

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

**BEFORE THE CONSTRUCTION SERVICES COMMISSION
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF : **NOTICE OF AGENCY ACTION**
ROBERT B. DEVEY : **TO REVOKE ELECTRICIAN'S**
TO PRACTICE AS A : **LICENSE FOR FAILURE TO**
JOURNEYMAN ELECTRICIAN IN THE : **COMPLY WITH TERMS OF**
STATE OF UTAH : **PROBATION, AND ENGAGING IN**
: **UNPROFESSIONAL CONDUCT**
:
:
: **Case No. DOPL-OSC-2011-382**

THE CONSTRUCTION SERVICES COMMISSION TO ROBERT B. DEVEY

ROBERT B. DEVEY

MURRAY, UT 84107

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action to determine whether a basis exists to revoke your license to practice as a Journeyman Electrician due to your failure to comply with the terms of your probation as set forth in the Order dated November 16, 2011 and unprofessional conduct.

This action is based upon Division records and an investigation, which show that you have failed to comply with the conditions stated in the November 16, 2011 Order. As a result, you have engaged in unprofessional conduct, in violation of Utah Code Annotated Section 58-1-501(2) (a).

ALLEGATIONS SUPPORTING THIS ACTION

1. Respondent is, and at all times relevant to this proceeding has been, licensed to practice as a Journeyman Electrician. Respondent became initially so licensed in July, 19, 1999. Respondent was previously licensed as an Apprentice Electrician on September 28, 1995.

2 On November 16, 2011 the Division brought a disciplinary action against Respondent for unprofessional and unlawful conduct as a result of Respondent's criminal conduct. This proceeding resulted in an Order dated November 16, 2011.

3. Pursuant to the November 16, 2011 Order, Respondent's Journeyman Electrician license was revoked, and revocation immediately stayed. Respondent's license was placed on probation for Four (4) years], subject to various terms and conditions. That Order was based on a stipulation between the Division and Respondent.

Respondent subsequently is in violation of the November 16, 2011 Order. As a result, Respondent has engaged in the following conduct.

- i. Respondent failed provide the Commission with a plan for treatment including the name(s) of the evaluators, prescribing practitioner, and dispensing pharmacy.
- ii. Respondent failed to provide an alcohol/chemical evaluation from a licensed provider within ninety(90) days of the effective date of the Stipulation and Order.
- iii. Respondent had Diluted tests from the testing facility Affinity on 12/16/2011, 02/07/2012, and 02/21/2012. A diluted test is considered a positive drug test. An abnormal test was also submitted on 03/31/2012.
- iv. Respondent failed to provide the Division with any documents showing any treatment program from a Therapist. These documents were to be submitted quarterly.

NOTICE OF INFORMAL PROCEEDING

The adjudicative proceeding designated herein is to be conducted on an *informal basis*, which means that you are not entitled to a hearing. The decision in this matter will be based upon a review of the Division records and any response filed.

Within thirty (30) days of the mailing date of this notice, you are requested to file a written response with the Division. Your response may be helpful in clarifying, refining or narrowing the facts and the violation alleged herein. Your written response should be mailed to:

Division of Occupational and Professional Licensing
Attn: Dan S. Jones, Bureau Manager
160 East 300 South
PO Box 146741
SALT LAKE CITY, UT 84114-6741

You may represent yourself or legal counsel may represent you, at your own expense, while this action is pending. If you are represented by legal counsel, your attorney must file a Notice of Appearance with the Division at the address stated above. Until a Notice of Appearance is filed, the presiding officer will communicate directly with you.

Dan S. Jones, Bureau Manager, is designated as the coordinator for the Construction Services Commission ("Commission"). The Commission is the presiding officer over this informal proceeding. If you or your attorney has any questions regarding the procedures related to this matter, Mr. Jones can be contacted at the above address, or via telephone at (801) 530-6720.

At the expiration of your deadline to submit a response, and without further notice to you, the presiding officer will make an informal review of the record in this matter and determine whether you have failed to comply with the Division's [*insert date of Order] Order, in violation of Utah Code Annotated Section 58-1-501(2)(a) and therefore subject you to sanctions under Utah Code Annotated Section 58-1-401(2)(a).

The maximum administrative sanction in this case is revocation of your license to practice as a contractor.

Please conduct yourself accordingly.

Dated this 24th day of April, 2012.

W. Ray Walker
W. Ray Walker
Regulatory and Compliance
Officer

