

ORIGINAL



0000136578

BEFORE THE ARIZONA CORPORATION COMMISSION

RECEIVED

Arizona Corporation Commission

DOCKETED

JUN 22 2012

2012 JUN 22 A 9:41

AZ CORP COMMISSION  
DOCKET CONTROL

DOCKETED BY *JM*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

COMMISSIONERS

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

In the matter of:

SOUTHWEST BIOFUELS, LLC, a Nevada limited liability company, and

RICK J. JIMINEZ and SUSAN C. JIMINEZ, husband and wife,

Respondents.

DOCKET NO. S-20834A-12-0033

**FIFTH**  
**PROCEDURAL ORDER**  
**(Extends Date for**  
**Exchange of Documents)**

**BY THE COMMISSION:**

On January 30, 2012, 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 Southwest Biofuels, LLC ("SWB"), a Nevada limited liability company, and Rick J. Jiminez and Susan C. Jiminez, husband and wife, (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.

Respondent spouse, Susan C. Jiminez, was joined in the action for the purpose 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 T.O. and Notice.

On February 17, 2012, Respondents filed a request for hearing in this matter.

On February 21, 2012, by Procedural Order, a pre-hearing conference was scheduled on March 14, 2012.

On March 14, 2012, at the pre-hearing conference, the Division and Respondent, Rick J. Jiminez, appeared with counsel. The Division and Respondents were discussing the issues raised by the T.O. and Notice. The Division requested that a status conference be scheduled in approximately 30 days.

1 On March 15, 2012, by Procedural Order, a status conference was scheduled on April 26,  
2 2012.

3 On April 26, 2012, at the status conference, the Division and Respondents appeared through  
4 counsel. The Division's counsel indicated that the parties are continuing to negotiate a settlement of  
5 the proceeding, but more time will be required for a resolution of the issues raised by the Notice. The  
6 Division and Respondents agreed that a hearing should commence on July 23, 2012 if a settlement  
7 cannot be reached.

8 On April 26, 2012, by Procedural Order, a hearing was scheduled on July 23, 2012, and the  
9 exchange of documents was ordered to be completed by June 1, 2012.

10 On May 29, 2012, the Division and Respondents filed a stipulation to extend the date for the  
11 exchange of documentation from June 1, 2012, to June 22, 2012, because the parties had anticipated  
12 that a settlement of the proceeding would be concluded before June 22, 2012, and submitted for  
13 Commission approval.

14 On May 30, 2012, by Procedural Order, the date for the exchange of documentation by the  
15 Division and Respondents was extended to June 22, 2012.

16 On June 20, 2012, the Division and Respondents filed a second stipulation to extend the date  
17 for the exchange of documentation from June 22, 2012, to July 6, 2012, because the parties anticipate  
18 that a settlement of the proceeding will be concluded before July 6, 2012, and submitted for  
19 Commission approval.

20 Accordingly, leave should be granted for the extension for the exchange of documentation.

21 IT IS THEREFORE ORDERED that a hearing shall be held on July 23, 2012, at 10:00 a.m.,  
22 at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona,  
23 as previously ordered.

24 IT IS FURTHER ORDERED that the parties shall also set aside July 24, 25, 26 and 27, 2012,  
25 for additional days of hearing, if necessary, as previously ordered.

26 IT IS FURTHER ORDERED that **the date for the exchange of documentation by the**  
27 **Division and Respondents to exchange copies of their Witness Lists and copies of their Exhibits**  
28 **by June 22, 2012, with courtesy copies provided to the presiding Administrative Law Judge shall be**  
**extended to July 6, 2012, as stipulated by the parties.**

1 IT IS FURTHER ORDERED that if the parties reach a resolution of the issues raised in the  
2 Notice prior to the hearing, the Division shall file a Motion to Vacate the proceeding.

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

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

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

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

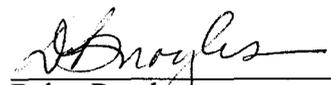
18 DATED this 22<sup>nd</sup> day of June, 2012.

19  
20  
21   
MARC E. STERN  
ADMINISTRATIVE LAW JUDGE

22 Copies of the foregoing mailed/delivered  
23 this 22<sup>nd</sup> day of June, 2012 to:

24 Nathaniel H. Wadsworth  
ROWLEY CHAPMAN BARNEY &  
25 BUNTROCK, LTD.  
63 East Main Street, Suite 501  
26 Mesa, AZ 85201-7436  
Attorney for Respondents

Matt Neubert, Director Securities Division  
ARIZONA CORPORATION COMMISSION  
1300 West Washington Street  
Phoenix, AZ 85007

27 By:   
28 Debra Broyles  
Secretary to Marc E. Stern