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

IN THE MATTER OF:

**NUTRATEK, LLC,
JOHNNY ANTHONY SANCHEZ,**

Respondents.

MOTION TO DISMISS

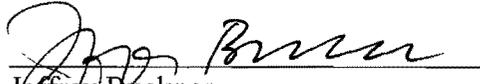
**Docket No. SD-07-0028
Docket No. SD-07-0029**

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. CODE R151-46b-5(3), moves for dismissal of the Order to Show Cause filed in this matter on April 13, 2007 on grounds that protection of the public has been adequately served. On March 10, 2008, Johnny Anthony Sanchez (Sanchez) pleaded guilty to two counts of securities fraud, a third degree felony, in a parallel proceeding. As part of sentencing, Sanchez was placed on probation and was ordered to pay \$20,000 in restitution for the related

conduct in the Division's Order to Show Cause. *State of Utah v. Johnny Anthony Sanchez*, Case No. 071902627, Third Judicial District Court of Utah (2007). The plea, the penalty and the remedies sought therein adequately protect the public and serve the Division's interests. If Respondents do 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 July 27, 2011.

MARK L. SHURTLEFF
UTAH ATTORNEY GENERAL


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**NUTRATEK, LLC,
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**ORDER GRANTING MOTION TO
DISMISS**

**Docket No. SD-07-0028
Docket No. SD-07-0029**

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.

BY THE UTAH SECURITIES COMMISSION:

DATED this 28th day of July, 2011.

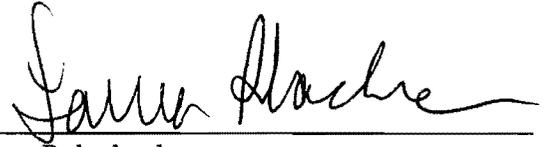
Tim Bangerter

Jane Cameron

Erik Christiansen

Laura Polacheck

Jan Graham

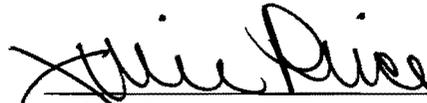


CERTIFICATE OF MAILING

I, Julie Price, hereby certify that on the 3rd day of August 2011, I mailed, by regular mail, a true and correct copy of the forgoing **Motion to Dismiss and Order Granting Motion to**

Dismiss to:

Nutratek, LLC
Johnny Anthony Sanchez
4553 West Open Hill Drive
South Jordan, UT 84047



Julie Price
Executive Secretary