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Utah Department of Commerce
Division of Securities

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Attorney for Respondent Provost

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

IN THE MATTER OF:	:	
PROFITABLE SOLUTIONS, LLC,	:	Docket No. SD-11-0093
EXCLUSIVE CAPITAL FUNDING, LLC,	:	Docket No. SD-11-0094
PS1 GROUP, LLC,	:	Docket No. SD-11-0095
TIMOTHY V. PROVOST, CRD #4934264	:	Docket No. SD-11-0096
d.b.a. LH SOLUTIONS,	:	
DANIEL G. MAYNARD,	:	Docket No. SD-11-0097
	:	
Respondents.	:	

Respondent, Timothy V. Provost, by and through his counsel, Rudy J. Bautista, answers the Director's Order to Show Cause as follows:

FIRST DEFENSE

Respondent responds to the numbered allegations in the Director's Order to Show Cause as follows and denies all allegations of the Order to Show Cause not specifically admitted.

1. Admits.
2. Admits.
3. Admits.
4. Admits.

5. Admits.
6. Respondent is without knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 6 and therefore denies them.
7. Respondent admits he offered and sold interests in his own limited liability companies throughout the alleged period, but denies he sold investment contracts.
8. Admits.
9. Denies.
10. Respondent is without knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 10 and therefore denies them, however, admits W.W. was informed of an investment opportunity and how M&M operated.
11. Respondent invokes his right to not incriminate himself under both the 5th Amendment to the United States Constitution and Section 12, Article 1 of the Utah Constitution and therefore denies the allegations in paragraph 11.
12. Respondent invokes his right to not incriminate himself under both the 5th Amendment to the United States Constitution and Section 12, Article 1 of the Utah Constitution and therefore denies the allegations in paragraph 12.
13. Respondent denies W.W. invested \$300,000 in M&M through Provost, however, admits W.W. became a co-owner of an LLC, which invested in M&M. Further, Respondent denies any knowledge of how W.W. obtained the money to purchase shares of an LLC, which invested in M&M.
14. Admits.
15. Denies.
16. Respondent is without knowledge and information sufficient to form a belief as to

- the truth or falsity of the allegations in paragraph 16 and therefore denies them.
17. Respondent admits he met with J.W. and T.W. to discuss an opportunity to purchase an interest in an LLC in which Respondent had an ownership interest, but denies the meeting was to discuss investing in M&M.
 18. Respondent denies making any statements about investing in M&M, however, admits a discussion was had regarding purchasing an interest in PS1, in which, PS1 invested in “pay-day” loan companies including M&M. Further, Respondent admits the remaining allegations, but affirmatively denies that he stated anything about “reassurances” and that he would receive a commission.
 19. Respondent admits J.W. and T.W. purchases an interest in PS1, but denies the remaining allegations.
 20. Respondent admits a meeting was had regarding an investment opportunity, but denies it was specifically to invest in M&M.
 21. Respondent admits the presentation outlined how money was made regarding investments in “pay-day” loan companies.
 22. Respondent invokes his right to not incriminate himself under both the 5th Amendment to the United States Constitution and Section 12, Article 1 of the Utah Constitution and therefore denies the allegations in paragraph 22.
 23. Respondent admits J.P. purchased an interest in PSL, however, not that J.P. invested in M&M based on statements of Respondent. Further, Respondent denies meeting with M.A., and was without knowledge of M.A.’s involvement.
 24. Respondent admits additional parties purchased an interest in PSL; however, Respondent is without knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 24 and therefore denies them.

25. Respondent invokes his right to not incriminate himself under both the 5th Amendment to the United States Constitution and Section 12, Article 1 of the Utah Constitution and therefore denies the allegations in paragraph 25.
26. Respondent admits a meeting was held with, at the time, current equity partners, however, denies that the meeting was to seek additional partners/investors.
27. Respondent invokes his right to not incriminate himself under both the 5th Amendment to the United States Constitution and Section 12, Article 1 of the Utah Constitution and therefore denies the allegations in paragraph 27.
28. Admits.
29. Admits.
30. Respondent admits T.S. purchased an ownership interest in PS1 prior to the allegation, however, denies the remaining allegations.
31. Admits.
32. Respondent incorporates his responses to allegation 1 through 31.
33. Admits.
34. Denies.
35. Denies.
36. Respondent incorporates his responses to allegations 1 through 31.
37. Respondent is without knowledge and information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 37 and therefore denies them.
38. Denies.
39. Denies.
40. Respondent incorporates his responses to allegations 1 through 31.
41. Respondent denies allegation 41 because it is overbroad, however, Respondent

admits he sold shares of his own LLCs.

42. Respondent denies he was acting as an agent of an issuer, and affirmatively alleges he was the issuer.
43. Respondent admits he was not licensed to sell securities as an agent, however, denies that he did so.
44. Denies.
45. Respondent incorporates his responses to allegations 1 through 31.
46. Respondent invokes his right to not incriminate himself under both the 5th Amendment to the United States Constitution and Section 12, Article 1 of the Utah Constitution and therefore denies the allegations in paragraph 46.
47. Respondent invokes his right to not incriminate himself under both the 5th Amendment to the United States Constitution and Section 12, Article 1 of the Utah Constitution and therefore denies the allegations in paragraph 47.
48. Respondent invokes his right to not incriminate himself under both the 5th Amendment to the United States Constitution and Section 12, Article 1 of the Utah Constitution and therefore denies the allegations in paragraph 48.
49. Respondent invokes his right to not incriminate himself under both the 5th Amendment to the United States Constitution and Section 12, Article 1 of the Utah Constitution and therefore denies the allegations in paragraph 49.
50. Respondent invokes his right to not incriminate himself under both the 5th Amendment to the United States Constitution and Section 12, Article 1 of the Utah Constitution and therefore denies the allegations in paragraph 50.
51. Denies.

WHEREFORE, having fully answered Director's Order to Show Cause, Respondent

prays for a dismissal of this action.

Respectfully submitted this 27th day of January, 2012.



Rudy J. Bautista
Attorney for Mr. Provost

Certificate of Service

I certify that I caused to be mailed via First Class, U.S. Mail, postage prepaid, a true and correct copy of the foregoing Answer this 20 day of January, 2012, to the following:

Administrative Court Clerk
c/o Julie Price
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