

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 COMMISSIONERS

3 JEFF HATCH-MILLER, Chairman
4 WILLIAM A. MUNDELL
5 MARC SPITZER
6 MIKE GLEASON
7 KRISTIN K. MAYES

6	_____)	
7	In the matter of:)	DOCKET NO. S-03315A-99-0000
8	GOLDEN OAK MARKETING, INC.)	
9	107 South Candy Lane)	DECISION NO. <u>67607</u>
10	Cottonwood, Arizona 86236)	
11	SAMUEL ISAAH RODRIGUEZ)	ORDER FOR DISTRIBUTION OF
12	11578 Horseshoe Lane)	FUNDS
13	Dewey, Arizona 86327)	
) Respondents.)	
	_____)	

14 **PROCEDURAL HISTORY**

15 1. On August 13, 1999, the Securities Division (“Division”) of the Arizona
16 Corporation Commission (“Commission”) filed a Notice of Opportunity for Hearing
17 Regarding Proposed Order For Relief (“Notice”) with respect to GOLDEN OAK
18 MARKETING, INC., an Arizona corporation, and SAMUEL ISAAH RODRIGUEZ (the
19 “RESPONDENTS”). The RESPONDENTS filed a Request for Hearing and Motion for Pre-
20 Hearing Conference on August 19, 1999.

21 2. Following a pre-hearing conference on September 23, 1999, this matter was
22 scheduled for hearing on November 30, 1999 (“Administrative Hearing”).

23 3. On November 22, 1999, RODRIGUEZ and his wife, Carolyn Riehm Rodriguez,
24 (collectively, the “Debtors”) filed for bankruptcy protection under Chapter 13 of the U.S.
25 Bankruptcy Code in the US Bankruptcy Court of Arizona, Phoenix, Division (the “Bankruptcy
26 Court”), cause no. 99-13913-PCT-SSC (the “Rodriguez Bankruptcy”).

1 4. Monies owed to the investors in GOLDEN OAK were included in the Rodriguez
2 Bankruptcy as unsecured non-priority claims of creditors of the Debtors. Pursuant to the
3 *Notice of Chapter 13 Bankruptcy Case, Meeting of Creditors, & Deadlines* issued by the
4 Bankruptcy Court, the deadline for all creditors (except a governmental unit) to file a Proof of
5 Claim was April 10, 2000.

6 5. As a result of the filing of the Rodriguez Bankruptcy, the Division requested a
7 continuance of the Administrative Hearing, which request was granted by Procedural Order on
8 November 30, 1999.

9 6. On April 10, 2000, the Commission filed a Proof of Claim in the amount of
10 \$143,325.00 plus penalties against the Debtors in the Rodriguez Bankruptcy based upon the
11 allegations contained in the Notice (the "Commission's Claim"). The Debtors did not dispute
12 the basis or otherwise contest the validity of the Commission's Claim in the Rodriguez
13 Bankruptcy.

14 7. On November 3, 2000, the *Debtors' Third Amended Chapter 13 Plan and*
15 *Application for Payment of Administration Expense* was filed in the Rodriguez Bankruptcy
16 (the "Plan") which included the Commission's Claim. The Plan was approved by the court on
17 April 9, 2001.

18 8. On May 14, 2001, GOLDEN OAK was administratively dissolved for a second
19 time by the Commission for failure to maintain a statutory agent. The entity's corporate status
20 has not been reinstated.

21 9. RODRIGUEZ successfully completed all payments under the Plan and a *Discharge*
22 *of Debtor* was entered by the Bankruptcy Court on May 7, 2003.

23 10. Under the terms of the Plan, the Commission received payments in the amount of
24 \$6,052.94 from the Debtors, which funds have been placed in an interest-bearing account
25 maintained and controlled by the Arizona Attorney General. Investors in GOLDEN OAK who
26 filed a Proof of Claim in the Rodriguez Bankruptcy also received payments from the Debtors

1 under the Plan.

2 **ORDER**

3 THEREFORE, the Commission, having jurisdiction over this matter, finds that the
4 following relief is appropriate, in the public interest, and necessary for the protection of investors:

5 IT IS ORDERED, that the Attorney General is hereby authorized to immediately disburse
6 all payments, including interest earned thereon, received by the Commission under the terms of the
7 Plan in the Rodriquez Bankruptcy on a pro rata basis to the investors as reflected in the records of
8 the Commission. Any funds that the Attorney General is unable to disburse may be transferred to
9 the general fund of the state of Arizona.

10 IT IS FURTHER ORDERED that the administrative action against the RESPONDENTS is
11 hereby dismissed.

12 BY ORDER OF THE ARIZONA CORPORATION COMMISSION

13
14 /s/ Jeffrey Hatch-Miller William A. Mundell Marc Spitzer
CHAIRMAN COMMISSIONER COMMISSIONER

15
16 Lowell Gleason Kristin Mayes
17 COMMISSIONER COMMISSIONER

18 IN WITNESS WHEREOF, I, BRIAN C. McNEIL,
19 Executive Secretary of the Arizona Corporation
20 Commission, have hereunto set my hand and caused the
21 official seal of the Commission to be affixed at the
22 Capitol, in the City of Phoenix, this 25th day of
February, 2005.

23 /s/ Brian C. McNeil
24 BRIAN C. McNEIL
25 Executive Secretary

26 _____
DISSENT

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This document is available in alternative formats by contacting Linda Hogan, Executive Assistant to the Executive Secretary, voice phone number 602-542-3931, E-mail lhogan@cc.state.az.us.

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