

**ORIGINAL**



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**BEFORE THE ARIZONA CORPORAT**

COMMISSIONERS

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

Arizona Corporation Commission

**DOCKETED**

JUN 21 2012

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AZ CORP COMMISSION  
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DOCKET NO. S-20839A-12-0083

In the matter of:

ANDREW C. MENICHINO, a married individual;

INNOVATIVE CONSTRUCTION, INC., a Pennsylvania Corporation; and

ATLANTIC LEXUS, LTD., a Turks and Caicos Corporation;

Respondents.

**THIRD**  
**PROCEDURAL ORDER**  
**(Continues Pre-hearing Conference)**

**BY THE COMMISSION:**

On March 5, 2012, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Andrew C. Menichino, Innovative Construction, Inc., a Pennsylvania Corporation ("ICI"), and Atlantic Lexus, Ltd., a Turks and Caicos Corporation ("ALL"), (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 or investment contracts.

The Respondents were duly served with copies of the Notice.

On April 6, 2012, Respondent Andrew C. Menichino filed a request for hearing in this matter.

On April 11, 2012, by Procedural Order, a pre-hearing conference was scheduled on May 16, 2012.

On May 4, 2012, Respondent Menichino filed a request to continue the pre-hearing conference for approximately 30 to 45 days to secure counsel to represent him in the proceeding. The Division had no objections to this request.

On May 7, 2012, by Procedural Order, Mr. Menichino's request was granted, and the pre-hearing conference was continued to June 21, 2012.

1 On June 20, 2012, an attorney representing the Respondents filed a Notice of Appearance and  
2 a Stipulated Motion to Continue the pre-hearing conference which had been agreed to by the  
3 Division.

4 Accordingly, a continuance should be granted.

5 IT IS THEREFORE ORDERED the **pre-hearing conference scheduled on June 21, 2012,**  
6 **shall be continued to July 26, 2012, at 9:30 a.m.,** at the Commission's offices, 1200 West  
7 Washington Street, **Hearing Room No. 1,** Phoenix, Arizona.

8 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
9 Communications) is in effect and shall remain in effect until the Commission's Decision in this  
10 matter is final and non-appealable.

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

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

20 IT IS FURTHER ORDERED that the Presiding Administrative Law Judge may rescind, alter,  
21 amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by  
22 ruling at hearing.

23 DATED this 21<sup>st</sup> day of June, 2012.

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26   
27 MARC E. STERN  
ADMINISTRATIVE LAW JUDGE  
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1 Copies of the foregoing mailed/delivered  
2 this 2/21 day of June, 2012 to:

3 Alan S. Baskin  
4 Michelle M. Lauer  
5 BADE BASKIN RICHARDS PLC  
6 80 East Rio Salado Parkway, Suite 511  
7 Tempe, AZ 85281  
8 Attorneys for Respondents

9 Matt Neubert, Director  
10 Securities Division  
11 ARIZONA CORPORATION COMMISSION  
12 1300 West Washington Street  
13 Phoenix, AZ 85007

14 ARIZONA REPORTING SERVICE, INC.  
15 2200 North Central Avenue, Suite 502  
16 Phoenix, AZ 85004-1481

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