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BEFORE THE ARIZONA CORPORATION COMMISSION

1
2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER

Arizona Corporation Commission

DOCKETED

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DEC 19 2002

AZ CORP COMMISSION
DOCUMENT CONTROL

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6 IN THE MATTER OF THE.

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DOCKET NO. S-03364A-02-0000

7 CARL DELANO WOODARD
aka: CARL WOODWARD
8 3065 West Ironwood Circle
Chandler, AZ 85226

SIXTH
PROCEDURAL ORDER

9 **BY THE COMMISSION:**

10 On June 20, 2002, the Securities Division ("Division") of the Arizona Corporation
11 Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Carl
12 Delano Woodard, aka Carl Woodward ("Respondent"), in which the Division alleged multiple
13 violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in
14 the form of certificates of participation in a profit-sharing arrangement and/or investment contracts.

15 The Respondent was duly served with a copy of the Notice.

16 On July 20, 2002, a request for hearing was filed for Respondent.

17 On July 16, 2002, by Procedural Order, a pre-hearing conference was scheduled on August 6,
18 2002.

19 On July 24, 2002, Respondent's counsel filed a Request for Continuance ("Request")
20 indicating a possible scheduling conflict due to trial scheduled for the preceding week. The Division
21 did not object to the Request.

22 On July 31, 2002, by Procedural Order, the proceeding was continued to August 8, 2002.

23 On August 8, 2002, at the pre-hearing conference, the Division and the Respondent appeared
24 with counsel. The Division requested a continuance to allow for the replacement of counsel who was
25 retiring from the Commission. Respondent did not object to this request and the parties agreed upon
26 a new date and time for a pre-hearing conference.

27 On August 8, 2002, by Procedural Order, the pre-hearing conference was continued.

28 On September 3, 2002, a pre-hearing conference was held with the Division and the

1 Respondent present with counsel. The parties agreed to attempt to resolve the issues raised in the
2 Notice by entering into a Consent Order for the Commission's approval. In the event that the parties
3 do not reach a resolution or the Commission does not approve a proposed Consent Order, the parties
4 agreed to a hearing being scheduled to commence on December 3, 2002.

5 On September 4, 2002, by Procedural Order, the proceeding was scheduled for a hearing on
6 December 3, 2002.

7 On November 12, 2002, Respondent filed a Motion to Postpone Hearing ("Motion")
8 requesting at least a 30-day continuance. Respondent indicated that the Division was in agreement
9 and further stated that the parties were continuing to negotiate the terms of a Consent Order to be
10 approved by the Commission.

11 On November 14, 2002, by Procedural Order, this proceeding was continued to January 21,
12 2003. However, it has become necessary to delay the start of the hearing to **January 22, 2003**.

13 On December 16, 2002, Quarles & Brady Streich Lang, LLP, counsel for Mr. Woodard, filed
14 a document captioned "Notice of Withdrawal As Counsel of Record with Consent" ("Notice of
15 Withdrawal"), indicating that it was withdrawing as his counsel because Mr. Woodard had filed
16 Chapter 7 bankruptcy and would represent himself in the future to avoid the expense of private
17 counsel. The address and phone number for Mr. Woodard was provided along with an affidavit from
18 Mr. Woodard consenting to his counsel's withdrawal.

19 The Notice of Withdrawal filed by Quarles & Brady Streich Lang, LLP fails to meet the
20 requirements for written application to withdraw pursuant to Commission Rule A.A.C. R14-3-104(E)
21 and Rule 5.1(a)(2)(B) and (C) of the Arizona Rules of Civil Procedure ("Rules") because it was not
22 indicated that Mr. Woodard had been notified in writing of the status of the case, the hearing dates
23 and times and the necessity to be prepared for the hearing. In this case, Mr. Woodard should also be
24 further notified of the change in the initial date of hearing.

25 Accordingly, the commencement of the proceeding should be delayed and Quarles & Brady
26 Streich Lang, LLP should file a written application which meets the requirements of A.A.C. R14-3-
27 104(E), Rule 5.1 of the Rules and consistent with ER 1.16 of Rule 42 of the Arizona Rules of
28 Professional Conduct for withdrawal to be permitted.

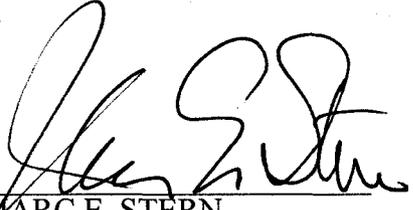
1 IT IS THEREFORE ORDERED that the hearing scheduled on January 21, 2003 shall be
2 continued to **January 22, 2003, at 9:30 a.m.**, at the Commission's offices, 1200 West Washington
3 Street, Phoenix, Arizona.

4 IT IS FURTHER ORDERED that the parties shall also set aside January 23 and 24, 2003 for
5 additional days of hearing, if necessary.

6 IT IS FURTHER ORDERED that the parties shall exchange Witness Lists and Exhibits not
7 later than January 7, 2003, with a copy of same being provided to the presiding Administrative Law
8 Judge.

9 IT IS FURTHER ORDERED that Quarles & Brady, Streich, Lang, LLP shall make written
10 application to withdraw in a form which meets the requirements of A.A.C. R14-3-104(E), Rule 5.1 of
11 the Arizona Rules of Civil Procedure and consistent with ER 1.16 of Rule 42 of the Arizona Rules of
12 Professional Conduct.

13 DATED this 19TH day of December, 2002.

14
15
16 
17 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered
19 this 19 day of December, 2002 to:

20 Booker T. Evans, Jr.
21 Brian R. Booker
22 QUARLES & BRADY STREICH LANG, LLP
23 Two North Central
24 Phoenix, AZ 85004-2391
25 Attorneys for Respondent

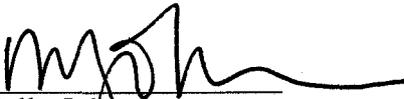
26 Carl Delano Woodard
27 3065 West Ironwood Circle
28 Chandler, AZ 85226
Respondent

29 Moira McCarthy
30 Assistant Attorney General
31 ARIZONA ATTORNEY GENERAL'S OFFICE
32 1275 West Washington Street
33 Phoenix, AZ 85007

1 W. Mark Sendrow, Director
2 Securities Division
3 ARIZONA CORPORATION COMMISSION
4 1300 West Washington Street
5 Phoenix, AZ 85007

6
7 ARIZONA REPORT SERVICE, INC.
8 2627 N. Third Street, Ste. Three
9 Phoenix, AZ 85004

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By: 
Molly Johnson
Secretary to Marc E. Stern