

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

**BEFORE THE CONSTRUCTION SERVICES COMMISSION
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF : **NOTICE OF AGENCY ACTION**
BRIAN JORGENSEN : **TO REVOKE ELECTRICIAN'S**
TO PRACTICE AS AN : **LICENSE FOR FAILURE TO**
APPRENTICE ELECTRICIAN IN THE : **COMPLY WITH TERMS OF**
STATE OF UTAH : **PROBATION, AND ENGAGING IN**
: **UNPROFESSIONAL CONDUCT**
: :
: **Case No. DOPL-OSC-2009-222**

THE CONSTRUCTION SERVICES COMMISSION TO **BRIAN JORGENSEN**

BRIAN JORGENSEN

N OGDEN UT 84414

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action to determine whether a basis exists to revoke your license to practice as an Apprentice Electrician due to your failure to comply with the terms of your probation as set forth in the Order dated July 30, 2009 and unprofessional conduct.

This action is based upon Division records and an investigation, which show that you have failed to comply with the conditions stated in the July 30, 2009 Order. As a result, you have engaged in unprofessional conduct, in violation of Utah Code Annotated Section 58-1-501(2) (a)

ALLEGATIONS SUPPORTING THIS ACTION

1. Respondent is, and at all times relevant to this proceeding has been, licensed to practice as an Apprentice Electrician. Respondent became initially so licensed on July 30, 2009.

2. At the initial date of licensure, Respondent was placed on probation as a result of the following criminal conduct.

- a. On or about March 26, 2001 Respondent was convicted of one count of illegal possession/use of a controlled substance, a Class B misdemeanor and one count of contributing to the delinquency of a minor, a Class B misdemeanor. On or about June 17, 2003 Respondent was convicted of one count of unlawful possession of alcohol/use of a controlled substance by a minor, a Class B misdemeanor. On or about August 14, 2006 Respondent was convicted of one count of criminal mischief, a Class A misdemeanor and one count of possession of drug paraphernalia, a Class B misdemeanor. On or about September 12, 2007 Respondent was convicted of one count of driving under the influence of alcohol/drugs, Class B misdemeanor. On or about July 22, 2008 Respondent was convicted of one count of driving under the influence of alcohol/drugs, a 3rd degree felony. On or about July 22, 2008 Respondent in a separate matter was convicted of one count of possession of stolen property, 3rd degree felony.

Respondents criminal history noted above resulted in an Order dated July 30, 2009.

3. Pursuant to the July 30, 2009 Order, Respondent's Apprentice Electrician license was placed on probation for a period of four years

4 The July 30, 2009. Order included the following terms to which Respondent agreed as per the numbered items of the Order:

- . . .
10. Respondent 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. Respondent shall

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call into a designated phone number every day to determine if Respondent is required to provide a sample for drug analysis.

6 Respondent shall provide a copy of this Memorandum of Understanding and Order to his employer Respondent's employer shall, initially within thirty days and quarterly thereafter, provide the Division with progress reports that summarize Respondents work attendance, behavior, quality of work product, ability to get along with other, and, when Respondent leaves the company or is terminated, the reason for his leaving.

5. Respondent failed to comply with the following as per the Order:

- a. Respondent failed to submit quarterly employer reports on the due dates that were required. Out of 8 reports received, 6 were received late. The MOU receipt form for the Supervisor, Trent Trease was never received notifying the Board that he was aware of the Order.
- b. Respondent had 22 missed check ins since he signed up with our testing facility on October 24, 2011. He had no shows for tests scheduled on 11/9/2011, 12/07/2011, 12/16/2011, 01/03/2012, 01/11/2012.

6. As a result of Respondent's failure to comply with the terms and conditions of the Order dated July 30, 2009 Respondent is in violation of the Order. Consequently, respondent has engaged in unprofessional conduct for which Respondents license may be revoked.

NOTICE OF INFORMAL PROCEEDING

The adjudicative proceeding designated herein is to be conducted on an *informal basis*, which means that you are not entitled to a hearing. The decision in this matter will be based upon a review of the Division records and any response filed.

Within thirty (30) days of the mailing date of this notice, you are requested to file a written response with the Division. Your response may be helpful in clarifying, refining or narrowing the facts and the violation alleged herein. Your written response should be mailed to.

Division of Occupational and Professional Licensing
Attn: Dan S. Jones, Bureau Manager
160 East 300 South
PO Box 146741
SALT LAKE CITY, UT 84114-6741

You may represent yourself or legal counsel may represent you, at your own expense, while this action is pending. If you are represented by legal counsel, your attorney must file a Notice of Appearance with the Division at the address stated above. Until a Notice of Appearance is filed, the presiding officer will communicate directly with you.

Dan S. Jones, Bureau Manager, is designated as the coordinator for the Construction Services Commission ("Commission"). The Commission is the presiding officer over this informal proceeding. If you or your attorney has any questions regarding the procedures related to this matter, Mr Jones can be contacted at the above address, or via telephone at (801) 530-6720

At the expiration of your deadline to submit a response, and without further notice to you, the presiding officer will make an informal review of the record in this matter and determine whether you have failed to comply with the Division's October 28, 2009 Order, in violation of Utah Code Annotated Section 58-1-501(2) (a).

The maximum administrative sanction in this case is revocation of your license to practice as an Apprentice Electrician

Please conduct yourself accordingly.

Dated this 19TH day of January, 2012.

W. Ray Walker
W. Ray Walker
Regulatory and Compliance
Officer

