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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION  
DOCKET CONTROL

COMMISSIONERS

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

IN THE MATTER OF:

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,

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,

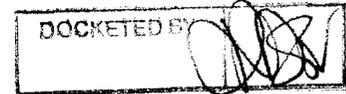
Respondents.

DOCKET NO. S-20751A-10-0300

Arizona Corporation Commission

**DOCKETED**

FEB 3 2011



**FIFTH**  
**PROCEDURAL ORDER**  
**(Reschedules the Exchange of Exhibits**  
**and Witness Lists)**

**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 On December 6, 2010, due to a scheduling conflict, it became necessary to reschedule the  
14 dates for the hearing to March 22 and 23, 2011.

15 On February 1, 2011, the Division filed a Motion to Continue the Deadline for Exchange of  
16 Witness Lists and Copies of Exhibits ("Motion") from February 3, 2011, to a later date. The Division  
17 indicated that the parties are trying to conclude a settlement to resolve the matter and they have  
18 agreed for the Division to provide its documents by March 4, 2011, and the Respondents will provide  
19 theirs to the Division by March 11, 2011, if the matter is not resolved by a proposed Consent Order  
20 which will be submitted to the Commission for its approval.

21 Accordingly, the Division's Motion should be granted.

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

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

27 IT IS FURTHER ORDERED that that the **Division and Respondents shall exchange copies**  
28 **of their Witness Lists and copies of the Exhibits as follows: the Division by March 4, 2011 and**

1 **Respondents by March 11, 2011**, with courtesy copies provided to the presiding Administrative  
2 Law Judge, as previously ordered.

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

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

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

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

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

20 DATED this 3<sup>rd</sup> day of February, 2011.

21  
22  
23   
24 MARC E. STERN  
25 ADMINISTRATIVE LAW JUDGE  
26  
27  
28

1 Copies of the foregoing mailed/delivered  
2 this 3<sup>rd</sup> day of February, 2011 to:

3 Jeffrey R. Perry  
4 JEFFREY R. PERRY LAW FIRM, P.C.  
5 7119 East Shea Boulevard, Suite 109-111  
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7 Attorneys for Respondents  
8 Ethan Sturgis Day and Theresa Day

9 Matt Neubert, Director  
10 Securities Division  
11 ARIZONA CORPORATION COMMISSION  
12 1300 West Washington Street  
13 Phoenix, AZ 85007

14 ARIZONA REPORTING SERVICE, INC.  
15 2200 North Central Avenue, Suite 502  
16 Phoenix, AZ 85004-1481

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By:   
Debra Broyles  
Secretary to Marc E. Stern