

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
Heber M Wells Building  
160 East 300 South  
P O Box 146741  
Salt Lake City UT 84114-6741  
Telephone: (801) 530-6628

---

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	·	NOTICE OF AGENCY ACTION
CHRISTOPHER STEPHEN NAHLEY	·	AND ORDER TO
TO PRACTICE AS AN		SHOW CAUSE HEARING
UNARMED PRIVATE SECURITY OFFICER		
IN THE STATE OF UTAH	·	Case No. DOPL-OSC-2007-165

---

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO  
Christopher Stephen Nahley ("Respondent"),  
Dickson City PA 18519

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action and Order to Show Cause Hearing. Said action is based upon the Division's Verified Motion for Order to Show Cause, a copy of which is attached hereto and incorporated herein by reference.

The adjudicative proceeding designated herein shall be conducted on a formal basis. It is maintained under the jurisdiction and authority of the Division as set forth in §58-1-401(2) Pursuant to Utah Code Ann. §§ 63G-4-204(1) and 63G-4-102(9), and for good cause appearing, **you are required to file a written response with the Division within twenty (20) days of the mailing date of this notice.** The response you file may be helpful in clarifying, refining or narrowing the facts and violations alleged in the Verified Motion for Order to Show Cause. Your written response should be mailed to the following address Division of Occupational and Professional Licensing, Attn Disciplinary Files, 160 East 300 South, PO Box 146741, Salt Lake City UT 84114-6741.

You may represent yourself or be represented by legal counsel, at your own expense, at all times while this action is pending. Your legal counsel shall file with the Division an Entry of Appearance of Counsel and until that Entry of Appearance

is filed, the presiding officer will deal directly with you.

Based upon the allegations in the Division's Verified Motion for Order to Show Cause that you have violated an Order of the Division and have thereby engaged in unprofessional conduct, and good cause appearing, you are hereby ordered to appear at the date, time and place set forth below to show cause why your license to practice as an unarmed private security officer in the State of Utah should not be suspended, revoked, or subjected to further disciplinary action

You are entitled by law to an evidentiary hearing regarding this Order to Show Cause as to why your license to practice as an unarmed private security officer in the State of Utah should not be suspended, revoked or subjected to further disciplinary action Unless otherwise specified by the Director of the Division, the Security Services Licensing Board will serve as fact finder in the evidentiary hearing.

**Notice is hereby given that said hearing will be held on the following date and time in Conference Room 210, of the Heber M. Wells Building, 160 East 300 South, Salt Lake City, Utah.**

**April 9, 2009**

**11:00 a.m.**

During the evidentiary hearing, you will have the opportunity to present evidence, argue, respond, conduct cross-examination and submit rebuttal evidence to the fact finder After the hearing, unless otherwise specified by the Director of the Division, the fact finder will issue findings of fact, conclusions of law and a recommended order to the Director of the Division of Occupational and Professional Licensing for his review and action.

The presiding officer for purposes of conducting hearings will be J. Steven Eklund, Administrative Law Judge, Department of Commerce, who will preside over any evidentiary issues and matters of law or procedure If you or your attorney have any questions as to the procedures relative to the hearing, Judge Eklund can be contacted at P O Box 146701, Salt Lake City, UT 84114-6701. His telephone number is (801) 530-6648.

Upon your timely filing of a written response to this Notice of Agency Action and Order to Show Cause as set forth above, Judge Eklund will conduct a prehearing conference with you or your attorney and counsel for the Division at the request of either party. At that prehearing conference Judge Eklund will determine the extent to which this action is contested and will make such orders as deemed appropriate.

Counsel for the Division is Laurie L. Noda, Assistant Attorney General, at (801) 366-0310 or P O Box 140872, Salt Lake City, UT 84114-0872.

