

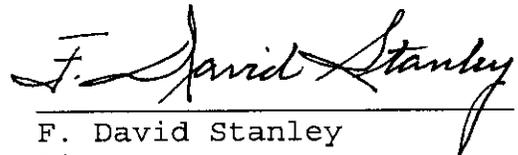
BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF	:	
ART J. MARSHALL TO PRACTICE AS A	:	DEFAULT ORDER
DECEPTION DETECTION EXAMINER	:	
IN THE STATE OF UTAH	:	Case No. DOPL-2009-65
	:	

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 a deception detection examiner 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 22 day of April, 2009.



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.

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

IN THE MATTER OF THE LICENSE OF	:	
ART J. MARSHALL	:	NOTICE OF ENTRY
TO PRACTICE AS A	:	OF DEFAULT AND
DECEPTION DETECTION EXAMINER	:	RECOMMENDED ORDER
IN THE STATE OF UTAH	:	Case No. DOPL-2009-65

BY THE ADMINISTRATIVE LAW JUDGE:

This adjudicative proceeding was initiated pursuant to the issuance of a March 11, 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 March 11, 2009 notice was sent by both first class mail and certified mail to Respondent's last known address of [REDACTED] Albuquerque NM 87191. Postal authorities returned both mailings to the Division on or about March 23, 2009 with the notation "box closed - unable to forward". Respondent has not filed a response to the March 10, 2009 Petition.

The Division filed an April 15, 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

March 10, 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 statement of allegations set forth in the two (2) paragraphs of the March 10, 2009 Petition as its Findings of Fact. The Court also adopts the paragraphs in Count I and II of the March 10, 2009 Petition as its Findings of Fact and Conclusions of Law.

Specifically, the Court concludes Respondent engaged in unprofessional conduct when: (1) he failed to make and maintain audio recordings of polygraph examinations which he conducted; and (2) he conducted more than five (5) deception detection examinations in one day on various occasions. The Court thus concludes a proper factual and legal basis exists to enter a disciplinary sanction as to Respondent's license.

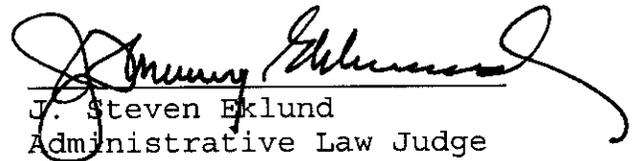
Absent any matters offered in defense or mitigation, the Court concludes the following Recommended Order is warranted:

RECOMMENDED ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as

a deception detection examiner 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 22nd day of
April, 2009 for his review and action.


J. Steven Eklund
Administrative Law Judge