

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2
3 WILLIAM A. MUNDELL
4 Chairman
5 JIM IRVIN
6 Commissioner
7 MARC SPITZER
8 Commissioner

6 In the matter of:)
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Respondent.

DOCKET NO. S-03301A-01-0000

DECISION NO. _____

**ORDER REVOKING
SECURITIES SALESMAN
REGISTRATION**

11 **I.**

12 **INTRODUCTION**

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14 On September 26, 2001, the Securities Division (“Division”) of the Arizona Corporation
15 Commission (“Commission”) filed a Notice of Opportunity for Hearing Regarding Proposed Order
16 of Revocation and for Other Affirmative Action (“Notice”), against Mark Aaron Sutter
17 (“SUTTER”).

18 **II.**

19 **FINDINGS OF FACT**

20 1. Pursuant to A.R.S. § 44-1972, A.A.C. R14-4-306, and A.R.S. § 44-1962, the Notice
21 advised SUTTER that he would be afforded an opportunity for a hearing regarding the allegations
22 made in the Notice, if he requested a hearing in a writing filed with Docket Control of the
23 Commission within ten days after receiving service of the Notice. The Notice further advised
24 SUTTER that, if he failed to request a hearing within the time period specified, the Commission
25 could, without a hearing, enter an order against him granting the relief requested by the Division in
26 the Notice.

1 2. On September 28, 2001, the Division effected personal service of the Notice upon
2 SUTTER at the address shown in the caption above.

3 3. More than ten days have passed, and SUTTER has failed to request a hearing.

4 4. SUTTER has been a registered securities salesman in Arizona since at least 1989.
5 He was associated with Heritage West Securities, Inc., from May 6, 1997, through March 16, 2000,
6 and since that time he has not been registered in association with a dealer. Consequently, his
7 registration is currently in suspension pursuant to A.R.S. § 44-1949. SUTTER applied for
8 registration in association with Rosenthal Collins Securities, L.L.C., on or about March 28, 2000,
9 but that application was terminated on or about October 19, 2000, without having resulted in a
10 registration. SUTTER's last known address is 6823 E. Bonita, Scottsdale, Arizona 85253.

11 5. On or about February 9, 2001, NASD Regulation, Inc. ("NASD"), revoked
12 SUTTER's NASD registration, in connection with NASD Complaint Number C3A000015.

13 6. The ground for the NASD revocation was SUTTER's failure to pay a \$26,000 fine
14 that he had agreed to pay, pursuant to an Acceptance, Waiver & Consent, which the NASD had
15 accepted on June 28, 2000 (the "AWC"). The \$26,000 fine included disgorgement of financial
16 benefits received by SUTTER in the amount of \$11,000. In the AWC, SUTTER had, without
17 admitting or denying the alleged violations, consented to the entry of findings that he had:

18 a. During the period from January 1, 1996, to February 28, 1997, participated
19 in private securities transactions, with respect to notes and common stock of EvenTemp
20 Corporation, without providing prior written notice to the dealer firm with which he was
21 associated at the time of the transactions, and

22 b. During the period from April 1997 to April 1998, failed to disclose to the
23 dealer firm with which he was associated that he was the beneficial owner of common
24 stock of EvenTemp Corporation that was held in the account of another person.

25 7. The NASD is a self-regulatory organization ("SRO") in the securities industry, and
26 it is registered as such under the Securities Exchange Act of 1934.

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IT IS ORDERED, pursuant to A.R.S. § 44-1962, that MARK AARON SUTTER's registration as a securities salesman is revoked.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this _____ day of _____, 2001.

BRIAN C. McNEIL
Executive Secretary

DISSENT

This document is available in alternative formats by contacting Shelly M. Hood, ADA Coordinator, voice phone number 602-542-3931, E-mail shood@cc.state.az.us.

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