



0000116696

ORIGINAL

25 HV

ARIZONA CORPORATION COMMISSION

RECEIVED

1
2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER
5

2001 JUL 24 A 9:33

AZ CORP COMMISSION
DOCUMENT CONTROL

6 IN THE MATTER OF:

DOCKET NO. S-03455A-01-0000

7 AEROMAX, INC.
9520 East Lorna Lane
8 Prescott Valley, Arizona 86314
Foreign Address:
9 1704 Westland Road
Cheyenne, Wyoming 82001

10 AEROMAG CORPORATION
9520 East Lorna Lane
11 Prescott Valley, Arizona 86314

12 LEXINGTON BARTLETT
7500 East Cocopah Drive
13 Prescott Valley, Arizona 86314

14 DAVID L. SPEARS
9560 East Whipsaw Lane
15 Prescott Valley, Arizona 86314,

Arizona Corporation Commission

DOCKETED

JUL 24 2001

DOCKETED BY *sd*

16 Respondents.

PROCEDURAL ORDER

17 **BY THE COMMISSION:**

18 On June 20, 2001, the Securities Division ("Division") of the Arizona Corporation
19 Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding the Temporary
20 Order to Cease and Desist and Notice of Opportunity for Hearing ("Notice") against Aeromax, Inc.;
21 Aeromag Corporation; Lexington Bartlett; and David L. Spears (collectively the "Respondents") in
22 which the Division alleged that Respondents have engaged in acts, practices, and transactions that
23 constitute violations of the Arizona Securities Act ("Act").

24 The Respondents were all duly served with copies of the Notice.

25 On July 10, 2001, Respondents, through their attorney, filed a request for a hearing.

26 On July 16, 2001, the Commission issued a procedural order that set this matter for a pre-
27 hearing conference on July 26, 2001.

28 On July 23, 2001, the Commission received a motion to continue the hearing scheduled for

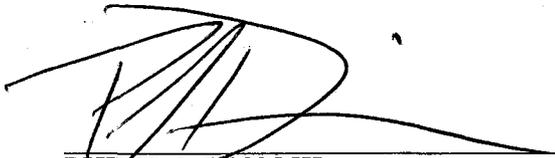
1 July 26, 2001 from the Respondents. The reason for the continuance is that Mr. McKee, who is an
2 attorney for the Respondents, will be out of state on July 26, 2001. Respondents have agreed to
3 waive their rights to have a hearing within 5 to 15 days of their request for a hearing pursuant to
4 Commission Rule 14-4-307(D). The Commission contacted the Division and the Division indicated
5 it did not object to a short continuance.

6 Accordingly, the pre-hearing should be rescheduled to address the issues raised in Notice, the
7 presentation of evidence, the scheduling of discovery timelines and set a hearing date.

8 IT IS THEREFORE ORDERED that the pre-hearing on the above-captioned matter scheduled
9 for July 26, 2001 shall be vacated and continued until August 9, 2001, at 9:00 a.m., at the
10 Commission's offices, 1200 West Washington Street, Phoenix, Arizona. The Commission finds that
11 this delay is indispensable to the interests of justice, and that no party will be prejudiced by this
12 delay. The Commission also finds that Respondents have waived the time requirements of
13 Commission Rule 14-4-307(D).

14 IT IS FURTHER ORDERED that Respondents shall comply with the Temporary Cease and
15 Desist Order until the issuance of a Decision by the Commission in this matter.

16 DATED this 24 day of July, 2001.

17
18 
19
20 PHILIP J. DION III
21 ADMINISTRATIVE LAW JUDGE

22 Copies of the foregoing mailed/delivered
23 this 24 day of July, 2001 to:

24 Jeffrey A. McKee
25 DAVIS MCKEE & FORSHEY, P.C.
26 5333 North Seventh Street
27 Suite A-201
28 Phoenix, Arizona 85014
Attorney for Respondent

1 Carl Ranno
2 2816 East Windrose Drive
3 Phoenix, Arizona 85032
4 Attorney for Respondent

5 Moira McCarthy
6 Assistant Attorney General
7 ARIZONA ATTORNEY GENERAL'S OFFICE
8 1275 West Washington Street
9 Phoenix, Arizona 85007

10 W. Mark Sendrow, Director
11 Securities Division
12 ARIZONA CORPORATION COMMISSION
13 1300 West Washington Street
14 Phoenix, Arizona 85007

15 ARIZONA REPORTING SERVICE, INC.
16 2627 N. Third Street, Suite Three
17 Phoenix, Arizona 85004-1104

18 By: 
19 Molly Johnson
20 Secretary to Philip J. Dion III
21
22
23
24
25
26
27
28