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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)
A PROBATIONARY LICENSE TO)
WILDCAT ELECTRIC, LLC)
TO PRACTICE AS A CONTRACTOR)
IN THE STATE OF UTAH) **MEMORANDUM OF**
) **UNDERSTANDING AND ORDER**
) **CASE NO DOPL 2008- 104**

WILDCAT ELECTRIC, LLC ("Respondent") submitted an application for initial licensure as a contractor in the State of Utah on or about May 1, 2008. Shannon Sanders is Respondent's owner and qualifier.

Shannon Sanders has the following criminal history

On or about December 4, 2000, Shannon Sanders was convicted of driving under the influence of alcohol or drugs in Third District Court, State of Utah, case number 040009919.

On or about March 7, 2006, Shannon Sanders was convicted of driving under the influence of alcohol or drugs and in Third District Court, State of Utah, case number 0240279.

On or about May 30, 2006, Shannon Sanders was convicted of driving under the influence of alcohol or drugs and in Third District Court, State of Utah, case number 041900490.

Based upon Mr. Sanders' conduct as described above, 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 a contractor in the State of Utah, subject to the following terms and conditions, which shall be in effect for a period of five years, commencing upon the date this Memorandum of Understanding and Order is approved by the Division Director as evidenced by his signature.

- 1 Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action. Respondent admits that Shannon Sanders' conduct is unprofessional conduct as defined in Utah Code Ann § 58-1-502(2)(c). Respondent understands that the issuance of the Order in this matter is disciplinary action against Respondent's license by the Division 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. The Division may release this Memorandum of Understanding and Order and will release other information about this disciplinary action against Respondent's license, to other persons and entities.
- 5 Respondent shall successfully complete and satisfy the following terms and conditions:
 - a Respondent shall meet with the Commission at the first scheduled Commission meeting following the effective date of this Stipulation and Order. Respondent shall then meet with the Commission on a quarterly basis or at such other greater or lesser frequency as determined by the Commission and Division for the duration of the Stipulation and Order. Respondent agrees to meet with an assigned staff member prior to the first Commission meeting.
 - b All reports or documentation required in this Stipulation and Order shall be submitted to the Commission on a monthly basis for the first six months of probation. If Respondent is in compliance with all the terms and conditions of the Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis or such other greater or lesser frequency as determined by the Division for the remainder of probation.
 - c If Shannon Sanders 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 Shannon Sanders 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 Shannon Sanders 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.
- d Respondent shall maintain a current license at all times during the period of this agreement.
- e Respondent shall provide the Commission with a plan for Shannon Sanders' treatment including the name(s) of the evaluators, prescribing practitioner, and dispensing pharmacy.
- f Although the use and possession of alcohol is generally legal for persons age 21 and older, Shannon Sanders agrees to abstain from the personal use or possession of alcohol in any form. Shannon Sanders agrees to abstain from the personal use or possession of controlled substances and prescription drugs, unless such controlled substance or prescription drug is lawfully prescribed to Shannon Sanders for a current bona fide illness or condition by a licensed practitioner and taken by Shannon Sanders in accordance with that practitioner's instructions. Shannon Sanders shall abstain from the use of any and all other mood altering substances or use of mood altering substances for any other purpose than the purpose for which the substance is intended.
- g Shannon Sanders shall submit to the following course of treatment as part of Shannon Sanders' rehabilitation and at Respondent's own expense:
- h Shannon Sanders shall successfully complete a chemical dependency evaluation provided by a Division-approved licensed provider within ninety (90) days of the effective date of this Stipulation and Order. Shannon Sanders shall contact the Division-approved Rehabilitation Center for an initial appointment within 10 days of the effective date of this Stipulation and Order. Shannon Sanders shall schedule the initial appointment to be held within 45 days of the effective date of this Stipulation and Order. Shannon Sanders shall attend all appointments and follow-up appointments in a timely manner. Shannon Sanders shall cooperate fully with the evaluator to ensure a fair and complete evaluation. Shannon Sanders shall notify the Division immediately after successfully completing the evaluation and inform the Division that Shannon Sanders has successfully completed the chemical dependency evaluation. Shannon Sanders agrees to cause the evaluation report to be sent to the Division within 90 days of the effective date of this Order. If an adequate evaluation has already been completed as the result of previous court orders, the Division may agree to accept the previous evaluation rather than requiring a new evaluation provided prior evaluation is provided within 45 days of the effective date of this Stipulation and Order.
- i Shannon Sanders shall successfully complete a psychological evaluation provided by a Division-approved licensed provider within ninety (90) days of the effective

