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

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IN THE MATTER OF THE ISSUANCE OF ) **MEMORANDUM OF**  
A PROBATIONARY LICENSE TO ) **UNDERSTANDING AND ORDER**  
**CLINTON FRANK WOODWARD** )  
TO PRACTICE AS AN APPRENTICE ) **CASE NO. DOPL 2010- 172**  
PLUMBER IN THE STATE OF UTAH )

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**CLINTON FRANK WOODWARD** ("Respondent") was licensed as an apprentice plumber in the State of Utah to the Division of Occupational and Professional Licensing (Division) from on or about August 1, 1996 to on or about July 31, 2004, after which Respondent allowed the license to expire. On or about April 1, 2010 Respondent submitted an application to reinstate his apprentice plumbing license. In his application Respondent answered "yes" to questions #14 and #17. These questions asked, in part, if Respondent had been convicted, within the past ten years, of a misdemeanor, and been incarcerated or on probation/parole.

On or about April 27, 2001 Respondent was convicted in Third District Court, Salt Lake, Salt Lake County, Utah of one count of prohibited articles provided to a minor, a class B misdemeanor. On or about April 28, 2004 Respondent was convicted in Fourth District Court, Orem, Utah County, Utah of one count of illegal possession of a controlled substance, a Class B misdemeanor. On or about May 17, 2005 Respondent was convicted in Wasatch County, Utah, Justice Court of one count of reckless driving, a Class B misdemeanor. On or about February 21, 2006 Respondent was convicted in Lehi City, Utah, Justice Court of one count of alcohol related reckless driving, a Class B misdemeanor. On or about October 15, 2008 Respondent was convicted in Davis County, Utah, Justice Court of reckless driving, a Class B misdemeanor. On or about December 10, 2008 Respondent was convicted in Fourth District Court, American Fork, Utah County, Utah of one count of driving under the influence of alcohol/drugs, a class B misdemeanor. On or about July 16, 2009 Respondent was convicted in Fourth District Court, Orem, Utah County, Utah of one count theft of services, a Class B misdemeanor and one count of possession/use of a controlled substance, a Class B misdemeanor.

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 plumber 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 three 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) in that Respondent's conduct that resulted in a criminal conviction involved moral turpitude and/or was reasonably related to Respondent's ability to practice safely as a plumber. 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, initially within thirty days and quarterly thereafter, provide the Division with 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. Respondent understands that the Division may deny renewal of 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 Plumbing Board whenever requested by Division.
  9. Respondent shall, for a minimum of two years from the effective date of this Memorandum of Understanding and Order, 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.
  10. Respondent shall remain an apprentice until his probation with the Division has been terminated.
  11. Respondent shall maintain an active license during the time he is on probation with the Division.
  12. Respondent shall immediately notify the Division in writing of any change in address or employer.
  13. 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.
  14. 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.
  15. 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 shall 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.

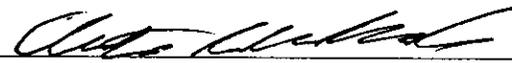
If a time period for completion of a term or condition is not specifically set forth in this Memorandum of Understanding and Order, Respondent agrees the Commission shall set the time period for completion of that term or condition. Failure to complete a term or condition in a timely manner shall constitute a violation of the Memorandum of Understanding and Order and may subject Respondent to revocation or other sanctions.

16. 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.
17. 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

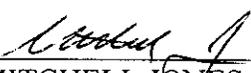
BY:   
DENNIS MESERVY  
BUREAU MANAGER

BY:   
CLINTON FRANK WOODWARD

DATE: May 25, 2010

DATE: 5-25-10

MARK L. SHURTLEFF  
ATTORNEY GENERAL

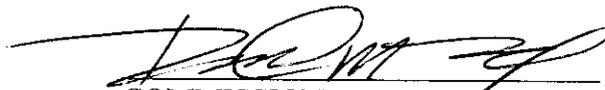
BY:   
L. MITCHELL JONES  
COUNSEL FOR THE DIVISION

DATE: 25 Aug 2010

**ORDER**

THE ABOVE MEMORANDUM OF UNDERSTANDING, in the matter of **CLINTON FRANK WOODWARD** 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 26<sup>th</sup> day of May, 2010.

  
COMMISSION REPRESENTATIVE

I concur with the Construction Services Commission in the matter of **CLINTON FRANK WOODWARD**.

DATED this 27<sup>th</sup> day of May, 2010

  
MARK B. STEINAGEL  
Director  
Division of Occupational  
& Professional Licensing

