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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

COMMISSIONERS

DOCKETED

2011 SEP 19 P 2: 21

SEP 19 2011

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

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY [Signature]

IN THE MATTER OF:

DOCKET NO. S-20796A-11-0152

FRED OTTO BOHN and MARSHA BOHN,  
Husband and Wife,

CAPITAL OIL & GAS, LIMITED (a.k.a.  
"CAPITAL OIL & GAS, LTD, " f.k.a. OMNI  
PETROLEUM LIMITED"), a dissolved United  
Kingdom corporation , and a British Virgin  
Islands company,

Respondents.

**FIFTH**  
**PROCEDURAL ORDER**  
**(Vacates Hearing and**  
**Exchange of Documents)**

BY THE COMMISSION:

On April 6, 2011, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against the following individuals and entities: Fred Bohn and Marsha Bohn, husband and wife; Capital Oil & Gas Limited (aka "Capital Oil & Gas Ltd" fka "Omni Petroleum Limited") ("COG") (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 notes. Respondent spouse, Marsha Bohn, was joined in the action pursuant to A.R.S. § 44-2031(C) for the purpose of determining the liability of the marital community.

The Respondents were duly served with a copy of the Notice.

On April 15, 2011, a request for hearing in this matter was filed on behalf of Respondents, Fred Bohn, Marsha Bohn and COG.

On April 19, 2011, by Procedural Order, a pre-hearing conference was scheduled on May 12, 2011.

On May 10, 2011, counsel for the Respondents filed a Motion to Continue Pre-hearing Conference ("Motion") due to a scheduling conflict. The Motion stated that the Division did not

1 oppose the Respondents' Motion.

2 On May 12, 2011, by Procedural Order, Respondents' Motion was granted and the pre-  
3 hearing conference continued to June 14, 2011.

4 On June 14, 2011, at the pre-hearing conference, the Division and Respondents appeared  
5 through counsel. The Division's counsel requested that a hearing be scheduled while the parties  
6 attempt to settle the matter. After a brief recess, the parties agreed that a hearing be scheduled to  
7 commence on October 3, 2011, and with an exchange of documentation approximately one month  
8 earlier.

9 On June 20, 2011, by Procedural Order, a hearing was scheduled to commence on October 3,  
10 2011, and an exchange of copies of Witness Lists and Exhibits was take place by August 26, 2011.

11 On August 24, 2011, the Division filed a Motion to Continue Date for the exchange of copies  
12 of the parties Witness Lists and copies of their Exhibits from August 26, 2011, until September 16,  
13 2011, because the parties had been engaged in ongoing settlement negotiations and were attempting  
14 to conserve their resources. The Division indicated that Respondents had no objections to this  
15 request.

16 On August 25, 2011, by Procedural Order, the Division's Motion to Continue Date for the  
17 exchange of documentation was granted.

18 On September 16, 2011, the Division filed what was captioned, "Motion to Vacate Pending  
19 Dates." Therein, the Division stated that it had reached a tentative settlement with the Respondents,  
20 and that a proposed form of Consent Order would be submitted for Commission approval at its next  
21 Securities Open Meeting scheduled for October 6, 2011.

22 The Division is requesting that the dates for the pending exchange of documentation, and for  
23 the evidentiary hearing be vacated subject to the Commission's approval of the proposed Consent  
24 Order. The Division further indicates that if the proposed Consent Order is not approved by the  
25 Commission that it will file a motion for the proceeding to be rescheduled.

26 Accordingly, the pending dates for the exchange of documentation and the evidentiary  
27 hearing should be vacated.

28 IT IS THEREFORE ORDERED that **the dates for the exchange of documentation**

1 scheduled on September 16, 2011, and the hearing scheduled on October 3, 2011, are hereby  
2 vacated.

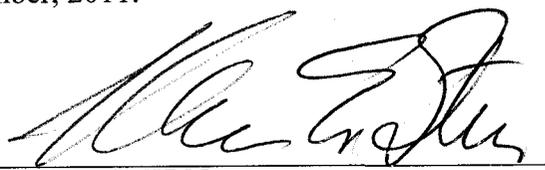
3 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
4 Communications) is in effect and shall remain in effect until the Commission's Decision in this  
5 matter is final and non-appealable.

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

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

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

18 DATED this 19<sup>th</sup> day of September, 2011.



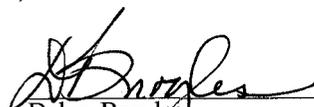
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

23 Copies of the foregoing mailed/delivered  
this 19<sup>th</sup> day of September, 2011 to:

24 James O. Ehinger  
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27 By:   
28 Debra Broyles  
Secretary to Marc E. Stern