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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

DOUG LITTLE – Chairman  
BOB STUMP  
BOB BURNS  
TOM FORESE  
ANDY TOBIN

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AZ CORP COMMISSION  
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Arizona Corporation Commission

DOCKETED

FEB 24 2016

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IN THE MATTER OF:

DOCKET NO. S-20949A-16-0002

BART J. ELLIS and COLLEEN ELLIS, husband and wife,

OAK CAPITAL PARTNERS, LLC, an Arizona Limited Liability company,

Respondents.

**SECOND  
PROCEDURAL ORDER  
(Affirms Pre-Hearing Conference)**

BY THE COMMISSION:

On January 8, 2016, the Securities Division (“Division”) of the Arizona Corporation Commission (“Commission”) filed a Notice of Opportunity for Hearing Regarding Proposed Order to Cease and Desist, for Restitution, for Administrative Penalties, and for Other Affirmative Action (“Notice”) against Oak Capital Partners, LLC (“Oak Capital”), and Bart J. Ellis and Colleen Ellis, husband and wife (the “Ellises”) (collectively “Respondents”), in which the Division alleged violations of the Arizona Securities Act (“Securities Act”) in connection with the offer and sale of securities in the form of stocks, notes and mutual funds, and violations of the Arizona Investment Management Act (“IM Act”) in connection with transactions involving the provision of investment advisory services.

The spouse of Bart J. Ellis, Colleen Ellis (“Respondent Spouse”), is joined in the action pursuant to A.R.S. § 44-2031(C) solely for the purpose of determining the liability of the marital community.

The Respondents were duly served with copies of the Notice.

On February 16, 2016, Respondent Bart J. Ellis filed a Request for Hearing pursuant to Arizona Administrative Code (“A.A.C.”) R14-4-306.

On February 19, 2016, by Procedural Order, a pre-hearing conference was scheduled to commence on March 7, 2016.

On February 23, 2016, Colleen Ellis filed a Request for Hearing pursuant to A.R.S. § 44-3212

1 and A.A.C. R14-4-306.

2 Accordingly, notice of the scheduled pre-hearing conference shall be provided to Respondent  
3 Spouse.

4 IT IS THEREFORE ORDERED that the **pre-hearing conference** remains scheduled on  
5 **March 7, 2016, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington Street, Hearing  
6 Room No. 2, Phoenix, Arizona.

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

10 IT IS FURTHER ORDERED that all parties must comply with Rules 31 and 39 of the Rules of  
11 the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and admission *pro*  
12 *hac vice*.

13 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
14 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
15 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances at  
16 all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled  
17 for discussion, unless counsel has previously been granted permission to withdraw by the  
18 Administrative Law Judge or the Commission.

19 IT IS FURTHER ORDERED that, as permitted under A.A.C. R14-3-107(B), each party to this  
20 matter may opt to receive service of all filings in this docket, including all filings by parties and all  
21 Procedural Orders and Recommended Opinions and Orders/Recommended Orders issued by the  
22 Commission's Hearing Division, via email sent to an email address provided by the party rather than  
23 via U.S. Mail. To exercise this option, a party shall:

- 24 1. Ensure that the party has a valid and active email address to which the party has regular  
25 and reliable access ("designated email address");
- 26 2. Complete a Consent to Email Service form, available on the Commission's website  
27 ([www.azcc.gov](http://www.azcc.gov)) or a substantially similar format;

- 1 3. File the original and 13 copies of the Consent to Email Service form with the
- 2 Commission's Docket Control, also providing service to each party to the service list;
- 3 4. Send an email, containing the party's name and the docket number for this matter, to
- 4 HearingDivisionServicebyEmail@azcc.gov from the designated email address, to allow
- 5 the Hearing Division to verify the validity of the designated email address;
- 6 5. Understand and agree that service of a document on the party shall be complete upon
- 7 the sending of an email containing the document to the designated email address,
- 8 regardless of whether the party receives or reads the email containing the document;
- 9 and
- 10 6. Understand and agree that the party will no longer receive service of filings in this
- 11 matter through First Class U.S. Mail or any other form of hard-copy delivery, unless
- 12 and until the party withdraws this consent through a filing made in this docket.

13 IT IS FURTHER ORDERED that a party's consent to email service shall not become effective  
14 until a Procedural Order is issued approving the use of email service for the party. The Procedural  
15 Order shall be issued only after the party has completed steps 1 through 4 above, and the Hearing  
16 Division has verified receipt of an email from the party's designated email address.

17 IT IS FURTHER ORDERED that a party's election to receive service of all filings in this matter  
18 via email does not change the requirement that all filings with the Commission's Docket Control must  
19 be made in hard copy and must include an original and 13 copies.

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

23 DATED this 24<sup>TH</sup> day of February, 2016.

24  
25   
26 MARK PRENY  
27 ADMINISTRATIVE LAW JUDGE  
28

1 Copies of the foregoing mailed/delivered  
this 24<sup>th</sup> day of February, 2016, to:

2 Bart J. Ellis  
3 2009 S. Prairie  
4 Chicago, IL 60616

5 Bart J. Ellis  
6 8800 N. Gainey Center Dr., Ste. 276  
7 Scottsdale, AZ 85258

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12 Attorney for Colleen Ellis

13 Matthew Neubert, Director  
14 Securities Division  
15 ARIZONA CORPORATION COMMISSION  
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