date of this Stipulation and Order Shannon Sanders shall contact the Division-approved licensed professional for an initial appointment within 10 days of the effective date of this Stipulation and Order Shannon Sanders shall schedule the initial appointment to be held within 45 days of the effective date of this Stipulation and Order Shannon Sanders shall attend all appointments and follow-up appointments in a timely manner Shannon Sanders shall cooperate fully with the evaluator to ensure a fair and complete evaluation Shannon Sanders shall notify the Division immediately after successfully completing the evaluation and inform the Division that Shannon Sanders has successfully completed the psychological evaluation Shannon Sanders agrees to cause the evaluation report to be sent to the Division within 90 days of the effective date of this Order

- j Shannon Sanders acknowledges receiving a current list of the Division-approved licensed providers
- k If Respondent fails to submit the evaluation(s) to the Division within the time stated above, the Division may take any action necessary pursuant to the Utah Administrative Procedures Act, Utah Code Annotated § 63-46b
- l Shannon Sanders shall successfully complete all treatment programs and treatment recommendations as outlined in the evaluations
- m In the interest of public safety, the Division may impose additional requirements above and beyond those recommended by the evaluator in the chemical dependency and psychological evaluations set forth above Shannon Sanders agrees to comply with these additional requirements
- n Unless otherwise approved by the Division, Shannon Sanders shall, except as provided otherwise herein, receive prescriptions from only one prescribing practitioner, and Shannon Sanders shall fill prescriptions at only one pharmacy Shannon Sanders shall not obtain the same or equivalent prescription drug or controlled substance from more than one practitioner All prescribing practitioners must be informed of any and all of Shannon Sanders's addiction/abuse problems Shannon Sanders shall not undertake, under any circumstance, to obtain prescription drugs in quantities or types that are not legitimately required Shannon Sanders shall submit the names of the prescribing practitioner and pharmacy to the Division and Commission for approval Respondent shall provide the Division with a copy of all Shannon Sanders' prescriptions for prescription drugs, controlled substances, or any other mood altering substance, within forty-eight (48) hours after the prescription has been written
- o Prescriptions from an emergency practitioner or referral practitioner must be submitted to the Division within forty-eight (48) hours of being issued Shannon Sanders shall report to the Division within forty-eight (48) hours any and all medications and controlled substances administered or dispensed to Shannon

Sanders by any other individual

- p Shannon Sanders shall report to the Division within forty-eight (48) hours any and all medications or controlled substances ingested by Shannon Sanders from any source
- q Shannon Sanders shall provide to the primary prescribing practitioner a copy of this Stipulation and Order
- r Shannon Sanders shall provide samples (urine, blood, saliva, hair, or any other type of sample requested) for drug analysis upon the request of the Division, to be conducted by any company with which the Division has contracted to conduct drug testing. The designated company may also request such samples and Shannon Sanders shall comply with such requests. The Division shall determine when and where Shannon Sanders is to submit for testing. Shannon Sanders shall pay for the cost of drug testing and shall accurately complete and sign any and all release forms requested by the Division or the drug testing company with respect to drug testing, including but not limited to, forms authorizing the company to send the drug test results to the Division. Any report from a drug testing company that indicates that Shannon Sanders failed to provide a sample for drug analysis as directed will be considered a positive drug test result for Shannon Sanders and will subject Shannon Sanders to additional sanctions. Any drug test result or pattern of results that indicates that the sample provided by Shannon Sanders for drug analysis is diluted to an extent that it cannot be analyzed, will be considered a positive drug test result for Shannon Sanders and will subject Shannon Sanders to additional sanctions.
- s Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order
- t Shannon Sanders shall participate in any therapy and/or aftercare that the Division and the Commission may require after completion of Shannon Sanders' treatment program. Any treatment program or therapist from whom Shannon Sanders has or will receive treatment must be approved by the Division and Commission, and Shannon Sanders shall direct and authorize Shannon Sanders' therapist to discuss Shannon Sanders' diagnosis, treatment, and prognosis with the Division and the Commission. Shannon Sanders shall direct Shannon Sanders' therapist or aftercare provider to submit quarterly evaluations to the Commission that address Shannon Sanders' progress in treatment and Shannon Sanders' prognosis. Shannon Sanders may be subject to reevaluation upon notice and opportunity to be heard.
- u Shannon Sanders shall participate in any therapy, counseling or aftercare that the

