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BEFORE THE ARIZONA CORPORATION

Arizona Corporation Commission

COMMISSIONERS

DOCKET NO.

11-0096

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

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IN THE MATTER OF:

DOCKET NO. S-20788A-11-0096

MAGLEV WIND TURBINE TECHNOLOGIES, INC., a Nevada corporation,

MAGLEV RENEWABLE ENERGIES RESOURCES, INC., a Wyoming corporation,

RENEWABLE ENERGY DEVELOPMENT, INC., an Arizona corporation,

RENEWABLE ENERGY SYSTEMS, INC., an Arizona corporation,

EDWARD L. MAZUR and JANE DOE MAZUR, husband and wife,

RONNIE WILLIAMS and JANE DOE WILLIAMS, husband and wife,

MAG T INC., a Florida corporation,

RLGMAN CORP., a Florida corporation,

STABLE, LLC, an inactive Florida limited liability company,

RICHARD L. GREEN, and

DONALD ANDREW ROTHMAN,

Respondents.

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TWELFTH PROCEDURAL ORDER (Grants Leave for Telephonic Testimony)

BY THE COMMISSION:

On March 1, 2011, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against the following entities and individuals: Maglev Wind Turbine Technologies, Inc., a Nevada corporation ("MWTT"); Maglev Renewable Energies Resources, Inc., a Wyoming corporation ("MRER"); Renewable Energy Development, Inc., an Arizona corporation ("RED"); Renewable Energy Systems, Inc., an Arizona corporation ("RES"); Edward L. Mazur and Jane Doe Mazur, husband and wife;

1 Ronnie Williams and Jane Doe Williams, husband and wife; MAG T Inc., a Florida corporation
2 (“MAGT”); RLGMAN Corp., a Florida corporation (“RLGMAN”), Stable, LLC, an inactive Florida
3 limited liability company (“Stable”); Richard L. Green; and Donald Andrew Rothman (collectively
4 “Respondents”), in which the Division alleged multiple violations of the Arizona Securities Act
5 (“Act”) in connection with the offer and sale of securities in the form of investment contracts.

6 The Respondents were duly served with a copy of the Notice.

7 On March 31, 2011, requests for hearing in this matter were filed on behalf of Respondents,
8 MAGT, RLGMAN, Richard Green and Donald Rothman.

9 Counsel for Respondents, MAGT, RLGMAN, Green and Rothman further requested that he
10 be granted an additional three weeks to file an Answer due to his work load.

11 On April 15, 2011, by Procedural Order, a pre-hearing conference was scheduled, and leave
12 was granted for three weeks to allow for the filing of an Answer on behalf of MAGT, RLGMAN,
13 Green and Rothman.

14 On April 15, 2011, after the Commission had issued the above-referenced Procedural Order
15 scheduling this matter for a pre-hearing conference, on May 23, 2011, a request for hearing was filed
16 on behalf of the following Respondents: MWTT; MRER; RED; RES; Edward Mazur and Jane Doe
17 Mazur, husband and wife; and Ronnie Williams and Jane Doe Williams, husband and wife.

18 On April 19, 2011, by Procedural Order, all parties were advised of the pre-hearing
19 conference which had been previously scheduled.

20 On May 17, 2011, counsel for Respondents, MAGT, RLGMAN, Green and Rothman to filed
21 a request for leave to file their Answer by May 20, 2011. It was indicated that the Division had no
22 objections to the request.

23 On May 19, 2011, leave was granted to Respondents, MAGT, RLGMAN, Green and
24 Rothman to file their Answer by May 20, 2011.

25 On May 20, 2011, counsel for MAGT, RLGMAN, Green and Rothman filed a Request for
26 Hearing *nunc pro tunc* on behalf of Stable which had not been included on the March 31,2011,
27 request which had been filed in the proceeding. Additionally, an Answer was filed on behalf of
28 MAGT, RLGMAN, Stable, Green and Rothman.

1 On May 23, 2011, at the pre-hearing conference, the Division and Respondents appeared
2 through counsel. Leave was granted to include Stable in the request for hearing. Counsel for the
3 Division indicated the Division and Respondents required 45 to 60 days to discuss the issues raised
4 by the Notice and if the proceeding was not settled, a status conference would be needed to schedule
5 a hearing.

6 On May 25, 2011, by Procedural Order, a status conference was scheduled incorrectly on
7 July 6, 2011.

8 On May 26, 2011, an amended Procedural Order was issued and the status conference was
9 rescheduled to July 26, 2011.

10 On July 25, 2011, counsel for the respective Respondents jointly filed a Request for
11 Continuance of the status conference scheduled on July 26, 2011, because one of the attorneys for the
12 Respondents and the Division's attorney were scheduled to be out of town and unable to attend. The
13 Respondents indicated that the Division did not oppose this request.

14 On July 26, 2011, by Procedural Order, the status conference was continued to August 15, 2011.

15 On August 15, 2011, the Division and Respondents appeared through counsel at the status
16 conference. The Division and Respondents indicated that they were continuing to attempt to settle
17 the proceeding, but agreed that a hearing should be scheduled in February or March 2012 to allow
18 time to review matters further and to avoid scheduling conflicts.

