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AZ CORP COMMISSION  
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IN THE MATTER OF:

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Arizona Corporation Commission

NOV 06 2000

JOSEPH MICHAEL GUESS, SR. et.al  
2911 E. Calavar Road  
Phoenix, Arizona 85032

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BY J. MICHAEL GUESS SR.

On August 31, 2000 the hearing concluded with closing briefs to be submitted on or before September 29, 2000. The following is the brief for Joseph Michael Guess Sr./Progressive Financial Management.

I begin by stating that this is the first time I have ever witnessed or been a part of the judicial/administrative system. I must say it was in no way what I was taught growing up. I could not believe how people whom I considered to live by Christian ethics could be persuaded to represent themselves and what happened in the manner that I witnessed in this hearing.

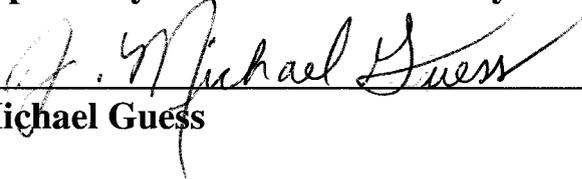
The business conducted was to be no more than a private transaction between J. Michael Guess, Ed King, Richard Davis, Joe Patterson, and Jim Sherriffs as a private group doing a transaction with Randall Smith/Bally Overseas Trading. The people who testified in this hearing were people I did not even know prior to there involvement. I understood them to be close personal friends of the others involved in the transaction. They solicited me to place funds where I had placed the funds of the private group. Contrary to what was presented I did not nor have I ever sold or solicited to sell anything to anyone at anytime in this transaction.

Furthermore, I nor any of the members of this private group are or have been in no way in business with Randall Smith/Bally Overseas Trading, nor did we know the actions taken by Randall Smith in conducting the transactions we were being paid from. We had been instructed all funds were profits and we were issued tax forms to file them as such. In fact all funds used or spent by myself or any party in our group dealing with Randall Smith/Bally Overseas Trading were, as we were instructed, profits from Randall Smith/Bally Overseas Trading as evidenced by the contractual agreements between Randall Smith/Bally Overseas Trading et.al, and RGD, J. Michael Guess, and Progressive Financial Management.

On June 7, 2000 Myself and Mr Patterson attended a pre-hearing conference held with the division. I was unaware of the need of legal council until this hearing. I did not understand why, after review of the previous meetings with Mr. Knopps and Mr. Adams with legal council, that any correspondence concerning this matter, that council requested to be directed to him had not. Then being asked if I was going to retain legal council I responded in the affirmative. But due to scheduling he could not be registered until the latter part of the following week. The response I was given was he was to be registered by the first part of the following week or it would be to late, because I had had since April 6, 2000 and that was ample time.

In closing it was brought up on several occasions by Mr. Knopps questioning the witnesses to whether or not they new if I/Progressive Financial Management was an participant as an investor. I/Progressive Financial Management was an investor and I have ordered from the bank canceled checks made out to Randall W. Smith/Bally Overseas Trading et.al, as proof. Unfortunately I have yet received these from the bank to present them as evidence because the account was closed.

Respectfully submitted this 6<sup>th</sup> day of November, 2000

  
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J. Michael Guess