

STATE OF UTAH
DEPARTMENT OF COMMERCE
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING

NEWSLETTER

November 1, 2011

The following actions have been taken by the Division following hearings conducted before an Administrative Law Judge and the respective Licensing Committees or Boards or have been entered by Stipulation or Memorandum of Understanding from October 1, 2011 - October 31, 2011.

PHYSICIANS/SURGEONS

***ANDERSON, David Max, MD**

License Nos. 315501-1205

Docket No. 2011-363

Sandy, Utah

Cause of Action:

Allegations Respondent abused Schedule II controlled substances and engaged in other unprofessional conduct that relates to his licenses to practice as a dentist and to administer and prescribe controlled substances. **While neither admitting nor denying the Division's findings of fact, agreed to the following:**

Order:

Respondent's license to practice as a physician/surgeon was revoked with a stay of enforcement on the revocation. Said physician/surgeon license will be suspended effective November 9, 2011 and will remain suspended until conditions outlined in this Order have been completed. Following the period of suspension, said physician/surgeon license will be placed on probation for five years with conditions and restrictions. Respondent is also required to submit a physician/surgeon controlled substance license application once conditions outlined in this Order have been completed.

Date:

October 31, 2011

***KEEP, Mark Hawthorne, MD**

License Nos. 181682-1205/8905

Docket No. 2011-339

Draper, Utah

Cause of Action:

Respondent engaged in unprofessional conduct when he was impaired due to use of drugs and/or alcohol while working as a physician in Utah and when he made inappropriate sexual comments to females while in the workplace.

Order:

Respondent voluntarily surrendered his licenses to practice as a physician/surgeon and to administer and prescribe controlled substances. Respondent may not reapply for said licenses until he has completed conditions outlined in the Stipulation and Order.

Date:

October 11, 2011

***WEITZEL, Robert Allan, MD**

License No. 187798-1205

Docket No. 2011-334

Dallas, Texas

Cause of Action:

Respondent has previously been disciplined in California, Texas and Utah.

Order:

A license to practice as a physician and surgeon was issued to Respondent. Said license was revoked with a stay of enforcement on the revocation. Said license was placed on probation for five years with conditions and restrictions. A license to prescribe and administer controlled substances will NOT be issued at this time and until such time as Respondent has completed conditions outlined in the Order.

Date:

October 6, 2011

DENTISTS/DENTAL HYGIENISTS

***ANDERSON, David Max, DDS**

License Nos. 315501-9924/8903

Docket No. 2011-364

Sandy, Utah

Cause of Action:

Allegations Respondent abused Schedule II controlled substances and engaged in other unprofessional conduct that relates to his licenses to practice as a dentist and to administer and prescribe controlled substances. **While neither admitting nor denying the Division's findings of fact, agreed to the following:**

Order:

Respondent's license to practice as a dentist with Class IV anesthesia permit was revoked with a stay of enforcement on the revocation. Said dentist license was reduced to a Class I anesthesia dentist license. Respondent's license to practice as a dentist is suspended effective November 9, 2011 and will remain suspended until conditions outlined in this Order have been completed. Respondent voluntarily surrendered his license to administer/prescribe controlled substances. Respondent may not reapply for a controlled substance license until conditions outlined in the Order have been completed. Following the period of suspension on Respondent's dentist license, said license will be placed on probation for five years with conditions and restrictions.

Date:

October 31, 2011

ADVANCED PRACTICE NURSES

None in October 2011

REGISTERED NURSES

***YAMASHITA, Jill Michiko**

License No. 342746-3102

Docket No. 2011-322

Syracuse, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct when she administered a controlled substance to a patient approximately every hour which was outside the prescribing practitioner's parameter of every 4 hours. There was no order for this patient for hourly morphine.

Order:

Respondent was given a public reprimand for the above conduct. Respondent was also ordered to pay a \$250 fine within 90 days and ordered to successfully complete several online courses within six months.