19 On August 19, 2011, by Procedural Order, a hearing was scheduled on February 21, 2012.

20 On January 9, 2012, the Division and Respondents filed a Joint Stipulation to extend the date
21 for the exchange of copies of their Witness Lists and copies of their Exhibits to February 10, 2011.

22 On January 10, 2012, by Procedural Order, pursuant to the Joint Stipulation, an extension was
23 granted to extend the date for the exchange of documentation to February 10, 2012.

24 On February 10, 2012, counsel for Respondents MWTT, MRER, RED, RES, Edward L.
25 Mazur and Jane Doe Mazur, and Ronnie Williams and Jane Doe Williams filed a Motion to
26 Withdraw and Continue the Hearing ("Motion"). Therein, he asserted that a conflict had arisen
27 between his clients and he could not jointly represent them. Attached to his Motion were the signed
28 consents of his individual clients and on behalf of the corporate entities. Further, counsel requested

1 that the hearing be continued and a status conference be scheduled to allow the clients sufficient time
2 to retain new counsel who could participate in scheduling new deadlines to exchange documentation
3 and to schedule a new hearing date. Additionally, counsel indicated that the Division did not oppose
4 the Motion.

5 On February 13, 2012, the Division filed a proposed Consent Order with respect to the
6 remaining Respondents in the proceeding to be considered by the Commission at its February 23,
7 2012, Open Meeting.

8 On February 15, 2012, by Procedural Order, the hearing was vacated and a status conference
9 was scheduled on March 12, 2012. The exchange of documentation was also delayed.

10 On February 24, 2012, the Commission issued Decision No. 72901, which was a Consent
11 Order with respect to Respondents MAGT, RLGMAN, Stable, Richard L. Green and Donald Andrew
12 Rothman.

13 On March 12, 2012, at the status conference, the Division appeared with counsel and counsel
14 for the remaining Respondents MWTT, MRER, RED, RES, Edward L. Mazur and Ronnie Williams
15 appeared. Mr. Mazur and Mr. Williams also appeared telephonically.¹ Counsel renewed his request
16 for leave to withdraw, but requested further time for the remaining Respondents to secure counsel
17 prior to a hearing. The Division agreed with the request for additional time to allow Respondents to
18 seek new counsel, and requested that an additional status conference be scheduled in approximately
19 45 days.

20 On March 14, 2012, by Procedural Order, leave was granted for counsel to withdraw as
21 requested and a status conference was scheduled on April 26, 2012.

22 On April 26, 2012, at the status conference, the Division appeared with counsel, and of the
23 remaining Respondents, Ronnie Williams appeared telephonically. Counsel for the Division
24 requested that another status conference be scheduled in approximately 60 days. Counsel stated that
25 some investors had retained a Dallas attorney to represent the remaining corporate Respondents
26 MWTT, MRER, RED and RES. This attorney may file to appear *pro hac vice* in the proceeding.

27 On April 27, 2012, by Procedural Order, a status conference was scheduled on June 10, 2012.
28

¹ Both Mr. Mazur and Mr. Williams indicated that they are not married.

1 On June 10, 2012, at the status conference, the Division appeared with counsel and
2 Respondent Ronnie Williams appeared telephonically on his own behalf. Mr. Mazur failed to appear
3 and there were no other appearances on behalf of any of the other remaining Respondents. Due to
4 scheduling conflicts, the attorney for the Division requested a that hearing be scheduled after mid-
5 November.

6 On July 11, 2012, by Procedural Order, a hearing was scheduled to commence on December
7 3, 2012.

8 On October 16, 2012, the Division filed a "Motion to Allow Telephonic Testimony" during
9 the proceeding. There have been no objections filed to this motion.

10 Accordingly, telephonic testimony should be allowed during the proceeding.

11 IT IS THEREFORE ORDERED that a **hearing** shall be held on **December 3, 2012, at 10:00**
12 **a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix,
13 Arizona, as previously ordered

14 IT IS FURTHER ORDERED that the parties shall also set aside **December 4, 5, 6 and 7,**
15 **2012, for additional days of hearing**, as previously ordered.

16 IT IS FURTHER ORDERED that telephonic testimony shall be permitted during the
17 proceeding.

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

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

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 the Presiding Administrative Law Judge may rescind, alter,
3 amend or waive any portion of this Procedural Order either by subsequent Procedural Order or by
4 ruling at hearing.

5 DATED this 26TH day of October, 2012.

6
7
8
9 
10 MARC E. STERN
11 ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered
13 this 26TH day of October, 2012 to:

14 Edward Mazur
15 MAGLEV WIND TURBINE
16 TECHNOLOGIES, INC. ET AL.
6304 South De Mello Street
Hereford, AZ 85615-5602

17 Ron Williams
18 MAGLEV WIND TURBINE
19 TECHNOLOGIES, INC. ET AL.
2160 East Fry Boulevard, Suite 283
Sierra Vista, AZ 85635

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

23 ARIZONA REPORTING SERVICE, INC.
24 2200 North Central Avenue, Suite 502
Phoenix, AZ 85004-1481

25
26 By: 
27 Debra Broyles
Secretary to Marc E. Stern