

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

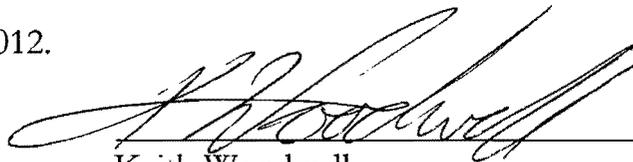
**IN THE MATTER OF
BRACE ROBINSON**

**ORDER
CASE NO. SD-10-0076**

BY THE DIVISION:

The foregoing motion to stay enforcement of this proceeding is granted and the recommended order is hereby adopted by the Division of Securities.

Dated this 20th day of March 2012.



Keith Woodwell
Director
Division of Securities

CERTIFICATE OF SERVICE

I certify that I have this day served the foregoing Order on the parties of record in this proceeding set forth below, by delivering a copy thereof in person to, D. Scott Davis, Assistant Attorney General, Heber M. Wells Building, Second Floor, 160 East 300 South, Salt Lake City, UT; and by mailing a copy thereof, properly addressed, by first class mail with postage prepaid, to James N. Park, Attorney for Respondent, 141 North Main Street, Suite 200, Cedar City, Utah 84721 0765.

Dated this 20th day of March 2012.



Julie Price
Executive Secretary
Division of Securities

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

**IN THE MATTER OF
BRACE ROBINSON**

**MOTION FOR STAY
OF PROSECUTION AND
RECOMMENDED ORDER
CASE NO. SD-10-0076**

APPEARANCES:

D. Scott Davis for the Division of Securities

James M. Park for Respondent

BY THE ADMINISTRATIVE LAW JUDGE:

This adjudicative proceeding was initiated pursuant to a November 1, 2010 notice of agency action. That notice recites a prehearing conference was scheduled to be conducted on December 7, 2010. Based on an agreement of respective counsel (Jeff Buckner -- prior counsel for the Division -- and Mr. Park for Respondent), the Court continued the December 7, 2010 proceeding and rescheduled it to be telephonically conducted on January 4, 2011.

Respondent filed a December 13, 2010 response in this proceeding. During the January 4, 2011 teleconference, the Court addressed a schedule for the Division's disclosure of the relevant and non privileged information in its investigative file to Respondent by February 3, 2011. The Court -- with respective counsel -- was to then

conduct the next prehearing teleconference on February 24, 2011 to review the status of any settlement negotiations by the parties. Based thereon, any necessary discovery disclosures by Respondent were to be scheduled.

The Court -- with respective legal counsel -- conducted the February 24, 2011 prehearing teleconference. However, there is no documentation of the issues addressed at that time. Further, the Court lacks an independent recollection of those issues. The Court is also not able to identify any applicable deadlines as specifically governing the remaining course of prehearing activity in this proceeding.

Respondent next filed a November 8, 2011 motion to stay enforcement of this proceeding "until the criminal case initiated against the Respondents has been concluded". The motion does not reflect the nature of the criminal case, when the criminal proceeding was filed or the current status of that proceeding. Respondent's motion recites "he has discussed this matter with counsel for the State of Utah and understands that the State will not oppose the Respondent's Motion for a Stay".

Mr. Davis became substitute counsel for the Division in this proceeding, effective October 25, 2011. The Court contacted Tom Brady by electronic mail on or about January 3, 2012 to inquire regarding the Division's position as to Respondent's motion. Pursuant to a January 3, 2012 electronic mail, Mr. Brady informed the Court that the Division does not oppose Respondent's motion. Mr. Brady provided a copy of his

responding electronic mail to Mr. Davis.

Given Respondent's request and the Division's willingness to stay this proceeding under the circumstances presented, the Court now submits the following Recommended Order to the Division for its review and action:

RECOMMENDED ORDER

WHEREFORE, IT IS ORDERED a stay of enforcement shall be entered as to this administrative proceeding, effective the date this Recommended Order may be adopted by the Division.

It is also ordered the stay of enforcement shall remain in effect until the related criminal case has been resolved.

It is further ordered the Division shall generally monitor the ongoing status of the related criminal case and Respondent shall provide written notice to the Division within ten (10) days after the criminal case has been resolved.

I hereby certify the foregoing Motion for Stay of Prosecution and Recommended Order was submitted to Keith Woodwell, Director of the Division of Securities, on the 19th day of March 2012 for his review and action.


J. Steven Eklund
Administrative Law Judge
Department of Commerce