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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

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AZ CORP COMMISSION DOCKET CONTROL

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IN THE MATTER OF:

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

RESPONDENTS.

DOCKET NO. S-20856A-12-0409

**THIRD
PROCEDURAL ORDER
(Schedules Hearing)**

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.

On January 24, 2013, by Procedural Order, a status conference was scheduled on February 14,

1 2013.

2 On February 14, 2013, at the status conference, the Division and Respondents appeared
3 through counsel. Although the parties are continuing to discuss a resolution of the issues raised by
4 the Notice, the Division requested that a hearing be scheduled in the interim.

5 Accordingly, a hearing should be scheduled.

6 IT IS THEREFORE ORDERED that a **hearing** shall be held on **July 8, 2013 at 10:00 a.m.,** at
7 the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix, Arizona.

8 IT IS FURTHER ORDERED that the parties shall set aside **July 9, 10, 11, and 12, 2013, for**
9 **additional days of hearing**, if necessary.

10 IT IS FURTHER ORDERED that **the Division and Respondents shall exchange copies of**
11 **their Witness Lists and copies of their Exhibits by May 17, 2013**, with courtesy copies provided to
12 the presiding Administrative Law Judge.

13 IT IS FURTHER ORDERED that **if the parties reach a resolution of the issues raised in**
14 **the Notice prior to the hearing, the Division shall file a Motion to Vacate the proceeding.**

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

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

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 practice of law and admission
25 *pro hac vice*.

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

DATED this 19th day of February, 2013.



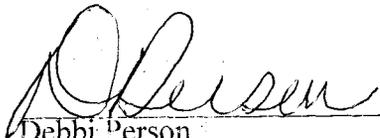
MARC E. STERN
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 19th day of February, 2013 to:

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