



BEFORE THE ARIZONA CORPORATION COMMISSION

REC'D
AZ CORP COMMISSION
DOCKET CONTROL

2015 JUL 8 AM 8 16

COMMISSIONERS

- SUSAN BITTER SMITH, Chairman
- BOB STUMP
- BOB BURNS
- DOUG LITTLE
- TOM FORESE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

In the matter of)
)
 KENT MAERKI and NORMA JEAN)
 COFFIN aka NORMA JEAN MAERKI, aka)
 NORMA JEAN MAULE, husband and)
 wife,)
)
 DENTAL SUPPORT PLUS FRANCHISE,)
 LLC, an Arizona limited liability company)
)
 Respondents.)

DOCKET NO. S-20897A-13-0391

SECURITIES DIVISION'S RESPONSE TO DEFENDANTS' MOTION TO ALLOW TELEPHONIC TESTIMONY

Arizona Corporation Commission

DOCKETED

JUL 08 2015

DOCKETED BY	RAU
-------------	-----

Respondent Maerki filed a copy of a Motion to Allow Telephonic Testimony on July 6, 2015. Respondent Maerki requested telephonic testimony for a number of witnesses listed on his witness list.

Respondent Maerki is required under the rules to show good cause for telephonic testimony. Respondent Maerki's motion fails to state the specific reasons that the witnesses are unable to appear. Good cause must be demonstrated. "When considering telephonic testimony, the initial inquiry should be whether good cause has been shown for its use." *In re HM-2008-000867*, 225 Ariz. 178, 182, 236 P.3d 405, 409 (2010). "In determining whether good cause has been demonstrated, the court may consider whether the hearing can conveniently be continued to allow in-person testimony." *In re HM*, 225 Ariz. at 181 n.4, 236 P.3d at 408 n.4. "It may also consider the costs of bringing experts or other witnesses to court..." *Id.* If Respondent Maerki establishes such a showing, the Securities Division will have no objection to his utilization of telephonic testimony.

1 SERVICE LIST FOR: KENT MAERKI and NORMA JEAN COFFIN aka NORMA JEAN
2 MAERKI, aka NORMA JEAN MAULE, husband and wife, DENTAL SUPPORT PLUS
3 FRANCHISE, LLC

4 ORIGINAL and 8 copies of the foregoing
5 filed this 8th day of July, 2015, with:

6 Docket Control
7 Arizona Corporation Commission
8 1200 W. Washington St.
9 Phoenix, AZ 85007

10 COPY of the foregoing hand-delivered
11 this 8th day of July, 2015, to:

12 The Honorable Marc E. Stern
13 Administrative Law Judge
14 Arizona Corporation Commission
15 1200 W. Washington St.
16 Phoenix, AZ 85007

17 COPY of the foregoing mailed
18 this 8th day of July, 2015, to:

19 Kent Maerki
20 10632 N. Scottsdale Road, Suite B479
21 Scottsdale, AZ 85254
22
23
24
25
26
