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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
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2011 JAN -7 P 2:56

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

DOCKET NO. S-20768A-10-0463

JOSEPH MACK and HELEN MARIE MACK,
husband and wife, dba SECURE RETIREMENT
SOLUTIONS,

Arizona Corporation Commission
DOCKETED

MACK FINANCIAL GROUP, LLC, an Arizona
limited liability company, and

JAN - 7 2011

DARIN WHITTINGTON, CRD #2569037,
and GINA WHITTINGTON, husband and wife,

DOCKETED BY

Respondents.

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On November 15, 2010, the Securities Division (“Division”) of the Arizona Corporation Commission (“Commission”) filed a Notice of Opportunity for Hearing (“Notice”) against Joseph Mack and Helen Marie Mack, husband and wife; Joseph Mack dba Secure Retirement Solutions (“SRS”); Mack Financial Group, LLC (“MFG”); and Darin Whittington and Gina Whittington, husband and wife (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.

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

On November 23, 2010, Respondents, Joseph and Helen Mack, MFG, and Darin and Gina Whittington filed requests for hearing in this matter.

On December 2, 2010, by Procedural Order, a pre-hearing conference was scheduled on January 6, 2011.

On January 6, 2011, at the pre-hearing conference the Division and Respondents appeared through counsel. The parties are discussing a possible settlement of the proceeding, but in the interim

1 the Division requested that a hearing be scheduled in May in the event the matter is not resolved.

2 Accordingly, a hearing should be scheduled.

3 IT IS THEREFORE ORDERED a **hearing** shall be held on **May 16, 2011, at 10:00 a.m.**, at
4 the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix, Arizona.

5 IT IS FURTHER ORDERED that the parties shall set aside **May 17, 18, 19 and 20, 2011**, for
6 **additional days of hearing**, if necessary.

7 IT IS FURTHER ORDERED that that the **Division and Respondents shall exchange copies**
8 **of their Witness Lists and copies of their Exhibits by April 5, 2011**, with courtesy copies provided
9 to the presiding Administrative Law Judge.

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

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

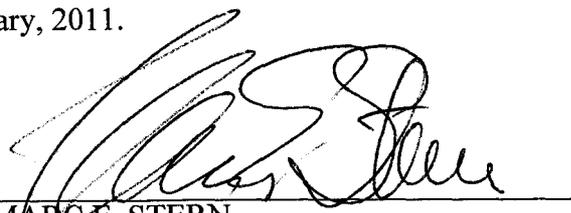
15 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
16 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission
17 *pro hac vice*.

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

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28 ...

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

4 DATED this 7th day of January, 2011.



MARCE E. STERN
ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 7th day of January, 2011 to:

11 James E. Brophy
12 William B. McManus
13 Kevin R. Heaphy
14 RYLEY CARLOCK & APPLEWHITE, P.C.
15 One North Central Avenue, Suite 1200
16 Phoenix, AZ 85004

17 Matt Neubert, Director
18 Securities Division
19 ARIZONA CORPORATION COMMISSION
20 1300 West Washington Street
21 Phoenix, AZ 85007

22 ARIZONA REPORTING SERVICE, INC.
23 2200 North Central Avenue, Suite 502
24 Phoenix, AZ 85004-1481

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