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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
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2010 NOV -5 P 2:09

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

DOCKET NO. S-20751A-10-0300

ETHAN STURGIS DAY and TERESA DAY,
respondent and spouse,

Arizona Corporation Commission

DOCKETED

NOV - 5 2010

SILVERSPRINGS REAL ESTATE
DEVELOPMENT & INVESTMENTS, L.L.C.,
formerly known as SILVERLEAF REAL
ESTATE DEVELOPMENT & INVESTMENTS,
L.L.C., a revoked Nevada limited liability
company,

DOCKETED BY

DESERT OASIS CONDOMINIUM, L.L.C.,
a revoked Nevada limited liability company,

THE MAYAN RESORT & CASINO, L.L.C.,
a revoked Nevada limited liability company,

Respondents.

**THIRD
PROCEDURAL ORDER
(Schedules a Hearing)**

BY THE COMMISSION:

On July 21, 2010, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Ethan Sturgis Day and Teresa Day, husband and wife, Silversprings Real Estate Development & Investments, L.L.C. ("Silversprings"), formerly known as Silverleaf Real Estate Development & Investments, L.L.C. ("Silverleaf"), Desert Oasis Condominium, L.L.C. ("Desert Oasis"), and the Mayan Resort & Casino, L.L.C. (" the Mayan") (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 promissory notes.

The Respondents were duly served with a copy of the Notice.

On August 27, 2010, a letter was filed by Respondents Ethan and Teresa Day requesting a 30-day extension of time to obtain counsel. The Respondents did not request a hearing in their letter.

1 The Division did not object to the Respondents' request for an extension of time.

2 On September 7, 2010, the Respondents were granted an extension of time, until September
3 27, 2010, to obtain counsel.

4 On September 27, 2010, a Request for Hearing and an Answer were filed on behalf of
5 Respondents Ethan and Teresa Day.

6 On October 1, 2010, by Procedural Order, a pre-hearing conference was scheduled on
7 November 4, 2010.

8 On November 4, 2010, the Division and Respondents appeared through counsel at the pre-
9 hearing conference. The parties are discussing a possible settlement. In the interim, the Division
10 requested that a hearing be scheduled in the event that the matter is not resolved by the parties.

11 Accordingly, a hearing should be scheduled.

12 IT IS THEREFORE ORDERED a **hearing** shall be held on **March 3, 2011, at 10:00 a.m.**, at
13 the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona.

14 IT IS FURTHER ORDERED that the parties shall set aside **March 4, 2011**, for an **additional**
15 **day of hearing**, if necessary.

16 IT IS FURTHER ORDERED that that the **Division and Respondents shall exchange copies**
17 **of their Witness Lists and copies of the Exhibits by February 3, 2011**, with courtesy copies
18 provided to the presiding Administrative Law Judge.

19 IT IS FURTHER ORDERED that **if the case is resolved by proposed Consent Order prior**
20 **to the hearing, the Division shall file a Motion to Vacate the Proceeding.**

21 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
22 Communications) is in effect and shall remain in effect until the Commission's Decision in this
23 matter is final and non-appealable.

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

27 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
28 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the

1 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
2 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is
3 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
4 Administrative Law Judge or the Commission.

5 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,
6 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by
7 ruling at hearing.

8 DATED this 5th day of November, 2010.

9
10
11 
12 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered
14 this 5th day of November, 2010 to:

15 Jeffrey R. Perry
16 JEFFREY R. PERRY LAW FIRM, P.C.
17 7119 East Shea Boulevard, Suite 109-111
18 Scottsdale, AZ 85254-6107
19 Attorneys for Respondents
20 Ethan Sturgis Day and Theresa Day

21 Matt Neubert, Director
22 Securities Division
23 ARIZONA CORPORATION COMMISSION
24 1300 West Washington Street
25 Phoenix, AZ 85007

26 ARIZONA REPORTING SERVICE, INC.
27 2200 North Central Avenue, Suite 502
28 Phoenix, AZ 85004-1481

By: 
Debra Broyles
Secretary to Marc E. Stern