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BEFORE THE ARIZONA CORPORATION COMMISSION

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COMMISSIONERS

2015 JUN -4 P 3:19

SUSAN BITTER SMITH, Chairman  
BOB STUMP  
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AZ CORP COMMISSION  
DOCKET CONTROL

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  
MOTION TO WITHDRAW AS COUNSEL  
OF RECORD FOR RESPONDENTS KENT  
MAERKI AND NORMA JEAN COFFIN**

Arizona Corporation Commission

**DOCKETED**

**JUN 04 2015**

DOCKETED BY *DAS*  
filed a Motion to Withdraw as

On June 2, 2015, the attorney of record for Respondents Counsel of Record for Respondents Kent Maerki and Norma Jean Coffin ("Motion to Withdraw"). This Request should be denied until such time as Respondents have complied with their overdue obligations to produce a complete list of witnesses and exhibits, provide courtesy copies of the exhibits for the Administrative Law Judge, and a memorandum on the franchise issue and their position on its relationship to the offering described in the Notice that were all due on June 1.

Mr. Chester states that he "undertook limited representation as 'local' counsel for the Maerki Respondents." On July 9, 2014, Mark D. Chester of Chester & Shein, P.C., filed a Notice of Appearance in this matter. Nowhere in the Notice of Appearance filed by Mr. Chester does it state that the representation is limited. In fact it states that "Mark D. Chester, Esq. and the law firm of CHESTER & SHEIN, P.C. is representing Respondents..."

In Respondents' Motion to Continue Hearing filed on January 14, 2015, Respondents reference Rules 31 and 38 of the Rules of the Arizona Supreme Court and assert that "local and pro hac vice accept joint responsibility to the client, opposing parties and counsel and the court or

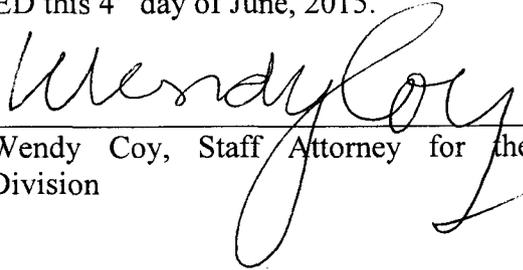
1 administrative agency in which the matter is pending.” On January 29<sup>th</sup>, 2015, Respondents also  
2 filed the Affidavit of Marie Mirch in Support of Supplement to Respondents’ Application to  
3 Continue to Hearing supporting their assertion that good cause exists to continue the hearing  
4 because Mr. Chester was not available during the scheduled hearing dates.

5 Mr. Chester states in his Motion to Withdraw that his withdrawal will not have a material  
6 adverse effect or impact on the Maerki Respondents’ interests. However, Respondents have  
7 already failed to comply with the order of ALJ Stern in the Thirteenth Procedural Order, that the  
8 parties file a memorandum addressing how the facts outlined in the Notice of Opportunity are or  
9 are not securities. The memorandum was to be mutually exchanged with the Securities Division on  
10 June 1, 2015. The Respondents failed to meet that deadline despite the fact that it resulted from the  
11 Respondents’ request to the Administrative Law Judge during the February 26, 2015, procedural  
12 conference. Both Ms. Mirch and Mr. Chester were present, by phone or in person.

13 During the February 26, 2015, procedural conference, and in the Thirteenth Procedural  
14 Order, issued on March 17, 2015, ALJ Stern ordered the parties to exchange copies of their  
15 complete Witness and Exhibit lists and provide courtesy copies to the Administrative Law Judge  
16 no later than June 1, 2015. In addition, the parties were ordered to simultaneously exchange  
17 memoranda on the franchise issue and the relationship to the offering described in the Notice of  
18 Opportunity. Yet, the ordered deadlines were missed by Respondent. Mr. Chester was aware  
19 Respondents had missed their deadline prior to filing his Motion to Withdraw. That has a material  
20 adverse effect or impact on the Maerki Respondents and the Securities Division.

21 At this time, until the Respondents meet the existing deadlines set forth by ALJ Stern, the  
22 Motion to Withdraw should be denied.

23 RESPECTFULLY SUBMITTED this 4<sup>th</sup> day of June, 2015.

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25 \_\_\_\_\_  
26 Wendy Coy, Staff Attorney for the Securities  
Division

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 4<sup>th</sup> day of June, 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 4<sup>th</sup> day of June, 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 4<sup>th</sup> day of June, 2015, to:

19 Mark D. Chester  
20 8777 N. Gainey Center Drive, Suite 191  
21 Scottsdale, Arizona 85258-2106  
22 Attorneys for Respondents

23 Kent Maerki  
24 10632 N. Scottsdale Road, Suite B479  
25 Scottsdale, AZ 85254

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