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BEFORE THE ARIZONA CORPORATION COMMISSION
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COMMISSIONERS

GARY PIERCE - Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

APR - 2 2012

DOCKETED BY [Signature]

DOCKET NO. S-20803A-11-0187

IN THE MATTER OF:

KENT M. AXTELL, individually and doing
business as Sherlock Homes and Finding
Homes for Investors, and JANIS C. AXTELL,
husband and wife;

EXECUTIVE REAL ESTATE SOLUTIONS,
L.L.C., an Arizona limited liability company,

RESPONDENTS.

SIXTH
PROCEDURAL ORDER
(Vacates Hearing)

BY THE COMMISSION:

On May 2, 2011, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Kent M. Axtell, individually and dba Sherlock Homes and Finding Homes for Investors, and Janis C. Axtell, husband and wife, and Executive Real Estate Solutions, L.L.C., an Arizona limited liability company ("Executive") (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 notes and investment contracts.

Respondent's spouse was named in the action solely for purposes of determining the liability of the marital community pursuant to A.R.S. § 44-2031(C).

The Respondents were duly served with copies of the Notice.

On May 20, 2011, a request for hearing was filed by Respondents.

On May 23, 2011, by Procedural Order, a pre-hearing conference was scheduled on June 20, 2011.

On June 2, 2011, counsel for the Respondents filed a Motion to Continue the pre-hearing conference stating that he would be unavailable on the scheduled date. Counsel requested that the

1 pre-hearing conference be scheduled after July 1, 2011. Subsequently, the Division filed a response
2 indicating that it had no objection to the request for a continuance.

3 On June 27, 2011, by Procedural Order, the pre-hearing conference was continued from
4 June 20, 2011, to July 7, 2011.

5 On July 7, 2011, the Division and Respondents appeared through counsel. The parties were
6 discussing a resolution of the issues raised by the Notice. In the interim, the Division requested that a
7 status conference be scheduled in the beginning of September.

8 On July 8, 2011, by Procedural Order, a status conference was scheduled on September 8,
9 2011.

10 On September 8, 2011, at the status conference, the Division and Respondents appeared with
11 counsel. The Division's counsel indicated that additional documents are being gathered so that the
12 parties will be in a better position to negotiate a settlement of the proceeding, but more time will be
13 required for a resolution of the issues raised by the Notice. The Division and Respondents agreed
14 that a hearing should be scheduled in April 2012 if a settlement cannot be reached.

15 On September 9, 2011, by Procedural Order, a hearing was scheduled on April 16, 2012, and
16 the exchange of documentation scheduled on March 9, 2012.

17 On March 8, 2012, the Division and Respondents filed a stipulation to continue the date for the
18 exchange of copies of their Witness Lists and copies of their Exhibits to on or before March 30, 2012.

19 On March 15, 2012, by Procedural Order, the stipulation filed by the parties was approved as
20 agreed.

21 On March 30, 2012, the Division filed a Motion to Continue the exchange of the parties' lists
22 of exhibits and witnesses and the scheduled hearing because the Respondents have agreed to a
23 proposed Consent Order which is to be submitted for the Commission's approval at its April 12, 2012,
24 Open Meeting.

25 Accordingly, the Division's request is reasonable and should be granted.

26 IT IS THEREFORE ORDERED that **the hearing scheduled on April 16, 2012, is hereby**
27 **vacated.**

28 IT IS FURTHER ORDERED that the **exchange of copies of the parties' Witness Lists and**

1 **copies of their Exhibits is hereby vacated.**

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

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

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

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

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

17 DATED this 2nd day of April, 2012.

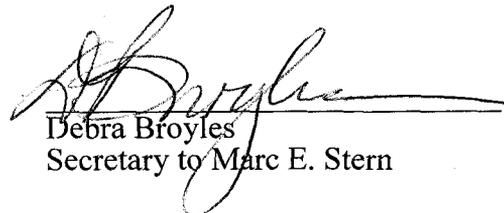
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19
20 
21 MARC E. STERN
22 ADMINISTRATIVE LAW JUDGE

21 Copies of the foregoing mailed/delivered
22 this 2nd day of April, 2012 to:

23 Jeffrey M. Proper
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By: 
Debra Broyles
Secretary to Marc E. Stern