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BEFORE THE ARIZONA CORPORATION COMMISSION

2014 AUG 21 P 2:55

Arizona Corporation Commission

DOCKETED

AUG 21 2014

COMMISSIONERS

BOB STUMP, Chairman
GARY PIERCE
BRENDAR BURNS
BOB BURNS
SUSAN BITTER SMITTH

ARIZONA CORPORATION COMMISSION
DOCKET CONTROL

DOCKETED BY [Signature]

In the matter of:
ANTHONY RAY STACY, (CRD# 1772484);
Respondent.
ORIGINAL

DOCKET NO. S-20909A-14-0226

MOTION TO FILE AMENDED
NOTICE OF OPPORTUNITY FOR
HEARING REGARDING PROPOSED
ORDER OF REVOCATION, TO CEASE
AND DESIST, FOR RESTITUTION,
FOR ADMINISTRATIVE PENALTIES,
AND OTHER AFFIRMATIVE ACTION
AND TO AMEND CAPTION

The Securities Division ("Division") of the Arizona Corporation Commission moves the Administrative Law Judge ("ALJ") under Arizona Administrative Code R14-3-106(E) for leave to amend the Notice of Opportunity for Hearing Regarding Proposed Order of Revocation, to Cease and Desist, For Restitution, and for Other Affirmative Action ("Notice") filed on July 1, 2014 in order to join April Stacy under A.R.S. § 44-3291(C) solely for purposes of determining the liability of the marital community in the above-caption action, and to correct a typo in a statutory reference.

The Division further moves to amend the caption to reflect the proposed changes.

A copy of the proposed Amended Notice is attached hereto as Exhibit A (the "Amended Notice"). The Amended Notice includes additional factual and legal allegations generated by the Division's ongoing investigation, and the amendment is necessary both for due process reasons and to prevent this matter from being litigated on a piece-meal basis.

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RESPECTFULLY SUBMITTED this 20 day of August, 2014.

ARIZONA CORPORATION COMMISSION

By: 
Steven Briggs
Attorney for the Securities Division of the
Arizona Corporation Commission

ORIGINAL AND THIRTEEN (13) COPIES of the foregoing
filed this 21st day of August, 2014 with:

Docket Control
Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

COPY of the foregoing hand-delivered
this 21st day of August, 2014 to:

Mr. Mark Preny
Administrative Law Judge
Arizona Corporation Commission/Hearing Division
1200 W. Washington St.
Phoenix, AZ 85007

COPY of the foregoing mailed
this 21st day of August, 2014 to:

Anthony Stacy
20865 North 90th Place, Suite 125
Scottsdale, Arizona 8255
Pro per

By: 

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EXHIBIT A

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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

In the matter of:

ANTHONY RAY STACY (CRD# 1772484)
and April Stacy, Husband and Wife,

Respondent.

DOCKET NO. S-20909A-14-0226

**AMENDED NOTICE OF OPPORTUNITY
FOR HEARING
REGARDING PROPOSED ORDER
OF REVOCATION,
TO CEASE AND DESIST,
FOR RESTITUTION,
FOR ADMINISTRATIVE PENALTIES, AND
OTHER AFFIRMATIVE ACTION**

NOTICE: RESPONDENT HAS 10 DAYS TO REQUEST A HEARING

RESPONDENT HAS 30 DAYS TO FILE AN ANSWER

The Securities Division ("Division") of the Arizona Corporation Commission ("Commission") alleges that Anthony Ray Stacy has engaged in acts, practices, and transactions that constitute violations of the Arizona Investment Management Act, A.R.S. § 44-3101, *et seq.* ("IM Act").

I.

JURISDICTION

1. The Commission has jurisdiction over this matter pursuant to Article XV of the Arizona Constitution and the IM Act.

II.

RESPONDENTS

2. Anthony Ray Stacy ("STACY") has been at all relevant times an Arizona resident.

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1 IV.

2 REMEDIES PURSUANT TO A.R.S. §44-3201

3 (Denial, Revocation, or Suspension of Investment Adviser or Investment Adviser

4 Representative License; Restitution, Penalties, or other Affirmative Action)

5 14. Respondent's conduct is grounds to revoke Respondent's license as an investment
6 adviser representative with the Commission pursuant to A.R.S. § 44-3201(A)(13), as defined in
7 A.A.C. R. 14-6-203(6). Specifically, Respondent has borrowed money from a client who, at the time
8 of the loan to him, was neither a relative of his nor a person in the business of lending funds.

