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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

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

Arizona Corporation Commission

DOCKETED

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IN THE MATTER OF

DOCKET NO. S-20973A-16-0199

TRACY N. WENGERT – CRD #3182678 and
JEANETTE WENGERT, husband and wife,

Respondents.

THIRD
PROCEDURAL ORDER
(Grants Consent to Email Service)

BY THE COMMISSION:

On June 22, 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, of Revocation, for Restitution, for Administrative Penalties, and for Other Affirmative Action (“Notice”) against Tracy N. Wengert and Jeanette Wengert, husband and wife (the “Wengerts” or “Respondents”) in which the Division alleged violations of the Arizona Securities Act (“Act”) in connection with the offer and sale of securities.

The spouse of Tracy N. Wengert, Jeanette Wengert (“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 a copy of the Notice.

On July 1, 2016, Respondents filed a Request for Hearing pursuant to A.A.C. R14-4-306.

On July 6, 2016, by Procedural Order, a pre-hearing conference was scheduled for July 27, 2016.

On July 22, 2016, Respondents filed a Consent to Email Service.

Also on July 22, 2016, the Wengerts filed an Answer to the Notice of Opportunity for Hearing (“Answer”).

On July 27, 2016, the pre-hearing conference was held as scheduled. The Division and

1 Respondents appeared through counsel. The scheduling of a hearing date was discussed.

2 On August 1, 2016, by Procedural Order, a hearing was scheduled for January 9, 2017.

3 On August 2, 2016, the Division filed a Consent to Email Service.

4 The Respondents, through counsel, and the Division have opted to receive service of all filings
5 in this docket, including all filings by parties and all Procedural Orders and Recommended Opinions
6 and Orders/Recommended Orders issued by the Commission's Hearing Division, via a designated
7 email address rather than via U.S. Mail. The Respondents and the Division have exercised this option,
8 pursuant to the Procedural Order issued on July 6, 2016, by docketing a hard copy of their Consent to
9 Email Service and by sending an email, containing the party's name and the docket number for this
10 matter, to HearingDivisionServicebyEmail@azcc.gov from their designated email addresses. The
11 Hearing Division has verified the validity of the designated email addresses, which now appear on the
12 service list for this matter in addition to the Respondents' and the Division's address for U.S. Mail.

13 Accordingly, the Respondents' and the Division's Consent to Email Service should be
14 approved.

15 IT IS THEREFORE ORDERED that the requests by the Respondents and the Division to
16 receive service of all filings in this docket, including all filings by parties and all Procedural Orders
17 and Recommended Opinions and Orders/Recommended Orders issued by the Commission's Hearing
18 Division, via their designated email addresses rather than via U.S. Mail, are hereby approved.

19 IT IS FURTHER ORDERED that a party's election to receive service of all filings in this matter
20 via email does not change the requirement that all filings with the Commission's Docket Control must
21 be made in hard copy and must include an original and 8 copies.

22 IT IS FURTHER ORDERED that the **hearing remains scheduled to commence on January**
23 **9, 2017, at 10:00 a.m., at the Commission's Offices, 1200 West Washington Street, Hearing Room**
24 **No. 1, Phoenix, Arizona.** The parties shall also **set aside January 10-12, 2017, for additional days**
25 **of hearing**, if necessary.

26 IT IS FURTHER ORDERED that **the Division and Respondents shall exchange copies of**
27 **their Witness Lists and copies of the Exhibits by November 23, 2016**, with courtesy copies provided
28 to the presiding Administrative Law Judge.

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

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

6 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
7 31, 38, 39, and 42, and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

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

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

17 DATED this 3RD day of August, 2016.

18 
19 _____
20 MARK PRENEY
21 ADMINISTRATIVE LAW JUDGE

21 "On this 3rd day of August 2016, the foregoing document was filed with Docket Control as a
22 Procedural Order Granting Consent to Email Service, and copies of the foregoing were mailed on
23 behalf of the Hearing Division to the following who have not consented to email service. On this date
24 or as soon as possible thereafter, the Commission's eDocket program will automatically email a link
25 to the foregoing to the following who have consented to email service."

24 Shane D. Buntrock
25 BUNTROCK & GARDNER LAW, PLLC
26 2158 N. Gilbert Road, Suite 119
27 Mesa, AZ 85203
28 Attorney for Respondents Tracy N. Wengert and Jeanette Wengert
shane@buntrockgardner.com
staff@buntrockgardner.com
Consented to Service by Email

1 Matthew Neubert, Director
2 Securities Division
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, AZ 85007
6 mshaw@azcc.gov
7 khoule@azcc.gov
8 wcoy@azcc.gov

9 **Consented to Service by Email**

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By: _____

Amy Wilson
Assistant to Mark Preny