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BEFORE THE ARIZONA CORPORATION COMMISSION RECEIVED

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DOUG LITTLE – Chairman
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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.

FOURTH
PROCEDURAL ORDER
(Grants Extension for Filing)

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 to commence on January 9,
3 2017.

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

5 On August 3, 2016, by Procedural Order, the Respondents' and the Division's Consent to Email
6 Service was approved.

7 On November 15, 2016, the Respondents and the Division filed a Joint Motion to Extend
8 Deadline for Exchanging Witness Lists and Exhibits ("Joint Motion"). The Joint Motion seeks an
9 extension for the exchange of witness lists and exhibits from November 23, 2016, to December 16,
10 2016. The parties request the extension of time as they are currently working on a form of Consent
11 Agreement.

12 IT IS THEREFORE ORDERED that **the Joint Motion for an extension of time to exchange**
13 **Witness Lists and Exhibits is granted. The Respondents and the Division shall exchange Witness**
14 **Lists and Exhibits by December 16, 2016.**

15 IT IS FURTHER ORDERED that **the hearing shall remain scheduled to commence on**
16 **January 9, 2017, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street,**
17 **Hearing Room No. 2, Phoenix, Arizona.**

18 IT IS FURTHER ORDERED that **the parties shall also set aside January 10-12, 2017, for**
19 **additional days of hearing, if necessary.**

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

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

25 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
26 31, 38, 39, and 42, and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

27 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
28 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the

1 Rules of the Arizona Supreme Court). Representation before the Commission includes appearances at
2 all hearings and procedural conferences, as well as all Open Meetings for which the matter is scheduled
3 for discussion, unless counsel has previously been granted permission to withdraw by the
4 Administrative Law Judge or the Commission.

5 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**
6 **Order Regarding Consent to Email Service** issued in this matter on **July 6, 2016**, for additional
7 information regarding the process to consent to service by email. Information regarding Consent to
8 Email Service is also available on the Commission's website (www.azcc.gov) by clicking on "Email
9 Service Consent."

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

13 DATED this 17th day of November, 2016.

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15 _____
16 MARK PRENEY
17 ADMINISTRATIVE LAW JUDGE
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1 “On this 17th day of November, 2016, the foregoing document was filed with Docket Control as a
2 Procedural Order- Grants Extension of Time, and copies of the foregoing were mailed on behalf of the
3 Hearing 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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11 **Consented to Service by Email**

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