9 15. Respondent's conduct is grounds to assess restitution, penalties, and/or take
10 appropriate affirmative action pursuant to A.R.S. § 44-3201(B).

11 V.

12 REQUESTED RELIEF

13 The Division requests that the Commission grant the following relief:

14 1. Order the revocation of STACY's license as an investment adviser representative
15 pursuant to A.R.S. § 44-3201(B);

16 2. Order STACY to permanently cease and desist from violating the IM ACT pursuant
17 to A.R.S. § 44-3292;

18 3. Order STACY to take affirmative action to correct the conditions resulting from his
19 acts, practices, or transactions, including a requirement to make restitution pursuant to A.R.S. § 44-
20 3292;

21 4. Order STACY to pay the state of Arizona administrative penalty of up to one
22 thousand dollars (\$1,000) for the violation of the IM Act pursuant to A.R.S. § 44-3296 ; and

23 5. Order any other relief that the Commission deems appropriate.
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VI.**HEARING OPPORTUNITY**

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3 Respondent may request a hearing pursuant to A.R.S. § 44-3212 and A.A.C. R14-4-306. **If**
4 **Respondent or a Respondent Spouse requests a hearing, respondent must also answer this**
5 **Notice.** A request for hearing must be in writing and received by the Commission within 10 business
6 days after service of this Notice of Opportunity for Hearing. The requesting respondent must deliver
7 or mail the request to Docket Control, Arizona Corporation Commission, 1200 W. Washington,
8 Phoenix, Arizona 85007. Filing instructions may be obtained from Docket Control by calling (602)
9 542-3477 or on the Commission's Internet web site at
10 <http://www.azcc.gov/divisions/hearings/docket.asp>.

11 If a request for a hearing is timely made, the Commission shall schedule the hearing to begin
12 20 to 60 days from the receipt of the request unless otherwise provided by law, stipulated by the
13 parties, or ordered by the Commission. If a request for a hearing is not timely made the Commission
14 may, without a hearing, enter an order granting the relief requested by the Division in this Notice of
15 Opportunity for Hearing.

16 Persons with a disability may request a reasonable accommodation such as a sign language
17 interpreter, as well as request this document in an alternative format, by contacting Shaylin A.
18 Bernal, ADA Coordinator, voice phone number 602-542-3931, e-mail sabernal@azcc.gov.
19 Requests should be made as early as possible to allow time to arrange the accommodation.
20 Additional information about the administrative action procedure may be found at: [http://www.azcc.](http://www.azcc.gov/divisions/securities/enforcement/AdministrativeProcedure.asp)
21 [gov/divisions/securities/enforcement/AdministrativeProcedure.asp](http://www.azcc.gov/divisions/securities/enforcement/AdministrativeProcedure.asp).

VII.**ANSWER REQUIREMENT**

24 Pursuant to A.A.C. R14-4-305, if Respondent requests a hearing, the respondent must
25 deliver or mail an Answer to this Notice of Opportunity for Hearing to Docket Control, Arizona
26 Corporation Commission, 1200 W. Washington, Phoenix, Arizona 85007, within 30 calendar days

1 after the date of service of this Notice. Filing instructions may be obtained from Docket Control
2 by calling (602) 542-3477 or on the Commission's Internet web site at: [http://www.](http://www.azcc.gov/divisions/hearings/docket.asp)
3 [azcc.gov/divisions/hearings/docket.asp](http://www.azcc.gov/divisions/hearings/docket.asp).

4 Additionally, the answering respondent must serve the Answer upon the Division.
5 Pursuant to A.A.C. R14-4-303, service upon the Division may be made by mailing or by hand-
6 delivering a copy of the Answer to:

7 Steven C Briggs
8 Securities Division
9 Arizona Corporation Commission
10 1300 W. Washington St., 3rd Floor
11 Phoenix, Arizona, 85007

12 The Answer shall contain an admission or denial of each allegation in this Notice and the
13 original signature of the answering respondent or respondent's attorney. A statement of a lack of
14 sufficient knowledge or information shall be considered a denial of an allegation. An allegation
15 not denied shall be considered admitted.

16 When the answering respondent intends in good faith to deny only a part or a qualification
17 of an allegation, the respondent shall specify that part or qualification of the allegation and shall
18 admit the remainder. Respondent waives any affirmative defense not raised in the Answer.

19 The officer presiding over the hearing may grant relief from the requirement to file an
20 Answer for good cause shown.

21 Dated August _____.

22 _____
23 Mark Dinell
24 Assistant Director of Securities

25 SCB

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