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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

2016 OCT 20 P 2:45

DOUG LITTLE – Chairman  
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ANDY TOBIN

DOCKETED

OCT 20 2016

DOCKETED BY

In the matter of:

DOCKET NO. S-20930A-15-0211

FRANKLIN AAA HOLDINGS, LLC, A TEXAS  
LIMITED LIABILITY COMPANY,

ANTHONY CLAVIEN, A SINGLE MAN,

Respondents.

**PROCEDURAL ORDER**  
**(Vacates Hearing)**

**BY THE COMMISSION:**

On June 24, 2015, the Securities Division (“Division”) of the Arizona Corporation Commission (“Commission”) filed a Notice of Opportunity for Hearing (“Notice”) against Franklin AAA Holdings, LLC, A Texas limited liability company (“FAH”) and Anthony Clavien (collectively “Respondents”), in which the Division alleged multiple violations of the Arizona Securities Act (“Act”) in connection with the offer and sale of securities in the form of percentage interests in real estate transactions, investment contracts and promissory notes.

On April 5, 2016, Respondent Clavien filed a request for hearing in this matter.

On April 13, 2016, by Procedural Order, a pre-hearing conference was scheduled on May 17, 2016.

On April 26, 2016, by Procedural Order, counsel for Respondent Clavien was approved for service of all filings in this docket via his designated email address.

On May 17, 2016, at the pre-hearing conference, the Division and Respondent Clavien appeared through counsel. No appearance was made on behalf of FAH. Counsel for the Division indicated that the parties were discussing a resolution of the issues raised in the Notice and requested that a status conference be scheduled in approximately 60 days. Subsequently, by Procedural Order, a status conference was scheduled on July 28, 2016.

1           On July 28, 2016, at the status conference, the Division appeared with counsel and Respondent  
2 Clavien appeared through counsel. Counsel for the Division indicated that FAH had recently been  
3 served, and no response had been filed. Counsel for the Division and Respondent Clavien requested  
4 that a hearing be scheduled in late October in the event they could not reach a settlement of the issues  
5 raised in this proceeding.

6           On August 1, 2016, by Procedural Order, a hearing was scheduled to commence on October  
7 24, 2016.

8           On October 18, 2016, the Division filed a Motion to Continue the hearing and stated that  
9 Respondent Clavien has agreed to a proposed Consent Order that will be submitted for the  
10 Commission's approval at its November Open Meeting.

11           Accordingly, the Division's Motion should be granted and the hearing vacated.

12           IT IS THEREFORE ORDERED that **the Division's Motion to Continue is hereby granted,**  
13 **and the hearing scheduled on October 24, 2016 is vacated**

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 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.

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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 20<sup>th</sup> day of October, 2016.

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6 MARC E. STERN  
7 ADMINISTRATIVE LAW JUDGE  
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1 On this 26<sup>th</sup> day of October, 2016, the foregoing document was filed with Docket Control as a  
2 Procedural Order - Vacates a Hearing, and copies of the foregoing were mailed on behalf of the Hearing  
3 Division to the following who have not consented to email service. On this date or as soon as possible  
thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the  
following who have consented to email service.

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8 Attorney for Respondent Anthony Clavien  
9 [JKelly@cblawyers.com](mailto:JKelly@cblawyers.com)

7 **Consented to Service by Email**

8 Matt Neubert, Director  
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14 By:   
15 Rebecca Tallman  
16 Assistant to Marc E. Stern