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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

Arizona Corporation Commission

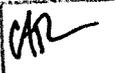
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2003 MAY -8 P 2:04

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

MAY 08 2003

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKETED BY 

IN THE MATTER OF:

DOCKET NO. S-03529A-03-0000

WESLEY KARBAN WYATT and JANE DOE
WYATT, husband and wife
c/o Harry N. Stone
3030 North Third Street, Ste. 200
Phoenix, AZ 85012-3044

Respondents.

PROCEDURAL ORDER

BY THE COMMISSION:

On March 17, 2003, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, for Restitution, for Administrative Penalties, and for Other Affirmative Action ("Notice") against Wesley Karban Wyatt and Jane Doe Wyatt in which the Division alleged that they engaged in acts, practices and transactions that constitute violation of the Arizona Securities Act ("Act").

On March 18, 2003, Mr. Wyatt ("Respondent"), through his attorney, filed a Notice of Appearance, Request for Hearing, Motion to Quash Subpoena Duces Tecum ("Motion to Quash") and Wes Wyatt's Notice of Privilege.

On March 26, 2003, the Commission issued a Procedural Order that set this matter for a pre-hearing conference on April 21, 2003.

On April 8, 2003, the Division filed a Response to the Motion to Quash and the Notice of Privilege.

On April 21, 2003, the pre-hearing conference was held as scheduled. The Division appeared with the assistance of counsel. Mr. Wyatt's attorney, Harry Stone, also appeared on behalf of Mr. Wyatt. During the pre-hearing, the parties suggested that this matter should be set for another pre-hearing in approximately 45-60 days as the parties needed time to address some discovery issues and

1 discuss a possible settlement in this matter. Regarding Respondent's Motion to Quash, the parties
2 stated it appeared that the parties were going to resolve that issue by themselves. The Administrative
3 Law Judge took the Notice of Privilege and Motion to Quash under advisement, but stated that if the
4 Respondent did not file a Reply to the Division's Response on or before May 5, 2003, then it would
5 be assumed that the Motion to Quash had been resolved between the parties and it would not be ruled
6 upon. As of May 7, 2003, Respondent has not filed a Reply.

7 Accordingly, another pre-hearing conference should be scheduled to address the issues raised
8 in the Notice, the presentation of evidence, the scheduling of discovery timelines and to set a hearing
9 date.

10 IT IS THEREFORE ORDERED that a pre-hearing conference shall be held on May 22, 2003
11 at 9:00 a.m. at the Commission's offices, 1200 West Washington, Phoenix, Arizona.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 – Unauthorized
13 Communications) is still in effect.

14 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive
15 any portion of this Procedural Order by subsequent Procedural Order or by ruling at hearing.

16 DATED this 8 day of May, 2003.

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PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

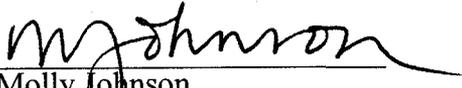
21 Copies of the foregoing were mailed/delivered this
22 8 day of May, 2003 to:

23 Harry N. Stone
24 3030 N. 3rd Street, Ste. 200
25 Phoenix, AZ 85012
26 Attorney for Respondent

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

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1 ARIZONA REPORTING SERVICE, INC.
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3 Phoenix, Arizona 85004-1104

4 By: 
5 Molly Johnson
6 Secretary to Philip J. Dion III
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