

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
AMY KI BALLARD TO PRACTICE AS A
RADIOLOGY PRACTICAL TECHNICIAN
IN THE STATE OF UTAH

DEFAULT ORDER
CASE NO. DOPL-OSC-2007-163

BY THE DIVISION:

The attached Notice of Entry of Default, Findings of Fact, Conclusions of Law and Recommended Order is hereby adopted by the Division of Occupational and Professional Licensing of the State of Utah. Respondent's license to practice as a radiology practical technician is thus revoked, effective the date of this Order.

IT IS FURTHER ORDERED that the revoked license, both wall and wallet sizes, as well as any embossed certificate, be surrendered to the Division of Occupational and Professional Licensing.

Dated this 2 day of December 2011





Mark B. Steinagel
Director
Division of Occupational
and Professional Licensing

Pursuant to Subsection 63G-4-209(2), Respondent may seek to set aside the above stated Default Order by filing such a request with the Division consistent with the procedures outlined in the Utah Rules of Civil Procedure.

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**IN THE MATTER OF THE LICENSE OF
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RADIOLOGY PRACTICAL TECHNICIAN
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**NOTICE OF ENTRY OF DEFAULT
FINDINGS OF FACT
CONCLUSIONS OF LAW
AND RECOMMENDED ORDER
CASE NO: DOPL-OSC-2007-163**

APPEARANCES:

Laurie L. Noda for the Division of Occupational and Professional Licensing

No appearance by or on behalf of Respondent

BY THE ADMINISTRATIVE LAW JUDGE:

This adjudicative proceeding was initiated pursuant to the issuance of an August 25, 2011 notice of agency action. The notice recites Respondent was required to file a response within twenty (20) days of the mailing date of the notice. That notice also recites a prehearing conference would be conducted on September 27, 2011 and an October 6, 2011 hearing would be conducted before the Radiology Technologist Licensing Board.

The August 25, 2011 notice was sent by certified and regular mail on that date to Respondent's last known address of _____ West Jordan, Utah 84088. The certified mailing was received at that address. Respondent was to submit a response in this proceeding by September 14, 2011. However, Respondent has not filed any response in this proceeding.

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The Court contacted Ms Noda by telephone on September 27, 2011 to conduct the prehearing teleconference. Ms Noda informed the Court that she had recently received a telephone contact from Respondent, but Ms Noda was not able to directly contact Respondent by telephone at the number which Respondent had provided.

The Court attempted to contact Respondent by telephone to conduct the September 27, 2011 prehearing teleconference. However, the Court could not directly contact Respondent at the time. The Court requested Respondent to return that telephone call. The Court received no contact from Respondent.

The Court next contacted Ms Noda by telephone on October 5, 2011 and then attempted to contact Respondent to conduct a prehearing teleconference prior to the pending October 6, 2011 hearing. However, the Court was again not able to directly contact Respondent. The Court thus requested Respondent to contact the Court to timely prompt a prehearing teleconference. The Court received no contact from Respondent.

Respondent did not attend the October 6, 2011 hearing. Both a majority of the Board and Mark B. Steinagel (Director of the Division of Occupational and Professional Licensing) were present to participate if an evidentiary hearing were conducted. However, Respondent had failed to file a required written response, she did not participate in two (2) prehearing teleconferences and she failed to attend the October 6, 2011 hearing. The Division thus requested the entry of Respondent's default.

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Utah Code Ann 63G-4-209(1)(b) provides an order of default may enter if a respondent in a formal adjudicative proceeding fails to attend a properly scheduled hearing after receiving proper notice §63G-4-209(1)(c) provides an order of default may be entered if a Respondent in a formal adjudicative proceeding fails to file a response Given Respondent's failure to have attended the October 6, 2011 hearing and her failure to duly file a response, the Court concludes a proper basis exists to enter Respondent's default and it is so entered

After the entry of a default order, §63G-4-209(4)(a) provides the presiding officer shall conduct further proceedings as necessary to complete the adjudicative proceeding without the participation of the party in default §63G-4-209(4)(a) also provides a determination shall be made of all issues in the adjudicative proceeding, including those affecting the defaulting party

FINDINGS OF FACT

1 Respondent was initially licensed on August 22, 2005 to practice as a radiology practical technician in this state Pursuant to a July 25, 2007 Order, Respondent's license was to be subject to various terms and conditions for five (5) years

2 Based on a proffer of evidence made by the Division during the October 6, 2011 hearing, the Court adopts the allegations set forth in August 24, 2011 Motion for Order to Show Cause as its Findings of Fact in this proceeding Specifically, Respondent failed to

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comply with the July 25, 2007 Order when she failed to meet with the Board, failed to submit all required employer report, failed to timely submit certain employer reports and failed to keep her license current

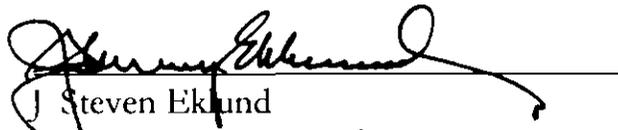
CONCLUSIONS OF LAW

§58-1-501(2)(a) defines unprofessional conduct to include “violating any statute, rule, or order regulating an occupation or profession under this title” Respondent has repeatedly failed to comply with various requirements of the July 25, 2007 Order. Absent any matters offered in defense or mitigation, the Court thus submits the Recommended Order set forth below to the Division for its review and action

RECOMMENDED ORDER

WHEREFORE, IT IS ORDERED Respondent’s license to practice as a radiology practical technician in this state shall be revoked, effective the date this Recommended Order may be adopted

I hereby certify the foregoing **NOTICE OF ENTRY OF DEFAULT, FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED ORDER** was submitted to Mark B. Steinagel, Director of the Division of Occupational and Professional Licensing, on the 1st day of December 2011 for his review and action


J. Steven Eklund
Administrative Law Judge
Department of Commerce

CERTIFICATE OF SERVICE

I certify that I have this day served the foregoing document on the parties of record in this proceeding set forth below, by delivering a copy thereof in person, to Laurie L. Noda, Assistant Attorney General, Heber M. Wells Building, Fourth Floor, 160 East 300 South, Salt Lake City, UT, and by mailing a copy thereof, properly addressed, first class mail with postage prepaid, to
West Jordan, Utah 84088

Dated this 2 day of December 2011



Carol Inglesby *Kim Leck*
Administrative Assistant
Division of Occupational
and Professional Licensing