



0000116405

ORIGINAL

25H

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MARC SPITZER, Chairman
JIM IRVIN
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON

Arizona Corporation Commission

DOCKETED

MAR 28 2003

MAR 28 A 10:57

ARIZONA CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE.

DOCKETED BY

max

DOCKET NO. S-03364A-02-0000

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

NINTH
PROCEDURAL ORDER

BY THE COMMISSION:

On June 20, 2002, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Carl Delano Woodard, aka Carl Woodward ("Respondent"), 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 certificates of participation in a profit-sharing arrangement and/or investment contracts.

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

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

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

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

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

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

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

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

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

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

12 On November 14, 2002, by Procedural Order, this proceeding was continued to January 21,
13 2003. However, it became necessary to delay the start of the hearing to January 22, 2003.

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

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

26 On December 19, 2002, by Procedural Order, the proceeding was delayed to January 22, 2003
27 and Quarles & Brady Streich Lang, LLP was ordered to make written application which meets the
28 requirements of A.A.C. R14-3-104(E), Rule 5.1 of the Rules and consistent with ER 1.16 of Rule 42

1 of the Arizona Rules of Professional Conduct for withdrawal to be permitted.

2 On January 8, 2003, Quarles & Brady Streich Lang, LLP filed an amended Notice of
3 Withdrawal. The amended Notice of Withdrawal met the requirements of the law.

4 On January 13, 2003, by Procedural Order, Quarles & Brady Streich Lang was granted
5 permission to withdraw as counsel of record.

6 On January 15, 2003, the Division filed a Motion to Continue the hearing because a
7 settlement had been reached with Respondent and a Consent Order is to be submitted to the
8 Commission for its approval.

9 On January 17, 2003, by Procedural Order, the proceeding was continued pending
10 Commission approval of a Consent Order.

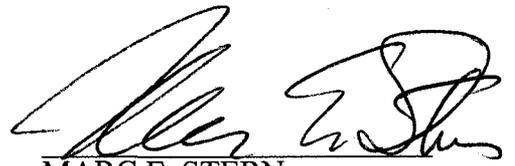
11 On March 17, 2003, the Division filed a Motion to Set a Hearing Date stating that although
12 the Division and the Respondent had agreed upon a settlement, the Division had been unable to
13 obtain a signed Consent Order. Therefore, the Division requested that a hearing be scheduled.

14 Accordingly, the Division's Motion to Set a Hearing Date should be granted and a hearing be
15 scheduled.

16 IT IS THEREFORE ORDERED that the Division's Motion to Set a Hearing Date is hereby
17 granted and a hearing shall be held on April 29, 2003, at 9:30 a.m. at the Commission's offices, 1200
18 West Washington Street, Phoenix, Arizona.

19 IT IS FURTHER ORDERED that the hearing shall convene on April 30, 2003, at 10:00 a.m., if
20 an additional day of hearing is necessary.

21 DATED this 28TH day of March, 2003.

22
23 
24 MARC E. STERN
25 ADMINISTRATIVE LAW JUDGE
26
27
28

Copies of the foregoing mailed/delivered
this 28 day of March, 2003 to:

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

Moira McCarthy
Assistant Attorney General
ARIZONA ATTORNEY GENERAL'S
OFFICE
1275 West Washington Street
Phoenix, AZ 85007

W. Mark Sendrow, Director
Securities Division
ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, AZ 85007

ARIZONA REPORT SERVICE, INC.
2627 N. Third Street, Ste. Three
Phoenix, AZ 85004

By: 
Molly Johnson
Secretary to Marc E. Stern

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28