DIVISION OF SECURITIES
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DEPARTMENT OF COMMERCE
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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**
BLUE DIAMOND II, LLC; **DAVID RYAN BARLOW,**	**CASE NO.** SD-13-0001 **CASE NO.** SD-13-0002
RESPONDENTS	

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 the above-named Respondents on January 9, 2013. A prehearing conference was held on March 6, 2013. During the prehearing conference, Respondent requested that the administrative proceedings be stayed in order to allow for an ongoing criminal case filed against Respondent to be concluded. Respondent was charged on July 2, 2012 in case number 121401766 (Fourth District Court, Utah County, Utah) with securities fraud, a second degree felony. A preliminary hearing in the criminal case is scheduled for March 19, 2013.

It appears that the criminal charge against Respondent arises from, or relates to, the same facts that are alleged and set forth in the order to show cause issued January 9, 2013 in this administrative matter. Further, it appears that significant judicial, administrative, and state resources would be saved by allowing the criminal case to conclude before proceeding with the administrative action. Finally, the Utah Division of Securities does not oppose the motion for stay. In these circumstances, the presiding officer finds that granting the motion for stay is warranted.

ORDER

The administrative proceedings in Division case numbers SD-13-0001 and SD-13-0002 are stayed. The stay may remain in effect until criminal case number 121401766 as herein specified has been resolved through Respondent's entry of a plea of guilty or no contest or, alternatively, through dismissal. Respondent shall notify the Division within five (5) days of resolving the criminal case.

Upon the stay being lifted, the presiding officer shall set a deadline for Respondent to file a response to the Division's order to show cause and, thereafter, shall hold a prehearing conference to set a hearing date and establish deadlines for all prehearing proceedings.

This order shall be effective on the signature date below.

DATED this 6th day of March, 2013.

UTAH DEPARTMENT OF COMMERCE

Jennie T. Jonsson
Presiding Officer

CERTIFICATE OF SERVICE

I hereby certify that on the 7 day of March, 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:

Blue Diamond II, LLC
David Ryan Barlow
883 S. Healey Court
Alpine, UT 84004

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