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Department of Commerce
Division of Securities

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

In the matter of: SCOTT LAMAR RHOADS; ZACHARIA LAMAR RHOADS; and AUTO RAMA, L.L.C., Respondents.	**MOTION TO STAY** Docket No. DS-05-0077 Docket No. DS-05-0078 Docket No. DS-05-0079

Respondents, by and through counsel of record, hereby move for a stay of this proceeding pending the outcome in the criminal case.

STATEMENT OF FACTS

1. An Order to Show Cause and Notice of Agency Action was prepared dated December 30, 2005. Respondents requested, and received, extensions of time to respond from the Division.

2. The Order to Show Cause requests certain punitive orders, including substantial fines and injunctive relief.

3. A parallel criminal case is also being prosecuted by the State of Utah, Attorney General's Office captioned *State of*

Utah v. Scott L. Rhoads and Zacharia L. Rhoads, Case Nos. 061902825, 061902826.

4. Respondents have entered not guilty pleas in the criminal case. That case is set for Pretrial in December, 2006.

5. The Division believes that its OSC has been pending for "too long" and has requested that Respondents file an answer, notwithstanding the status in the criminal case.

ARGUMENT

The Order to Show Cause makes allegations of fact, and alleges violations of the Utah Securities Act, which are the exact same facts and law at issue in the parallel criminal case. The Division seeks to conduct a hearing on the merits of those allegations. In the criminal case, Respondents face a potential penalty of up to 30 years in the Utah State Prison. Respondents must put their liberty interests first. They should not be unfairly called upon to answer allegations which may implicate their fifth amendment rights or place them in double jeopardy. Respondents should not be forced to choose between fully defending this case (which will affect their pecuniary interest) and the criminal case (which will affect their liberty interest).

It is fair and appropriate for this matter to be stayed pending the outcome in the criminal cases, which are also being prosecuted by the Utah Attorney General's Office.

DATED this 13 day of November, 2006.

HOBBS & OLSON, L.C.

Margaret H. Olson, Esq.
Of Counsel
Attorneys for Respondents

CERTIFICATE OF SERVICE

I hereby certify that I caused the original of this Motion to Stay to be mailed, first class, postage prepaid, to:

Attention: Pam Radzinski
Division of Securities
Utah State Department of Commerce
P.O. Box 146760
Salt Lake City, UT 84114-6760

and a true and correct copy of the same to be mailed to:

Jeff Buckner, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South
P.O. Box 140872
Salt Lake City, UT 84114-0872

and to:

Laurie L. Noda, Esq.
Assistant Attorney General
Utah Attorney General's Office
160 East 300 South
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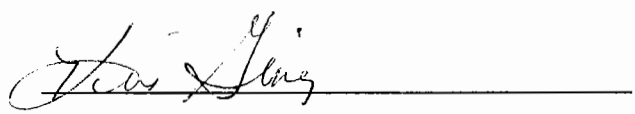
DATED this 13 day of November, 2006.