Date:

October 4, 2011

LICENSED PRACTICAL NURSES

None in October 2011

PHARMACISTS/PHARMACY TECHNICIANS/PHARMACIES

***MACON, Susan M.**

License Nos. 148998-1701/8911

Docket No. 2011-357

Murray, Utah

Cause of Action:

Respondent violated a probationary condition that exists on her licenses when she ingested alcohol on two occasions.

Order:

Respondent was ordered to pay a \$500 fine within 90 days.

Date:

October 25, 2011

PHARMACISTS/PHARMACY TECHNICIANS/PHARMACIES - continued

***WHITE, Dennis R.**

License Nos. 141419-1701/8911

Docket No. 2011-356

Sandy, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct in his practice as a pharmacist when he dispensed prescription medications and controlled substances to his friends who did not possess a valid prescription for the medications.

Order:

Respondent's licenses to practice as a pharmacist and to dispense controlled substances were revoked with a stay of enforcement on the revocation. Said licenses were placed on probation for two years with conditions and restrictions. Respondent was also ordered to pay a \$1,000 fine within 90 days and also ordered to cease and desist from engaging in the unprofessional and unlawful conduct indicated in the Stipulation/Order.

Date:

October 25, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS

***ALLIED WEST CONSTRUCTION, INC.**

License No. 6855055-5501

Docket No. OSC-2008-84

Lehi, Utah

Cause of Action:

Respondent failed to comply with probationary conditions that existed on its license and failed to demonstrate and maintain financial responsibility.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

October 26, 2011

***ASPEN PAVING, INC.**

License No. 361105-5501

Docket No. 2011-304

Riverdale, Utah

Cause of Action:

Respondent has failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

October 26, 2011

***BLACKMESA EXCAVATING, INC.**

License No. 5347038-5501

Docket No. 2010-422

Salt Lake City, Utah

Cause of Action:

Respondent has failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor is placed on probation until November 30, 2011. Said license will be revoked effective November 30, 2011 unless prior to that date Respondent has fully met the requirements for a continued probationary license or has alternatively posted a \$150,000 license bond. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

October 26, 2011

***COPPER HILLS CUSTOM HOMES LLC**

License No. 5778285-5501

Docket No. 2011-288

Highland, Utah

Cause of Action:

Respondent has failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor is revoked effective November 30, 2011. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

October 26, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***FORMCO, INC.**

License No. 319587-5501

Docket No. 2011-302

Salt Lake City, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

October 26, 2011

***JSM CONTRACTING, INC.**

License No. 5782322-5501

Docket No. 2011-265

Salt Lake City, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

October 26, 2011

***LANDMARK DEVELOPMENT GROUP INC.**

License No. 6985254-5501

Docket No. 2011-283

Taylorsville, Utah

Cause of Action:

Respondent failed to replace its qualifier.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

October 26, 2011

***LARSON, Danny Lee**

Apprentice Electrician

License No. 4883705-5505

Docket No 2011-336

Midvale, Utah

Cause of Action:

Respondent has engaged in unprofessional conduct due to a long history of alcohol and/or substance abuse.

Order:

Respondent's license to practice as an apprentice electrician was reissued and said license was placed on probation for five years with conditions.

Date:

October 26, 2011

***MILE HIGH CONTRACTING, INC.**

License No. 359348-5501

Docket No. 2011-84

Riverton, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent was ordered to pay a \$500 fine within 30 days. Respondent's license to practice as a contractor was placed on probation for two years with conditions.

Date:

October 6, 2011

***NORTON INDUSTRIES MANAGEMENT LLC**

License No. 7401163-5501

Docket No 2011-287

Provo, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

October 26, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***PRD CONSTRUCTION LLC**

License No. 7280661-5501

Docket No. 2011-280

Taylorsville, Utah

Cause of Action:

Respondent failed to replace its B100 and R100 classification qualifiers.

Order:

Respondent's license classifications B100 and R100 only are revoked based on its failure to have replaced the qualifier in these classifications only.

