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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:

**JAMES LEE ANDERSON, CRD #4712967,**

Respondent.

MOTION FOR ENTRY OF DEFAULT

**Docket No. SD-12-0039**

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The State of Utah, Department of Commerce, Securities Division (Division) respectfully requests that an order be entered finding the Respondent in default for failure to file an answer to the Division's Notice of Agency Action (Notice) and Order to Show Cause (OSC).

## I. BACKGROUND

A formal adjudicative proceeding was initiated by the Division's Order to Show Cause and Notice of Agency Action dated June 26, 2012, against James Lee Anderson (Anderson). Anderson was properly served with the OSC and Notice, but has never filed a response to the Division's OSC. Anderson did appear at the initial hearing on November 7, 2012.

### RELEVANT FACTS

1. On June 26, 2012, the Division commenced a formal adjudicative proceeding by issuing an OSC and Notice to Anderson.
2. On June 27, 2012, the Division mailed, by certified mail, an OSC to Anderson, along with the Notice, advising that a default order would be entered if he failed to file a written response to the OSC within thirty (30) days of the mailing date of the Notice. The OSC and Notice scheduled an initial hearing for August 1, 2012, at 9:00 a.m.
3. On July 26, 2012, the Division received a handwritten letter from Anderson stating that he was incarcerated and would not be able to respond to the OSC until after his release from the Utah County Jail. Exhibit A.
4. The initial hearing was continued until after Anderson's release from jail, and was held on November 7, 2012. Anderson appeared at this hearing.

5. As of this date, the Division has not received a response to the June 26, 2012, OSC or the Notice from Anderson.

### ARGUMENT

As required by Utah's Administrative Procedures Act (UAPA), the Notice advised Anderson that he must file a written response within 30 days of the mailing date of the Notice. Utah Code 63G-6-201(2)(a)(vi). UAPA further provides that a response shall include, among other things, the relief the Respondent is requesting, a statement of the facts, and the reasons the requested relief should be granted. Utah Code 63G-4-204(1)(c)-(e). Anderson has failed to file the response required by the Notice and by UAPA.

UAPA further provides that "[t]he presiding officer may enter an order of default against a party . . . if . . . a respondent . . . fails to file a response under Section 63G-4-204." Utah Code 63G-4-209(1)(c). Because Anderson has failed to file the required response to the Division's OSC, the Division requests an order of default be entered against him.

Dated this 27<sup>th</sup> day of February, 2013.



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D. Scott Davis  
Assistant Attorney General  
Counsel for the Division

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I personally served a true and correct copy of the foregoing on this 27<sup>th</sup> day of February, 2013 to the following:

JAMES LEE ANDERSON 10291 South 1300 East #121 SANDY, UT 84094	Sent via: <input type="checkbox"/> Hand-Delivery <input type="checkbox"/> Facsimile: <input checked="" type="checkbox"/> Mailed (U.S. Mail, postage prepaid) <input type="checkbox"/> Other:
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*D. Scott Davis*

# EXHIBIT A

RECEIVED

JUL 26 2012

Utah Department of Commerce  
Division of Securities

JULY 23, 2012

UTAH DIVISION OF SECURITIES

DOCKET #SD-12-0039

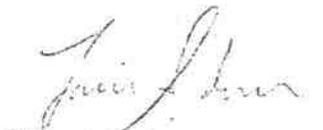
IN THE MATTER OF: JAMES LEE ANDERSON (CRD #4712976), RESPONDENT.

RESPONSE TO NOTICE OF AGENCY ACTION

TO WHOM IT MAY CONCERN,

I AM CURRENTLY SERVING 150 DAYS IN THE UTAH COUNTY JAIL AND AM SHOWING A RELEASE SOMETIME IN DECEMBER OF THIS YEAR. DUE TO MY INABILITY TO ACCESS RELEVANT DOCUMENTATION SURROUNDING THIS MATTER I CANNOT, AT THIS TIME, PROVIDE DETAILED EXPLANATIONS IN RESPONSE TO THE GENERAL ALLEGATIONS SET FORTH IN THE ORDER TO SHOW CAUSE. DUE TO THESE CIRCUMSTANCES, I REQUEST RELIEF IN THE FORM OF A DELAY OF THIS MATTER AND ASK THAT THE INITIAL HEARING BE RESCHEDULED FOR SOME TIME DURING THE BEGINNING OF 2013, AFTER MY RELEASE DATE. THANK YOU FOR YOUR TIME.

RESPECTFULLY,

  
JAMES ANDERSON

\*PLEASE SUBMIT FUTURE CORRESPONDENCE TO BOTH OF THE FOLLOWING ADDRESSES:

JAMES ANDERSON

10291 S. 1300 E.

#121

SANDY, UT 84094

JAMES ANDERSON #278936

UTAH COUNTY JAIL

3075 W. MAIN

SPANISH FORK, UT 84660