

TOM D BRANCH, L.L.C.  
TOM D BRANCH (3997)  
1350 East Draper Parkway  
Draper, UT 84020  
Telephone: (801) 553-1500  
Fax: (801) 553-1550

Attorney for Respondent Mark E. Barrick

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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:  ADAM J. ROBISON, CRD #4552999 ROBISON HOLDINGS, INC. MARK E. BARRICK  Respondents.	<b>RESPONDENT MARK E. BARRICK'S ANSWER TO ORDER TO SHOW CAUSE</b>  Docket No. SD-08-0048 Docket No. SD-08-0049 Docket No. SD-08-0050  Judge Commissioner
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Comes now the Respondent, Mark E. Barrick, by and through his counsel of record Tom D Branch of the Law offices of Tom D Branch, LLC and hereby Answers to the Director of the Utah Division of Securities Order to Show Cause alleging that Respondent may have engaged in acts and practices that violate the Utah Uniform Securities Act. Therefore, the Respondent responds as follows:

**STATEMENT OF FACTS**

Responding to the numbered paragraphs of the Order to Show Cause. Respondent Barrick states as follows:

1. Respondent is without sufficient knowledge to admit or deny this allegation.
2. Respondent is without sufficient knowledge to admit or deny this allegation.

3. Respondent is without sufficient knowledge to admit or deny this allegation.
4. Admit.
5. Respondent is without sufficient knowledge to admit or deny this allegation.
6. Respondent is without sufficient knowledge to admit or deny this allegation.
7. Respondent is without sufficient knowledge to admit or deny this allegation.
8. Respondent is without sufficient knowledge to admit or deny this allegation.
9. Respondent is without sufficient knowledge to admit or deny this allegation.
10. Respondent is without sufficient knowledge to admit or deny this allegation.
11. Respondent is without sufficient knowledge to admit or deny this allegation.
12. Respondent is without sufficient knowledge to admit or deny this allegation.
13. Respondent is without sufficient knowledge to admit or deny this allegation.
14. Respondent is without sufficient knowledge to admit or deny this allegation.
15. Respondent is without sufficient knowledge to admit or deny this allegation.
16. Admit that Respondent was told that 3.1 million was deposited in the Ameritrade Account over the time frame of September through November 2007. Respondent is without sufficient knowledge to admit or deny the remainder of the allegation.
17. Admit that Robison provided a password that allowed Barrick access to the Ameritrade Account from September 2007 through January 2008. Admit Barrick advised Robison about general strategy options and made trades in the Ameritrade Account at the specific direction of Robison.
18. Deny that Barrick claimed any investment “expertise”.

19. Deny. Barrick asked for and received a loan from RHI for \$5,000.00 on November 21, 2007. The loan was to be repaid when Barrick successfully moved his personal 401K funds to RHI for investment.
20. Respondent is without sufficient knowledge to admit or deny this allegation.
21. Respondent is without sufficient knowledge to admit or deny this allegation.
22. Respondent is without sufficient knowledge to admit or deny this allegation.
23. Respondent is without sufficient knowledge to admit or deny this allegation.
24. Respondent is without sufficient knowledge to admit or deny this allegation.
25. Deny. Barrick did not employ any strategy, but rather did what he was instructed to do by Robison. Barrick does not deny that additional losses were sustained as a result of the strategy employed by Robison.
26. Respondent is without sufficient knowledge to admit or deny this allegation.
27. Respondent is without sufficient knowledge to admit or deny this allegation.
28. Respondent is without sufficient knowledge to admit or deny this allegation.
29. Respondent is without sufficient knowledge to admit or deny this allegation.
30. Respondent is without sufficient knowledge to admit or deny this allegation.
31. Deny.
32. Respondent is without sufficient information as to what Robison told other investors; but Robison told Barrick, in an effort to get him to invest his 401K into the fund various representations. Responding solely on behalf of what Robison and RHI misrepresented or omitted material facts in connection with the offer to Barrick, Barrick responds as follows:
  - a. Deny.

- b. Admit.
  - c. Admit.
  - d. Admit.
  - e. ...
    - i Admit
    - ii Admit
    - iii Deny
  - f. Admit.
  - g. Admit.
33. Respondent is without sufficient knowledge to admit or deny this allegation.

**REQUEST FOR RELIEF**

- 1. Deny as to Barrick.
- 2. Deny as to Barrick.
- 3. Deny as to Barrick.
- 4. Deny as to Barrick.

**FIRST AFFIRMATIVE DEFENSE**

Barrick is not an “investment advisor representative” under the Utah Uniform Securities Act, including but not limited to Section 61-1-3(3) of the Act.

**SECOND AFFIRMATIVE DEFENSE**

Barrick was not a partner, owner, officer, employee, director or individual associated with Robison or RHI.

**THIRD AFFIRMATIVE DEFENSE**

Barrick acted under the direction of Robison and was not told the truth of the situation by Robison therefore had insufficient knowledge to protect himself and other investors from the actions of Robison and RHI.

DATED this 19<sup>th</sup> day of May, 2008.

TOM D. BRANCH, L.L.C.

  
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TOM D. BRANCH  
Attorney for Respondent

**CERTIFICATE OF MAILING**

I hereby certify that on the 19 day of May, 2008, I caused a true and correct copy of the foregoing document ANSWER ON ORDER TO SHOW CAUSE, to be mailed, postage pre-paid, to:

Division of Securities  
Utah Department of Commerce  
C/O Pam Radzinski  
160 E. 300 S.  
PO Box 146760  
SLC, UT 84114-6760

D. Scott Davis  
Assistant Attorney General  
160 E. 300 S., 5<sup>th</sup> Floor  
PO Box 140872  
SLC, UT 84114-0872

  
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