

DIVISION OF REAL ESTATE
JONATHAN C. STEWART, DIRECTOR
DEPARTMENT OF COMMERCE
P.O. BOX 146711
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SALT LAKE CITY, UTAH 84114-6711
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BEFORE THE DIVISION OF REAL ESTATE OF
THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

In the Matter of the Application of
DAN L. MAACK to Act as a Principal Broker

ORDER ON APPLICATION FOR
REINSTATEMENT

Case No. RE-12-60252

On May 31, 2012, Dan L. Maack (Applicant) submitted to the Utah Real Estate Commission (Commission) and the Division of Real Estate (Division) an application to reinstate his expired license to practice as a principal broker. The application was reviewed in an informal proceeding to determine whether Applicant meets the licensing requirements of Utah Code § 61-2f-203(1) (2010). The presiding officer, on behalf of the Division and pursuant to a grant of authority from the Commission, now makes the following analysis and order.

REASONS FOR DECISION

On February 24, 2012, Applicant was charged in case number 121901874 with aggravated burglary, a first degree felony; robbery, a second degree felony; and the following class B misdemeanors: two counts of assault, two counts of domestic violence in the presence of a child, and one count of damage/interrupt a communication device. The case is in progress.

Utah Code § 61-2f-203(1) (2010) requires that the Division and Commission determine whether an applicant meets the requirements of honesty, integrity, truthfulness, reputation, and

competency. Utah Administrative Code § R162-2f-201 requires the Division and the Commission to consider an applicant's criminal history in making this determination; and, specifically, to deny a license where an applicant has been convicted of a felony during a period of licensure.

The charges pending against Applicant raise the general question of whether he is able to demonstrate integrity and reputation. Of particular concern are the two felony charges which, if resulting in conviction, would disqualify Applicant from licensure under the administrative rules. In these circumstances, the presiding officer finds it appropriate to issue the license on a probationary status pending the outcome of the criminal case.

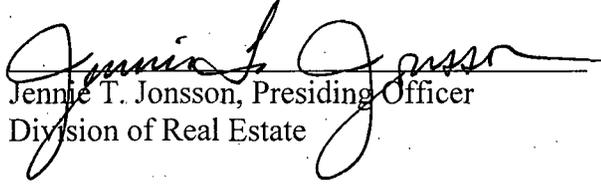
ORDER

Based on the above analysis, Dan L. Maack's application for licensure as a principal broker is granted with restriction. The license is placed on probation for the pendency of the court proceedings in criminal case number 121901874 as herein outlined. Mr. Maack is ordered to report to the Division within ten business days of the case being resolved, whether through conviction, plea agreement, or dismissal. If Mr. Maack is convicted on one or more felony charges, the Division shall immediately terminate the license. If the case against Mr. Maack is dismissed without a plea, plea agreement, or conviction being entered on any charge, the Division may lift the probationary status from the license. If the case is resolved in any other way, the license shall remain on probation for the remainder of the licensing period.

This order shall be effective on the signature date below.

DATED this 10th day of July, 2012.

UTAH DIVISION OF REAL ESTATE


Jennie T. Jonsson, Presiding Officer
Division of Real Estate

Notice of Right to Administrative Review:

Review of this order may be sought by filing a written request for administrative review with the Director of the Division of Real Estate within thirty (30) days after the issuance of this order. Any such request must comply with the requirements of Utah Code Ann. § 63G-4-301 and R151-46b-12 of the departmental rules.

CERTIFICATE OF MAILING

I hereby certify that on the 16th day of July, 2012, a true and correct copy of the foregoing document was sent first class mail, postage prepaid, to the following:

Dan L. Maack
2540 S. Wilshire Circle
Salt Lake City, UT 84109

