



0000130685

ORIGINAL

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

DOCKETED

OCT 25 2011

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

DOCKETED BY [Signature]

IN THE MATTER OF:

DOCKET NO. S-20812A-11-0281

TERRY L. SAMUELS and ELISABETH SAMUELS, husband and wife;

JAMES F. CURCIO and JILL L. CURCIO, husband and wife;

3-CG, LLC, an Arizona limited liability company;

CHOICE PROPERTY GROUP, LLC, an Arizona limited liability company;

AZIN INVESTOR GROUP, LLC, an Arizona limited liability company;

AZIN INVESTOR GROUP II, LLC, an Arizona limited liability company;

AZIN INVESTOR GROUP III, LLC, an Arizona limited liability company;

AZIN INVESTOR GROUP IV, LLC, an Arizona limited liability company;

COMBINED HOLDINGS IV, LLC, an Arizona limited liability company; and

COMBINED HOLDINGS V, LLC, an Arizona limited liability company,

RESPONDENTS.

RECEIVED
2011 OCT 25 A 10:38
AZ CORP COMMISSION
DOCKET CONTROL

FOURTH
PROCEDURAL ORDER
(Continues Status Conference)

BY THE COMMISSION:

On July 18, 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: Terry L. Samuels and Elisabeth Samuels, husband and wife; James F. Curcio and Jill L. Curcio, husband and wife; 3-CG, LLC, an Arizona limited liability

1 company ("3-CG"); Choice Property Group, LLC, an Arizona limited liability company ("CPG");
2 AZIN Investor Group, LLC, an Arizona limited liability company ("AZING"); AZIN Investor
3 Group II, LLC, an Arizona limited liability company ("AZING II"); AZIN Investor Group III, LLC,
4 an Arizona limited liability company ("AZING III"); AZIN Investor Group IV, LLC, an Arizona
5 limited liability company ("AZING IV"); Combined Holdings IV, LLC, an Arizona limited liability
6 company ("CH IV"); and Combined Holdings V, LLC, an Arizona limited liability company ("CH
7 V") (collectively "Respondents") in which the Division alleged multiple violations of the Arizona
8 Securities Act ("Act") in connection with the offer and sale of securities in the form of notes and
9 investment contracts. The spouses ("Respondent Spouses") of Respondents Terry Samuels and
10 James Curcio were joined in the action pursuant to A.R.S. § 44-2031(C) solely for the purpose of
11 determining the liability of their respective marital communities.

12 The Respondents were duly served with copies of the Notice.

13 On August 2, 2011, signed requests for hearing were filed by Terry and Elisabeth Samuels,
14 and Terry Samuels on behalf of 3-CG, CPG, CH IV and CH V. A request for hearing was also filed
15 by James and Jill Curcio; however, only Mr. Curcio signed this request. There were no requests for
16 hearing filed for AZING, AZING II, AZING III or AZING IV.

17 On August 4, 2011, by Procedural Order, a pre-hearing conference was scheduled on August
18 23, 2011.

19 On August 10, 2011, an amended request for hearing was filed by the Curcios. This request
20 was signed by both James and Jill Curcio. Mr. Curcio also signed this request on behalf of AZING,
21 AZING II, AZING III, and AZING IV as their manager and as the co-manager of CH IV and CH V.

22 On August 17, 2011, by Procedural Order, all of the Respondents were apprised of the pre-
23 hearing conference as previously ordered by the Commission.

24 On August 23, 2011, at the pre-hearing conference, the Division appeared with counsel, an
25 attorney appeared on behalf of Mr. and Mrs. Samuels and Mr. Curcio appeared on his own behalf.
26 Mr. Curcio was advised that, pursuant to Rules of the Arizona Supreme Court, Rule 31, he cannot
27 represent his spouse in the proceeding. However, since she has signed a request for hearing she may
28 appear on her own behalf.

1 The Division and Respondents are discussing a possible resolution of the proceeding, but
2 additional time will be required to conclude any possible Consent Orders which will require the
3 Commission's approval.

4 On August 24, 2011, by Procedural Order, a status conference was scheduled on October 27,
5 2011.

6 Due to a scheduling conflict, it has become necessary to continue the status conference.

7 IT IS THEREFORE ORDERED that the **status conference** shall be **continued from October**
8 **27, 2011, to November 17, 2011, at 11:00 a.m.**, at the Commission's offices, 1200 West Washington
9 Street, **Room 100**, Phoenix, Arizona.

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

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.

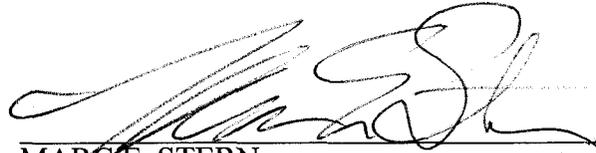
18 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 38 of the Rules
19 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission
20 *pro hac vice*.

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

23 ...
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 25TH day of October, 2011.

4
5
6 
7 MARC E. STERN
8 ADMINISTRATIVE LAW JUDGE

9 Copies of the foregoing mailed/delivered
10 this 25th day of October, 2011 to:

11 James Roach II
12 ROACH & ASSOCIATES, PLLC
13 2525 East Arizona Biltmore Circle, Suite A121
14 Phoenix, AZ 85016
15 Attorney for Terry L. Samuels and Elisabeth Samuels

16 James F. Curcio
17 Jill L. Curcio
18 AZIN INVESTOR GROUP, LLC
19 AZIN INVESTOR GROUP II, LLC
20 AZIN INVESTOR GROUP III, LLC
21 AZIN INVESTOR GROUP IV, LLC
22 9330 East Rocky Lake Drive
23 Sun Lakes, AZ 85248-7329

24 Matt Neubert, Director
25 Securities Division
26 ARIZONA CORPORATION COMMISSION
27 1300 West Washington Street
28 Phoenix, AZ 85007

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

23
24 By: 
25 Debra Broyles
26 Secretary to Marc E. Stern
27
28