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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
DOCKET CONTROL

COMMISSIONERS

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

In the matter of:

DOCKET NO. S-20774A-10-0494

KENNETH JOSEPH PLEIN, a married man,

MARY KATHRYN PLEIN (a.k.a. "MARY KAY PLEIN"), a married woman,

Arizona Corporation Commission

DOCKETED

MAY 03 2016

KENNETH JOSEPH PLIEN and MARY KATHRYN PLEIN (a.k.a. "MARY KAY PLEIN"), Co-Trustees of THE PLEIN FAMILY TRUST U/T/A dated DECEMBER 1, 1993,

DOCKETED BY *FE*

PLEIN ENTERPRISES INCORPORATED (d.b.a. "TRI-STAR REALTY"), an Arizona Corporation,

Respondents.

PROCEDURAL ORDER
(Schedules Status Conference)

BY THE COMMISSION:

On March 21, 2011, the Arizona Corporation Commission ("Commission") issued Decision No. 72238 which was a Consent Order against the above named Respondents. In Decision No. 72238 it was found that the Securities Act ("Act") of Arizona had been violated by the Respondents, and as a result, the Respondents were ordered to cease and desist from their violations of the Act, and to pay restitution and administrative penalties.

On February 1, 2016, an Emergency Application for Leave to Intervene, Motion to Reopen Docket, and Motion Objecting to Proposed Manner of Distribution of Victims' Restitution Funds ("Emergency Application") on behalf of a named victim in the above captioned proceeding, Ms. Patricia Peterson.

On February 12, 2016, the Commissions' Securities Division ("Division") filed its Response to the Emergency Application arguing that it should be denied because the matter is pending before the Maricopa County Superior Court in a criminal action against Respondent Kenneth Joseph Plein where

1 Maricopa County Superior Court in a criminal action against Respondent Kenneth Joseph Plein where
2 funds have been recovered are to be distributed to victims.

3 On February 22, 2016, counsel for Ms. Peterson filed a Motion to Continue action on the
4 Emergency Application for 60 days.

5 On February 24, 2016, the Division filed its Response to Ms. Peterson's Motion to Continue.

6 On February 29, 2016, counsel for Ms. Peterson filed a Reply Brief in Support of Motion
7 Objecting to the Proposed Manner of Distribution of Victims' Restitution Funds.

8 On April 27, 2016, the Division filed a Request for Ruling on Emergency Application or In the
9 Alternative Request for a Status Conference be scheduled.

10 Under the circumstances, a status conference should be scheduled.

11 IT IS THEREFORE ORDER that a **status conference** shall be held on **May 19, 2016 at 10:00,**
12 **a.m.**, at the offices of the Commission, 1200 West Washington Street, **Hearing Room No. 1**, Phoenix,
13 Arizona.

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

17 IT IS FURTHER ORDERED that all parties must comply with Rules 31, 38, 39 and 42 of the
18 Rules of the Arizona Supreme Court and A.R.S. § 40-243 with respect to the practice of law and
19 admission *pro hac vice*.

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

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

- 1 3. File the original and 13 copies of the Consent to Email Service with the Commission's
- 2 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 withdrawal or representation must be made in compliance
21 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the
22 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances at
23 all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
24 for discussion, unless counsel has previously been granted permission to withdraw by the
25 Administrative Law Judge or the Commission.

26 ...

27 ...

28 ...

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 3rd day of May 2016.



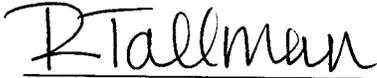
MARC E. STERN
ADMINISTRATIVE LAW JUDGE

8 Copies of the foregoing mailed/delivered
this 3rd day of May 2016 to:

9 Thomas K. Irvine
10 Chance Peterson
11 ASU Alumni Law Group
12 Two North Central, Suite 1600
13 Phoenix, Arizona 85004
14 Attorneys for the Victim

15 Matt Neubert, Director
16 Securities Division
17 ARIZONA CORPORATION COMMISSION
18 1200 West Washington Street
19 Phoenix, Arizona 85007

20 COASH & COASH, INC.
21 COURT REPORTING, VIDEO & VIDEOCONFERENCING
22 1802 N. 7th Street,
23 Phoenix, AZ 85006

24 By: 
25 _____
26 Rebecca Tallman
27 Assistant to Marc E. Stern
28