

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

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

IN THE MATTER OF:

**ORDER ON MOTION TO STAY
PROCEEDINGS**

JOHN TERRY TIMMERMAN

CASE NO. SD-12-0050

BY THE PRESIDING OFFICER:

On November 1, 2012, the Division filed a motion to stay the administrative proceedings in case number SD-12-0050 in light of a criminal case that has been filed against Respondent. Respondent was charged on May 11, 2012 in case number 121904496 (Third District Court, Salt Lake County, Utah) with three counts of second degree felony securities fraud; three counts of third degree felony securities fraud; six counts of second degree felony theft; and one count of second degree felony pattern of unlawful activity. As of the date of this order, the criminal case is ongoing.

In its motion, the Division urges that the stay should terminate upon Respondent entering a plea of guilty or no contest or, alternatively, the criminal case being dismissed, whichever

should occur earlier. At either point, the need to protect Respondent's Fifth Amendment right against self-incrimination would no longer be at issue.

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, the most reasonable approach to protecting Respondent's Fifth Amendment rights would be 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 staying the administrative case is warranted until such time as Respondent's right against self-incrimination is no longer at issue

ORDER

The administrative proceedings in Division case number SD-12-0050 are stayed. The stay shall remain in effect until Respondent enters a plea of guilty or no contest 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 19th day of November, 2012.

UTAH DEPARTMENT OF COMMERCE


Jennie T. Jonsson
Presiding Officer

CERTIFICATE OF SERVICE

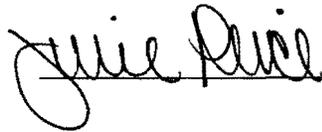
I hereby certify that on the 10th day of NOVEMBER, 2012, the undersigned served a true and correct copy of the foregoing ORDER ON MOTION TO STAY PROCEEDINGS on the parties in this proceeding by mailing a copy, properly addressed by first-class mail with postage prepaid, to:

John Terry Timmerman
PMB 291
150 S. Hwy 160, Ste. 8
Pahrump, NV 89048

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

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

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