

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

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IN THE MATTER OF THE LICENSE OF :  
DAVID E. THORPE :  
TO PRACTICE AS A BURGLAR ALARM :  
COMPANY AGENT IN THE STATE OF UTAH :     Case No   DOPL-2007-28

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BY THE DIVISION.

Respondent has satisfied the terms and conditions as set forth in the Division's Memorandum of Understanding and Order, dated February 28, 2007, in the above-referenced case

IT IS HEREBY ORDERED the probation on the license of DAVID E. THORPE to practice as a burglar alarm company agent is terminated and said license be reinstated with full privileges effective the date of this Order

Dated this 5 day of March, 2009



*F. David Stanley*  
F. David Stanley  
Division Director

L MITCHELL JONES (U S B 5979)  
Assistant Attorney General  
MARK L SHURTLEFF (U S B 4666)  
Attorney General  
Commercial Enforcement Division  
Heber M Wells Building  
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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

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IN THE MATTER OF THE ISSUANCE ) **MEMORANDUM OF**  
OF A PROBATIONARY LICENSE TO ) **UNDERSTANDING AND ORDER**  
DAVID E THORPE TO PRACTICE )  
AS A BURGLAR ALARM AGENT ) **CASE NO. DOPL 2007- 28**  
IN THE STATE OF UTAH )

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David E Thorpe ("Respondent") submitted an application to renew his license to practice as a Burglar Alarm Agent online on or about November 11, 2006. Documentation was received by the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") showing that Respondent entered a guilty plea, which was later held in abeyance, to one count of Criminal Trespass, a Class C misdemeanor, on or about March 30, 2006 in Third District Court in Salt Lake City, Utah. After the probationary period, the guilty plea was dismissed.

The CONSTRUCTION TRADES COMMISSION in concurrence with the DIVISION and RESPONDENT, as evidenced by their signatures to this Memorandum of Understanding, agree that RESPONDENT shall be issued a probationary license to practice as a Burglar Alarm Agent, subject to the following conditions which shall be in effect for a minimum of two years commencing upon the date approved by the Division Director as evidenced by his signature:

- 1 RESPONDENT admits the jurisdiction of the DIVISION over his 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)(c).
- 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 counsel 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 RESPONDENT shall meet with the COMMISSION within 30 days of the signing of this Memorandum of Understanding, and every 6 months thereafter or at such other greater or lesser frequency as determined by the COMMISSION and the DIVISION for the duration of the probationary period, or at the COMMISSION'S request thereafter Respondent agrees to meet with an assigned staff member prior to the first COMMISSION meeting for the purposes of education regarding this Memorandum of Understanding and Order
  - b RESPONDENT shall submit to the DIVISION documentation verifying the expungement of RESPONDENT'S District Court Case #051601416, within 6 months of the signing of this Memorandum of Understanding and Order, or otherwise to submit a letter to the DIVISION explaining why the case could not be expunged
  - c If RESPONDENT is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should RESPONDENT be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, RESPONDENT agrees to cause the DIVISION and COMMISSION to be notified immediately If RESPONDENT at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the DIVISION may take appropriate action against RESPONDENT, including imposing appropriate sanctions, after notice and opportunity for hearing Such sanctions may include revocation or suspension of RESPONDENT'S license, or other appropriate sanctions
- 6 RESPONDENT agrees to abide by all applicable federal and state laws, regulations, rules or orders related to RESPONDENT'S practice as a Burglar Alarm Agent
- 7 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
- 8 If RESPONDENT successfully completes the terms of this Memorandum of Understanding and

Order, the conditions on RESPONDENT'S license to practice as a Burglar Alarm Agent will be lifted and RESPONDENT'S license will not be subject to further restriction

- 9 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
- 10 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
- 11 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
- 12 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   
CLYDE ORMOND  
Bureau Manager

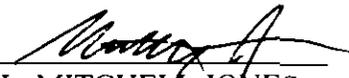
DATE 2/2/07

RESPONDENT

BY   
DAVID E THORPE

DATE 2/1/07

MARK L SHURTLEFF  
ATTORNEY GENERAL

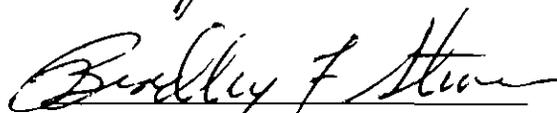
BY   
L MITCHELL JONES  
Counsel for the Division

DATE 9 Jan 2007

**ORDER**

THE MEMORANDUM OF UNDERSTANDING AND ORDER above, in the matter of David E Thorpe, is hereby approved by the Construction Services Commission and constitutes its Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Memorandum of Understanding are incorporated herein and constitute the Commission's final Order in this case.

DATED this 28 day of February, 2007

  
COMMISSION

I concur with the above Memorandum of Understanding and Order, dealing with the matter of which has been approved by the Construction Services Commission.

DATED this 28 day of February, 2007

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
F DAVID STANLEY  
Director