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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,

**CHRISTOPHER H. ZOCKOLL,**  
**CRD #2954654,**

RESPONDENT.

EX-PARTE MOTION  
FOR ENTRY OF ORDER

CASE NO. SD- 10-0004

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COMES NOW, the Utah Department of Commerce, Securities Division, by and through counsel undersigned, and hereby respectfully moves for entry of an Order for the following:

An order for payment in the amount of \$65,000 within thirty (30) days following the date of entry of the order.

This Motion shall serve as a memorandum in support hereof.

STATEMENT OF FACTS

1. On or about January 20, 2011, a Stipulation and Consent Order was entered in this matter which required, in relevant part,
  - a. Beginning April 1, 2011 Zockoll will pay \$200.00 per month for thirty-six months, for a total of \$7,200. Within thirty days thereafter, Zockoll will pay the remaining balance of \$29,600 in a lump sum payment.
  - b. Zockoll shall maintain records verifying each payment and shall provide a copy of such proof of payment to the Division each calendar quarter.

See Stipulation and Consent Order on file herein at ¶ 54.

2. Respondent's \$200 payments totaled \$2,800. See Affidavit of Dave Hermansen attached hereto as Exhibit A and incorporated herein by this reference.
3. Zockoll's last payment was received in May, 2012. See, *id.*
4. No further payments have been received since that time. See, *id.*
5. The Stipulation and Consent Order further provided:

If Zockoll fails to comply in any respect with his agreement to pay restitution . . . the Division may issue an order imposing a fine against him in the amount of \$65,000. The order shall require payment of the fine within thirty (30) days following the date of entry of the order. The order may be issued upon ex parte motion of the Division, supported by an affidavit verifying such failure(s) to comply.

See Stipulation and Consent Order on file herein at ¶ 59.

#### ARGUMENT

The issue is whether the Order for payment in the amount of \$65,000 to the Division should be entered. The Stipulation entered by the parties contemplated the prospect that Respondent would fail to make the payments he consented to make and has been ordered to make. *Id.* The Stipulation and Consent Order, citing UTAH ADMINISTRATIVE CODE Rule 164-31-1 (Guidelines for the Assessment of Administrative Fines), mandates that an order may be issued if Respondent failed to comply with his promise. See Stipulation and Consent Order on file herein at 11, ¶ 59 and 13, ¶ 5. Respondent has failed to comply with his promise.

Respondent entered the Stipulation voluntarily. *Id.* at ¶ 6. Respondent was represented by counsel and satisfied with that representation. *Id.* at ¶ 7.

Given that Respondent stipulated that the order could be issued based upon the ex parte motion of the Division, this matter is ripe for ruling. The Order submitted herewith should be entered forthwith.

#### CONCLUSION

For the reasons stated herein, the motion should be granted.

DATED this 24<sup>th</sup> day of June, 2013.



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PAUL G. AMANN  
Assistant Attorney General  
Counsel for the Division