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BEFORE THE ARIZONA CORPORATION

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COMMISSIONERS

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2014 MAY 15 P 2:52

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

Arizona Corporation Commission
DOCKETED

MAY 15 2014

DOCKETED BY

In the matter of:

DOCKET NO. S-20897A-13-0391

KENT MAERKI and NORMA JEAN COFFIN aka
NORMA JEAN MAERKI, aka NORMA JEAN
MAULE, husband and wife,

ORIGINAL

DENTAL SUPPORT PLUS FRANCHISE, LLC, an
Arizona limited liability company,

**FOURTH
PROCEDURAL ORDER
(Schedules Procedural Conference)**

Respondents.

BY THE COMMISSION:

On November 18, 2013, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing ("Notice") against Kent Maerki and Norma Jean Coffin aka Norma Jean Maerki, aka Norma Jean Maule, husband and wife, and Dental Support Plus Franchise, LLC ("Dental Support") (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 investment contracts.

Respondents were duly served with a copy of the Notice.

On December 10, 2013, Respondents filed requests for hearing in response to the Notice in this matter pursuant to A.R.S §44-1972 and A.A.C. R14-4-306.

On December 11, 2013, by Procedural Order, a pre-hearing conference was scheduled on December 23, 2013.

On December 19, 2013, Respondent, Kent Maerki, filed a Motion for a Continuance stating that he would be unavailable due to previously scheduled business travel arrangements.

The Division indicated that it did not object to a brief continuance.

On December 20, 2013, by Procedural Order, a continuance to January 16, 2014 was granted.

1 On January 16, 2014, at the pre-hearing conference, the Division appeared through counsel
2 and Respondents appeared on their own behalf. Counsel for the Division requested that a hearing be
3 scheduled and estimated that the proceeding would require approximately two weeks of hearing to
4 complete. Respondents did not object to this request, but indicated they may retain an out of state
5 attorney who will comply with Arizona law to appear *pro hac vice*.

6 On January 17, 2014, by Procedural Order, a hearing was scheduled to commence on June 2,
7 2014, with additional days of hearing scheduled during the following weeks.

8 On May 9, 2014, the Division filed a Motion to Allow Telephonic Testimony stating five of
9 its prospective witnesses will be unduly burdened if they are required to appear in Phoenix for the
10 proceeding. There have been no objections to the Division's request.

11 Respondent, Kent Maerki, on May 9, 2014, filed a Motion for a Continuance due to several
12 conflicts that have arisen for him with the presently scheduled proceeding. The conflicts in two of
13 three instances involve court proceedings in separate venues, the United States Bankruptcy Court for
14 the District of Arizona on June 4, 2014 and the Maricopa County Superior Court on June 12, 2014.¹
15 The third conflict is purportedly based on a November 2013 invoice and involves an "unmovable
16 business trip" which is to begin on June 2, 2014, but Mr. Maerki failed to raise this issue when the
17 Commission's proceeding was scheduled in January.

18 On May 12, 2014, the Division filed its response to Respondent Maerki's request for a
19 continuance of the proceeding. With respect to the June 4, 2014, proceeding in the United States
20 Bankruptcy Court, the Division states that Mr. Maerki's request for a continuance does not specify
21 how this matter conflicts with this proceeding since the Petition in the bankruptcy proceeding lists
22 Janus Spectrum, LLC as the debtor and names an unknown third party as the president or managing
23 director of Janus Spectrum, LLC. The Division further notes that the Superior Court proceeding on
24 June 12, 2014 is only scheduled for a status conference limited to 30 minutes and is to begin at 9:45
25 a.m. so that the Commission's proceeding on that date could be scheduled to begin in the early
26 afternoon on that date. Lastly, the Division argues that the copy of the invoice is dated May 6, 2014,
27 and does not bear any reference to a business meeting that would conflict with the Commission's
28

¹ According to Mr. Maerki's Motion, these proceedings were scheduled only recently during the first week in May.

1 proceeding scheduled to commence on June 2, 2014.

2 Under these circumstances, while good cause for a continuance of the proceeding has not
3 been established by Respondent Maerki's Motion for a Continuance as discussed herein, Mr. Maerki
4 should be afforded an opportunity to explain his motion further and a procedural conference should
5 be scheduled to provide Mr. Maerki an opportunity to argue the merits of his Motion for a
6 Continuance. The Division's request to authorize telephonic testimony should also be approved.

7 IT IS THEREFORE ORDERED that a **procedural conference shall be held on May 22,**
8 **2014, at 9:30 a.m.** at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1,
9 Phoenix, Arizona.

10 IT IS FURTHER ORDERED that the **hearing shall be held on June 2, 2014, at 10:00 a.m.,**
11 **at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1, Phoenix,**
12 **Arizona, as previously ordered.**

13 IT IS FURTHER ORDERED that the parties shall also set aside **June 3, 4, 5, 9, 10, 11, 12,**
14 **16, 17, 18, and 19, 2014, for additional days of hearing,** if necessary.

15 IT IS FURTHER ORDERED that the Division is hereby authorized to utilize telephonic
16 testimony during the proceeding.

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

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

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

25 IT IS FURTHER ORDERED that withdrawal or representation must be made in compliance
26 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
27 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances
28 at all hearings and procedural conferences, as well as all Open Meetings for which the matter is

1 scheduled for discussion, unless counsel has previously been granted permission to withdraw by the
2 Administrative Law Judge or the Commission.

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

6 DATED this 15th day of May, 2014.



MARC E. STERN
ADMINISTRATIVE LAW JUDGE

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11 Copies of the foregoing mailed/delivered
this 15th day of May, 2014 to:

12 Kent Maerki
13 Norma Jean Maerki
14 Dental Support Plus Franchise, LLC
10632 N. Scottsdale Road, #B-479
14 Scottsdale, AZ 85254

15 Matt Neubert, Director
16 Securities Division
17 ARIZONA CORPORATION COMMISSION
1300 West Washington Street
17 Phoenix, AZ 85007

18 COASH & COASH, INC.
19 COURT REPORTING, VIDEO &
20 VIDEOCONFERENCING
1802 N. 7th Street
20 Phoenix, AZ 85006

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