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BEFORE THE ARIZONA CORPORATION COMMISSION

AUG 17 2000

AZ CORP COMMISSION
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CARL J. KUNASEK
Chairman
JIM IRVIN
Commissioner
WILLIAM A. MUNDELL
Commissioner

In the matter of CALUMET SLAG, INC., an Arizona corporation 13433 N. 16th Avenue Phoenix, Arizona 85029 GARETH N. PATTON 23769 Blue Lead Mountain Road Hill City, South Dakota 57745 JEFFERY G. CRAWFORD 1822 N. Barkley Mesa, Arizona 85203 MATTHEW E. HUNZINGER 13031 N. 59th Drive Glendale, Arizona 85304, Respondents.	DOCKET NO. S-03361A-00-0000 **MOTION TO RECONSIDER**

Respondent Matthew D. Hunzinger ("Hunzinger"), by and through his undersigned counsel, hereby requests that the Hearing Officer reconsider his Order denying Hunzinger's Motion to Continue and grant a brief continuance in this matter. Contrary to the assertion of

the Securities Division, good cause does exist for an order continuing the hearing in this matter.

I. Argument

The Securities Division has opposed Hunzinger's Motion requesting a brief continuance in this matter.[1] Despite the Security Division's commentary to the contrary, Respondent Hunzinger and his counsel have acted with diligence and good faith in attempting to negotiate a settlement in this matter. After the second pre-hearing conference in this matter, counsel for Hunzinger contacted the Security Division and met several times with the Division to discuss possible settlement. Later, counsel for Hunzinger again initiated settlement discussion because it had not heard anything further from the Division. Again, weeks ago, counsel for Hunzinger requested that the Division provide proposed consent documents to Hunzinger and his counsel for review. Counsel for the Securities Division responded that proposed documents would be forth coming, but not immediately due to other commitments.

Once proposed settlement documents were received, Hunzinger's counsel: (1) promptly reviewed the documents; (2) initiated a meetings to discuss changes; (3) volunteered to redraft the documents; and (4) promptly redrafted documents and provided those documents, along with a red-lined version for the Securities Division's convenience. Although the documents were hand-delivered to the Securities Division, several more days passed before the Securities Division realized they even had the redrafted documents.

As is evidenced above, Respondent Hunzinger has acted in complete good faith to try and resolve this matter. And, a settlement between Hunzinger and the Securities Division should be reached shortly. However, the Securities Division presses for a hearing to begin on Monday and to include Hunzinger in that proceeding.

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[1] Counsel for Hunzinger only received the opposition after he called the Securities Division and requested a copy of the oppostion. The opposition was received late yesterday afternoon, and Hunzinger did not have an opportunity to respond to the Securities Division statements prior to the Hearing Officer's ruling. Hunzinger therefore files this Motion to Reconsider.

Requiring Hunzinger to participate in that proceeding would be contrary to Hunzinger's rights, the Securities Division's interests, and the alleged victim's interests. First, Hunzinger has acted in good faith with the Securities Division and put all efforts towards settling this matter. In order to fully and fairly enter into a consent decree, Hunzinger must have the opportunity to fully assess and negotiate the proposed consent decree. During discussions at both pre-hearing conferences in this matter as well as subsequent conversations with the Securities Division, the understanding was always that the hearing would be continued if the parties were working towards settlement. Contrary to the Securities Division statements, Hunzinger was not advised that exhibits and witnesses lists were available until it contacted the Securities Division yesterday to ascertain the status of the matter and the "rumored" opposition to his motion. Thus, Hunzinger thus is not prepared at this time to go to hearing, and requiring him to do so would violate due process

Further, expenditure of the Securities Division resources, which resources could be used elsewhere, to pursue a matter that is in the settlement process is wasteful and not in the public's interest. A brief continuance, however, would cause no prejudice to the Securities Division's prosecution of this matter.

Finally, and perhaps most important, requiring Hunzinger's counsel to sit through a hearing to assert due process objections does not assist any alleged victims in this matter. The Securities Division is requesting a restitution order in this matter to compensate these alleged victims. Requiring Hunzinger to expend additional resources on attorney fees does not further Hunzinger's ability to pay restitution.

I. Conclusion.

From the onset of this matter, Hunzinger has fully cooperated with the Division to reach a settlement. Any and all delays in this matter were not attributable to Hunzinger. Hunzinger should not be prejudiced by the Securities Division's sudden opposition to a continuance. Indeed a brief continuance is in everyone's interest. Therefore, Hunzinger

respectfully requests that the Hearing Officer reconsider his Order and grant a brief continuance in this matter.

RESPECTFULLY SUBMITTED this 17th day of August, 2000.

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By _____
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ORIGINAL and ten copies filed with Docket Control this 17th day of August, 2000.

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