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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

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COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

JAN - 6 2004

2004 JAN -6 P 2: 24

AZ CORP COMMISSION
DOCUMENT CONTROL

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DOCKET NO. S-03489A-03-0000

IN THE MATTER OF THE.

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

and JOHN DOE, husband and wife,

Respondents.

SEVENTH
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 On October 24, 2003, by Procedural Order, the proceeding was scheduled for hearing on
19 January 6, 2004.

20 On January 5, 2004, Respondent filed a Motion to continue the hearing. Respondent's
21 counsel requested at least a 30 day continuance and indicated a settlement was being negotiated with
22 the Division. The Division agreed to the requested continuance pending the conclusion of the
23 settlement.

24 Accordingly, the proceeding should be continued as agreed by counsel.

25 IT IS THEREFORE ORDERED that a hearing on the above matter is continued from January
26 6, 2004, to March 9, 2004 at 9:30 a.m. at the Commission's offices, 1200 West Washington Street,
27 Phoenix, Arizona.

28 ...

1 IT IS FURTHER ORDERED that the parties shall also set aside March 10 and 11, 2004 for
2 additional days of hearing, if necessary.

3 DATED this 6th day of January, 2004.

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6 
7 MARC E. STERN
8 ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
9 this 6th day of January, 2004 to:

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

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

15 ARIZONA REPORTING SERVICE, INC.
16 2627 N. Third Street, Ste. Three
17 Phoenix, AZ 85004

18
19 By: 
20 Molly Johnson
21 Secretary to Marc E. Stern

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