

Division of Securities
Utah Department of Commerce
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**BEFORE THE DIVISION OF SECURITIES
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF:	DEFAULT ORDER
CENTURIES FINANCIAL GROUP, DAVID GODWIN FRANK	Docket No. SD 10-0074 Docket No. SD 10-0075
Respondents.	

I. BACKGROUND

A formal adjudicative proceeding was initiated against Centuries Financial Group (CFG) and David Godwin Frank (Frank) by the Division's Order to Show Cause (OSC) dated October 20, 2010. A Notice of Agency Action accompanying the OSC advised them to file an answer within thirty days and appear at a scheduling hearing set for December 7, 2011 or default would be entered against them. The OSC and Notice were sent by certified mail to Respondents.

On December 7, 2011, Frank appeared at the scheduling hearing on behalf of both Respondents. The parties were granted until January 7, 2011 to conclude any settlement negotiations before moving forward. The Division has not had contact with Frank since that time.

Respondents have not responded to the Division's OSC. Thus, on July 27, 2011 the Division filed a motion for default to be entered against Respondents.

On September 15, 2011, Judge Eklund issued a Recommended Order. The Recommended Order provides that Respondents "cease and desist from engaging in any further conduct in violation of § 61-1-1 or any other section of the Utah Uniform Securities Act." It further provides that Respondents "pay a fine to the Division in an amount to be determined by the Commission in accordance with R164-31-1, which may be reduced by restitution paid to the investor." On October 19, 2011, Judge Eklund issued a second Recommended Order providing that Frank pay a fine of \$4,000.

II. ORDER

Based on the above, the Securities Commission hereby:

1. Declares Respondents in default for failing to file a response to the Division's Order to Show Cause within thirty days of its filing and of the extended deadline.
2. Enters, as its own findings, the Finding of Fact described in the OSC.
3. Enters, as its own conclusions, the Conclusions of Law described in the OSC.
4. Finds that Respondents violated the Utah Uniform Securities Act by misstating material

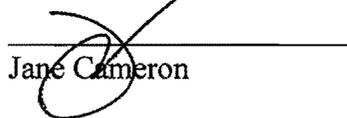
facts in connection with the offer and sale of a security in or from Utah in violation of § 61-1-1(2).

5. Finds that Respondents violated the Utah Uniform Securities Act by failing to disclose material information which was necessary to make the statements made not misleading, in connection with the offer and sale of a security in or from Utah in violation of § 61-1-1(2).
6. Orders Respondent to permanently CEASE and DESIST from any violations of the Act.
7. Orders Frank to pay a fine of (\$ 4000) to the Division within 30 days of the entry of this Order.

DATED this 27 day of October 2011.



Tim Bangerter

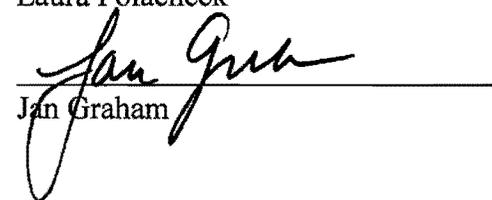


Jane Cameron

Erik Christiansen



Laura Polacheck



Jan Graham

Pursuant to § 63-46b-11(3), Respondents may seek to set aside the Default Order entered in this proceeding by filing such a request with the Division consistent with the procedures outlined in the Utah Rules of Civil Procedure.

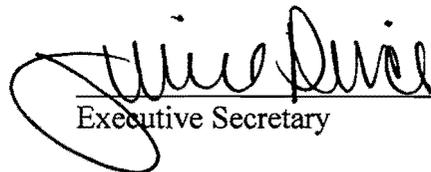
CERTIFICATE OF MAILING

I certify that on the 3rd day of ~~October~~ November, 2011, I mailed a true and correct copy of

the Notice of Entry of Default and Order to:

Centuries Financial Group
David Godwin Frank
166 Oakridge Dr.
Bountiful, UT 84010

Certificate# 7007 0220 0001 0003 0022


Executive Secretary

And hand-delivered to:

Jeffrey Buckner, Assistant Attorney General
Office of Attorney General of Utah

Thomas Brady, Securities Analyst
Utah Division of Securities

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

**IN THE MATTER OF
CENTURIES FINANCIAL GROUP
DAVID GOODWIN FRANK**

**NOTICE OF ENTRY OF DEFAULT
FINDINGS OF FACT, CONCLUSIONS
OF LAW AND RECOMMENDED ORDER**
CASE NO. SD-10-0074
CASE NO. SD-10-0075

BY THE ADMINISTRATIVE LAW JUDGE:

This adjudicative proceeding was initiated pursuant to an October 20, 2010 Notice of Agency Action. A response to the accompanying Order to Show Cause was due by November 19, 2010. The notice of agency action also recites a prehearing conference was to be conducted on December 7, 2010.