Date:

October 26, 2011

***R & W EXCAVATING INC.**

License No. 276129-5501

Docket No. 2011-275

Hildale, Utah

Cause of Action:

Respondent failed to replace its E100 classification qualifier.

Order:

Respondent's license classification E100 only on its license to practice as a contractor was revoked effective the date of the Order.

Date:

October 26, 2011

***SOUTHWICK, Travis J.**

Journeyman Plumber

License No. 278569-5508

Docket No. 2011-352

Eden, Utah

Cause of Action:

Respondent has engaged in unprofessional conduct since his license expired in 2006.

Order:

A license to practice as a journeyman plumber was reissued to Respondent. Said license is suspended until Respondent has obtained employment and provided the Division evidence of his employer and supervisor. Once the suspension has been terminated, said license will be placed on probation for four years with conditions.

Date:

October 26, 2011

***SPECTRUM DYNAMICS, INC**

License No. 252487-5501

Docket No. 2011-284

Salt Lake City, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

October 26, 2011

***STAR MOUNTAIN CONSTRUCTION, INC**

License no. 5358090-5501

Docket No. OSC-2-2010-34

Park City, Utah

Cause of Action:

Respondent failed to comply with probationary conditions that existed on its license and also failed to demonstrate and maintain financial responsibility.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

October 26, 2011

***SUN ELECTRIC SERVICES, INC.**

License No. 5929017-5551

Docket No. 2011-276

Odessa, Texas

Cause of Action:

Respondent failed to replace its qualifier.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order.

Date:

October 26, 2011

CONSTRUCTION TRADES/CONTRACTORS/UNLICENSED CONTRACTORS - continued

***VALDEZ PAINTING INCORPORATED**

License No. 6686084-5501

Docket No. 2011-286

Payson, Utah

Cause of Action:

Respondent failed to demonstrate and maintain financial responsibility and obtained a license by misrepresentation or omission.

Order:

Respondent's license to practice as a contractor was revoked effective the date of the Order. Respondent was also ordered to pay a \$500 fine within 30 days.

Date:

October 26, 2011

OTHER REGULATED PROFESSIONS

***ANDERSON, J. Ryan**

Cosmetologist/Barber

License No. 2255924-1101

Docket No. 2011-360

Murray, Utah

Cause of Action:

Respondent engaged in unprofessional conduct since the last renewal of his license.

Memorandum of Understanding and Order:

Respondent's license to practice as a cosmetologist/barber was renewed and said license was placed on probation for three years with conditions and restrictions.

Date:

October 31, 2011

***BOWYER, William H.**

Unarmed private security officer

License No. 8101804-6303

Docket No. 2011-354

Bountiful, Utah

Cause of Action:

Respondent engaged in unprofessional conduct prior to submitting an application to the Division.

Memorandum of Understanding and Order:

A license to practice as an unarmed private security officer was issued and placed on probation for two years with conditions and restrictions.

Date:

October 25, 2011

***BRUCE, Paula Caldwell**

Licensed Substance Abuse Counselor

License No. 76 97763-6006

Saratoga Springs, Utah

Cause of Action:

Respondent's license to practice as a certified substance abuse counselor is currently on probation.

Amended Memorandum of Understanding and Order:

A license to practice as a licensed substance abuse counselor was issued and said license was placed on probation for two years from the July 27, 2010 Order date with conditions and restrictions.

Date:

October 31, 2011

OTHER REGULATED PROFESSIONS - continued

***CHISHOLM, Todd D.**

Certified Public Accountant

License No. 163643-2601

Docket No. 2011-335

Centerville, Utah

Cause of Action:

Respondent engaged in unprofessional conduct when in April 2011 he was denied the privilege of appearing or practicing before the Securities and Exchange Commission.

Order:

Respondent voluntarily surrendered his license to practice as a certified public accountant. Respondent may not reapply for a certified public accountant license for a period of five years.

