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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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COMMISSIONERS

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DOCKETED

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

AZ CORP COMMISSION  
DOCKET CONTROL

SEP 9 2011

DOCKETED BY

IN THE MATTER OF:

DOCKET NO. S-20803A-11-0187

KENT M. AXTELL, individually and doing  
business as Sherlock Homes and Finding  
Homes for Investors, and JANIS C. AXTELL,  
husband and wife;

EXECUTIVE REAL ESTATE SOLUTIONS,  
L.L.C., an Arizona limited liability company,

RESPONDENTS.

**FOURTH**  
**PROCEDURAL ORDER**  
**(Schedules Hearing)**

BY THE COMMISSION:

On May 2, 2011, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Kent M. Axtell, individually and dba Sherlock Homes and Finding Homes for Investors, and Janis C. Axtell, husband and wife, and Executive Real Estate Solutions, L.L.C., an Arizona limited liability company ("Executive") (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 investment contracts.

Respondent's spouse was named in the action solely for purposes of determining the liability of the marital community pursuant to A.R.S. § 44-2031(C).

The Respondents were duly served with copies of the Notice.

On May 20, 2011, a request for hearing was filed by Respondents.

On May 23, 2011, by Procedural Order, a pre-hearing conference was scheduled on June 20, 2011.

On June 2, 2011, counsel for the Respondents filed a Motion to Continue the pre-hearing conference stating that he would be unavailable on the scheduled date. Counsel requested that the

1 pre-hearing conference be scheduled after July 1, 2011. Subsequently, the Division filed a response  
2 indicating that it had no objection to the request for a continuance.

3 On June 27, 2011, by Procedural Order, the pre-hearing conference was continued from  
4 June 20, 2011, to July 7, 2011.

5 On July 7, 2011, the Division and Respondents appeared through counsel. The parties were  
6 discussing a resolution of the issues raised by the Notice. In the interim, the Division requested that a  
7 status conference be scheduled in the beginning of September.

8 On July 8, 2011, by Procedural Order, a status conference was scheduled on September 8,  
9 2011.

10 On September 8, 2011, at the status conference, the Division and Respondents appeared with  
11 counsel. The Division's counsel indicated that additional documents are being gathered so that the  
12 parties will be in a better position to negotiate a settlement of the proceeding, but more time will be  
13 required for a resolution of the issues raised by the Notice. The Division and Respondents agreed  
14 that a hearing should be scheduled in April 2012 if a settlement cannot be reached.

15 Accordingly, a hearing should be scheduled.

16 IT IS THEREFORE ORDERED that a **hearing** shall be held on **April 16, 2012, at 10:00 a.m.**,  
17 at the Commission's offices, 1200 West Washington Street, **Hearing Room No. 1**, Phoenix, Arizona.

18 IT IS FURTHER ORDERED that the parties shall also set aside **April 17, 18 and 19, 2012, for**  
19 **additional days of hearing**, if necessary.

20 IT IS FURTHER ORDERED that the **Division and Respondents shall exchange copies of their**  
21 **Witness Lists and copies of their Exhibits by March 9, 2012**, with courtesy copies provided to the  
22 presiding Administrative Law Judge.

23 IT IS FURTHER ORDERED that if the parties reach a resolution of the issues raised in the  
24 Notice prior to the hearing, the Division shall file a Motion to Vacate the proceeding.

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

27 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance  
28 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the

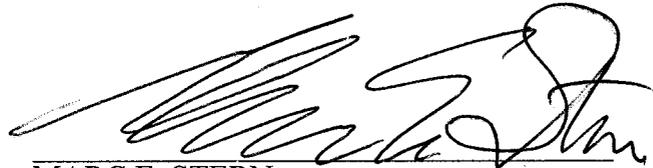
1 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances  
2 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
3 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
4 Administrative Law Judge or the Commission.

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

8 IT IS FURTHER ORDERED that Respondent's request for discovery shall be taken under  
9 advisement.

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

12 DATED this 9th day of September, 2011.



MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

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17 Copies of the foregoing mailed/delivered  
18 this 9th day of September, 2011 to:

19 Jeffrey M. Proper  
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