

DIVISION OF REAL ESTATE
DEPARTMENT OF COMMERCE
DEANNA SABEY, DIRECTOR
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BEFORE THE DIVISION OF REAL ESTATE OF
THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

In the Matter of the Application of
J. SCOTT WILSON to Act as a Principal
Broker

ORDER ON APPLICATION FOR
RENEWAL

Case No. RE-10-51864

On August 30, 2010, J. Scott Wilson (Applicant) submitted to the Utah Real Estate Commission (Commission) and the Division of Real Estate (Division) an application to renew his license to practice as a principal broker. The application was reviewed in an informal proceeding to determine whether Applicant meets the licensing requirements of Utah Code § 61-2f-203(1) (2010). The presiding officer, on behalf of the Division and pursuant to a grant of authority from the Commission, now makes the following analysis and order.

REASONS FOR DECISION

On April 9, 2008, Applicant was charged in case number 081500333 with child abuse/neglect, a class A misdemeanor. On September 28, 2009 Applicant entered a guilty plea, which the court agreed to hold in abeyance for 24 months. Applicant was fined \$750 and ordered to undergo anger management evaluation and aftercare, and to participate in parenting classes. According to a September 28, 2010 entry on the court docket, Applicant will begin a new parenting class on October 1, 2010.

Utah Code § 61-2f-301 (2010) requires real estate licensees to report a criminal conviction or plea in abeyance to the Division within ten business days. Applicant failed to report his plea in abeyance in this case as required.

Utah Code § 61-2f-203(1) (2010) requires that the Division and Commission determine whether an applicant meets the requirements of honesty, integrity, truthfulness, reputation, and competency. Utah Administrative Code § R162-2-2.11 requires the Division and the Commission to consider an applicant's criminal history in making this determination.

Applicant's criminal history during the past term of licensure demonstrates a lack of respect for the law, which reflects negatively on his integrity and reputation. Applicant's failure to comply with the statutory requirement that he report his plea in abeyance to the Division within ten business days reflects negatively on his competency. Therefore, Applicant does not meet the requirements of Section 61-2f-203(1) (2010) for unrestricted licensure.

The presiding officer is concerned because this case involves a class A misdemeanor, which is the most serious misdemeanor classification. In addition, Applicant's plea has been held in abeyance for a full year and is scheduled to remain open to prosecution until September of 2011. In mitigation, the presiding officer notes that, should Applicant successfully complete his plea in abeyance agreement, the case will be dismissed without a conviction. In these circumstances, the presiding officer finds that issuing a probationary license is appropriate.

ORDER

Based on the above analysis, J. Scott Wilson's application for licensure as a principal broker is granted with restriction. The license is placed on probation until such time as Mr. Wilson successfully completes his plea in abeyance agreement in case number 081500333. The Division may lift the probationary status from Mr. Wilson's license upon his providing to the

presiding officer official documentation from the court showing that he has satisfied the conditions of his plea in abeyance and had the case dismissed. During the term of his license, Mr. Wilson shall comply with all laws and with the rules regulating his profession, including all reporting requirements, and shall conduct himself in a way that demonstrates his qualification and fitness for continuing licensure as a real estate professional.

This order shall be effective on the signature date below.

DATED this 30th day of September, 2010.

UTAH DIVISION OF REAL ESTATE


Jennie T. Jonsson, Presiding Officer
Division of Real Estate

Notice of Right to Administrative Review:

Review of this order may be sought by filing a written request for administrative review with the Director of the Division of Real Estate within thirty (30) days after the issuance of this order. Any such request must comply with the requirements of Utah Code Ann. § 63G-4-301 and R151-46b-12 of the departmental rules.

CERTIFICATE OF MAILING

I hereby certify that on the 30 day of Sept., 2010, a true and correct copy of the foregoing document was sent first class mail, postage prepaid, to the following:

J. Scott Wilson
51 East 400 North, Bldg. 3
Cedar City, UT 84721

