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BEFORE THE ARIZONA CORPORATION C

COMMISSIONERS

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

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

JUN 05 2012

DOCKETED BY JM

In the matter of:

DOCKET NO. S-20825A-11-0454

ROGER D. WOODS, an individual;

JOCELYN DELA CRUZ CLEMENTS (AKA JOY CLEMENTS, JOCELYN WOODS and JOY WOODS), an individual; and

PHOENIX FUNDING, LLC, an Arizona limited liability company,

Respondents.

PROCEDURAL ORDER
(Schedules Hearing)

BY THE COMMISSION:

On December 20, 2011, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Temporary Order to Cease and Desist ("T.O.") and Notice of Opportunity for Hearing ("Notice") against Roger D. Woods, an individual, and Phoenix Funding, LLC, an Arizona limited liability company ("Phoenix Funding") (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, investment contracts and stock.

On December 30, 2011, the Division filed a Motion to Amend the T.O. and Notice ("Motion") based on additional facts that had been discovered. Respondents had yet not been served with the T.O. and Notice.

On January 10, 2012, by Procedural Order, the Division's Motion was granted.

On January 11, 2012, the Division filed an amended T.O. and Notice pleading new facts and adding Respondent Roger Woods' spouse, Jocelyn Dela Cruz Clemente (aka Joy Clemente, Jocelyn Woods and Joy Woods) as an additional Respondent alleged to have violated the Act.

Respondents were duly served with copies of the Amended T.O. and Notice.

On January 30, 2012, a request for hearing was filed on behalf of all Respondents.

1 On February 2, 2012, by Procedu8ral Order, a pre-hearing conference was scheduled on
2 February 16, 2012.

3 On February 16, 2012, the Division and the Respondents appeared through counsel. The
4 parties were discussing the issues raised by the T.O. and Notice. In the interim, the Division
5 requested that a status conference be scheduled in approximately 90 days.

6 On February 21, 2012, by Procedural Order, a status conference was scheduled on June 5,
7 2012.

8 On June 5, 2012, the Division and the Respondents appeared through counsel at the status
9 conference. The Division and Respondents are discussing a possible resolution of the proceeding,
10 but agreed that a hearing should be scheduled in September to allow time to review matters further
11 and to avoid scheduling conflicts.

12 Accordingly, a hearing should be scheduled.

13 IT IS THEREFORE ORDERED that a **hearing** shall be held on **September 4, 2012, at 10:00**
14 **a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix,
15 Arizona.

16 IT IS FURTHER ORDERED that the parties shall also set aside **September 5, 6, 7 and 18,**
17 **2012, for additional days of hearing**, if necessary.

18 IT IS FURTHER ORDERED that the **Division and Respondents shall exchange copies of**
19 **their Witness Lists and copies of their Exhibits by August 13, 2012**, with courtesy copies
20 provided to the presiding Administrative Law Judge.

21 IT IS FURTHER ORDERED that in **the event the parties conclude a settlement prior to**
22 **the hearing, the Division shall file a Motion to Vacate the proceeding.**

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

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

1 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
2 Administrative Law Judge or the Commission.

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

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

8 DATED this 5TH day of June, 2012.

9
10 
11 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered
13 this 5th day of June, 2012 to:

14 Alan Baskin
15 Michelle M. Lauer
16 BADE BASKIN RICHARDS PLC
80 East Rio Salado Parkway, Suite 511
Tempe, AZ 86281-9106
Attorneys for Respondents

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

20 ARIZONA REPORTING SERVICE, INC.
21 2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

22 By: 
23 Debra Broyles
24 Secretary to Marc E. Stern