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**RECEIVED**

JUN 18 2012

DIVISION OF OCCUPATIONAL  
& PROFESSIONAL LICENSING

**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 )  
**ROBERT SHANE FUELLING** ) **STIPULATION AND ORDER**  
TO OPERATE AS A RESIDENTIAL )  
JOURNEYMAN ELECTRICIAN ) **CASE NO DOPL 2012- 286**  
IN THE STATE OF UTAH )

**ROBERT SHANE FUELLING** ("Respondent") and the Construction Services  
Commission ("Commission") of the Department of Commerce of the State of Utah stipulate and  
agree as follows

1 Respondent admits the jurisdiction of the Commission and the Division of  
Occupational and Professional Licensing ("Division") over Respondent and over the subject  
matter of this action

2 Respondent acknowledges that Respondent enters into this Stipulation knowingly and  
voluntarily

3 Respondent understands that the Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives their Respondent's right to counsel in this matter

4 Respondent understands that the Respondent is entitled to a hearing before the Commission, or other Presiding Officer, at which time Respondent may present evidence on the Respondent's own behalf, call witnesses, and confront adverse witnesses Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing Respondent understands that by signing this document Respondent waive all rights to any administrative and judicial review as set forth in Utah Code Ann §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R156-46b-12 through R156-46b-15 Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann § 63G-4-102(4)

5 Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter

6 Respondent acknowledges that this Stipulation and Order, if adopted by the Commission and Division, will be classified as a public document The Commission and Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license to other persons and entities

7 Respondent admits the following facts are true

- a Respondent was first licensed as a residential journeyman electrician in the State of Utah on or about October 10, 2002

- b On or about March 07, 2008, in Holladay Justice Court, Utah, case number 071000573, Respondent pleaded guilty to one count of disorderly conduct, a Class C misdemeanor
- c On or about February 15, 2011, in Third District Court, West Jordan, Utah, case number 101400465, Respondent was convicted of one count of theft, a 3<sup>rd</sup> degree felony
- d Respondent has engaged in the conduct that resulted in a conviction with respect to a crime of moral turpitude and/or a crime that, when considered with the functions and duties of Respondent's license classification, bears a reasonable relationship to Respondent's ability to safely and/or competently practice as a licensee

8 Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(a) and (c), and that said conduct justifies disciplinary action against Respondent pursuant to Utah Code Ann § 58-1-401(4)(2)(a) Respondent understands that the issuance of the Order in this matter is disciplinary action by the Division against Respondent's license pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann § 58-1-401(2) Respondent agrees that an Order shall be entered in this matter as follows

- (1) Respondent's license shall be revoked and the revocation immediately stayed Respondent's license shall be subject to a term of probation of the longer of three years or until all court ordered restitution has been paid in full Respondent's license shall be subject to a term of probation commencing on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order Respondent's license shall be subject to all of the following terms and conditions If the Commission or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Commission or Division
  - a Respondent shall meet with the Commission or a Division representative on a quarterly basis or at such other greater or lesser frequency as determined by the Commission and Division for the duration of the Stipulation and Order

- 1
- b All reports or documentation required in this Stipulation and Order shall be submitted to the Commission on a monthly basis for the first six months of probation. If Respondent is in compliance with all the terms and conditions of the Order at the end of that time, all reports and documentation shall be submitted on a quarterly basis or such other greater or lesser frequency as determined by the Division for the remainder of probation.
  - c If Respondent is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, Respondent agrees to cause the Division and Commission to be notified immediately. If Respondent at any time during the period of this agreement is convicted of a criminal offense of any kind, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against Respondent, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.
  - d Respondent shall provide a copy of this Stipulation 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.
  - e Respondent shall maintain an active license at all times during the period of this agreement.
  - f Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.
  - g Respondent shall provide to the Division a current criminal history report obtained from the State of Utah, Department Public Safety or any other state requested by the Division on an annual basis or

whenever directed by the Division

- h Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address

9 This Stipulation and Order, upon approval by the Commission and Division Director, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Commission and Director are not required to accept the terms of this Stipulation and Order and that if the Commission does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Commission, Director, and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Commission and Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10 Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the construction activities. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

11 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 regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the

impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Commission or Board members during a meeting of the Commission or Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12 The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Commission and Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Commission and Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Commission. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13 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.

14 Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

15 Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and

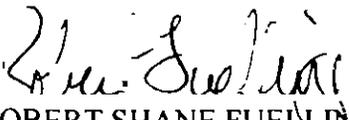
Order Respondent has no questions about any paragraph or provision contained in this

Stipulation and Order

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

RESPONDENT

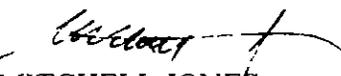
BY   
DAN S. JONES  
Bureau Manager

BY   
ROBERT SHANE FUELING

DATE 6-18-12

DATE 6-10-12

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY   
L. MITCHELL JONES  
Counsel for the Division

DATE 15 Jun 2012

**ORDER**

THE ABOVE STIPULATION, in the matter of **ROBERT SHANE FUELLING**, is hereby approved by the Construction Services Commission, and constitutes its Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute the Commission's final Order in this case.

DATED this 28 day of JUNE, 2012

  
CONSTRUCTION SERVICES COMMISSION  
Representative

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

DATED this 28 day of JUNE, 2012



DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

*for* *W. Paul Wilton, Acting Director*  
MARK B. STEINAGEL,  
Director