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BEFORE THE ARIZONA CORPORATION C

COMMISSIONERS

BOB STUMP - Chairman
GARY PIERCE
BRENDA BURNS
BOB BURNS
SUSAN BITTER SMITH

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Arizona Corporation Commission

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AZ CORP COMMISSION
DOCKET CONTROL

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IN THE MATTER OF:

DOCKET NO. S-20856A-12-0409

DONNA KAY BEERS, CRD#1172038, and
JAMES BEERS, wife and husband,

RESPONDENTS.

SECOND
PROCEDURAL ORDER
(Schedules Status Conference)

BY THE COMMISSION:

On September 20, 2012, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Donna Kay Beers and James Beers, husband and wife, (collectively "Respondents") in which the Division alleged multiple violations of the Arizona Securities Act ("Act") and the Investment Management Act ("IMA") in connection with the offer and sale of securities in the form of membership interests and/or investment contracts.

The spouse ("Respondent Spouse") of Respondent Donna Beers is joined in the action pursuant to A.R.S. §§ 44-2031(C) and 44-3291 solely for the purpose of determining the liability of the marital community.

The Respondents were duly served with copies of the Notice.

On October 4, 2012, a request for hearing was filed on behalf of the Respondents.

On October 9, 2012, by Procedural Order, a pre-hearing conference was scheduled on November 5, 2012.

On November 5, 2012, at the pre-hearing conference, the Division and Respondents appeared through counsel. The parties indicated that they were attempting to settle the proceeding, and if a resolution was not concluded would request a status conference be scheduled.

On December 14, 2012, the Division filed a request for a status conference.

Accordingly, a status conference should be scheduled.

1 IT IS THEREFORE ORDERED that a **status conference** shall be held on **February 14, 2013,**
2 **at 2:00 p.m.,** at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1,
3 Phoenix, Arizona.

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

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

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

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

17 DATED this 24th day of January, 2013.

18
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20 
21 MARC E. STERN
ADMINISTRATIVE LAW JUDGE

22 Copies of the foregoing mailed/delivered
this 24th day of January, 2013 to:

23 Edwin B. Stanley
24 SIMBRO & STANLEY, PLC
25 8767 East Via de Commercio, Suite 103
Scottsdale, AZ 85258-3374
Attorneys for Respondents

ARIZONA REPORTING SERVICE, INC.
2200 North Central Avenue, Suite 502
Phoenix, AZ 85004

26 Matt Neubert, Director
27 Securities Division
28 ARIZONA CORPORATION COMMISSION
1300 West Washington Street
Phoenix, AZ 85007

By: 
Debra Broyles
Secretary to Marc E. Stern