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Arizona Corporation Commission

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BEFORE THE ARIZONA CORPORATION COMMISSION

SEP 14 2000

2 CARL J. KUNASEK
CHAIRMAN
3 JIM IRVIN
COMMISSIONER
4 WILLIAM A. MUNDELL
COMMISSIONER

2000 SEP 14 P 2:51
AZ CORP COMMISSION
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5 IN THE MATTER OF:

DOCKET NO. S-03361A-00-0000

6 CALUMET SLAG, INC.,
7 An Arizona corporation
13433 N. 16th Avenue
8 Phoenix, Arizona 85029

9 GARETH N. PATTON
23769 Blue Lead Mountain Road
10 Hill City, South Dakota 57745

11 JEFFREY G. CRAWFORD
1822 N. Barkley
12 Mesa, Arizona 85203

13 MATTHEW E. HUNZINGER
13031 N. 59th Drive
14 Glendale, Arizona 85304,

15 Respondents.

SIXTH
PROCEDURAL ORDER

16 **BY THE COMMISSION:**

17 On April 21, 2000, the Securities Division ("Division") of the Arizona Corporation
18 Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order
19 for Relief ("Notice") against Calumet Slag, Inc. ("Calumet"), Gareth N. Patton, Jeffrey G. Crawford
20 and Matthew E. Hunzinger, (collectively the "Respondents") in which the Division alleged multiple
21 violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in
22 the form of shares of stock in Calumet.

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

24 On April 27, 2000, Respondent Matthew E. Hunzinger filed a request for hearing.

25 On May 2, 2000, Respondent Jeffrey G. Crawford filed a request for hearing.

26 On May 25, 2000, Respondent Gareth N. Patton requested a hearing.

27 On May 25, 2000, the initial pre-hearing conference was held and the parties agreed that a
28 further pre-hearing conference should be scheduled for June 13, 2000.

1 On June 8, 2000, by Procedural Order, the pre-hearing conference scheduled for June 13,
2 2000 was continued to June 23, 2000 because of a scheduling conflict.

3 On June 23, 2000, the second pre-hearing conference took place at the offices of the
4 Commission in Phoenix, Arizona. Counsel for the respective parties indicated that settlement
5 discussions had been going on, but additional time was needed prior to the scheduling of a hearing.
6 Pursuant to a stipulation of counsel for the respective Respondents, the hearing would commence on
7 August 21, 2000, at 9:30 a.m., at the offices of the Commission, in Phoenix, Arizona. It was also
8 agreed that the remainder of the week was available for additional days of hearing, if necessary.

9 On August 7, 2000, Respondent Hunzinger filed a Motion To Continue ("Motion") the
10 hearing scheduled for the week of August 21, 2000, because it was alleged that additional time was
11 required to negotiate a settlement.

12 On August 11, 2000, Respondent Calumet indicated that it did not oppose the Motion filed on
13 behalf of Mr. Hunzinger.

14 On August 14, 2000, the Division filed its response in opposition to the Motion for a further
15 continuance of the proceeding and pointed out that there was still time to negotiate a settlement prior
16 to the commencement of the hearing.

17 Subsequently, on August 15, 2000, Respondent Patton joined in the Motion filed on behalf of
18 Mr. Hunzinger.

19 On August 16, 2000, the Division filed a response to Mr. Patton's joinder in the Motion.
20 Additionally, on August 16, 2000, the Commission, by Procedural Order, denied Mr. Hunzinger's
21 motion.

22 On August 17, 2000, Respondent Hunzinger filed a Motion to Reconsider the denial of its
23 Motion and a teleconference was conducted that morning at 9:00 a.m. with the Division and all
24 parties represented by counsel. Arguments were made by the parties and good cause was shown for a
25 brief continuance. Thereafter, the hearing scheduled for August 21, 2000 in the above-captioned
26 proceeding was continued to September 12, 2000.

27 On September 8, 2000, the Division filed a Motion requesting an indefinite continuance with
28 respect to Respondents Calumet, Crawford and Hunzinger to allow time for Consent Orders to be

1 submitted for Commission approval and to modify the commencement of the hearing with respect to
2 Respondent Patton until September 18, 2000. There were no objections and the Motion was granted
3 and the hearing continued until September 18, 2000 for Respondent Patton.

4 On September 14, 2000, counsel for the Division and Respondent Patton telephonically
5 contacted the presiding Administrative Law Judge in this proceeding and counsel for Respondent
6 Patton requested a further continuance due to a recent death in his family. The Division did not
7 object and the parties stipulated to a continuance until October 4, 2000.

8 Accordingly, the request should be granted.

9 IT IS THEREFORE ORDERED that the request for a continuance by counsel for Respondent
10 Patton be, and is hereby, granted.

11 IT IS FURTHER ORDERED that the hearing with respect to Respondent Patton scheduled to
12 commence on September 18, 2000, at 9:30 a.m., shall be continued until October 4, 2000, at 9:30
13 a.m., at the Commission's Offices in Phoenix, Arizona.

14 IT IS FURTHER ORDERED that, if additional days of hearing are required, the parties shall
15 also set aside October 5 and October 6, 2000

16 DATED this 14th day of September, 2000.

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MARC E. STERN
ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed/delivered
22 this 14th day of September, 2000 to:

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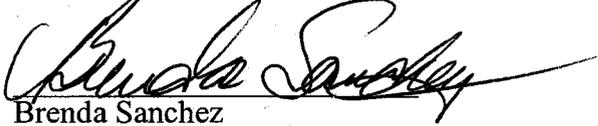
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26 By: 
27 Brenda Sanchez
28 Secretary to Marc E. Stern