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COMMISSIONERS

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

AZ CORP COMMISSION
DOCUMENT CONTROL

In the matter of:
WESLEY KARBAN WYATT and JANE
DOE WYATT, husband and wife,
d/b/a THE FINANCIAL GREENHOUSE
c/o Harry N. Stone, Attorney at Law
3030 North Third Street, Suite 200
Phoenix, Arizona 85012
Respondents.

DOCKET NO. S-03529A-⁰³~~02~~-0000

SECURITIES DIVISION'S LIST OF
WITNESSES AND EXHIBITS

Arizona Corporation Commission
DOCKETED

JAN 12 2004

DOCKETED BY *CMZ*

The Securities Division ("Division") of the Arizona Corporation Commission ("Commission") submits the following list of witnesses and exhibits intended to be presented at the hearing in this matter:

WITNESSES:

1. Alan Walker. Mr. Walker is an investigator with the Securities Division and is expected to testify regarding the investigation into the facts in this matter.

2. Ms. Evangeline Munoz. Mrs. Munoz is an investor who purchased Alpha Telcom investment contracts from Respondent Wesley Karban Wyatt, and is expected to testify regarding the facts surrounding the sale and the representations Mr. Wyatt made in connection with the sale.

3. Mr. Norbert J. Schilz. Mr. Schilz is an investor who purchased Alpha Telcom investment contracts from Respondent Wesley Karban Wyatt, and is expected to testify regarding the facts surrounding the sale and the representations Mr. Wyatt made in connection with the sale.

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1 4. Mr. Glenn Woodard. Mr. Woodard is an investor who purchased Alpha Telcom
2 investment contracts from Respondent Wesley Karban Wyatt, and is expected to testify regarding
3 the facts surrounding the sale and the representations Mr. Wyatt made in connection with the sale.

4 5. Mr. Marlin Miller. Mr. Miller is an investor who purchased Alpha Telcom
5 investment contracts from Respondent Wesley Karban Wyatt, and is expected to testify regarding
6 the facts surrounding the sale and the representations Mr. Wyatt made in connection with the sale.

7 6. Mr. L. R. Naegle. Mr. Naegle, who also sold Alpha Telcom investment contracts,
8 is expected to testify regarding his contacts with Mr. Wyatt during the period of time both were
9 selling Alpha Telcom investment contracts.

10 **EXHIBITS**

11 **Please note that exhibits S-4 through S-18 have also been identified as exhibits to be used in**
12 **two other pending cases: *In the Matter of Elliot Crosby et al.*, S-03510A-02-0000 and *In the***
13 ***Matter of Kathleen Whorely Sommer*, S-03489A-03-0000.**

14 1. Certificates of Non-Registration as Dealer or Salesperson for:

15 a) Wesley Karban Wyatt

16 b) The Financial Greenhouse

17 2. Certificates of Non-Registration of a security, dealer, or investment adviser for:

18 a) Alpha Telcom, Inc. (Admitted as Exhibit 2a, *In re Global Trust, L.L.C., et*
19 *al.*, No. S-03508A-02-0000)

20 b) American Telecommunications, Inc. (Admitted as Exhibit 2b, *In re Global*
21 *Trust, L.L.C., et al.*, No. S-03508A-02-0000)

22 3. Wyatt investor contracts produced to the Division by the receiver for Alpha
23 Telcom:

24 a) Telephone Service Agreement and other documents for Francis R.

