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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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MAR 4 2011

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

COMMISSIONERS

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

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

**SIXTH
PROCEDURAL ORDER
(GRANTS MOTION TO CONTINUE)**

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-

1 day extension of time to obtain counsel. The Respondents did not request a hearing in their letter.
2 The Division did not object to the Respondents' request for an extension of time.

3 On September 7, 2010, the Respondents were granted an extension of time, until September
4 27, 2010, to obtain counsel.

5 On September 27, 2010, a Request for Hearing and an Answer were filed on behalf of
6 Respondents Ethan and Teresa Day.

7 On October 1, 2010, by Procedural Order, a pre-hearing conference was scheduled on
8 November 4, 2010.

9 On November 4, 2010, the Division and Respondents appeared through counsel at the pre-
10 hearing conference. The parties were discussing a possible settlement. In the interim, the Division
11 requested that a hearing be scheduled in the event that the matter is not resolved by the parties.

12 On November 5, 2010, by Procedural Order, a hearing was scheduled to commence on March
13 3, 2011 and other procedural issues addressed.

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

16 On February 1, 2011, the Division filed a Motion to Continue the Deadline for Exchange of
17 Witness Lists and Copies of Exhibits ("Motion") from February 3, 2011, to a later date. The Division
18 indicated that the parties are trying to conclude a settlement to resolve the matter.

19 On February 3, 2011, by Procedural Order, the Division's Motion was granted and the hearing
20 subsequently was rescheduled to begin on March 22, 2011.

21 On March 4, 2011, the Division filed a Motion to Continue the Administrative Hearing
22 ("Motion to Continue"). In its Motion to Continue, the Division stated that it has agreed to a consent
23 order with Respondents that is expected to be presented to the Commission at its Open Meeting set
24 for April 12, 2011. The Division stated that in the event that the Commission does not approve the
25 consent order, the Division will request that a new hearing date be set and if the Commission
26 approves the consent order, all matters pending before the Commission would be resolved. The
27 Motion to Continue stated that the Respondents' counsel agreed with the requested continuance.

28 Accordingly, the Division's Motion to Continue should be granted.

1 IT IS THEREFORE ORDERED that the **hearing** scheduled to commence on **March 22,**
2 **2011, shall be vacated and all procedural deadlines stayed** pending the presentation of the consent
3 order to the Commission at its Open Meeting.

4 IT IS FURTHER ORDERED that **if the case is resolved by Consent Order at the**
5 **Commission's Open Meeting, the Division shall file a Motion to close the docket.**

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

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 the practice of law and admission
11 *pro hac vice*.

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

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

21 DATED this 4th day of March, 2011.

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25 MARC E. STERN
26 ADMINISTRATIVE LAW JUDGE
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Copies of the foregoing mailed/delivered
this 4th day of March, 2011 to:

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By: 
Debbi Person
Secretary to Marc E. Stern