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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

JEFF HATCH-MILLER, Chairman
WILLIAM A. MUNDELL
MARC SPITZER
MIKE GLEASON
KRISTIN K. MAYES

In the matter of)	
MARK J. SHEEHY, CRD#2224709, and)	DOCKET NO. S-03593A-05-0000
JANE DOE SHEEHY, husband and wife,)	DECISION NO. <u>68097</u>
28432 N. 112 th Way)	
Scottsdale, AZ 85262)	ORDER OF RESTITUTION AND CONSENT
)	TO SAME
Respondents.)	
)	

Respondent Jane Doe Sheehy aka Terri A. Sheehy (“Respondent”) elects to permanently waive any right to a hearing and appeal under Articles 11 and 12 of the Securities Act of Arizona, A.R.S. § 44-1801 *et seq.* (“Securities Act”) with respect to this Order of Restitution and Consent to Same (“Order”). Respondent admits the jurisdiction of the Arizona Corporation Commission (“Commission”); neither admits nor denies the Findings of Fact and Conclusions of Law contained in this Order; and consents to the entry of this Order by the Commission.

I.
FINDINGS OF FACT

1. Respondent was at all relevant times the spouse of Respondent MARK J. SHEEHY. Respondent was joined in this action under A.R S. § 44-2031(C) solely for purposes of determining the liability of the marital community.
2. At all relevant times, SHEEHY was acting for the benefit and in furtherance of the marital community.
3. On July 11, 2005, the Commission entered a default order against MARK J. SHEEHY, Decision Number 67962, in which the Commission revoked Mr. SHEEHY’s securities

1 salesman's registration and ordered him to pay restitution and administrative penalties as a result of
2 his misconduct involving his former client, Lynn Morris.

3 **II.**

4 **CONCLUSIONS OF LAW**

5 1. The Commission has jurisdiction over this matter pursuant to Article XV of the
6 Arizona Constitution and the Securities Act.

7 2. MARK J. SHEEHY offered or sold securities within or from Arizona, within the
8 meaning of A.R.S. §§ 44-1801(15), 44-1801(21), and 44-1801(26).

9 3. MARK J. SHEEHY violated A.R.S. § 44-1991 by (a) employing a device, scheme
10 or artifice to defraud, (b) making untrue statements or misleading omissions of material facts,
11 and/or (c) engaging in transactions, practices or courses of business which operate or would
12 operate as a fraud or deceit.

13 4. MARK J. SHEEHY's conduct is grounds for an order of restitution pursuant to
14 A.R.S. § 44-2032.

15 5. MARK J. SHEEHY's conduct binds the community pursuant to A.R.S. § 25-214.

16 **III.**

17 **ORDER**

18 THEREFORE, on the basis of the Findings of Fact, Conclusions of Law, and Respondent's
19 consent to the entry of this Order, attached and incorporated by reference, the Commission finds
20 that the following relief is appropriate, in the public interest, and necessary for the protection of
21 investors:

22 IT IS ORDERED that Respondent comply with the attached Consent to Entry of Order.

23 IT IS FURTHER ORDERED, pursuant to A.R.S. § 44-2032, that Respondent shall pay the
24 amount of \$10,000, by cashier's check or money order payable to the "State of Arizona," to be
25 disbursed as restitution to the investor, Lynn Morris. If Respondent does not tender full payment
26 upon entry of this Order, any outstanding balance shall be in default and shall be immediately due

1 and payable without notice or demand, plus interest at the rate of 10% per annum from the date of
2 the investment.

3 IT IS FURTHER ORDERED that this Order shall become effective immediately.

4 BY ORDER OF THE ARIZONA CORPORATION COMMISSION

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6
7 /s/ Jeffrey M. Hatch-Miller

CHAIRMAN

/s/ William Mundell

COMMISSIONER

8
9
10 /s/ Marc Spitzer

COMMISSIONER

/s/ Lowell S. Gleason

COMMISSIONER

/s/ Kristin Mayes

COMMISSIONER

11
12 IN WITNESS WHEREOF, I, BRIAN C. McNEIL,
13 Executive Director of the Arizona Corporation
14 Commission, have hereunto set my hand and caused the
15 official seal of the Commission to be affixed at the
16 Capitol, in the City of Phoenix, this 25th day of
August, 2005.

17 /s/ Brian C. McNeil

BRIAN C. McNEIL
Executive Director

18
19
20 _____
DISSENT

21
22 _____
DISSENT

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

25 (PTJ)

CONSENT TO ENTRY OF ORDER

1
2 1. Respondent Terri A. Sheehy (“Respondent”), former spouse of MARK J.
3 SHEEHY, admits the jurisdiction of the Commission. Respondent acknowledges that she has been
4 fully advised of her right to a hearing to present evidence and call witnesses and Respondent
5 knowingly and voluntarily waives any and all rights to a hearing before the Commission and all
6 other rights otherwise available under Article 11 of the Securities Act and Title 14 of the Arizona
7 Administrative Code. Respondent acknowledges that this Order of Restitution and Consent to
8 Same (“Order”) constitutes a valid final order of the Commission.

9 2. Respondent knowingly and voluntarily waives any right under Article 12 of the
10 Securities Act to judicial review by any court by way of suit, appeal, or extraordinary relief
11 resulting from the entry of this Order.

12 3. Respondent acknowledges and agrees that this Order is entered into freely and
13 voluntarily and that no promise was made or coercion used to induce such entry.

14 4. Respondent acknowledges that she has been represented by an attorney in this
15 matter, she has reviewed this Order with her attorney and understands all terms it contains.

16 5. Respondent neither admits nor denies the Findings of Fact or Conclusions of Law
17 contained in this Order.

18 6. By consenting to the entry of this Order, Respondent agrees not to take any action
19 or to make, or permit to be made, any public statement denying, directly or indirectly, any Finding
20 of Fact or Conclusion of Law in this Order or creating the impression that this Order is without
21 factual basis. Respondent will undertake steps necessary to assure that all of her agents and
22 employees understand and comply with this agreement.

23 ...

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