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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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2 WILLIAM A. MUNDELL
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 MARC SPITZER
COMMISSIONER

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AZ CORP COMMISSION
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5 IN THE MATTER OF:

DOCKET NO. S-03435A-01-0000

6 JAMES T. M. VERBIC
7 (CRD #2125770)
7880 N. 71st Street
8 Paradise Valley, AZ 85253

9 Respondent.

FIFTH PROCEDURAL ORDER

10 BY THE COMMISSION:

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

16 Respondent was duly served with copies of the Notice.

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

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

20 The pre-hearing in this matter was continued until March 14, 2002.

21 On March 14, 2002, the pre-hearing in this matter was held as scheduled. Counsel
22 represented Mr. Verbic. The Division also appeared with counsel. Following discussions between
23 the parties, it was agreed that a hearing should be scheduled on the issues raised in the Notice during
24 the week of August 19, 2002. In the interim, the parties agree to attempt to resolve the issues raised
25 by the Notice.

26 On April 4, 2002, the law firm of Sichenzia, Ross, Friedman, Ference, LLP filed a Notice of
27 Appearance and Substitution of Counsel in this matter and also filed a Motion to Admit Counsel Pro
28 Hac Vice. Specifically, Michael Ference, of the law firm of Sichenzia, Ross, Friedman, Ference,

1 LLP, is requesting permission to represent Mr. Verbic and appear Pro Hac Vice in this matter.
2 Armand Salese of the law firm of Salese and McCarthy agreed to sponsor Mr. Ference and also gave
3 notice of his appearance as local counsel for Mr. Verbic in this matter.

4 Accordingly, a hearing should be scheduled to address the issues raised in the Notice and for
5 the presentation of evidence.

6 IT IS THEREFORE ORDERED that a hearing on the above-captioned matter shall take place
7 on August 19, 2002 at 10:00 a.m., at the Commission's offices, 1200 West Washington Street,
8 Phoenix, Arizona.

9 IT IS FURTHER ORDERED that the parties shall set aside August 20, 22, and 23 for
10 additional days of hearing, if necessary.

11 IT IS THEREFORE ORDERED that Michael Ference shall be admitted pro hac vice in the
12 above-captioned matter. His address for service of papers and other communication shall be:

13 Michael Ference
14 SICHENZIA, ROSS, FREIDMAN, FERENCE, LLP
15 1065 Avenue of the Americas
16 New York, New York 10018
17 TEL: (212) 930-9700

18 IT IS FURTHER ORDERED that pursuant to Rule 33(d), the address for service of papers
19 and other communication for the Arizona-licensed attorney designated as Armand Salese, shall be:

20 Armand Salese
21 SALESE AND MCCARTHY, PC
22 300 N. Main, Suite 203
23 Tucson, Arizona 85701
24 TEL: (520) 623-0341

25 IT IS FURTHER ORDERED that the parties shall exchange witness lists and exhibits and
26 provide a copy of the same to the presiding Administrative Law Judge and file the original and
27 appropriate number of copies with the Commission's Docket Control by August 1, 2002.

28 DATED this 24 day of April, 2002.


PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

1 Copies of the foregoing were mailed/delivered this
2 29 day of April, 2002 to:

3 Michael H. Ference
4 Sichenzia, Ross, Friedman & Ference, L.L.P.
5 1065 Avenue of Americas, 21st Floor
6 New York, NY 10018
7 Attorneys for James T. M. Verbic

8 Armand Salese
9 Salese & McCarthy, P.C.
10 The Steinfield Mansion
11 300 North Main, Suite 203
12 Tucson, Arizona 85701
13 Attorneys for James T. M. Verbic

14 Moira McCarthy
15 Assistant Attorney General
16 ARIZONA ATTORNEY GENERAL'S OFFICE
17 1275 West Washington Street
18 Phoenix, Arizona 85007

19 W. Mark Sendrow, Director
20 Securities Division
21 ARIZONA CORPORATION COMMISSION
22 1300 West Washington Street
23 Phoenix, Arizona 85007

24 ARIZONA REPORTING SERVICE, INC.
25 2627 N. Third Street, Suite Three
26 Phoenix, Arizona 85004-1104

27 By: 
28 Molly Johnson
Secretary to Philip J. Dion III