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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:**

**ROBERT JOHN GRABOWSKI,  
THE THORNWATER COMPANY;**

**Respondents.**

**APPOINTMENT OF NEW  
HEARING OFFICER**

**Docket No. SD-06-0095  
Docket No. SD-06-0096**

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This proceeding was initiated by the Division of Securities with the issuance of an Order to Show Cause and a Notice of Agency Action on December 18, 2006. The Order and Notice set a hearing for January 29, 2007.

In their Response and at the hearing, Respondents Grabowski moved that Division Director Wayne Klein recuse himself from acting as hearing officer on the Order to Show Cause. The Division staff objected, arguing that the request had not been made by formal motion and expressing concern that additional delay would be incurred by appointment of a new hearing officer, as the Division was prepared to go forward with the hearing at that time.

Based on the request of Respondents, the Presiding Officer recused himself from acting as hearing officer and agreed to appoint a new hearing officer.

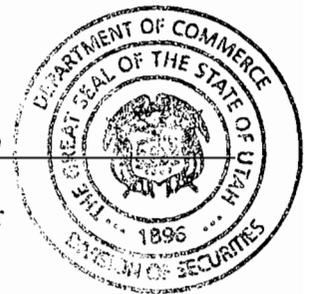
IT IS HEREBY ORDERED:

1. J. Steven Eklund, Administrative Law Judge for the Department of Commerce, is hereby appointed as hearing officer in this matter. He is authorized to make findings of fact and conclusions of law and to enter any orders he deems appropriate in conducting a hearing and in preparing a recommended Order.

2. The hearing date should be set as soon as possible and should be set for a date as close as possible to 30 days from the date of this Order. Given the narrow issue raised by the Order to Show Cause and the additional time already gained by Respondents as a result of their recusal motion, Judge Eklund is requested to be chary of any requests by Respondents for additional time beyond that already gained.
3. All further motions, pleadings, or other filings relating to this proceeding should be directed to Judge Eklund.

DATED this 13<sup>th</sup> day of February 2007.

*Wayne Klein*  
WAYNE KLEIN  
Director, Presiding Officer



**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 4<sup>th</sup> day of February, 2007 copies of the foregoing Appointment of New Hearing Officer were served on the parties as follows:

**Hand Delivered**

Charles Lyons  
Division of Securities  
160 East 300 South, 2<sup>nd</sup> Floor  
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**Counsel for the Division of Securities**

J. Steven Eklund  
Department of Commerce  
160 East 300 South, 2<sup>nd</sup> Floor  
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**Hearing Officer**

**Via U.S. Mail**

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**Attorneys for Respondents**

Pamela Radzinski