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BEFORE THE ARIZONA CORPORATION COMMISSION

WILLIAM A. MUNDELL  
CHAIRMAN  
JIM IRVIN  
COMMISSIONER  
MARC SPITZER  
COMMISSIONER

Arizona Corporation Commission

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MAR 14 2002

ARIZONA CORPORATION COMMISSION  
STATE OF ARIZONA

IN THE MATTER OF:

DOCKETED BY

DOCKET NO. S-03435A-01-0000

JAMES T. M. VERBIC  
(CRD #2125770)  
7880 N. 71<sup>st</sup> Street  
Paradise Valley, AZ 85253

Respondent.

**FOURTH PROCEDURAL ORDER**

**BY THE COMMISSION:**

On December 14, 2001, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order of Revocation and For Other Affirmative Action ("Notice") against James T. M. Verbic ("Verbic" or "Respondent") in which the Division alleged that Respondent engaged in acts, practices and transactions that constitute violation of the Arizona Securities Act ("Act").

Respondent was duly served with copies of the Notice.

On December 31, 2001, Respondent, through his attorney, filed a request for hearing.

On January 7, 2002, the Commission issued a Procedural Order that set this matter for a pre-hearing on January 16, 2002.

On January 10, 2002, the Division filed a Stipulated Motion to Continue the pre-hearing.

On January 22, 2002, the Commission issued a Procedural Order that continued the pre-hearing until March 5, 2002.

Subsequently, a telephonic conference was held in which Mr. Verbic requested a short continuance to secure new counsel as Mr. Verbic indicated that he no longer required the services of his current counsel. The Division opposed such a continuance.

On March 11, 2002, the Commission issued a Procedural Order that continued the pre-hearing until March 13, 2002.

On March 12, 2002, a telephonic conference was held between the parties. The Respondent

1 again requested a continuance of this matter as he had just retained counsel who was located in the  
2 State of New York. Counsel for Mr. Verbic requested a short continuance so that he may prepare and  
3 appear telephonically for the pre-hearing. The Division agreed to the continuance as long as counsel  
4 for Mr. Verbic assisted the Division in scheduling Mrs. Verbic's examination under oath. Counsel for  
5 Respondent agreed to assist the Division.

6 The Commission finds that a continuance is in the interests of justice; that it is not intended to  
7 delay the proceedings; that all parties have agreed to the continuance; and that all applicable time  
8 limits are waived in this matter. Accordingly, the pre-hearing should be rescheduled.

9 IT IS THEREFORE ORDERED that the pre-hearing on the above-captioned matter set for  
10 March 13, 2002, shall be vacated and the pre-hearing shall be continued until March 18, 2002 at 2:00  
11 p.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

12 IT IS FURTHER ORDERED that counsel for Respondent shall assist the Division in  
13 scheduling Mrs. Verbic's examination under oath.

14 IT IS FURTHER ORDERED that counsel for Respondent shall file a motion to appear Pro  
15 Hac Vice pursuant to Rule 33(d) of the Rules of the Supreme Court<sup>1</sup> no later than March 18, 2002.

16 DATED this 14 day of March, 2002.

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20 PHILIP J. DION III  
ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing were mailed/delivered this  
22 14 day of March, 2002 to:

23 Michael H. Ference  
24 Sichenzia, Ross, Friedman & Ference, L.L.P.  
25 1065 Avenue of Americas, 21st Floor  
26 New York, NY 10018  
27 Attorneys for James T. M. Verbic

28 <sup>1</sup> On October 9, 2001, the Arizona Supreme Court adopted amendments to Rule 33(d), and subsequently on January 8, 2002, the amendments to the Rule were suspended for 90 days.

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7 ARIZONA REPORTING SERVICE, INC.  
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8 Phoenix, Arizona 85004-1104

9  
10 By:   
Molly Johnson  
11 Secretary to Philip J. Dion III

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