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**BEFORE THE DIVISION OF SECURITIES  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

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**IN THE MATTER OF:**

**TODD MULLINER**

**Respondent.**

**MOTION TO DISMISS**

**Docket No. SD-03-0084**

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Petitioner, the Division of Securities (Division), by and through counsel, and pursuant to Rule 41(a)(2)(ii) of the Utah Rules of Civil Procedure to the extent they may be looked to as persuasive in this proceeding, UTAH ADMIN. CODER151-46b-5(3), moves for dismissal of the Order to Show Cause filed in this matter on December 18, 2003 on grounds that protection of the public has been adequately served. On February 4, 2004, Todd Mulliner (Mulliner) pleaded no contest to one count of securities fraud, a third degree felony, and one count of sale of an unregistered security, a third degree felony, in a parallel proceeding. *State of Utah v. Todd Mulliner*, Case No. 031404403,

Fourth Judicial District Court of Utah (2003). As part of sentencing, Mulliner served prison time and was ordered to pay \$2,975 in restitution for the related conduct in the Division's Order to Show Cause. *Id.* The conviction, the penalty and the remedies sought therein adequately protect the public and serve the Division's interests. If Mulliner does not pay the restitution, the public's interest in this matter would be adequately served by the remedy provided in the parallel proceedings for non compliance with the terms of probation. Rule 41(a)(2)(ii) of the Utah Rules of Civil Procedure, to the extent persuasive in administrative proceedings before the Department, Utah Admin. Code R151-46b-5(3), allows a plaintiff to request a dismissal of an action on order of the court based upon such terms and conditions as the court deems proper.

Respectfully submitted this March 9, 2011.

MARK L. SHURTLEFF  
UTAH ATTORNEY GENERAL

  
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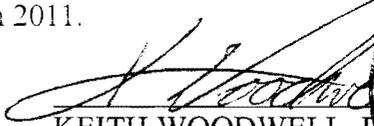
**ORDER GRANTING MOTION TO  
DISMISS**

**Docket No. SD-03-0084**

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Upon motion of the Division of Securities (Division), and for good cause appearing,  
IT IS HEREBY ORDERED that the Order to Show Cause is dismissed. Each party will bear  
its own costs.

DATED this 9<sup>th</sup> day of March 2011.

  
KEITH WOODWELL, DIRECTOR  
UTAH DIVISION OF SECURITIES

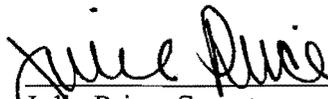


**CERTIFICATE OF MAILING**

I, Julie Price, certify that on the 4th day of March 2011, I served a copy of the foregoing

**Motion for Dismissal and Order** on Respondents by mailing a copy to:

Todd Mulliner  
455 N. Main  
Alpine, UT 84007

  
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Julie Price, Secretary