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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

IN THE MATTER OF:

FIVE STAR CAPITAL MARKETS, LLC,
a Nevada limited liability company,

JAMES PICCOLO and MARY ELIZABETH
PICCOLO, husband and wife,

CRAIG COTTRELL, CRD# 4552833, and,
ANDREA COTTRELL, husband and wife,

CHARLEVOIX HOMES, LLC, an Arizona
limited liability company,

and

MICHAEL ROBERTS, an unmarried man,

RESPONDENTS.

DOCKET NO. S-20755A-10-0342

Arizona Corporation Commission

DOCKETED

JAN 13 2011

DOCKETED BY

FIFTH
PROCEDURAL ORDER
(Reschedules the Exchange
of Documentation)

BY THE COMMISSION:

On August 17, 2010, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Five Star Capital Markets, LLC ("FSCM"), James Piccolo and Mary Elizabeth Piccolo, husband and wife, Craig Cottrell and Andrea Cottrell, husband and wife, Charlevoix Homes, LLC ("Charlevoix) and Michael Roberts, an unmarried man (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 notes and/or investment contracts.

The Respondents were duly served with copies of the Notice.

On August 25, 2010, a request for hearing was filed by Respondents, FSCM, James and Mary Elizabeth Piccolo, and Craig and Andrea Cottrell.

On August 27, 2010, by Procedural Order, a pre-hearing was scheduled on September 30, 2010.

1 On August 30, 2010, a request for hearing was filed by Respondent Michael Roberts.

2 On September 30, 2010, at the pre-hearing conference, the Division and the Piccolo and
3 Cottrell Respondents appeared through counsel. Respondent Roberts appeared on his own behalf.
4 The Respondents were discussing a possible settlement of the proceeding with the Division. In the
5 interim, the Division requested that a hearing be scheduled on the allegations contained in the Notice.

6 On September 30, 2010, by Procedural Order, a hearing was scheduled to commence on
7 January 24, 2011, and other procedural matters addressed.

8 On December 22, 2010, the Division filed a Motion requesting an extension of time for the
9 parties to exchange their documentation from December 23, 2010, to January 13, 2011. The Division
10 indicated that the Respondents are in agreement with its Motion.

11 On January 5, 2011, by Procedural Order, an extension of time to exchange copies of
12 documentation was granted until January 13, 2011.

13 On January 13, 2011, the Division filed a Motion requesting an extension of time for the
14 parties to exchange their documentation from January 13, 2011, to January 20, 2011. The Division
15 indicated that the Respondents are in agreement with its Motion, and are attempting to reach a
16 resolution of the proceeding.

17 Accordingly, the extension of time to exchange copies of Exhibits and Witness Lists should
18 be granted.

19 IT IS THEREFORE ORDERED that a **hearing** shall be held on **January 24, 2011, at 10:00**
20 **a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room 1, Phoenix,
21 Arizona, as previously ordered.

22 IT IS FURTHER ORDERED that the parties shall also set aside **January 25, 26, 27, 28, 31**
23 **and February 3, 2011, for additional days of hearing**, if necessary.

24 IT IS FURTHER ORDERED that that the **Division and Respondents shall exchange copies**
25 **of their Witness Lists and copies of the Exhibits by January 20, 2011**, with courtesy copies
26 provided to the presiding Administrative Law Judge.

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

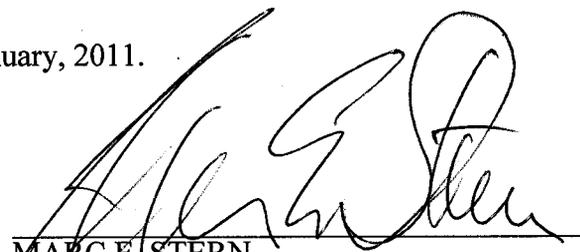
1 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
2 Communications) applies to this proceeding as the matter is now set for public hearing.

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

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

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

14 DATED this 13TH day of January, 2011.


MARC E. STERN
ADMINISTRATIVE LAW JUDGE

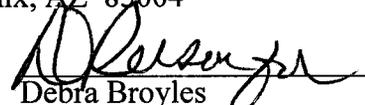
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19 Copies of the foregoing mailed/delivered
this 13th day of January, 2011 to:

20 Jeffrey C. Matura
21 GRAIF BARRETT & MATURA, P.C.
22 1850 North Central Avenue, Suite 500
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23 Attorney for Respondents Five Star
Capital Markets, LLC, James Piccolo,
24 Mary Elizabeth Piccolo, Craig Cottrell,
and Andrea Cottrell

25 Michael Roberts
26 8711 East Pinnacle Peak Road, #213
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By: 
Debra Broyles
Secretary to Marc E. Stern