

DIVISION OF SECURITIES  
KEITH WOODWELL, DIRECTOR  
DEPARTMENT OF COMMERCE  
P.O. BOX 146741  
160 EAST 300 SOUTH  
SALT LAKE CITY, UTAH 84114-6711  
Telephone: (801) 530-6628

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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:

**ORDER ON MOTION TO STAY  
PROCEEDINGS**

**JAKE DANIEL MICKITTRICK**

**CASE NO. SD-12-0049**

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**BY THE PRESIDING OFFICER:**

On October 23, 2012, Respondent Jake Daniel McKittrick, by and through his counsel of record Stephen Quesenberry, filed a motion to stay the administrative proceedings in case number SD-12-0049. Respondent urges the stay in light of a criminal case that has been filed against him. Respondent was charged on May 11, 2012 in case number 121904497 (Third District Court, Salt Lake County, Utah) with three counts of second degree felony securities fraud; three counts of third degree felony securities fraud; and one count of second degree felony pattern of unlawful activity. As of the date of this order, the criminal case is ongoing.

On November 1, 2012, the Utah Division of Securities (Division) filed a response to Respondent's motion, stating that the Division does not oppose a stay for the purpose of protecting Respondent's Fifth Amendment right against self-incrimination. However, the

Division requests that the stay terminate upon Respondent's entering a plea of guilty or no contest or, alternatively, the case being dismissed, whichever should occur earlier. Respondent did not file a reply to the Division's response.

It appears that the criminal charges filed against Respondent arise from facts that are the same as, or related to, those alleged and set forth in the order to show cause issued August 14, 2012 in this administrative matter. Further, it appears that significant judicial, administrative, and state resources would be saved by allowing the criminal case to proceed before proceeding with an administrative action. Finally, it appears that the most reasonable approach to protecting Respondent's Fifth Amendment rights is to stay the administrative proceeding pending entry of a plea in, or dismissal of, the criminal case. In these circumstances, the presiding officer finds that granting Respondent's motion for stay is warranted until such time as his right against self-incrimination is no longer at issue.

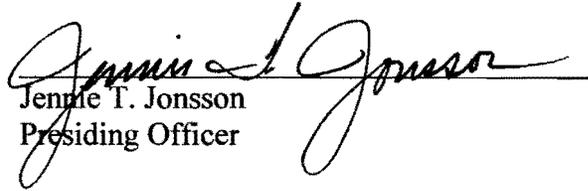
### **ORDER**

The administrative proceedings in case number SD-12-0049 are stayed. The stay shall remain in effect until Respondent enters a plea of guilty or no contest in his criminal case or, alternatively, the case is dismissed. Within five (5) business days of Respondent entering a no contest or guilty plea or the case being dismissed, whichever occurs earlier, Respondent shall notify the Division.

This order shall be effective on the signature date below.

DATED this 9<sup>th</sup> day of November, 2012.

UTAH DEPARTMENT OF COMMERCE

  
Jennie T. Jonsson  
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 9<sup>th</sup> day of November, 2012, the undersigned served a true and correct copy of the foregoing ORDER ON MOTION TO STAY PROCEEDINGS on the parties in this proceeding by mailing a copy, properly addressed by first-class mail with postage prepaid, to:

Jake McKittrick  
2634 East 1400 South Circle  
St. George, UT 84790

Stephen Quesenberry  
Hill, Johnson & Schmutz, L.C.  
RiverView Plaza, Ste. 300  
4844 North 300 West  
Provo, UT 84604-5663

and caused a copy to be hand delivered to:

D. Scott Davis, Assistant Attorney General  
Office of the Attorney General of Utah  
Fifth Floor, Heber M. Wells Building  
Salt Lake City, Utah

Thomas Brady  
Utah Division of Securities  
Second Floor, Heber M. Wells Building  
Salt Lake City, Utah

