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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

GARY PIERCE – Chairman
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PAUL NEWMAN
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ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

IN THE MATTER OF:

DOCKET NO. S-20823A-11-0407

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

Arizona Corporation Commission

DOCKETED

AUG 08 2012

TIMOTHY D. MORAN, CRD #2326078,
and PATRICIA MORAN, husband and wife;

DOCKETED BY

PATRICK MORAN, CRD #1496354, and
KELLY MORAN, husband and wife; and

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

RESPONDENTS.

**SEVENTH
PROCEDURAL ORDER
(Schedules Pre-Hearing Conference)**

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

1 January 5, 2012. Subsequently, the Division filed a Motion to File Amended T.O. and Notice in
2 order to state the correct name of Mr. Hampton's spouse.

3 On December 12, 2011, the Division and Respondent filed a Joint Stipulation regarding the
4 Amended T.O. and Notice. Respondents had no objections to the filing of the Amended T.O. and
5 Notice to correct the name of Mr. Hampton's spouse (Stephanie Yager) and the parties stipulated that
6 Respondents' initial request for hearing filed November 30, 2011, would be applicable as to the
7 Amended T.O. and Notice. Additionally, the parties stipulated that Respondents' would have at least
8 30 days to file an Answer from the date of an Order which authorizes the filing of the Amended T.O.
9 and Notice.

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

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

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

20 On February 6, 2012, counsel for Respondents, Thomas Hampton and HCM, filed a Motion to
21 Withdraw as counsel stating that he and his clients had a conflict which rendered his representation
22 "untenable," and that to disclose the reason would violate the attorney client privilege.

23 On February 9, 2012, by Procedural Order, counsel for Respondents, Thomas Hampton and
24 HCM, was granted leave to withdraw.

25 On April 24, 2012, the Division and Respondents filed a Joint Stipulation to Continue the
26 status conference scheduled on April 26, 2012, for at least 60 days because Mr. Hampton was
27 currently traveling outside of Arizona, and because the Division intended to file an Amended T.O.
28 and Notice.

1 On April 25, 2012, by Procedural Order, the status conference was continued to July 10, 2012.

2 On June 27, 2012, the Division filed a Motion to Amend the caption and Notice in the
3 proceeding, and requested that the status conference scheduled on July 10, 2012, be vacated. The
4 Division included a copy of the amended Notice as Exhibit "A".

5 On July 6, 2012, the Division and Respondents, Mr. Hampton and HCM, filed a Joint
6 Stipulation to amend the caption and the Notice in this proceeding and to vacate the status
7 conference. Respondent Stephanie Yager had not yet signed the Joint Stipulation.

8 On July 9, 2012, by Procedural Order, leave to amend the caption and the Notice was granted
9 and the status conference was vacated.

10 On July 12, 2012, the Division filed the amended Notice naming additional Respondents and
11 adding more allegations to the Notice.

12 The additional Respondents were duly served with copies of the Amended Notice.

13 On August 6, 2012, Respondents Timothy D. Moran and Patricia Moran filed a request for
14 hearing.

15 On August 7, 2012, Respondents Patrick Moran and Kelly Moran filed a request for hearing.

16 Accordingly, a pre-hearing conference should be scheduled. It is noted that Respondent
17 Stephanie Yager has not yet requested a hearing in writing pursuant to A.R.S. § 44-1972 and A.A.C.
18 R14-4-306 and should do so if she wishes to participate in the proceeding.

19 IT IS THEREFORE ORDERED that a **pre-hearing conference** shall be held on **August 21,**
20 **2012, at 11:00 a.m.,** at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1,
21 Phoenix, Arizona.

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

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

1 Administrative Law Judge or the Commission.

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

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

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

9 DATED this 8th day of August, 2012.

10
11
12 
13 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

14 Copies of the foregoing mailed/delivered
15 this 8th day of August, 2012 to:

16 Thomas Hampton
17 HAMPTON CAPITAL MARKETS, LLC
9026 East Calle De Las Brisas
18 Scottsdale, AZ 85255

19 Stephanie Yager
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20 Scottsdale, AZ 85255

21 Paul J. Roshka, Jr.
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28 Patrick and Kelly Moran

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By: 
Debra Broyles
Secretary to Marc E. Stern