DIVISION OF REAL ESTATE
DEPARTMENT OF COMMERCE
DEANNA SABEY, DIRECTOR
P.O. BOX 146711
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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 **CHRISTOPHER N. OLPIN** to Act as a Sales Agent	ORDER ON APPLICATION FOR RENEWAL Case No. RE-10-51859

On September 27, 2010, Christopher N. Olpin (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 sales agent. 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 February 21, 2009, Applicant was charged in case number 09530228 with driving under the influence of alcohol/drugs, a class B misdemeanor, and with driving on the wrong side of the road, a class C misdemeanor. Applicant pleaded guilty to the DUI charge on March 18, 2009, and the remaining charge was dismissed on June 23, 2009. Applicant was ordered to serve two days in jail and sentenced to an additional suspended jail term of 88 days. In addition, he

was fined $1,332, placed on supervised probation for one year, ordered to complete a DUI course, and ordered to perform 48 hours of community service.

Utah Code § 61-2f-301 (2010) requires real estate licensees to report a criminal conviction to the Division within ten business days. Applicant failed to report this conviction 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 and for the safety of others, which reflects negatively on his integrity and reputation. Applicant's failure to report his conviction to the Division within the time mandated by statute reflects negatively on his honesty and competency. Therefore, Applicant does not meet the requirements of Section 61-2f-203(1) (2010) for unrestricted licensure.

In mitigation, the presiding officer notes that Applicant's criminal history involves a misdemeanor offense, which appears to be an isolated instance of poor judgment rather than an episode in a long history of criminal behavior. Therefore, the presiding officer finds that issuing a probationary license is justified.

ORDER

Based on the above analysis, Christopher N. Olpin's application for licensure as a sales agent is granted with restriction. The license is placed on probation for a period of one year from the date of this order. At the conclusion of this one-year period, the Division may lift the probationary status from Mr. Olpin's license upon his written request, including an attestation

that he has had no further criminal activity. During the term of his license, Mr. Olpin 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:

Christopher N. Olpin
7589 Ropekey Dr., Apt. P103
Midvale, UT 84047

Renda Christensen