



0000116571

ORIGINAL

19

BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

1
2
3
4
5
6
7
8
9
10
11
12
13

WILLIAM A. MUNDELL
Chairman
JIM IRVIN
Commissioner
MARC SPITZER
Commissioner

Arizona Corporation Commission

DOCKETED

OCT 16 2002

2002 OCT 16 P 1:07

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY	CAL
-------------	-----

In the matter of:

Ronald Lee Keel
1849 Viola Drive
Sierra Vista, Arizona 85635

Donald Ramey
211 N. 4th Street
Sierra Vista, Arizona 85636

Meracana Mining Corporation
1849 Viola Drive
Sierra Vista, Arizona 85635,

Respondents.

DOCKET NO. S-03418A-01-0000

SECURITIES DIVISION'S MOTION
TO VACATE REQUESTS FOR
HEARING AND ENTER A DEFAULT
ORDER AGAINST RESPONDENT
MERACANA MINING CORPORATION

(A.L.J. Philip J. Dion III)

The Securities Division ("Division") of the Arizona Corporation Commission ("Commission") hereby moves the Commission to vacate the prior requests for a hearing made by Respondent Ronald Lee Keel ("Keel") on behalf of Respondent Meracana Mining Corporation ("Meracana") and to enter a default order against Meracana for the relief requested in the Notice of Opportunity For Hearing.

In January 2002, Keel requested in writing a hearing in this matter. Keel also requested a hearing on behalf of Meracana. Keel is the president of Meracana. Keel is not an attorney. On April 10, 2002, a Status Conference in this matter was held. Meracana did not enter an appearance since it was not represented by counsel. During the Status Conference, Keel indicated that he would retain an attorney for himself and for Meracana. This was considered by the Commission to be a request for a hearing by Keel on behalf of Meracana. See Fourth Procedural Order. In May 2002, the Division filed a Motion For Order Requiring Meracana To Retain Legal Counsel. This motion was granted by the Commission. A hearing for Respondents

14
15
16
17
18
19
20
21
22
23
24
25
26

1 was scheduled on the belief that legal counsel would be retained to represent Meracana as Keel
2 had indicated. No legal counsel has ever been retained to represent Meracana in this
3 administrative matter.

4 A corporation cannot be represented nor appear before the Commission by an officer who
5 is not an Arizona licensed attorney. Az.Atty.Gen.Op. No. 71-11, pg. 3 (1971), quoting Ramada
6 Inns, Inc. v. Lane And Bird Advertising, Inc., 102 Ariz. 127, 128, 426 P.2d 395 (1967). When
7 Keel, who is not an Arizona licensed attorney, requested a hearing in writing on behalf of
8 Meracana and impliedly requested a hearing at the Status Conference, he in essence was
9 attempting to represent and appear for Meracana before the Commission. Since Keel cannot
10 represent nor appear for Meracana before the Commission, his requests for a hearing on behalf of
11 Meracana are void and should be vacated. Once Keel's requests for a hearing on behalf of
12 Meracana are vacated, a default order should be entered against Meracana.

13 Respectfully submitted this 16th day of October, 2002.

14
15 **Janet Napolitano**
Attorney General for the State of Arizona
16 
17 **Anthony B. Bingham**
Special Assistant Attorney General
18 **Maira McCarthy**
Assistant Attorney General
19 Attorneys for the Securities Division of the
20 Arizona Corporation Commission
21
22
23
24
25
26

1 Original and ten copies
2 of the foregoing hand-delivered
3 this 6th day of October, 2002, to:

4 Docket Control
5 Arizona Corporation Commission
6 1200 West Washington Street
7 Phoenix, AZ 85007

8 A copy of the foregoing mailed
9 this 16th day of October 2002, to:

10 Jana E. Flagler, Esq.
11 Cardinal & Stachel, P.C.
12 2151 S. Highway 92, Suite 100
13 Sierra Vista, Arizona 85635
14 Attorneys for Respondent Ramey

15 Ronald Lee Keel
16 c/o Lisa P. Keel
17 2591 W. Sunset Road
18 Tucson, AZ 85741

19 Richard Keel
20 5496 Fitz Avenue
21 Portage, IN 46368

22
23
24
25
26

N:\ENFORCE\CASES\Meracana Mining Corp.tbb\PLEADING\Securities Division's Motion To
Enter Default Against Meracana.doc