

ORIGINAL



0000130567

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

OCT 19 2011

2011 OCT 19 P 2:05

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

COMMISSIONERS

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

IN THE MATTER OF:

BEVERLY MICHELE WEST and ROSS WEST,
wife and husband,

RESPONDENTS.

DOCKET NO. S-20806A-11-0234

THIRD
PROCEDURAL ORDER
(Schedules a Hearing)

BY THE COMMISSION:

On June 6, 2011, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Beverly Michele West and Ross West, wife and husband (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 June 29, 2011, a request for hearing was filed by the Respondents.

On July 1, 2011, by Procedural Order, a pre-hearing conference was scheduled on July 26, 2011.

On July 26, 2011, the Division and Respondents appeared with counsel. The Division and Respondents are discussing a possible settlement of the issues raised by the Notice. The parties agreed that a status conference should be scheduled in mid-September to determine a hearing date if a settlement cannot be reached. Subsequently, by Procedural Order, a status conference was scheduled on September 14, 2011.

On September 14, 2011, at the status conference, the Division appeared with counsel. Neither of the Respondents nor their counsel appeared. Counsel for the Division indicated that the Division would look into the failure to appear by the Respondents and their counsel and request that either another status conference or a hearing be scheduled.

1 On October 18, 2011, the Division filed a Motion to Set a Hearing suggesting that the
2 proceeding be scheduled for a five day hearing in May 2012 to avoid any scheduling conflicts.

3 Accordingly, a hearing should be scheduled.

4 IT IS THEREFORE ORDERED that a **hearing shall be held on May 7, 2012, at 10:00 a.m.,**
5 at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona.

6 IT IS FURTHER ORDERED that that the parties shall also set aside **May 8, 9, 10, and 11,**
7 **2012, for additional days of hearing,** if necessary.

8 IT IS FURTHER ORDERED that **the Division and Respondents shall exchange copies of**
9 **their Witness Lists and copies of their Exhibits by March 30, 2012,** with courtesy copies provided
10 to the presiding Administrative Law Judge.

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

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

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

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

24 ...
25 ...
26 ...
27 ...
28 ...

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

3 DATED this 19TH day of October, 2011

4
5
6 
7 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

8
9 Copies of the foregoing mailed/delivered
this 19th day of October, 2011 to:

10 Hubert E. Kelly
11 KELLY & KELLY, P.C.
12 6900 East Camelback Road, Suite A-39
Scottsdale, AZ 85251
Attorney for Respondents

13 Matt Neubert, Director
14 Securities Division
ARIZONA CORPORATION COMMISSION
15 1300 West Washington Street
Phoenix, AZ 85007

16 ARIZONA REPORTING SERVICE, INC.
17 2200 North Central Avenue, Suite 502
Phoenix, AZ 85004

18 By: 
19 Debra Broyles
20 Secretary to Marc E. Stern

21
22
23
24
25
26
27
28