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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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SUSAN BITTER SMITH - Chairman  
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Arizona Corporation Commission

2015 JAN 13 PM 1 07

DOCKETED

ORIGINAL

JAN 13 2015

In re:

DOCKETED BY [Signature]

DOCKET NO. S-20916A-14-0328

MICHELLE LEE WAGNER (CRD No. 2403647)

**THIRD  
PROCEDURAL ORDER  
(Continues Hearing)**

Respondent.

BY THE COMMISSION:

On September 11, 2014, the Securities Division ("Division") of the Arizona Corporation Commission ("Commission") filed a Notice of Opportunity for Hearing Regarding Proposed Order of Revocation/Suspension, to Cease and Desist, for Restitution, and for Administrative Penalties ("Notice") against Michelle Lee Wagner ("Wagner" or "Respondent"), in which the Division alleged violation of the Arizona Securities Act ("Act") in connection with the execution of promissory notes, deeds of trust, or loans.

The Respondent was duly served with a copy of the Notice.

On September 25, 2014, Respondent filed an Answer to Notice of Opportunity for Hearing Regarding Proposed Order of Revocation/Suspension, to Cease and Desist, for Restitution, and for Administrative Penalties. The Respondent also filed a Request for Hearing pursuant to A.R.S. § 44-1972 and A.A.C. R14-4-306.

On September 26, 2014, by Procedural Order, a pre-hearing conference was scheduled for October 21, 2014.

On October 21, 2014, the Division and the Respondent appeared through counsel. The parties requested a hearing be scheduled and agreed to the date of March 2, 2015.

On October 21, 2014, by Procedural Order, a hearing was scheduled to commence on March 2, 2015.

1           The Commission has scheduled an Open Meeting on March 2, 2015. Accordingly, the  
2 hearing should be rescheduled.

3           **IT IS THEREFORE ORDERED** that the **hearing** scheduled to commence **March 2, 2015, at**  
4 **10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing Room No. 1,  
5 Phoenix, Arizona, is hereby **continued to March 4, 2015, at 10:00 a.m.**

6           **IT IS FURTHER ORDERED** that **the Division and Respondents shall exchange copies of**  
7 **their Witness Lists and copies of the Exhibits by January 16, 2015**, with courtesy copies provided  
8 to the presiding Administrative Law Judge.

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

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

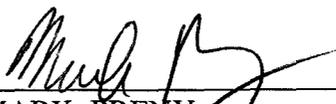
14           **IT IS FURTHER ORDERED** that all parties must comply with Rules 31 and 38 of the Rules  
15 of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission  
16 *pro hac vice*.

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.

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

4 DATED this 13<sup>TH</sup> day of January, 2015.

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7 \_\_\_\_\_  
8 MARK PRENY  
9 ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered  
9 this 15<sup>TH</sup> day of January, 2015, to:

10 J. Murray Ziegler  
11 Zeigler Law Group, PLC  
12 229 W. La Vieve Lane  
13 Tempe, AZ 85284

12 Matthew Neubert, Director  
13 Securities Division  
14 ARIZONA CORPORATION COMMISSION  
15 1300 West Washington Street  
16 Phoenix, AZ 85007

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