25 Smokovich as trustee for the Smokovich Revocable Trust of 8/23/00

26 b) Telephone Service Agreement and other documents for William C. Graham

- 1 c) Telephone Service Agreement and other documents for Donald W. Horner
- 2 d) Telephone Service Agreement and other documents for Lois Lebo Hemphill
- 3 e) Telephone Service Agreement and other documents for Barbara Jean Heap
- 4 f) Telephone Service Agreement and other documents for Helen B. Chellevoid
- 5 g) Telephone Service Agreement and other documents for Robert L. Nichols as
- 6 Trustee of the Robert L. Nichols & Carol J. Nichols Revocable Trust of 1993
- 7 h) Telephone Service Agreement and other documents for Richard E. Hill
- 8 i) Telephone Service Agreement and other documents for James R. Marxen as
- 9 trustee for the James R. Marxsen & Doreen F. Marxen Living Trust
- 10 j) Telephone Service Agreement and other documents for Mildred & Ben
- 11 Bolen as trustees of the Bolen Family Trust
- 12 k) Telephone Service Agreement and other documents for Robert W. and Bette
- 13 J. Wills
- 14 l) Telephone Service Agreement and other documents for John W. or Phyllis
- 15 R. Riddle
- 16 m) Telephone Service Agreement and other documents for Wes or Anna Wyatt
- 17 n) Telephone Service Agreement and other documents for Chris Davidson
- 18 o) Telephone Service Agreement and other documents for Frances R.
- 19 Smokovich as trustee for the Smokovich Revocable Trust
- 20 p) Telephone Service Agreement and other documents for Carol Sue Graham
- 21 q) Telephone Service Agreement and other documents for Helen L. and Louis
- 22 J. Rynski
- 23 r) Telephone Service Agreement and other documents for Sue Ellen Woodard
- 24 and Glenn Woodard
- 25 s) Telephone Service Agreement and other documents for Lillie M. Bell
- 26 t) Telephone Service Agreement and other documents for Geneva Seitz

- 1 u) Telephone Service Agreement and other documents for Marlin Ray or
2 Barbara A. Miller
- 3 v) Telephone Service Agreement and other documents for George R. Bossung
- 4 w) Telephone Service Agreement and other documents for Robert L. Nichols as
5 trustee for the Robert L. Nichols Revocable Trust
- 6 x) Telephone Service Agreement and other documents for Evangeline Munoz
7 as trustee for the Munoz Family Trust
- 8 y) Telephone Service Agreement and other documents for Donald and Eleanor
9 Lanone
- 10 z) Telephone Service Agreement and other documents for Thomas and Mary
11 Alverman
- 12 aa) Telephone Service Agreement and other documents for Glenn and Sue
13 Woodard as trustees for The Woodard Trust
- 14 ab) Telephone Service Agreement and other documents for Jesse D. and Wilma
15 M. Williams as trustees for the J & W Williams Family Trust
- 16 ac) Telephone Service Agreement and other documents for Shirley M. and
17 Charles R. Armstrong
- 18 ad) Telephone Service Agreement and other documents for Ivan L. Boyer
- 19 ae) Telephone Service Agreement and other documents for Doreen F. Marxen
- 20 af) Telephone Service Agreement and other documents for Calvin Wright
- 21 ag) Telephone Service Agreement and other documents for Richard A.
22 McKinnon
- 23 ah) Telephone Service Agreement and other documents for Frank T. Sparks as
24 trustee for the Frank T. Sparks Family Trust
- 25 ai) Telephone Service Agreement and other documents for Karl S. Weaver as
26 trustee of The Karl S. and Sonja M. Weaver Family Trust

- 1 aj) Telephone Service Agreement and other documents for Eleanor Lanone
- 2 ak) Telephone Service Agreement and other documents for Ralph Myhrman as
- 3 trustee for the Myhrman Family Trust
- 4 al) Telephone Service Agreement and other documents for Don and Ludmila
- 5 Loisy
- 6 am) Telephone Service Agreement and other documents for the Seitz Family
- 7 Trust FBO Geneva F. Seitz
- 8 an) Telephone Service Agreement and other documents for Ila Walter
- 9 ao) Telephone Service Agreement and other documents for Karl S. Weaver as
- 10 trustee for Karl S. and Sonja M. Weaver Family Trust
- 11 ap) Telephone Service Agreement and other documents for Lois Hemphill
- 12 aq) Telephone Service Agreement and other documents for John D. Esbensen as
- 13 trustee for the Esbensen Living Trust
- 14 ar) Telephone Service Agreement and other documents for Gage M. and Sydna
- 15 H. Mersereau as trustees for the Mersereau Family Trust
- 16 as) Telephone Service Agreement and other documents for John E. and Mary J.
- 17 Pope
- 18 at) Telephone Service Agreement and other documents for Al B. or Evangeline
- 19 Munoz as trustees for the Munoz Family Trust
- 20 au) Telephone Service Agreement and other documents for Al B. Munoz as
- 21 President of Munoz & Sons Inc.
- 22 av) Telephone Service Agreement and other documents for Clara Y. Park
- 23 aw) Telephone Service Agreement and other documents for Leonhard Seitz as
- 24 trustee of the Seitz Trust
- 25 ax) Telephone Service Agreement and other documents for Tenoor D. Johnson
- 26 as trustee of the Tenoor D. Johnson and Evelyn M. Johnson Family Trust

