BEFORE THE DIVISION OF SECURITIES

OF THE DEPARTMENT OF COMMERCE OF THE STATE OF UTAH

IN THE MATTER OF:	**ORDER REGARDING ANSWERS OF J.D. PULVER, TIM HASKIN, AND DENISE SULLIVAN**
FLAVOR BRANDS, INC., **J.D. PULVER,** **TIM HASKIN, and** **DENISE SULLIVAN,** Respondents.	Docket No. SD-06-0057 **Docket No. SD-06-0058** **Docket No. SD-06-0059** **Docket No. SD-06-0060**

Procedural Background

These proceedings were initiated by an Emergency Order to Cease and Desist, Order to Show Cause, and Notice of Agency Action (Orders and Notice) issued by the Division on May 3, 2006. The Orders and Notice of Agency Action were delivered to all Respondents by U.S. mail. The Orders and Notice advised Respondents that they were required to file a Response within thirty days and that a hearing would be held on September 25, 2006.

No Answer was filed by Flavor Brands, Inc., nor was the company represented at the hearing on September 25. Accordingly, at the hearing, Respondent Flavor Brands, Inc. was held in default. A Default Order against Flavor Brands, Inc. was issued on October 4, 2006.

Responses by Pulver, Haskin, and Sullivan

Respondents Pulver, Haskin, and Sullivan each made a filing with the Division in response to the Orders and Notice. None of these submissions was adequate to constitute the type of Answer required by Utah's Administrative Procedures Act and the Notice of Agency Action. Pulver, Haskin, and Sullivan did not appear at the hearing. At the September 25

hearing, the Presiding Officer ruled orally that Respondents Pulver, Haskin, and Sullivan were in default and requested that the Division prepare default orders against them.

The Presiding Officer has decided, *sua sponte*, to reconsider that decision. The filings were unsatisfactory as Answers; they did not respond to the specific allegations made by the Division in the Emergency Order and identified no affirmative defenses. The filings submitted by Respondents did not dispute their roles in the conduct described in the Division's Orders. While the responses were unsatisfactory, they were, nonetheless, responses. For these reasons, entering default is not appropriate at this stage.

Adequate Responses to be Submitted to Avoid Entry of Default

The Presiding Officer will give Respondents Pulver, Haskin, and Sullivan an additional opportunity to indicate whether they intend to defend themselves in the Division's action. If they do intend to defend themselves, they must file responsive Answers and appear at a scheduling hearing, either in person, through an attorney, or by telephone.

IT IS HEREBY ORDERED That:

1. Response. Respondents Pulver, Haskin, and Sullivan must indicate their intention to defend themselves in the Division's action by filing a Response. The Responses must be filed with the Division and copies must be provided to counsel for the Division. To be acceptable, the Responses must answer the allegations of the Division, including indicating whether the Respondent admits or denies the allegations of each paragraph in the Orders. The Responses must be filed by November 6, 2006. Any Respondent that fails to file a Response with the Division satisfying these requirements before the deadline will be held in default and a Default Order will be entered.

2. Scheduling Hearing. A scheduling hearing will be conducted on Thursday, November 9, 2006 at 9:00 a.m. The hearing will be held at the Division of Securities at 160 East 300 South, 2nd Floor, Salt Lake City, UT 84111. Requests to participate telephonically should be made to Pam Radzinski, Executive Secretary of the Division of Securities, in writing, with copies to counsel for the Division. Any Respondent that fails to participate in the scheduling hearing will be held in default and a Default Order will be entered.

IT IS SO ORDERED.

DATED this 5th day of October, 2006

WAYNE KLEIN
Director, Presiding Officer

CERTIFICATE OF SERVICE

The undersigned certifies that on the 13TH day of October, 2006 copies of the foregoing Order Regarding Answers of J.D. Pulver, Tim Haskin, and Denise Sullivan were served on the parties as follows:

Hand Delivered

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Via U.S. Mail

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Respondents

Pamela Radzinski