in the Notice. The Division
22 may now apply directly to the Commission for an order against him granting the relief requested
23 in the Notice. Unless Smith consents to entry of an order against him, the Division intends to
24 seek a default order as soon as practicable. If not otherwise ordered by the Hearing Officer, the
25 Division will hereafter serve its filings related to the administrative hearing only on respondents
26 Joseph Michael Guess, Sr., James Douglas Sherriffs, Richard G. Davis and Ira Joe Patterson or

1 their legal representatives. All other respondents in this matter are deemed to have defaulted and
2 hereafter will be served only with the Division's proposed default order against each or all of
3 them.

4 RESPECTFULLY SUBMITTED this 3rd day of October, 2000.

6 JANET NAPOLITANO
7 Attorney General
8 Consumer Protection & Advocacy Section

9 BY: 
10 MARK C. KNOPS
11 Special Assistant Attorney General
12 MOIRA McCARTHY
13 Assistant Attorney General
14 Attorneys for the Securities Division
15 Arizona Corporation Commission
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1 ORIGINAL AND TEN (10) COPIES of the foregoing
filed this 3rd day of October, 2000, with:

2 Docket Control
3 Arizona Corporation Commission
1200 West Washington
4 Phoenix, AZ 85007

5 COPY of the foregoing mailed and/or faxed this
3rd day of October, 2000 to:

6 Joseph Michael Guess, Sr.
7 2911 E. Calavar Rd.
Phoenix, AZ 85032
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15 Phoenix, AZ 85016
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16 Randall Wayne Smith, Jr.
17 1905 Springlake Ct.
Birmingham, AL 35215
18 RESPONDENT

19 Christopher B. Parkerson, Esq.
Johnson & Mobley
20 2101 Fourth Ave. South, Ste. 200
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21 By: Karen Horle
22

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