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BEFORE THE ARIZONA CORPORATION COMMISSION

2012 FEB 14 PM 3 09

COMMISSIONERS

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

IN THE MATTER OF:

DAVID PAUL SMOOT and MARIE KATHLEEN SMOOT (a.k.a. "KATHY SMOOT"), husband and wife,

NATIVE AMERICAN WATER, L.L.C. (d.b.a. "NATAWA"), an Arizona limited liability company,

NATAWA CORPORATION (d.b.a. "NATAWA"), a Delaware corporation with a revoked authorization to conduct business in Arizona as a foreign corporation,

AMERICAN INDIAN TECHNOLOGIES INTERNATIONAL, L.L.C. (a.k.a. "AITI"), an Arizona limited liability company,

RESPONDENTS.

DOCKET NO. S-20814A-11-0313

Arizona Corporation Commission
DOCKETED

FEB 14 2012

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PROCEDURAL ORDER
MODIFYING GRANT OF
ADMISSION PRO HAC VICE

BY THE COMMISSION:

On October 20, 2011, the Securities Division ("Division") filed the above-captioned matter alleging that Respondents David Paul Smoot, Native American Water, L.L.C. (d.b.a. "NATAWA"), NATAWA Corporation (d.b.a. "NATAWA"), and American Indian Technologies International, L.L.C. (a.k.a. "AITI"), have engaged in acts, practices, and transactions that constitute violations of the Securities Act of Arizona, A.R.S. § 44-1801 *et seq.*

On October 25, 2011, Michael D. Kimerer, of the firm of Kimerer & Derrick, P.C., filed with the Arizona Corporation Commission ("Commission") a Notice Appearance on behalf of all Respondents in this matter, and, pursuant to Arizona Supreme Court Rule 38(a), also filed a Motion to Associate Counsel Pro Hac Vice with Timothy J. Galligan of the Law Offices of Timothy J. Galligan in the above-captioned matter ("Motion"), in this matter. The Motion lists Mr. Kimerer as the designated member of the Arizona State Bar with whom communications may be made and upon whom papers should be served. Attached to the Motion is a copy of the Application for Appearance

1 Pro Hac Vice filed with the State Bar of Arizona for Mr. Galligan; a copy of his certificate of good
2 standing from the jurisdiction in which he has been admitted to practice law; and a copy of the Notice
3 of Receipt of Complete Application from the State Bar of Arizona.

4 On November 1, 2011, the Commission's Securities Division filed its response to the Motion
5 indicating that it had no objection to the admission of Mr. Galligan as counsel *pro hac vice* in this
6 matter.

7 In the discretion of the Commission, by Procedural Order issued November 1, 2011, Timothy
8 J. Galligan was permitted to appear and participate in the above-captioned matter on behalf of all
9 Respondents in this matter. It has come to the Commission's attention that the application approved
10 by the State Bar of Arizona included Mr. Galligan's representation of only one Respondent, David
11 Paul Smoot, and therefore, Mr. Galligan's admission *pro hac vice* in this matter is limited to
12 representation of only Mr. Smoot.

13 IT IS THEREFORE ORDERED that Timothy J. Galligan's admission *pro hac vice* in the
14 above-captioned matter is limited to the representation of David Paul Smoot.

15 IT IS FURTHER ORDERED that withdrawal of 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 the obligation
18 to appear at all hearings and procedural conferences, as well as all Open Meetings for which the
19 matter is scheduled for discussion, unless counsel has previously been granted permission to
20 withdraw by the Administrative Law Judge.

21 DATED this 14th day of February, 2012.

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25 
26 LYN FARMER
27 CHIEF ADMINISTRATIVE LAW JUDGE
28

1 Copies of the foregoing mailed/delivered
this 14th day of February, 2012 to:

2 Timothy J. Galligan
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15 ARIZONA CORPORATION COMMISSION
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18 By: 
19 Debra Broyles
20 Secretary to Marc E. Stern
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