

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

IN THE MATTER OF THE LICENSE OF
DONALD E. FLYNN
TO PRACTICE AS A
PROFESSIONAL ENGINEER
IN THE STATE OF UTAH

: ORDER REINSTATING LICENSE
.
Case No
: DOPL-2007-107

BY THE DIVISION

Respondent has satisfied the terms and conditions as set forth in the Division's Memorandum of Understanding and Order, dated May 10, 2007, in the above-referenced case.

IT IS HEREBY ORDERED the probation on the license of DONALD E FLYNN to practice as a professional engineer is terminated and said license be reinstated with full privileges effective the date of this Order

Dated this 26 day of January, 2009.


F David Stanley
Division Director

S E A L

RECEIVED

MAY 10 2007

**DIVISION OF OCCUPATIONAL
& PROFESSIONAL LICENSING**

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**BEFORE THE DIVISION OF OCCUPATIONAL & PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE ISSUANCE OF) **MEMORANDUM OF**
A PROBATIONARY LICENSE TO) **UNDERSTANDING AND ORDER**
DONALD E FLYNN)
TO PRACTICE AS AN ENGINEER)
IN THE STATE OF UTAH) **CASE NO. DOPL 2007- 107**

DOPL FM 007 REV 1/25/05

DONALD E FLYNN ("Respondent") submitted an application for renewal of licensure as an engineer on or about March 15, 2007. On the Qualifying Questionnaire Respondent answered "yes" to question # 3 Documentation has been received by the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") showing that on or about December 12, 2006, a Final Order Approving Settlement Stipulation was entered by the Florida Board of Registration of Professional Engineers, wherein Respondent was fined \$2,273 00, reprimanded, and placed on probation for engaging in negligent practice and affixing his seal, name, and signature to final drawings that were not prepared by him or under his responsible supervision, direction, or control

Based upon disciplinary action against Respondent in another state, Respondent and Division, as evidenced by their signatures on this Memorandum of Understanding and Order, agree that Respondent shall be issued a probationary license to practice as an engineer, subject to the following terms and conditions, which shall be in effect for a period of two years, commencing upon the date this Memorandum of Understanding and Order is approved by the Division Director as evidenced by his signature

I Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action Respondent admits the conduct described above is unprofessional

conduct as defined in Utah Code Ann § 58-1-501(2)(d) Respondent understands that the issuance of the Order in this matter is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2)

- 2 Respondent acknowledges that Respondent enters into this Memorandum of Understanding and Order knowingly and voluntarily, and other than what is contained in this Memorandum of Understanding and Order, no promise or threat whatsoever has been made by the Division, or any member, officer, agent or representative of the Division to induce Respondent to enter into this agreement
- 3 Respondent understands that Respondent has the right to be represented by an attorney in this matter, and the Respondent has either sought the advice of counsel or knowingly waives Respondent's right to counsel in this matter
- 4 Respondent acknowledges that this Memorandum of Understanding and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities
- 5 Respondent shall successfully complete and satisfy the following terms and conditions

a

Board meetings may be held by telephone conference

- b Respondent agrees to abide by all applicable federal and state laws, regulations, rules or orders related to Respondent's practice as an engineer
- c Respondent shall notify the Board in writing within one (1) week of any change of employer, employment status, or practice status This notification is required regardless of whether Respondent is employed in Respondent's profession
- d If Respondent is arrested, charged with, convicted of, pleads no contest, or enters a plea in abeyance in any criminal matter, Respondent shall within 10 days provide full documentation of such events to the Division
- e If Respondent is charged with failure to comply with engineering standards or regulations in any state or if Respondent is subject to any other adverse action by any other licensing authority, Respondent shall within 10 days provide full documentation of such events to the Division
- f Respondent shall maintain a current license at all times during the period of this

agreement

- g Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address
 - h In the event Respondent does not practice as an engineer for a period of sixty (60) days or longer, Respondent shall notify the Board in writing of the date Respondent ceased practicing. The period of time in which Respondent does not practice shall not be counted toward the time period of this Stipulation and Order. It shall be within the discretion of the Board to modify this requirement if Respondent satisfactorily explains to the Board that compliance in Respondent's case was impractical or unduly burdensome. Respondent must work at least sixteen (16) hours per week and no more than forty-eight (48) hours per week to be considered "practicing" in Respondent's profession
- 6 Respondent understands that the issuance of a license pursuant to this Memorandum of Understanding and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative review of that partial denial of licensure
 - 7 If Respondent successfully completes the terms of this Memorandum of Understanding and Order, the conditions on Respondent's license to practice engineering will be lifted and Respondent's license will not be subject to further restriction
 - 8 If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction
 - 9 The terms and conditions of this Memorandum of Understanding and Order become effective immediately upon the approval of this Memorandum of Understanding and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Memorandum of Understanding and Order immediately after the Division Director signs the Order page of this Memorandum of Understanding and Order. The Respondent shall complete all the terms and conditions contained in the Memorandum of Understanding and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in this Memorandum of Understanding and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Memorandum of Understanding and Order and may subject Respondent to revocation or other sanctions
 - 10 This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties. There are no verbal agreements that modify, interpret, construe or

affect this Memorandum of Understanding and Order

- 11 Respondent has read each and every paragraph contained in this Memorandum of Understanding and Order Respondent understands each and every paragraph contained in this Memorandum of Understanding and Order Respondent has no questions about any paragraph or provision contained in this Memorandum of Understanding and Order

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

BY 
DAN S JONES
Bureau Manager

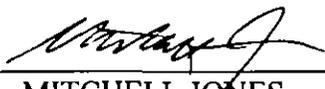
DATE 5-10-7

RESPONDENT

BY 
DONALD E FLYNN

DATE 5/2/07

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L MITCHELL JONES
Counsel for the Division

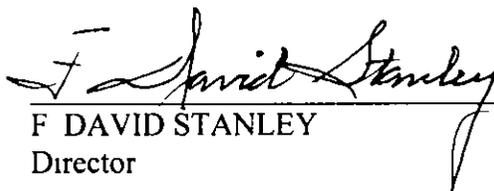
DATE 26 Apr 2007

ORDER

THE ABOVE MEMORANDUM OF UNDERSTANDING, in the matter of DONALD E FLYNN, is hereby approved by the Division of Occupational and Professional Licensing. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-102(7) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Memorandum of Understanding are incorporated herein and constitute my final Order in this case.

DATED this 10 day of May, 2007

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



F DAVID STANLEY
Director