

ORIGINAL



0000134210

BEFORE THE ARIZONA CORPORATION CC

RECEIVED

Arizona Corporation Commission

DOCKETED

FEB - 9 2012

2012 FEB -9 P 2:38

AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

COMMISSIONERS

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

IN THE MATTER OF:

DOCKET NO. S-20823A-11-0407

THOMAS LAURENCE HAMPTON, CRD
#2470192, and STEPHANIE YAGER,
husband and wife,

HAMPTON CAPITAL MARKETS, LLC,
an Arizona limited liability company,

RESPONDENTS.

PROCEDURAL ORDER
(Grants Motion to Withdraw)

BY THE COMMISSION:

On November 10, 2011, the Securities Division (“Division”) of the Arizona Corporation Commission (“Commission”) filed a Temporary Order to Cease and Desist (“T.O.”) and a Notice of Opportunity for Hearing (“Notice”) against Thomas Laurence Hampton and Jane Doe Hampton, husband and wife, and Hampton Capital Markets, L.L.C. (“HCM”), an Arizona limited liability company, (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 stock or investment contracts.

The spouse (“Respondent Spouse”) of Respondent Thomas Hampton is joined in the action pursuant to A.R.S. § 44-2031(C) solely for the purpose of determining the liability of the marital community.

The Respondents were duly served with copies of the T.O and Notice.

On November 30, 2011, a request for hearing was filed on behalf of the Respondents.

On December 6, 2011, by Procedural Order, a pre-hearing conference was scheduled on January 5, 2012. Subsequently, the Division filed a Motion to File Amended T.O. and Notice in order to state the correct name of Mr. Hampton’s spouse.

1 On December 12, 2011, the Division and Respondent filed a Joint Stipulation regarding the
2 Amended T.O. and Notice. Respondents had no objections to the filing of the Amended T.O. and
3 Notice to correct the name of Mr. Hampton's spouse and the parties stipulated that Respondents'
4 initial request for hearing filed November 30, 2011, would be applicable as to the Amended T.O. and
5 Notice. Additionally, the parties stipulated that Respondents' would have at least 30 days to file an
6 Answer from the date of an Order which authorizes the filing of the Amended T.O. and Notice.

7 On December 15, 2011, the Division was granted leave to file an Amended T.O. and Notice
8 as stipulated by the parties.

9 On January 5, 2012, at the pre-hearing conference, the Division and Respondents, Thomas
10 Hampton and HCM appeared through counsel. Counsel for Mr. Hampton and HCM indicated that he
11 did not represent Mr. Hampton's spouse and that Mr. Hampton's spouse, Stephanie Yager, will be
12 represented by separate counsel in the proceeding. The Division and Mr. Hampton and HCM were
13 conducting settlement discussions, but the Division indicated that it intended to further amend the
14 T.O. and Notice. In the interim, the Division requested that a status conference be scheduled in
15 approximately 90 days.

16 On January 6, 2012, by Procedural Order, a status conference was scheduled on April 26, 2012.

17 On February 6, 2012, counsel for Respondents, Thomas Hampton and HCM, filed a Motion to
18 Withdraw as counsel stating that he and his clients have a conflict which renders his representation
19 "untenable," and that to disclose the reason would violate the attorney client privilege.

20 Accordingly, counsel for Respondents, Thomas Hampton and HCM, should be granted leave
21 to withdraw.

22 IT IS THEREFORE ORDERED that counsel for Respondents Thomas Hampton and
23 Hampton Capital Markets, L.L.C. is hereby granted leave to withdraw.

24 IT IS FURTHER ORDERED that a **status conference** shall be held on **April 26, 2012, at**
25 **10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 2,
26 Phoenix, Arizona, as previously ordered.

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

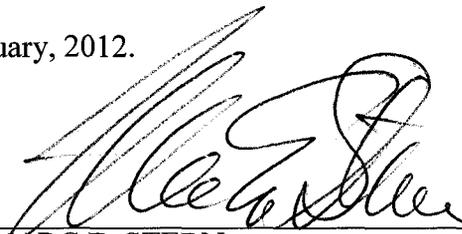
1 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
2 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
3 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
4 at all hearings and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

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

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

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

14 DATED this 9th day of February, 2012.

15
16
17 
18 _____
MARC E. STERN
ADMINISTRATIVE LAW JUDGE

19 Copies of the foregoing mailed/delivered
20 this 9th day of February, 2012 to:

21 Alan S. Baskin
22 BADE & BASKIN PLC
23 80 East Rio Salado Parkway, Suite 511
24 Tempe, AZ 85281-9106

25 Thomas Hampton
26 HAMPTON CAPITAL MARKETS, LLC
27 9026 East Calle De Las Brisas
28 Scottsdale, AZ 85255

29 Matt Neubert, Director
30 Securities Division
31 ARIZONA CORPORATION COMMISSION
32 1300 West Washington Street
33 Phoenix, AZ 85007

34 By: 
35 _____
36 Debra Broyles
37 Secretary to Marc E. Stern