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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

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

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ARIZONA CORPORATION COMMISSION  
DOCKET CONTROL

IN THE MATTER OF:

DOCKET NO. S-20751A-10-0300

ETHAN STURGIS DAY and TERESA DAY,  
respondent and spouse,

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,

Arizona Corporation Commission

DOCKETED

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

DOCKETED BY

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

**FOURTH  
PROCEDURAL ORDER  
(Reschedules a Hearing)**

Respondents.

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 were 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 On November 5, 2010, by Procedural Order, a hearing was scheduled to commence on March  
12 3, 2011 and other procedural issues addressed.

13 Due to a scheduling conflict, it has become necessary to reschedule the dates for the hearing.

14 IT IS THEREFORE ORDERED that the **hearing** scheduled on **March 3, 2011, shall be**  
15 **rescheduled to March 22, 2011, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington  
16 Street, Hearing Room 1, Phoenix, Arizona.

17 IT IS FURTHER ORDERED that the parties shall set aside **March 23, 2011**, for an  
18 **additional day of hearing**, if necessary.

19 IT IS FURTHER ORDERED that that the **Division and Respondents shall exchange copies**  
20 **of their Witness Lists and copies of the Exhibits by February 3, 2011**, with courtesy copies  
21 provided to the presiding Administrative Law Judge, as previously ordered.

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

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

27 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules  
28 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission

1 *pro hac vice.*

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 the Presiding Administrative Law Judge may rescind, alter,  
9 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
10 ruling at hearing.

11 DATED this 07<sup>th</sup> day of December, 2010.

12  
13  
14   
15 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

16 Copies of the foregoing mailed/delivered  
17 this 6<sup>th</sup> day of December, 2010 to:

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

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

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27 By:   
28 Debra Broyles  
Secretary to Marc E. Stern