

DIVISION OF SECURITIES  
KEITH WOODWELL, DIRECTOR  
DEPARTMENT OF COMMERCE  
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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:

UTAH GROWTH, LLC,  
ABM INVESTMENT MANAGEMENT CO.  
G. JASON PAISOLA, and  
TRISHA LEE PAISOLA

RESPONDENTS

**ORDER ON MOTION FOR  
CONTINUANCE**

**CASE NO.** SD-10-0030  
SD-10-0031  
SD-10-0032  
SD-10-0033

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**BY THE PRESIDING OFFICER:**

The notice of agency action and order to show cause in this matter were filed by the Division of Securities (Division) on June 14, 2010. On July 23, 2011, the matter was stayed pending the resolution of related criminal proceedings. The criminal proceedings were resolved on August 29, 2011, and the stay on the administrative case was therefore lifted on March 19, 2012. The matter was scheduled to go to hearing on September 27, 2012. On July 25, 2012, the hearing was continued to November 29, 2012 at the request of the Division. On October 22, 2012, the hearing was continued to January 24, 2013, again at the request of the Division.

On January 16, 2013, the Division filed a motion to continue the hearing to March 28, 2013 or May 23, 2013. The basis for the motion is that the Division has not communicated with

the Respondents or their attorney. The Division represents that it intends to file a motion for a default judgment, but needs additional time to do so.

In evaluating a motion for continuance, the presiding officer is required to determine whether good cause for continuation exists. In making this evaluation, the presiding officer must consider, among other factors, the number of extensions or continuances the requesting party has already received. Utah Administrative Code § R151-4-109(1)(b). In addition, pursuant to Utah Administrative Code § R151-4-109(2), the presiding officer may not grant a continuation if doing so would result in the hearing being concluded more than 240 days after the matter was filed, unless certain extenuating circumstances exist. Such circumstances include the illness of a party, a party's counsel, or a necessary witness; the withdrawal of counsel shortly before the hearing; or the expediency of resolving a parallel criminal proceeding prior to completing the administrative proceeding.

In the present case, the presiding officer finds that none of the bases for continuing a matter beyond 240 days is satisfied. In addition, the stay that was granted in order to allow for the resolution of a parallel criminal proceeding was lifted almost 10 months ago, giving the parties ample time to prepare their cases, entertain negotiations toward settlement, or file a prehearing motion for resolution of the case. More importantly, the hearing has already been continued twice since the stay was lifted, such that the case is now well beyond the time period mandated by the administrative rules for resolution. Therefore, the presiding officer finds that good cause for further continuation does not exist.

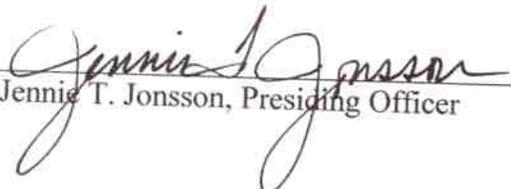
Based on the foregoing, the Division's motion for continuance is denied. If the Division feels that grounds exist for entry of default against Respondents under Utah Code Ann. § 63G-4-209, the Division may file a motion by January 18, 2013. This deadline will give the presiding

officer adequate time to review and rule on the motion. Unless the matter is resolved through such motion or through a stipulated agreement, a hearing shall take place before the Utah Securities Commission on January 24, 2013.

This order shall be effective on the signature date below.

DATED this 17<sup>th</sup> day of January, 2013.

UTAH DEPARTMENT OF COMMERCE

  
Jennie T. Jonsson, Presiding Officer

I hereby certify that on the 17<sup>th</sup> day of Jan., 2013, the undersigned served a true and correct copy of the foregoing document by electronic mail and by first class mail, postage prepaid, to:

Utah Growth, L.L.C.  
ABM Vestment Management Co.  
G. Jason Paisola  
Trisha Lee Paisola  
c/o Gregory V. Stewart  
3651 North 100 East, Suite 300  
Provo, UT 84604-4521  
greg.stewart@usa.net

and caused a copy to be hand delivered to:

D. Scott Davis, Assistant Attorney General  
Division of Securities  
Heber M. Wells Building, 5<sup>th</sup> Floor

Ann Skaggs  
Division of Securities  
Heber M. Wells Building, 2<sup>nd</sup> Floor

A handwritten signature in black ink, appearing to read "G. Jason Paisola". The signature is written in a cursive, flowing style with a horizontal line extending from the end of the name.