1 ay) Telephone Service Agreement and other documents for Helen B. Chellevoid

2 az) Telephone Service Agreement and other documents for Gerald T. Carter

3 4. Certified Copies issued by Pennsylvania Securities Commission, *In the Matter of*
4 *Alpha Telcom, Inc., et al.*, No. 9812-06:

5 a) February 2, 1999, Summary Order to Cease and Desist

6 b) August 2, 2001, Order to Show Cause

7 c) July 25, 2003, Findings of Fact, Conclusions of Law, and Order

8 5. Certified copies of: November 17, 1999, Cease and Desist Order issued by North

9 Carolina Secretary of State, Administrative Petition, Notice of Rights, and March 15, 2001,

10 Consent Order *In the Matter of the North Carolina Securities Division v. Alpha Telcom, Inc., et al.*,

11 No. 99-038-CC.

12 6. Certified copy of June 30, 1999, Temporary Order of Prohibition issued by Illinois

13 Secretary of State, *In the Matter of Alpha Telcom, Inc.*, No. 9900201.

14 7. Certified copy of January 18, 2000, Consent Order of Prohibition issued by Illinois

15 Secretary of State, *In the Matter of Alpha Telcom, Inc.*, No. 9900201, in which Alpha agreed to

16 offer rescission to all Illinois purchasers.

17 8. Certified copy of November 24, 1999, Order of Prohibition and Revocation

18 (Summary) issued by Wisconsin Department of Financial Institutions, *In the Matter of Alpha*

19 *Telcom, Inc. a/k/a ATC, Inc.*, and Petition for Order dated November 18, 1999, for *Alpha Telcom*

20 *Inc. et al.*, No. S-99225(EX).

21 9. Certified copy of March 7, 2000, Emergency Order to Cease and Desist and August

22 8, 2002, Decision issued by Rhode Island Department of Business Regulation, *In the Matter of*

23 *Alpha Telcom, Inc. and ATC, Inc.*

24 10. Certified Copy of July 17, 2000, Administrative Complaint and Notice of Rights for

25 the Florida *Department of Banking and Finance v. Alpha Telcom, Inc. et al.*, seeking a Cease and

26 Desist Order.

1 11. Certified copies of October 23, 2000, Desist and Refrain Orders issued by
2 California Department of Corporations *To: Paul Rubera, et al.*

3 12. Certified copies issued by Ohio Commissioner of Securities *In the Matter of Alpha*
4 *Telcom, Inc.:*

- 5 a) July 26, 2001, Final Order to Cease and Desist
- 6 b) November 28, 2000, Notice of Opportunity for Hearing
- 7 c) June 27, 2001 Report and Recommendation of Hearing Officer

8 13. Pleadings from *SEC v. Alpha Telcom, Inc., et al.*, No. CV 01-1283 PA issued by
9 United States District Court, District of Oregon:

10 a) Certified copy of Complaint for Violations of the Federal Securities Laws
11 dated August 27, 2001.

12 b) Certified copy of August 27, 2001, Temporary Restraining Order

13 c) Certified copy of September 6, 2001, Preliminary Injunction

14 d) Certified copy of Alpha Telcom consent to entry of Final Judgment of
15 Permanent Injunction, dated October 19, 2001

16 e) Certified copy of February 7, 2002, Final Judgment of Permanent Injunction

17 f) Opinion dated February 7, 2002, 187 F. Supp. 2d 1250 (D. Or. 2002)

18 g) *SEC v. Paul S. Rubera, _ F3d _*, 2003 WL 22870967 (9th Cir. (Or)
19 December 5, 2003).

20 14. Certified copy of September 5, 2001, Cease and Desist Order issued by Arkansas
21 Securities Department, *In the Matter of Alpha Telcom, Inc., et al.*, No. 01-36-S.

22 15. Certified copy of January 25, 2002, Order to Cease and Desist and Notice of Right
23 to Hearing issued by Connecticut Department of Banking, *In the Matter of Alpha Telcom, Inc.*

24 *a/k/a Alpha Tel-Com, Inc., et al.*, No. CD-2001-6421-S, which became permanent on February 19,
25 2002.

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and
COPY of the foregoing
mailed/delivered this 12th day of
January, 2004, to:

Hon. Philip Dion III
Hearing Division
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

Harry N. Stone, Esq.
3030 North Third Street
Phoenix, Arizona 85012
Attorney for Respondents



Wyatt List of Witnesses & Exhibits.doc (KCD)