

STATE OF HAWAII

DEPT. OF COMMERCE  
AND CONSUMER AFFAIRS

DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS

2009 FEB -2 P 12: 00

In the Matter of :

JAIC RETIREMENT SERVICES, INC.  
AND ANDREW O. STEGER,

Respondents.

) Case Nos. SEU-2007-048  
) SEU-2007-054  
) SEU-2007-065

) HEARINGS OFFICE  
) COMMISSIONER'S ORDER  
) GRANTING PETITIONER'S MOTION  
) TO DISMISS

**COMMISSIONER'S ORDER GRANTING PETITIONER'S MOTION TO DISMISS**

On July 3, 2008, Tung Chan, Commissioner of Securities, Department of Commerce and Consumer Affairs, State of Hawaii, ("Commissioner") issued a Preliminary Order to Cease and Desist and Notice of Right to Hearing ("Preliminary Order") against JAIC Retirement Services, Inc. and Andrew O. Steger ("Respondents").

1. Respondents were served with the Preliminary Order by personal service on September 19, 2008.
2. The Office of Administrative Hearings received Respondents' Request for Hearing on Preliminary Order to Cease and Desist on October 22, 2008. The matter was set for hearing and the notice of hearing and pre-hearing conference was transmitted to the parties.
3. On October 27, 2008, the Securities Enforcement Branch, Business Registration Division, Department of Commerce and Consumer Affairs ("Petitioner") by and through its attorney Dean A. Soma, Esq. filed a Motion for Order Dismissing Respondents' Request for Hearing ("Motion"). A hearing on the Motion was scheduled for November 5, 2008.

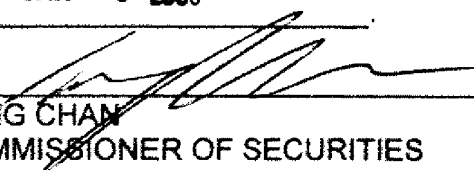
4. A pre-hearing conference was held on October 31, 2008 and attended by Mr. Soma on behalf of Petitioner and Conswella Edwards, Esq. on behalf of Respondents. The parties agreed to postpone the hearing on the Motion from November 5, 2008 to December 1, 2008 and the hearing on the merits from November 13, 2008 to December 17, 2008. A Pre-Hearing Order was issued on November 3, 2008.

5. On December 1, 2008, the hearing on the Motion was convened by Hearings Officer, Sheryl Lee A. Nagata. Petitioner was represented by Mr. Soma. Respondents failed to enter an appearance either in person or through counsel. The matter was then taken under advisement.

6. Hawai'i Revised Statutes § 485-18.7(b) provides that upon notification of the issuance of an order to cease and desist, the matter will be set for a hearing upon receipt of a written request made within thirty days. In this matter, Respondents were served with the Preliminary Order on September 19, 2008, so Respondents' request for hearing had to be received on October 20, 2008.<sup>1</sup> Because Respondents' request for hearing was received on October 22, 2008, the Commissioner finds that Respondents' request for hearing was not timely.

Accordingly, the Commissioner **GRANTS** Petitioner's Motion and the Final Order issued on October 23, 2008, is **AFFIRMED** in all respects.

Dated: Honolulu, Hawaii, JAN - 6 2009

  
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TUNG CHAN  
COMMISSIONER OF SECURITIES  
STATE OF HAWAII

<sup>1</sup> The thirtieth day falls on Sunday, October 19, 2008, so pursuant to Hawai'i Administrative Rules § 16-201-14, the period runs until the next day which is neither a Saturday, Sunday nor a holiday.



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BUSINESS REGISTRATION DIVISION  
OFFICE OF ADMINISTRATIVE HEARINGS  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
STATE OF HAWAII

In the Matter of	)	SEU 2007-048
	)	SEU 2007-054
JAIC RETIREMENT SERVICES, INC.	)	SEU 2007-065
and ANDREW O. STEGER,	)	
	)	HEARINGS OFFICER'S
	)	RECOMMENDED ORDER
Respondents.	)	GRANTING PETITIONER'S MOTION
	)	TO DISMISS

HEARINGS OFFICER'S RECOMMENDED ORDER  
GRANTING PETITIONER'S MOTION TO DISMISS

On July 3, 2008, the Commissioner of Securities, Department of Commerce and Consumer Affairs, ("Commissioner") issued a Preliminary Order to Cease and Desist and Notice of Right to Hearing ("Preliminary Order") against JAIC Retirement Services, Inc. and Andrew O. Steger ("Respondents"). Respondents were served with the Preliminary Order by personal service on September 19, 2008.

The Office of Administrative Hearings received Respondents' Request for Hearing on Preliminary Order to Cease and Desist on October 22, 2008. The matter was set for hearing and the notice of hearing and pre-hearing conference was transmitted to the parties.

On October 27, 2008, the Securities Enforcement Branch, Business Registration Division, Department of Commerce and Consumer Affairs ("Petitioner") by and through its attorney Dean A. Soma, Esq. filed a Motion for Order Dismissing Respondents' Request for Hearing ("Motion"). A hearing on the Motion was scheduled for November 5, 2008.

At the pre-hearing conference on October 31, 2008 and attended by Mr. Soma on behalf of Petitioner and Conswella Edwards, Esq. on behalf of Respondents, the parties agreed to postpone the hearing on the Motion from November 5, 2008 to December 1, 2008 and the


hearing on the merits from November 13, 2008 to December 17, 2008. A Pre-Hearing Order was issued on November 3, 2008.

On December 1, 2008, the hearing on the Motion was convened by the undersigned Hearings Officer. Petitioner was represented by Mr. Soma. Respondents failed to enter an appearance either in person or through counsel. The matter was taken under advisement.

Hawai'i Revised Statutes § 485-18.7(b) provides that upon notification of the issuance of an order to cease and desist, the matter will be set for a hearing upon receipt of a written request made within thirty days. In the case at bar, Respondents were served with the Preliminary Order on September 19, 2008, so Respondents' request for hearing had to be received by October 20, 2008.<sup>1</sup> Because Respondents' request for hearing was received on October 22, 2008, the Hearings Officer finds that Respondents' request for hearing was not timely and concludes that Petitioner's Motion should be granted.

Accordingly, the Hearings Officer recommends that the Commissioner grant Petitioner's Motion and affirm the July 3, 2008 Preliminary Order.

DATED: Honolulu, Hawaii, DEC - 4 2008.

  
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SHERYL LEE A. NAGATA  
Administrative Hearings Officer  
Department of Commerce  
and Consumer Affairs

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<sup>1</sup> The thirtieth day falls on Sunday, October 19, 2008, so pursuant to Hawai'i Administrative Rules § 16-201-14, the period runs until the next day which is neither a Saturday, Sunday nor a holiday.