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BEFORE THE ARIZONA CORPORATION COMMISSION

2011 JAN 21 P 3: 18

COMMISSIONERS

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

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

DOCKET NO. S-20755A-10-0342

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

Arizona Corporation Commission

DOCKETED

JAMES PICCOLO and MARY ELIZABETH
PICCOLO, husband and wife,

JAN 21 2011

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

DOCKETED BY

CHARLEVOIX HOMES, LLC, an Arizona
limited liability company,

and

MICHAEL ROBERTS, an unmarried man,

SIXTH
PROCEDURAL ORDER
(Continues Hearing)

RESPONDENTS.

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 were in agreement with its Motion, and were attempting to reach a
16 resolution of the proceeding. Subsequently, by Procedural Order, the parties were granted until
17 January 20, 2011 to exchange their documentation.

18 On January 21, 2011, the Division filed a Motion to Continue the Hearing indicating that the
19 parties had reached a settlement, and that proposed Consent Orders would be submitted for
20 Commission approval at its February 17, 2011 Open Meeting. The Division requested that the
21 proceeding be continued until after the February 17, 2011, Open Meeting in the event that the
22 Commission did not approve the proposed Consent Orders. The Division further requested that the
23 date for the exchange of documentation also be continued.

24 Accordingly, the hearing should be continued as should the exchange of copies of Exhibits
25 and Witness Lists pending approval of the Consent Orders.

26 IT IS THEREFORE ORDERED that the **hearing** scheduled on **January 24, 2011, shall be**
27 **continued to March 21, 2011 at 10:00 a.m.**, at the Commission's offices, 1200 West Washington
28 Street, Hearing Room 1, Phoenix, Arizona.

1 IT IS FURTHER ORDERED that that the **Division and Respondents shall exchange copies**
2 **of their Witness Lists and copies of the Exhibits by February 25, 2011**, with courtesy copies
3 provided to the presiding Administrative Law Judge.

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

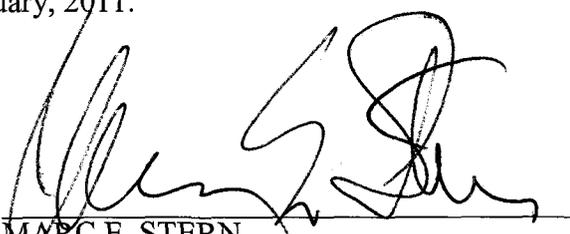
6 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
7 Communications) applies to this proceeding as the matter is now set for public hearing.

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

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

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

19 DATED this 21st day of January, 2011.

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24 MARC E. STERN
25 ADMINISTRATIVE LAW JUDGE
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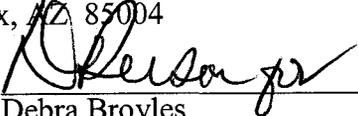
1 Copies of the foregoing mailed/delivered
this 21st day of January, 2011 to:

2 Jeffrey C. Matura
3 GRAIF BARRETT & MATURA, P.C.
4 1850 North Central Avenue, Suite 500
Phoenix, AZ 85004
5 Attorney for Respondents Five Star
Capital Markets, LLC, James Piccolo,
6 Mary Elizabeth Piccolo, Craig Cottrell,
and Andrea Cottrell

7 Michael Roberts
8 8711 East Pinnacle Peak Road, #213
Scottsdale, AZ 85525

9 Matt Neubert, Director
10 Securities Division
ARIZONA CORPORATION COMMISSION
11 1300 West Washington Street
Phoenix, AZ 85007

12 ARIZONA REPORTING SERVICE, INC.
13 2200 North Central Avenue, Suite 502
Phoenix, AZ 85004

14 By: 
15 Debra Broyles
16 Secretary to Marc E. Stern

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