

ORIGINAL



0000118589

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

2010 OCT -4 P 1:45

AZ CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

KRISTIN K. MAYES - Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

IN THE MATTER OF:

BARRON WILSON THOMAS, a single man;

BARRON THOMAS SCOTTSDALE, L.L.C.,
an Arizona limited liability company;

BARRON THOMAS SCOTTSDALE, L.L.C.,
a Delaware limited liability company;

BARRON THOMAS AVIATION, INC.,
a Delaware corporation;

BARRON THOMAS AVIATION HOLDINGS,
INC., a Delaware corporation;

BARRON THOMAS SOUTHWEST, INC.,
a Delaware corporation,

RESPONDENTS.

DOCKET NO. S-20720A-10-0001

Arizona Corporation Commission
DOCKETED

OCT 4 2010

DOCKETED BY

FOURTH
PROCEDURAL ORDER
(Vacates Hearing)

BY THE COMMISSION:

On January 5, 2010, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Barron Wilson Thomas, Barron Thomas Scottsdale, L.L.C., an Arizona limited liability company ("BTSAZ"), Barron Thomas Scottsdale, L.L.C., a Delaware limited liability company ("BTSD"); Barron Thomas Aviation, Inc., a Delaware corporation ("BTA, Inc."), Barron Thomas Aviation Holdings, Inc., a Delaware corporation ("BTAH"), Barron Thomas Southwest, Inc., a Delaware corporation ("BTS") (collectively "Respondents"), in which the Division alleged multiple violations of the Arizona Securities Act ("Act") in connection with the offer and sale of securities in the form of investment contracts and notes.

The Respondents were duly served with copies of the Notice.

1 On January 15, 2010, a request for hearing was filed by Respondents.

2 On January 20, 2010, by Procedural Order, a pre-hearing conference was scheduled on
3 February 18, 2010.

4 On February 18, 2010, the parties appeared through counsel at the pre-hearing conference.
5 The parties are engaged in discussions in an attempt to resolve the issues raised by the Notice.
6 Subsequently, Counsel for the parties agreed that another pre-hearing conference should be scheduled
7 in approximately 60 days. By Procedural Order, a pre-hearing conference was scheduled on April 29,
8 2010.

9 On April 22, 2010, the Division filed a Motion to Amend the Notice.

10 On April 29, 2010, the Division and Respondents appeared through counsel at the pre-hearing
11 conference. The parties indicated that they are discussing the issues and Respondents' counsel
12 indicated that they have no objections to the amendment of the Notice. The Division requested that a
13 hearing be scheduled indicating that the proceeding will have approximately 200 exhibits and
14 numerous witnesses.

15 On April 30, 2010, by Procedural Order, a hearing was scheduled to commence on October 4,
16 2010, and other hearing and procedural dates established.

17 On October 4, 2010, the Division and Respondents filed a stipulation jointly indicating that a
18 settlement had been reached and that a proposed form of Consent Order would be submitted to the
19 Commission for its approval at its Open Meeting on November 4, 2010.

20 Accordingly, the hearing dates should be vacated pending approval of the Consent Order by
21 the Commission.

22 IT IS THEREFORE ORDERED that the **hearing scheduled to be held on October 4, 2010,**
23 **is hereby vacated.**

24 IT IS FURTHER ORDERED that the **additional hearing dates of October 5, 6, 7, 12, 13, 14**
25 **18, 19, 20, 21, 25, 26, 27 and 28, 2010, shall also be vacated.**

26 IT IS THEREFORE ORDERED that the Division shall request that a hearing be rescheduled
27 if the proposed Consent Order is not approved by the Commission.

28 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized

1 Communications) applies to this proceeding as the matter is now set for public hearing.

2 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
3 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
4 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
5 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
6 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
7 Administrative Law Judge or the Commission.

8 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
9 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*
10 *hac vice*.

11 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
12 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

13 DATED this 4TH day of October, 2010.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

18 Copies of the foregoing mailed/delivered
19 this 4th day of October, 2010 to:

20 Brian J. Schulman
21 GREENBERG TRAURIG, LLP
22 2375 East Camelback Road, Suite 700
23 Phoenix, AZ 85016-9000
24 Attorneys for Respondents

25 Matt Neubert, Director
26 Securities Division
27 ARIZONA CORPORATION COMMISSION
28 1300 West Washington Street
Phoenix, AZ 85007

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

By: 
Debra Broyles
Secretary to Marc E. Stern