

DIVISION OF SECURITIES  
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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 **RAUL ARTURO  
TORRES-BENCOMO**, RESPONDENT

**ORDER ON STIPULATED MOTION FOR  
CONTINUANCE**

**CASE NO. SD-12-0045**

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**BY THE PRESIDING OFFICER:**

The notice of agency action and order to show cause in this matter were sent by the Division of Securities (Division) to Raul Arturo Torres-Bencomo (Respondent) on July 27, 2012. The matter is currently scheduled for hearing before the Utah Securities Commission (Commission) on January 24, 2013. On January 16, 2013, the parties filed a joint motion for continuance. They represent that the continuance is needed in order to allow the matter to be investigated further by the Division and to allow additional time for negotiation toward settlement.

Pursuant to Utah Administrative Code § R151-4-108(1), this administrative matter is to be concluded within 180 days of date on which the notice was sent to the Respondent. In this case, the deadline for concluding the matter within 180 days would be approximately January 27,

2013. Therefore, the January 24, 2013 Commission meeting is the final opportunity to take the matter to hearing within the 180-day timeframe for resolution.

Under the controlling administrative rules, it is permissible for the presiding officer to continue the matter beyond 180 days if it can still be resolved within 240 days of the date on which the notice was sent to the Respondent, or by approximately March 27, 2013. Therefore, the presiding officer finds that it would be permissible to continue the matter to the next regularly scheduled Commission meeting, which is March 28, 2013, upon a showing of good cause. Utah Administrative Code § R151-4-109(1)(b). However, the presiding officer finds that the reasons for the continuance as set forth in the motion do not establish good cause.

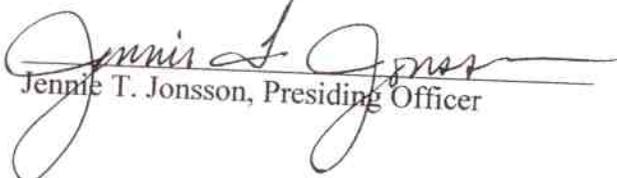
The parties have had more than five months to negotiate a settlement. Their inability to reach agreement during that time does not constitute good cause for rescheduling the hearing outside of the 180-day window established for resolution. More importantly, the motion appears to request that the matter be continued indefinitely in order to allow for further investigation, with no estimation as to how long this might take. In these circumstances, the presiding officer finds that it is not appropriate to grant a continuance.

Based on the foregoing, the parties' stipulated motion for continuance is denied. Upon request, the presiding officer would be amenable to dismissing the case without prejudice in order to allow for further investigation and negotiation. Thereafter, when the investigation is complete and if negotiations toward settlement have been unsuccessful, the Division would be welcome to re-file the case. In the alternative, should the parties reach a negotiated settlement that meets with the approval of the Commission, those circumstances would serve to dismiss the case with prejudice and without the need to re-file. However, absent a motion for dismissal being filed prior to hearing, the matter shall go forward as scheduled 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

CERTIFICATE OF SERVICE

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

Raul Arturo Torres-Bencomo  
c/o Robb B. Jones  
Skeen & Robinson, LLC  
5788 South 900 East  
Salt Lake City, UT 84121  
Robb.Jones1980@gmail.com

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

