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AZ CORP COMMISSION
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BEFORE THE ARIZONA CORPORATION COMMISSION

1
2 WILLIAM A. MUNDELL
3 CHAIRMAN
4 JIM IRVIN
5 COMMISSIONER
6 MARC SPITZER
7 COMMISSIONER

8 IN THE MATTER OF:

DOCKET NO. S-03415A-01-0000

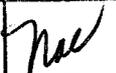
9 EASY MONEY AUTO LEASING, INC.
10 10243 N. Scottsdale Road, Suite 5
11 Scottsdale, Arizona 85253

Arizona Corporation Commission

DOCKETED

AUG 07 2001

12 SUPERIOR FINANCIAL SERVICES, INC.
13 2102 E. Sharon Dr.
14 Phoenix, Arizona 85022

DOCKETED BY 

15 JAMES ANTHONY CICERELLI
16 13027 N. Surrey Circle
17 Phoenix, Arizona 85029

18 DAVID PAUL FRENCH
19 2102 E. Sharon Dr.
20 Phoenix, Arizona 85022

Respondents.

SECOND PROCEDURAL ORDER

21 **BY THE COMMISSION:**

22 On May 14, 2001, the Securities Division ("Division") of the Arizona Corporation
23 Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order to
24 Cease and Desist, for Restitution, for Administrative Penalties, and for Other Affirmative Action
25 ("Notice") against Easy Money Auto Leasing, Superior Financial Services, Inc., James Anthony
26 Cicerelli and David Paul French (collectively "Respondents") in which the Division alleged that
27 Respondents has engaged in acts, practices, and transactions that constitute violations of the Arizona
28 Securities Act ("Act").

The Respondents were all duly served with copies of the Notice.

On May 29, 2001, David French filed a request for a hearing.

On June 1, 2001, Easy Money Auto Leasing, Inc., though its bankruptcy counsel, filed a
Notice of Bankruptcy, Notice of Stay, Limited Appearance and Request for a Hearing ("Stay").

1 On June 11, 2001, the Commission issued a procedural order that set a pre-hearing conference
2 for July 9, 2001.

3 On July 9, 2001, Mr. Cicerelli, through his attorney, filed a request for a hearing.

4 On July 9, 2001, the pre-hearing was held as scheduled. Mr. Cicerelli was represented by
5 counsel. Mr. French and Superior Financial Services, Inc. appeared without the aid of counsel. Mr.
6 French appeared on behalf of Superior Financial Services, Inc. in this matter only and he requested a
7 hearing on behalf of Superior Financial Services, Inc. Easy Money Auto Leasing, Inc. failed to
8 appear, although it requested a hearing in this matter. The Division also appeared with counsel.

9 During the pre-hearing, the Commission asked the Division for a response to Easy Money
10 Auto Leasing, Inc.'s Notice of Stay due to bankruptcy proceedings. The Division indicated it had
11 spoken with Mr. James Cross, who is the attorney for the bankruptcy trustee in Easy Money Auto
12 Leasing, Inc.'s bankruptcy case. The Division indicated that Mr. Cross agreed that the Stay does not
13 affect this proceeding. The Division went on to state that Mr. Cross indicated the only effect of the
14 Stay in this matter is if the Commission issued an order for restitution, then the Division would have
15 to request the bankruptcy court to lift the Stay in order to enforce the restitution order. The Division
16 indicated that those measures were not necessary if the Commission issued an order for fines, as they
17 are penalties that are criminal in nature and therefore, the Stay does not affect them. No party
18 objected to the Division's comments.

19 Following discussions between the parties, it was agreed that a hearing should be scheduled
20 on the issues raised in the Notice during the week of October 1, 2001.

21 Accordingly, a hearing should be scheduled to address the issues raised in the Notice and the
22 presentation of evidence.

23 IT IS THEREFORE ORDERED that a hearing on the above-captioned matter shall be held on
24 October 1, 2001, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix,
25 Arizona.

26 IT IS FURTHER ORDERED that the parties shall exchange witness lists and exhibits not
27 later than September 15, 2001 and provide a copy of same to the presiding Administrative Law
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Judge.

IT IS FURTHER ORDERED that the issue of whether or not Mr. French can continue to represent Superior Financial Services in this matter is taken under advisement. If Mr. French wants to continue representing the company in this matter he must file a written motion with the Commission by September 5, 2001 indicating he wishes to represent the company. The Division shall file a response, if any, to such motion by September 19, 2001.

DATED this 7 day of August, 2001.


PHILIP J. DION III
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 7 day of August, 2001 to:

Robert Suzenski
ROBERT SUZENSKI, P.C.
2916 N. Seventh Avenue, Suite 100
Phoenix, Arizona 85013
Attorney for Easy Money Auto Leasing, Inc.

Ivy L. Kushner
4295 N. 75th Street
Scottsdale, Arizona 85251
Attorney for James Anthony Cicerelli

DAVID PAUL FRENCH
2102 E. Sharon Dr.
Phoenix, Arizona 85022

Mr. Lothar Goernitz
P.O. Box 32961
Phoenix, Arizona 85064-2961
Bankruptcy Trustee for Easy Money Auto Leasing, Inc.

Mr. James E. Cross
OSBORN MALEDON
P.O. Box 36379
Phoenix, Arizona 85067-6379
Attorney for the Bankruptcy Trustee

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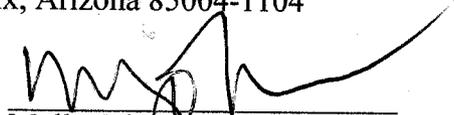
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By:



Molly Johnson
Secretary to Philip J. Dion, III