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BEFORE THE ARIZONA CORPORATION

COMMISSIONERS

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Arizona Corporation Commission
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COMMISSIONERS
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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.

FIFTH
PROCEDURAL ORDER
(Continues 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 On July 7, 2012, by Procedural Order, a hearing in this matter was scheduled to commence on
9 December 12, 2012, with additional days of hearing set for December 13 and 14, 2012, if necessary.

10 On December 3, 2012, the parties filed a Stipulated Motion to Continue Hearing due to on-
11 going construction renovations at the Commission during the dates of the scheduled hearing.
12 Respondents also indicated they would not oppose telephonic testimony offered by the Division.

13 On December 4, 2012, by Procedural Order, the hearing was continued to January 14, 2012.

14 On January 9, 2013, the parties filed a Joint Stipulation to Continue the hearing and indicated
15 that a proposed Consent Order is to be submitted to the Commission for its approval at its next
16 regularly scheduled Securities Open Meeting.

17 Accordingly, the hearing should be continued pending Commission action at its next regularly
18 scheduled Securities Open Meeting.

19 **IT IS THEREFORE ORDERED that the hearing scheduled to commence on January 14,**
20 **2013, is hereby continued.**

21 **IT IS FURTHER ORDERED that if the proposed Consent Order is not approved by the**
22 **Commission, the Division shall file a Motion to Reschedule the hearing.**

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

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

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

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

10 DATED this 9th day of January, 2013.

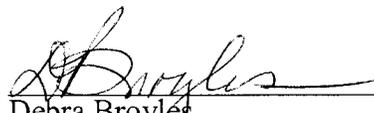
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12
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14 _____
MARC E. STERN
ADMINISTRATIVE LAW JUDGE

15 Copies of the foregoing mailed/delivered
this 9th day of January, 2013 to:

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

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27 ARIZONA REPORTING SERVICE, INC.
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By: 
Debra Broyles
Secretary to Marc E. Stern