You or your attorney may attempt to negotiate a settlement of this case without proceeding to a hearing by contacting Ms Noda

Should you fail to timely file a written response as set forth above, or fail to attend or participate in any scheduled hearing in this case, including any prehearing conference(s), you may be held in default without further notice to you. If you are held in default, the maximum administrative sanction consistent with the terms of this Order to Show Cause may be imposed against you. The maximum administrative sanction in this case is revocation of licensure.

Please conduct yourself accordingly.

Dated this 26<sup>TH</sup> day of February, 2009.

W. Ray Walker  
W. Ray Walker  
Regulatory & Compliance  
Officer

LAURIE L NODA (USB No 4753)  
ASSISTANT ATTORNEY GENERAL  
MARK L SHURTLEFF (USB No 4666)  
ATTORNEY GENERAL  
DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
Heber M Wells Building  
160 East 300 South  
Box 146741  
Salt Lake City, Utah 84114-6741  
Telephone (801) 366-0310

---

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

---

IN THE MATTER OF THE  
PROBATIONARY LICENSE OF  
CHRISTOPHER STEPHEN  
NAHLEY TO PRACTICE AS AN  
AN UNARMED PRIVATE  
SECURITY OFFICER IN  
IN THE STATE OF UTAH

**VERIFIED MOTION FOR ORDER  
ORDER TO SHOW CAUSE**

Case No DOPL-OSC- 2007-165

---

The State of Utah, Department of Commerce, Division of Occupational and Professional Licensing (Division), through Laurie L. Noda, Assistant Attorney General, moves for an order requiring Christopher Stephen Nahley, (Respondent), to appear at a time and date certain and to show cause, if any, as to why the Respondent's probationary license to practice as an unarmed private security officer in the State of Utah should not be revoked because of Respondent's failure to comply with the terms and conditions of a Memorandum of Understanding and Order dated July 27, 2007 (the Order) This motion is based on the factual allegations and legal argument set forth below

## **FACTUAL ALLEGATIONS**

1 Pursuant to the referenced Order, the Division placed the Respondent's license to practice as an unarmed security officer in the State of Utah on probation and required the Respondent to comply with the terms and conditions of that probation. A copy of the Order is attached as Exhibit A and is incorporated herein by reference.

2 The Order provided that if the Respondent violated the terms and conditions of the Order in any respect, the Division may, after giving the Respondent notice and the opportunity to be heard, revoke the Respondent's probation and take action against the Respondent, including imposing sanctions, in the manner provided by law. Such sanctions may include revoking or suspending the Respondent's professional licenses.

3 The Respondent has violated the terms and conditions of the Order and/or his probation by failing to meet with the Board on a quarterly basis, or as requested by the Board, failing to notify the board of his change of address, failing to notify the board of a change in his employment status and failing to keep his security license current during the period of the Order.

## **LEGAL ARGUMENT**

Because the Respondent has violated the terms and conditions of his probation, he is in violation of the Order. Provision 13 of the Order specifically states, "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

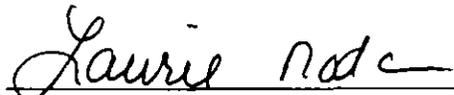
i

Respondent's license, or other appropriate sanction " (emphasis added) A violation of the terms of the Order constitutes "unprofessional conduct" as provided in Utah Code Ann § 58-1-501(2)(a) The law further provides that the Division may revoke, suspend, restrict, place on probation, or otherwise act upon the license of an individual who has engaged in such "unprofessional conduct " Utah Code Ann § 58-1-401(2)(a)

The Division has shown good cause for this motion If the Respondent fails to show why his probation and license to practice as an unarmed private security officer in the State of Utah should not be revoked, the Division requests that a subsequent order be issued revoking the Respondent's license

DATED this 25<sup>th</sup> day of February, 2009

MARK L SHURTLEFF  
ATTORNEY GENERAL

  
\_\_\_\_\_  
LAURIE L NODA  
ASSISTANT ATTORNEY GENERAL

