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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

- MARC SPITZER, Chairman
- WILLIAM A. MUNDELL
- JEFF HATCH-MILLER
- MIKE GLEASON
- KRISTIN K. MAYES

Arizona Corporation Commission

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AZ CORP COMMISSION
DOCUMENT CONTROL

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IN THE MATTER OF THE.

DOCKET NO. S-03489A-03-0000

KATHLEEN WHORLEY SOMMER
 [CRD No. 27500361],
 dba Sommer & Associates
 249 W. Waltann Lane
 Phoenix, AZ 85023

and JOHN DOE, husband and wife,

Respondents.

SIXTH
PROCEDURAL ORDER

BY THE COMMISSION:

On February 25, 2003, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Kathleen Whorley Sommer and John Doe ("Respondents"), 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 investment contracts.

The Respondents were duly served with a copy of the Notice.

On March 25, 2003, a request for hearing and Motion to Dismiss ("Motion") was filed for Respondents.

On March 26, 2003, the Division filed a response to Respondent's Motion and requested a pre-hearing be set.

On April 1, 2003, by Procedural Order, a pre-hearing conference was scheduled.

On April 10, 2003, the pre-hearing conference was held with the Division and Respondent represented by counsel. Discovery and scheduling of the proceeding were discussed. Counsel for the Division indicated a planned absence from April 11, 2003 until early July, 2003 that would require the matter be held in abeyance until that time. It was agreed that an additional pre-hearing

1 conference be scheduled in July, 2003.

2 On April 10, 2003, by Procedural Order, a further pre-hearing conference was scheduled for
3 July 15, 2003.

4 On July 8, 2003, an attorney for the Division filed a notice of substitution of counsel and a
5 Motion for a Continuance ("Motion"). Respondents did not oppose the Motion.

6 On July 14, 2003, by Procedural Order, the pre-hearing conference scheduled for July 15, 2003 was
7 continued to July 30, 2003.

8 On July 17, 2003, Respondent's counsel requested a brief continuance due to scheduling
9 conflict. The Division did not object to this request.

10 On July 21, 2003, by Procedural Order, the proceeding was continued to August 5, 2003.

11 On August 5, 2003, the Division and Respondent appeared through counsel who requested
12 that a status conference be scheduled in approximately 60 days while they attempt to settle the issues
13 raised in the Notice.

14 On August 6, 2003, by Procedural Order, a status conference was scheduled for October 23,
15 2003.

16 On October 23, 2003, counsel for the parties appeared and agreed that the proceeding be
17 scheduled for hearing on January 6, 7 and 8, 2004.

18 Accordingly, the proceeding should be scheduled for hearing as agreed by counsel.

19 IT IS THEREFORE ORDERED that a hearing on the above matter shall commence on
20 January 6, 2004, at 9:30 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix,
21 Arizona.

22 IT IS FURTHER ORDERED that the parties shall also set aside January 7 and 8, 2004 for
23 additional days of hearing, if necessary.

24 IT IS FURTHER ORDERED that the Division and the Respondent shall exchange copies of
25 the Witness lists and their Exhibits by December 17, 2003.

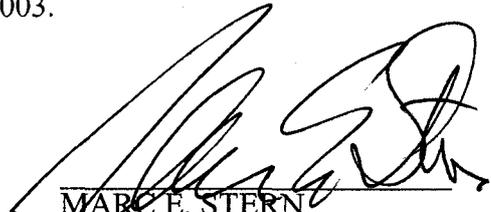
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1 IT IS FURTHER ORDERED that the parties shall provide courtesy copies of their their
2 Witness lists and their Exhibits to the presiding Administrative Law Judge on December 17, 2003
3 also.

4 DATED this 24th day of October, 2003.

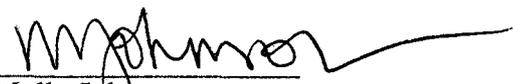
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6
7 
8 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 24 day of October, 2003 to:

11 Harry N. Stone
12 3030 N. 3rd Street
13 Phoenix, AZ 85012
Attorneys for Respondent

14 Matt Neubert, Acting Director
15 Securities Division
16 ARIZONA CORPORATION COMMISSION
17 1300 West Washington Street
18 Phoenix, AZ 85007

19 ARIZONA REPORTING SERVICE, INC.
20 2627 N. Third Street, Ste. Three
21 Phoenix, AZ 85004

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25
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By: 
Molly Johnson
Secretary to Marc E. Stern