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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

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APR - 7 2011

COMMISSIONERS

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

2011 APR - 7 A 9:42

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF:

DOCKET NO. S-20768A-10-0463

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

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

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

Respondents.

PROCEDURAL ORDER
(Continues Exchange of Documentation)

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 were discussing a possible settlement of the proceeding, but in the

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

3 On January 7, 2011, by Procedural Order, a hearing was scheduled on May 16, 2011, and the
4 parties were ordered to exchange copies of their Witness Lists and Exhibits by April 5, 2011.

5 On April 6, 2011, the Division filed a request to delay the exchange of documentation until
6 May 6, 2011, as the parties are in discussions to settle the proceeding. The Respondents have agreed
7 to this request.

8 Under the circumstances, the Division's request should be granted.

9 IT IS THEREFORE ORDERED a **hearing** shall be held on **May 16, 2011, at 10:00 a.m.**, at
10 the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona, as
11 previously ordered.

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

14 IT IS FURTHER ORDERED that that the **exchange by the Division and Respondents of**
15 **copies of their Witness Lists and copies of their Exhibits shall be continued from April 5, 2011,**
16 **to May 6, 2011**, with courtesy copies provided to the presiding Administrative Law Judge.

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

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

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

25 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
26 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
27 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
28 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is

1 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
2 Administrative Law Judge or the Commission.

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

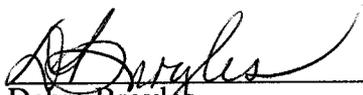
6 DATED this 7th day of April, 2011.

7
8
9 
10 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

11 Copies of the foregoing mailed/delivered
12 this 7th day of April, 2011 to:

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

19 Matt Neubert, Director
20 Securities Division
21 ARIZONA CORPORATION COMMISSION
22 1300 West Washington Street
23 Phoenix, AZ 85007

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