

ORIGINAL



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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission  
AZ CORP COM  
DOCKETED  
DOCKET CONTROL  
JUL 27 2012

2012 JUL 27  
DOCKETED BY  
[Signature]

In the matter of:

DOCKET NO. S-20839A-12-0083

ANDREW C. MENICHINO, a married individual;

INNOVATIVE CONSTRUCTION, INC., a Pennsylvania Corporation; and

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

Respondents.

**FOURTH**  
**PROCEDURAL ORDER**  
**(Schedules Hearing)**

**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 On June 21, 2012, by Procedural Order, a continuance was granted to July 26, 2012.

5 On July 26, 2012, the Division and Respondents appeared through counsel. Although the  
6 parties are discussing a resolution of the proceeding, the Division requested that a hearing be  
7 scheduled to avoid a scheduling conflict in the future.

8 Accordingly, a hearing should be scheduled.

9 IT IS THEREFORE ORDERED that a **hearing** should be held on **December 12, 2012, at**  
10 **10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, 2<sup>nd</sup> Floor Conference Room,  
11 Phoenix, Arizona.

12 IT IS FURTHER ORDERED that the parties shall set aside **December 13 and 14, 2012**, for  
13 additional days of hearing, if necessary.

14 IT IS FURTHER ORDERED that the parties shall exchange copies of their **Witness Lists**  
15 **and Exhibits** by **October 31, 2012**, with courtesy copies provided to the presiding Administrative  
16 Law Judge.

17 IT IS FURTHER ORDERED that in the event that the parties reach a resolution of the issues  
18 raised by the Notice, and a Consent Order is to be filed for Commission approval, the Division shall  
19 file a Motion to Vacate the hearing.

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

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

26 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance  
27 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
28 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances

1 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is  
2 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the  
3 Administrative Law Judge or the Commission.

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

7 DATED this 27<sup>th</sup> day of July, 2012.

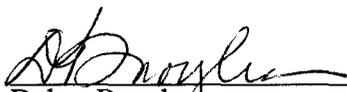
8  
9  
10   
11 MARCE. STERN  
12 ADMINISTRATIVE LAW JUDGE

13 Copies of the foregoing mailed/delivered  
14 this 27<sup>th</sup> day of July, 2012 to:

15 Alan S. Baskin  
16 Michelle M. Lauer  
17 BADE BASKIN RICHARDS PLC  
18 80 East Rio Salado Parkway, Suite 511  
19 Tempe, AZ 85281  
20 Attorneys for Respondents

21 Matt Neubert, Director  
22 Securities Division  
23 ARIZONA CORPORATION COMMISSION  
24 1300 West Washington Street  
25 Phoenix, AZ 85007

26 ARIZONA REPORTING SERVICE, INC.  
27 2200 North Central Avenue, Suite 502  
28 Phoenix, AZ 85004-1481

By:   
Debra Broyles  
Secretary to Marc E. Stern