

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  
**JASON ROBERT LUNA** : **DEFAULT ORDER**  
TO PRACTICE AS AN ARMED PRIVATE :  
SECURITY OFFICER IN THE STATE OF UTAH . Case No DOPL-2009-34

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The attached Notice of Entry of Default and Recommended Order are hereby adopted by the Director of the Division of Occupational and Professional Licensing of the State of Utah Respondent's license to practice as an armed private security officer is thus revoked, effective the date of this Order

IT IS FURTHER ORDERED that the revoked license, both wall and wallet sizes, as well as any embossed certificate, thus be surrendered to the Division of Occupational and Professional Licensing

Dated this 15 day of April, 2009.



*F David Stanley*  
F David Stanley  
Director

Pursuant to Subsection 63G-4-209(3), Respondent may seek to set aside the above-stated default order by filing such a request with the Division consistent with the procedures outlined in the Utah Rules of Civil Procedure.

BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
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IN THE MATTER OF THE LICENSE OF	:	NOTICE OF ENTRY
JASON ROBERT LUNA	:	OF DEFAULT AND
TO PRACTICE AS AN ARMED PRIVATE	:	RECOMMENDED ORDER
SECURITY OFFICER IN THE STATE OF UTAH	:	Case No. DOPL-2009-34

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BY THE ADMINISTRATIVE LAW JUDGE:

This adjudicative proceeding was initiated pursuant to the issuance of a February 9, 2009 notice of agency action. The notice recites Respondent was required to file a response within thirty (30) days of the mailing date of the notice.

The February 9, 2009 notice was sent to Respondent's last known address of Orem, UT 84057 by both certified and first class mail. The certified mailing sent to Respondent was returned to the Division on or about March 16, 2009 by postal authorities as unclaimed. The first class mailing sent to Respondent has not been returned to the Division by postal authorities as undeliverable. Respondent has not filed a response to the February 9, 2009 Petition.

The Division filed an April 6, 2009 motion for entry of default based on Respondent's failure to have filed a response. Utah Code Ann. §63G-4-209(1)(c) provides an order of default may enter if a respondent in a formal adjudicative proceeding fails to file a response.

Given Respondent's failure to have filed a response to the February 9, 2009 Petition, the Court concludes a proper basis exists to enter Respondent's default and it is so entered. After the entry of a default order, §63G-4-209(4)(a) provides the presiding officer shall conduct further proceedings as necessary to complete the adjudicative proceeding without the participation of the party in default. §63G-4-209(4)(a) also provides a determination shall be made of all issues in the adjudicative proceeding, including those affecting the defaulting party.

The Court thus adopts the allegations set forth in Paragraph 4 of the February 9, 2009 Petition as its Findings of Fact. The Court also adopts Paragraph 8 of that Petition as its Findings of Fact and Conclusions of Law.

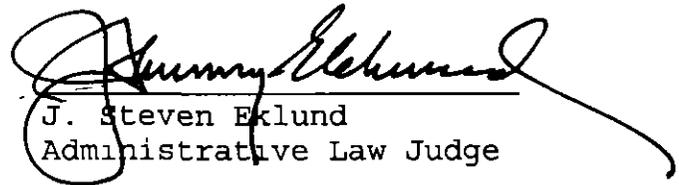
Specifically, the Court concludes Respondent engaged in unprofessional conduct when she was convicted of Theft by Deception and Attempted Forgery. Those convictions bear a reasonable relationship to Respondent's ability to safely and competently practice his profession. The Court thus concludes a proper factual and legal basis exists to enter a disciplinary sanction as to Respondent's license. Absent any matters offered in defense or mitigation, the Court concludes the following Recommended Order is warranted.

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**RECOMMENDED ORDER**

WHEREFORE, IT IS ORDERED Respondent's license to practice as an armed private security officer in this state shall be revoked, effective the date this Recommended Order may be adopted.

I hereby certify the foregoing Notice of Entry of Default, Findings of Fact, Conclusions of Law and Recommended Order were submitted to F David Stanley, Director of the Division of Occupational and Professional Licensing, on the 15<sup>th</sup> day of April, 2009 for his review and action.

  
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J. Steven Eklund  
Administrative Law Judge