Division or Commission may require, even if no therapy, counseling or aftercare was recommended by an evaluator

- v Shannon Sanders shall attend a 12-step program, obtain a 12-step program sponsor, comply with the requirements of the the 12-step program, and submit quarterly reports to the Division documenting Shannon Sanders' participation. The frequency of Shannon Sanders's participation in the 12-step program shall be monitored and approved by the Commission. Unless otherwise directed, Shannon Sanders shall attend at least two times per month.
 - w The Division may take appropriate action to impose sanctions if (i) Shannon Sanders tests positive for alcohol, a prescription drug, a controlled substance, or any mood altering substance which cannot be accounted for by an administration or prescription by a lawful practitioner for a current medical condition, or (ii) Shannon Sanders violates any federal, state or local law relating to Shannon Sanders's practice, the Controlled Substance Act, or a term or condition of this Stipulation and Order. Sanctions may include revocation or suspension of Respondent's license, or other appropriate sanction, in the manner provided by law.
 - x Respondent shall on an annual basis or other time period requested provide to the Division a current criminal history report for Shannon Sanders obtained from the State of Utah, Department Public Safety or any other state requested by the Division.
 - y Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address.
- 6 Respondent and Shannon Sanders agrees to abide by all applicable federal and state laws, regulations, rules or orders related to Respondent's practice as a contractor.
 - 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 contractor will be lifted and Respondent's license will not be subject to further restriction.
 - 9 If Respondent violates any term or condition of this Memorandum of Understanding, 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

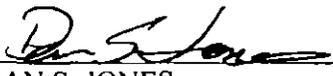
signing of the Order by the Division Director Respondent must comply with all the terms and conditions of this Memorandum of Understanding and Order immediately after the Division Director signs the Order page of this Memorandum of Understanding and Order Respondent shall complete all the terms and conditions 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 Commission 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

RESPONDENT

BY


DAN S JONES
Bureau Manager

BY

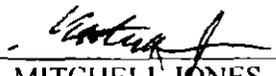

SHANNON SANDERS
Owner and Qualifier

DATE

5/19/08

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY


L MITCHELL JONES
Counsel for the Division

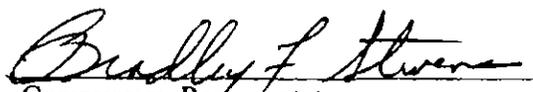
DATE

14 May 2008

ORDER

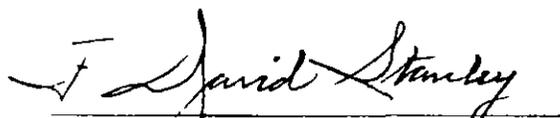
THE ABOVE MEMORANDUM OF UNDERSTANDING, in the matter of **WILDCAT ELECTRIC, LLC**, is hereby approved by the Construction Services Commission. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Memorandum of Understanding are incorporated herein and constitute the Commission's final Order in this case.

DATED this 27th day of May, 2008


Commission Representative

I concur with the Construction Services Commission in the matter of **WILDCAT ELECTRIC, LLC**.

DATED this 28 day of May, 2008


F DAVID STANLEY
Director
Division of Occupational &
Professional Licensing