

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M Wells Building
160 East 300 South
P O Box 146741
Salt Lake City UT 84114-6741
Telephone (801) 530-6628

**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
CHARLES HERBERT

· **FINDINGS OF FACT,
· CONCLUSIONS OF LAW,
· AND ORDER**

TO PRACTICE AS A MASTER PLUMBER
IN THE STATE OF UTAH

·
·
· Case No DOPL-OSC-2010-423

FINDINGS OF FACT

1 The Division of Occupational and Professional Licensing (the "Division") filed a Notice of Agency Action in this matter on the 10th day of September 2012

2. This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that Charles Herbert ("Respondent"), failed to comply with an order issued December 29, 2010 as a result Respondent has engaged in unprofessional conduct, in violation of Utah Code Annotated Subsection 58-1-501(2)(a).

3 Respondent filed a response to the Notice of Agency Action on or about October 4, 2012 That response admits Respondent did not timely comply with the conditions of his probation. According to Division records, Respondent has engaged in unprofessional conduct as outlined above, and this conduct constitutes a basis to discipline Respondent's license pursuant to Utah Code Annotated Subsections 58-1-401(1) and (2)

4. Respondent has represented that he will, from date of this order forward, strictly comply with all terms of probation, including complying with all treatment recommendations made by his mental health counselor and submission of the quarterly reports from his mental health counselor.

CONCLUSIONS OF LAW

5. Respondent's failure to comply with probation constitutes a sufficient basis for further disciplinary action against Respondent.

6. The Notice of Agency Action and documents attached thereto provide a basis to conclude that Respondent has failed to comply with an order, in violation of Utah Code Annotated Subsection 58-1-501(2)(a). Based on these violations, Respondent has engaged in unprofessional conduct as defined by Utah Code Annotated Subsection 58-1-501(2)(a), and Respondent may no longer meets the qualification for licensure as provided by Utah Code Annotated Section 58-55-306.

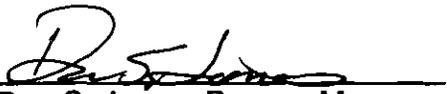
7 The Division is authorized to discipline Respondent's master plumber license as provided by Utah Code Annotated Subsection 58-1-401(1) because Respondent did not comply with the terms of probation

8 The Division is authorized to discipline Respondent's Master plumber license as provided by Utah Code Annotated Subsection 58-1-401(2)(a), for engaging in unprofessional conduct as provided by Utah Code Annotated Subsection 58-1-501(2)(a), for failure to comply with Division's September 10, 2012 Order

ORDER

WHEREFORE, IT IS ORDERED Respondent is hereby publicly reprimanded for failure to comply with the September 10, 2010 Division order and Respondent's license to practice as a Master plumber shall continue on probation according the terms of probation as stated in the stipulation and order dated December 29, 2010 with the probation extended to August 31, 2017

On behalf of the Construction Services Commission and the Division of Occupational and professional licensing, I hereby certify the foregoing Findings of Fact, Conclusions of Law, and Order were submitted to the Construction Services Commission and the Division on the 28th day of Nov 2012 for their review and action.


Dan S. Jones, Bureau Manager

ORDER

THE ABOVE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER in the matter of **CHARLES HERBERT** is hereby adopted by the Construction Services Commission of the State of Utah.

DATED this 28 day of Nov, 2012


CONSTRUCTION SERVICES COMMISSION
Representative

I concur with the above Order, which the Construction Services Commission has approved.

DATED this 28 day of November, 2012.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

for W. Ray Walker, Acting Director
MARK B STEINAGEL
Director

Agency review of this order may be obtained by filing a request for agency review within thirty (30) days after the date of this order. If you choose to file a request for agency review, you must adhere to the attached procedures