

L. MITCHELL JONES (U.S.B. 5979)
Assistant Attorney General
MARK L. SHURTLEFF (U.S.B. 4666)
Attorney General
Commercial Enforcement Division
Heber M. Wells Building
160 East 300 South - Box 146741
Salt Lake City, Utah 84114-6741
Telephone: (801) 366-0310

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

IN THE MATTER OF THE ISSUANCE OF)	MEMORANDUM OF
A PROBATIONARY LICENSE TO)	UNDERSTANDING AND ORDER
BRIAN LYNN EKBLAD)	
TO PRACTICE AS AN APPRENTICE)	CASE NO. DOPL 2009- 85
ELECTRICIAN IN THE STATE OF UTAH)	

BRIAN LYNN EKBLAD ("Respondent") was licensed as an apprentice electrician in the State of Utah to the Division of Occupational and Professional Licensing ("Division") from on or about January 22, 2003 until on or about November 30, 2008, when his license expired. On or about March 5, 2009 Respondent submitted an application to reinstate his apprentice electrician license. In his application Respondent answered "yes" to questions #1 and #2. These questions asked, in part, if Respondent had since the last renewal or issuance of his license pled guilty to, been convicted of made a plea in abeyance to any felony or misdemeanor; and since the last renewal or issuance of his license had the Respondent been charged with or arrested for any felony or misdemeanor.

On or about June 22, 2007 Respondent pleaded guilty in Third District Court, Salt Lake, Salt Lake County, Utah to one count of sexual battery, a Class A misdemeanor. The court placed the guilty plea in abeyance for eighteen months. On or about July 11, 2008 Respondent was convicted in Fourth District Court, American Fork, Utah County, Utah of one count of attempted forcible sex abuse, a 3rd degree felony. On or about September 19, 2008 Respondent was placed on probation by the court for 36 months with the Utah Department of Corrections. Both criminal charges involved the same victim.

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 and later, if he meets the licensing requirements, as a journeyman 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 five years, beginning on the date the Commission signs the accompanying Order.

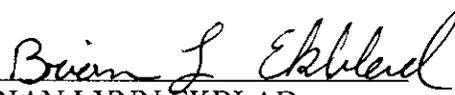
1. Respondent admits the jurisdiction of the Division and Commission over Respondent and over the subject matter of this action. Respondent admits the conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(c). Respondent understands that the issuance of the Order 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's license shall be restricted to electrical work where the workers and those that are present on the construction site are at least eighteen years of age or older.
6. Respondent shall only work on structures or projects unoccupied by residents.
7. 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.
8. 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.
9. Renewal of Respondent's license may be denied by the Division if any of the documentation listed above is not provided by Respondent within twenty days after being requested by the Division.
10. 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 Electrical Board whenever requested by Division.
11. Respondent shall meet with and obtain approval from the Electrical Board prior to making application to be a journeyman.
 12. Respondent shall maintain an active license during the time he is on probation with the Division.
 13. Respondent shall remain in compliance with the terms of his criminal probation with the Utah Department of Corrections. If Respondent fails to comply with any terms of the probation with the Utah Department of Corrections or his criminal probation is unsuccessfully terminated, Respondent shall be deemed to be in violation of this Memorandum of Understanding and Order.
 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

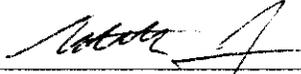
BY: 
DENNIS MESERVY
BUREAU MANAGER

BY: 
BRIAN LYNN EKBLAD

DATE: 4-06-09

DATE: 4/6/09

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
COUNSEL FOR THE DIVISION

DATE: 6 Apr 09

ORDER

THE ABOVE MEMORANDUM OF UNDERSTANDING, in the matter of **BRIAN LYNN EKBLAD**, 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 29th day of April, 2009.


COMMISSION REPRESENTATIVE

I concur with the Construction Services Commission in the matter of **BRIAN LYNN EKBLAD**.

DATED this 29 day of April, 2009


F. DAVID STANLEY
Director
Division of Occupational
& Professional Licensing