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BEFORE THE ARIZONA CORPORATION COMMISSION

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AZ CORP COMMISSION
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Commissioner

In the matter of: MARK AARON SUTTER (CRD #1913698) 6823 East Bonita Scottsdale, Arizona 85253 Respondent.	DOCKET NO. S-03301A-01-0000 **NOTICE OF OPPORTUNITY FOR HEARING REGARDING PROPOSED ORDER OF REVOCATION AND FOR OTHER AFFIRMATIVE ACTION**

NOTICE: RESPONDENT HAS 10 DAYS TO REQUEST A HEARING

The Securities Division ("Division") of the Arizona Corporation Commission ("Commission") alleges that facts exist which warrant revocation of Respondent's registration as a securities salesman in Arizona, pursuant to the Securities Act of Arizona, A.R.S. § 44-1801 *et seq.* ("Securities Act").

I.

JURISDICTION

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

II.

RESPONDENT

2. Mark Aaron Sutter ("SUTTER") has been a registered securities salesman in Arizona since at least 1989. He was associated with Heritage West Securities, Inc., from May 6, 1997 through March 16, 2000, and since that time he has not been registered in association with a dealer. SUTTER applied for registration in association with Rosenthal Collins Securities, L.L.C., on or about March 28, 2000, but that application was terminated on or about October 19, 2000,

without having resulted in a registration. SUTTER's last known address is 6823 E. Bonita, Scottsdale, Arizona 85253.

III.

FACTS

3. On or about February 9, 2001, the National Association of Securities Dealers Regulation, Inc. ("NASD") revoked SUTTER's NASD registration, in connection with NASD Complaint Number C3A000015.

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

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

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

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

6. Accordingly, SUTTER is "subject to an order of . . . an SRO . . . revoking membership or registration as a broker" as specified in A.R.S. § 44-1962(A)(8).

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IV.

REVOCATION PURSUANT TO A.R.S. § 44-1962

(Denial, Revocation or Suspension of Registration of Salesman)

7. The facts alleged above constitute grounds to revoke SUTTER's registration as a securities salesman with the Commission pursuant to A.R.S. § 44-1962. Specifically, SUTTER:

a) Is subject to an order of an SRO revoking his membership or registration as a broker, as specified in A.R.S. § 44-1962(A)(8);

b) Lacks integrity or is not of good business reputation, as specified in A.R.S. § 44-1962(A)(4); and/or

c) Has engaged in dishonest or unethical practices in the securities industry, as specified in A.R.S. § 44-1962(A)(10).

V.

REQUESTED RELIEF

The Division requests that the Commission grant the following relief against SUTTER:

1. Order the revocation of SUTTER's registration as a securities salesman pursuant to A.R.S. § 44-1962; and

2. Order any other relief that the Commission deems appropriate.

VI.

HEARING OPPORTUNITY

SUTTER may request a hearing pursuant to A.R.S. § 44-1972 and A.A.C. R14-4-306. A request must be in writing and received by the Commission within 10 business days after service of this Notice of Opportunity for Hearing. SUTTER or his attorney must deliver or mail the request to Docket Control, Arizona Corporation Commission, 1200 W. Washington, Phoenix, Arizona 85007. A Docket Control cover sheet must accompany the request. A cover sheet form and instructions

may be obtained from Docket Control by calling (602) 542-3477 or on the Commission's Internet web site at www.cc.state.az.us/utility/forms/index.htm.

If a request for a hearing is timely made, the Commission shall schedule the hearing to begin 20 to 60 days from the receipt of the request unless otherwise provided by law, stipulated by the parties, or ordered by the Commission. If a request for a hearing is not timely made the Commission may, without a hearing, enter an order against SUTTER granting the relief requested by the Division in this Notice of Opportunity for Hearing.

Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting Shelly M. Hood, ADA Coordinator, voice phone number 602/542-3931, e-mail shood@cc.state.az.us. Requests should be made as early as possible to allow time to arrange the accommodation.

Dated this 26th day of September, 2001.

Mark Sendrow
Director of Securities

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