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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)
BRIAN JEFFREY JORGENSEN)
TO PRACTICE AS AN APPRENTICE)
ELECTRICIAN IN THE STATE OF UTAH)

MEMORANDUM OF
UNDERSTANDING AND ORDER
CASE NO DOPL 2009- 222

BRIAN JEFFREY JORGENSEN ("Respondent") submitted an application for initial licensure as an apprentice electrician in the State of Utah to the Division of Occupational and Professional Licensing ("Division") on or about June 1, 2009. In his application Respondent answered "yes" to questions #13, #14, #15, #16 and #17. These questions asked, in part, if Respondent had criminal action pending, been convicted in the past ten years of a misdemeanor, been convicted of a felony, in the past ten years pleaded guilty or no contest to a criminal charge that was later dismissed, and whether Respondent been incarcerated or on probation or parole.

On or about March 26, 2001 Respondent was convicted in First District Court, Logan, Cache County, Utah 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 in Logan City Justice Court, Cache County, Utah 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 in First District Court, Logan, Cache County, Utah of one count of criminal mischief, a Class A misdemeanor. On or about September 26, 2006 Respondent was convicted in Providence City Justice Court, Cache County, Utah of one count of driving under the influence of alcohol/drugs, a Class B misdemeanor and one count of possession of drug paraphernalia, a Class B misdemeanor. On or about September 12, 2007 Respondent was convicted in First District Court, Logan, Cache County, Utah of one count of possession of a controlled substance, a Class A misdemeanor. On or about September 24, 2007, Respondent was convicted in First District Court, Logan, Cache County, Utah of one count of driving under the influence of alcohol/drugs, a Class B misdemeanor. On or about July 22, 2008 Respondent was convicted in First District Court, Logan, Cache County, Utah 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 in First District Court, Logan, Cache County, Utah of one count of possession of stolen property, a 3rd degree felony Respondent is currently on parole with the Utah Department of Corrections and is in compliance with the terms of that parole

Respondent, the Construction Services Commission, and the Division, as evidenced by the signatures on this Memorandum of Understanding and Order, agree that Respondent shall be issued a probationary license to practice as an apprentice electrician in the State of Utah, subject to the terms and conditions below The Memorandum of Understanding shall become effective upon the date it is approved by the Commission as evidenced by the signature of its authorized representative The term of probation shall be for a period of four years, beginning on the date the Commission signs the accompanying Order

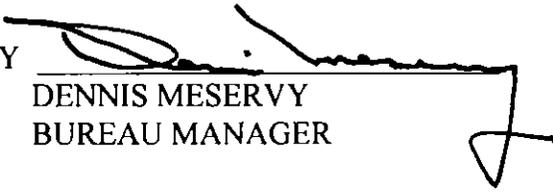
- 1 Respondent admits the jurisdiction of the Division and Commission over Respondent and over the subject matter of this action Respondent admits the conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(c) Respondent understands that the issuance of the Order in this matter is disciplinary action against Respondent's license 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 Commission, or any member, officer, agent or representative of the Commission or Division to induce Respondent to enter into this agreement
- 3 Respondent understands Respondent has the right to be represented by an attorney in this matter, and Respondent has either sought the advice of counsel or knowingly waives Respondent's right to counsel in this matter
- 4 Respondent acknowledges this Memorandum of Understanding and Order 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 not violate any federal, state and local laws Respondent shall notify the Division in writing if Respondent is arrested or receives a citation of any kind within two working days, except for parking tickets Respondent shall immediately notify the Division if Respondent is found guilty of any offense, enters a plea of no contest, or enters into a plea in abeyance or diversion agreement, for any criminal offense Respondent shall provide the Division with criminal history report(s) from any state and any documentation pertaining to any new arrests or charges when requested by the Division Respondent shall obtain all reports and requested documentation at his own expense
- 6 Respondent shall provide a copy of this Memorandum of Understanding and Order to his employer Respondent's employer shall provide the Division with quarterly progress reports that summarize Respondent's work attendance, behavior, quality of work product, ability to get along with others and if Respondent leaves the company or is terminated, the reason for his leaving or termination

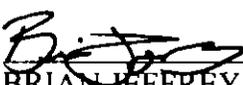
- 7 The Division may refuse to renew Respondent's license if any of the documentation listed above is not provided by Respondent within twenty days after being requested by the Division
- 8 Respondent shall meet, within twenty days or as directed by the Division, with an assigned staff member for the purposes of education and completing any documentation regarding this Memorandum of Understanding and Order Respondent shall meet with Division staff, the Commission and/or the Electricians Board whenever requested by Division
- 9 Respondent shall remain in compliance with the terms of his criminal parole with the Utah Department of Corrections If Respondent fails to comply with any terms of his parole with the Utah Department of Corrections or his criminal parole is unsuccessfully terminated, Respondent shall be deemed to be in violation of this Memorandum of Understanding and Order
- 10 Respondent shall submit to random testing for a minimum of two years 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 The designated company may also request such samples and Respondent shall comply with such requests The Division shall determine when and where Respondent is to submit for testing Respondent shall pay 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 Respondent failed to provide a sample for drug analysis as directed will be considered a positive drug test result for Respondent and will subject Respondent to additional sanctions Any drug test result or pattern of results that indicates the sample provided by Respondent for drug analysis is diluted to an extent that it cannot be analyzed, will be considered a positive drug test result for Respondent and will subject Respondent to additional sanctions
- 11 Respondent is currently subject to random drug testing by the Utah Department of Corrections The Division and Commission may accept drug test results required by the Utah Department of Corrections as long as Respondent is on parole and in compliance with the terms of his parole
- 12 Respondent shall remain an apprentice electrician until his probation with the Division has been terminated
- 13 Respondent shall maintain an active license during the time he is on probation with the Division
- 14 Respondent shall immediately notify the Division in writing of any change in address or employer
- 15 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

- 16 If Respondent violates any term or condition of this Stipulation and Order, the Commission may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent license, or other appropriate sanction.
- 17 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 Construction Services Commission and Division Director. Respondent must comply with all the terms and conditions of this Memorandum of Understanding and Order immediately after the Construction Services Commission and 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 the Commission shall set the time period for completion of that term or condition. 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.
- 18 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.
- 19 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

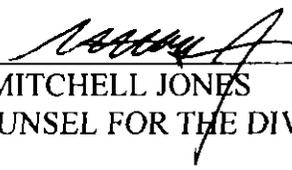
BY 
DENNIS MESERVY
BUREAU MANAGER

BY 
BRIAN JEFFREY JORGENSEN

DATE 7-21-09

DATE 7/21/09

MARK L SHURTLEFF
ATTORNEY GENERAL

BY 
L MITCHELL JONES
COUNSEL FOR THE DIVISION

DATE 20 July 2009

ORDER

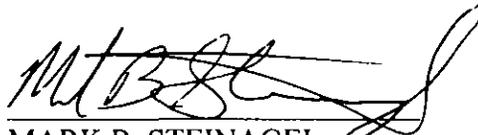
THE ABOVE MEMORANDUM OF UNDERSTANDING, in the matter of **BRIAN JEFFREY JORGENSEN** is hereby approved by the Construction Services Commission. This Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Memorandum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

DATED this 29 day of July, 2009


COMMISSION REPRESENTATIVE

I concur with the Construction Services Commission in the matter of **BRIAN JEFFREY JORGENSEN**

DATED this 30 day of July, 2009


MARK B. STEINAGEL
Director
Division of Occupational
& Professional Licensing