That prehearing conference was conducted as thus scheduled. Jeff Buckner was present representing the Division through the Office of the Utah Attorney General. Respondent David Goodwin Frank also appeared on behalf of both Respondents.

Upon the Court's inquiry, Respondent Frank stated he has participated in the prior review of this case, initially with Michael Hines (the Division's Enforcement Director) and then with Mr. Buckner. The parties informed the Court that they expected to pursue further review as to possibly resolve this proceeding in lieu of any subsequent hearing before the Utah Securities Commission.

The Court thus granted the parties leave until January 7, 2011 to conclude any further settlement negotiations. The Court did not issue a written scheduling order to that effect. Respondents had not filed a response prior to the December 7, 2010 prehearing conference. However, that matter was not addressed during that conference. Further, the Division did not request -- nor did the Court conduct -- another prehearing conference to review the status of the case and enter any further scheduling order as warranted.

The Division filed a July 27, 2011 motion for the entry of Respondents' default. The motion recites criminal charges were filed on May 31, 2011 against Respondent Frank in a related Third Judicial District Court case. The Division's motion also recites Respondent Frank has not contacted the Division regarding the terms for a stipulation and consent order and that Respondent Frank has not filed a motion to stay this proceeding pending the resolution of the criminal proceeding.

The Division thus seeks the entry of a default judgment in this proceeding. A copy of the Division's motion was sent to Respondents at the last known address of 166 Oakridge Dr., Bountiful, UT 84010. This record does not reflect whether that motion was sent by certified or regular mail. The record also does not reflect whether Respondents received notice of the motion.

U.C.A. §63G-4-209(1)(b) and (c) provides an order of default may be entered

against a party in a formal adjudicative proceeding if the party “fails to attend or participate in a properly scheduled hearing after receiving proper notice” or “a respondent in a formal adjudicative proceeding fails to file a response” under §63G-4-302.

FINDINGS OF FACT

1. Absent any matters offered in defense or mitigation, the Court adopts the allegations set forth in Paragraphs 2 through 19 of the October 20, 2010 Order to Show Cause as its Findings of Fact.

CONCLUSIONS OF LAW

The Court adopts the cause of action set forth in Paragraphs 20 through 23 of the October 20, 2010 Order to Show Cause as its Conclusions of Law. Respondents have engaged in securities fraud in violation of §61-1-1 of the Utah Uniform Securities Act. Accordingly, the Court concludes a proper factual and legal basis exists to submit the following Recommended Order to the Commission for its review and action:

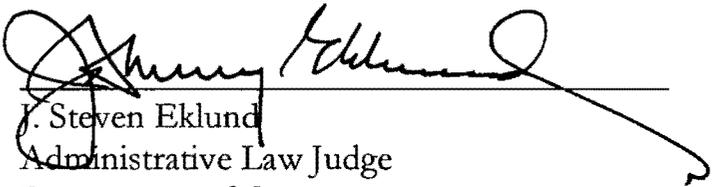
RECOMMENDED ORDER

WHEREFORE, IT IS ORDERED Respondents shall cease and desist from engaging in any further conduct in violation of §61-1-1 or any other section of the Utah Uniform Securities Act.

IT IS FURTHER ORDERED Respondents shall pay a fine to the Division in an

amount to be determined by the Commission in accordance with R164-31-1, which may be reduced by restitution paid by Respondents to any investor.

I hereby certify the foregoing Notice of Entry of Default, Findings of Fact, Conclusions of Law and Recommended Order was submitted to the Commission on the ~~15th~~ day of September 2011 for its review and action on the ~~22nd~~ day of September 2011.



J. Steven Eklund
Administrative Law Judge
Department of Commerce