Date:

October 11, 2011

***DAVIS SECURITY, INC.**

Contract Security Company

License No. 299190-6301

Docket No. 2011-285

Salt Lake City, Utah

Cause of Action:

Respondent failed to replace its qualifying agent.

Order:

Respondent's license to practice as a contract security company was revoked effective the date of the Order.

Date:

October 20, 2011

***GARVERT, Steven Scott, DC**

Chiropractic Physician

License No. 4788778-1202

Docket No. 2007-88

Providence, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a chiropractic physician was terminated and said license was reinstated with full privileges.

Date:

October 20, 2011

***HANNI, Steve M.**

Certified Public Accountant

License No. 277027-2601

Docket No. 2011-361

Fruit Heights, Utah

Cause of Action:

Respondent engaged in unprofessional conduct when he was denied the privilege of appearing or practicing before the Securities and Exchange Commission.

Order:

Respondent's license to practice as a certified public accountant was placed on probation for two years with conditions and restrictions.

Date:

October 31, 2011

***HOOD, Gregory Lee**

Associate Professional Counselor Extern

License No. 7705612-6010

Moab, Utah

Cause of Action:

Respondent engaged in unprofessional and unlawful conduct prior to submitting an application for licensure due to a pending disciplinary investigation by the Texas State Board of Examiners of Professional Counselors.

Memorandum of Understanding and Order:

A license to practice as an associate professional counselor extern was issued and said license was placed on probation for two years with conditions and restrictions.

Date:

October 18, 2011

OTHER REGULATED PROFESSIONS - continued

***JOHNSON, Jeffery Q.**

Certified Public Accountant
License No. 7361165-2601
Docket No. 2011-362
Salt Lake City, Utah

Cause of Action:

Respondent engaged in unprofessional conduct when he was denied the privilege of appearing or practicing before the Securities and Exchange Commission.

Order:

Respondent's license to practice as a certified public accountant was placed on probation for five years with conditions and restrictions.

Date:

October 31, 2011

***LINDSEY, Mary Beth**

Massage Therapist
License No. 366373-4701
Docket No. 2011-359
Roosevelt, Utah

Cause of Action:

Respondent engaged in unprofessional conduct since the last renewal of her license.

Memorandum of Understanding and Order:

Respondent's license to practice as a massage therapist was renewed and said license was placed on probation for two years with conditions and restrictions.

Date:

October 31, 2011

***LINDSTROM, Michael K., DC**

Chiropractic Physician
License No. 6360775-1202
Docket No. 2010-397
Bountiful, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a chiropractic physician was terminated and said license was reinstated with full privileges.

Date:

October 20, 2011

***NILSON, Troy F.**

Certified Public Accountant
License No. 266146-2601
Docket No. 2011-353
Bountiful, Utah

Cause of Action:

Respondent engaged in unprofessional conduct when he was denied the privilege of appearing or practicing before the Securities and Exchange Commission.

Order:

The probationary period that currently exists on Respondent's license to practice as a certified public accountant is extended until November 30, 2014 subject to the conditions and restrictions identified in the November 2010 Order and this Stipulation/Order.

Date:

October 31, 2011

***PORTER, Kip C., DC**

Chiropractic Physician
License No. 336104-1202
Docket No. 2007-206
Tooele, Utah

Reinstatement Order:

The probation on Respondent's license to practice as a chiropractic physician was terminated and said license was reinstated with full privileges.

Date:

October 20, 2011

OTHER REGULATED PROFESSIONS - continued

***QUALITY INVESTIGATIONS, INC.**

Contract Security Company

License No. 7376543-6301

Docket No. 2011-301

Henderson, Nevada

Cause of Action:

Respondent failed to replace its qualifying agent.

Order:

Respondent's license to practice as a contract security company was revoked effective the date of the Order.

Date:

October 20, 2011

This newsletter is now published monthly. Your comments and suggestions are welcomed. If you need further information on any material contained in the newsletter, please contact Kimberley L. at (801) 530-6088 or Carol I. at (801) 530-6626.