

DIVISION OF REAL ESTATE
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
TRENT HICKMAN to Act as a Sales Agent

TEE

ORDER ON APPLICATION

RE-10-51329

On June 7, 2010, Trent Hickman (Applicant) submitted to the Utah Real Estate Commission (Commission) and the Division of Real Estate (Division) an application for a license to practice as a sales agent. The application was reviewed in an informal proceeding to determine whether Applicant meets the licensing requirements of Utah Code Ann. § 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

Applicant disclosed the following criminal history in response to the questions on the licensing application:

1. On August 2, 1996, Applicant was charged in case number 2122-D40 with resorting (marijuana). Applicant was sentenced to a suspended jail term of 30 days and fined \$855.
2. On January 17, 2007, Applicant was charged in case number 071200372 with intoxication and disorderly conduct after request to stop, both class C misdemeanors, and with criminal trespass with intent to cause injury, a class B

misdemeanor. On May 16, 2007, Applicant entered into a plea in abeyance agreement on all charges. He was placed on probation for 12 months and fined \$150. On June 6, 2007, the case was dismissed.

In addition, Applicant has the following criminal history, which he failed to disclose in response to the licensing questionnaire:

1. On August 5, 2000, Applicant was charged in case number 005501859 with reckless driving and driving without registration, both class C misdemeanors, and with driving without insurance, a class B misdemeanor. On September 12, 2000, he was sentenced on the charge of reckless driving, and the remaining charges were dismissed. Applicant was fined \$500, of which \$300 was suspended, and sentenced to a suspended jail term of 30 days.
2. On December 16, 2000, Applicant was charged in case number 005502682 with driving without registration, a class C misdemeanor. On January 29, 2001, the court issued a warrant and set bail at \$117 on a finding that Applicant had failed to timely pay. On March 29, 2001, Applicant paid his fine, and the warrant was recalled.
3. On January 3, 2001, Applicant was charged in case number 015500047 with driving without registration, a class C misdemeanor. He was placed on probation. On March 13, 2001, the court issued a warrant and set bail at \$137 on a finding that Applicant had failed to comply with the terms of probation. On September 6, 2001, Applicant paid a fine of \$137 to resolve the case.
4. On November 8, 2008, Applicant was charged in case number 085105039 with failing to register an off-road vehicle, a class C misdemeanor. On February 13,

2009, Applicant failed to appear for court proceedings. The court issued a warrant and set bail at \$140. On October 13, 2009, Applicant paid a fine of \$140 to resolve the case.

Utah Code Ann. § 61-2f-203(1) (2010) requires that the Division and Commission determine whether an applicant demonstrates honesty, integrity, truthfulness, reputation, and competency. Utah Admin. Code § R162-2-2.11 requires the Division and the Commission to consider an applicant's past, particularly his criminal history, in making this determination.

Applicant's criminal history involving controlled substances, criminal trespass, reckless driving, and driving without registration demonstrates a lack of respect for the law, which reflects negatively on his reputation and integrity. In addition, the court docket evidence several different cases in which Applicant failed to comply with court orders. These circumstances further blemish his integrity. Applicant has not explained why he failed to disclose the full extent of his criminal history in response to the licensing questionnaire. If he simply failed to read the questions carefully enough to understand that full disclosure was required, those circumstances would reflect negatively on his competency. If he read and understood the questions but determined nevertheless to conceal his past, those circumstances would call his honesty into question. Regardless, Applicant does not meet the requirements of Section 61-2f-203(1) (2010) for unrestricted licensure.

The presiding officer wishes to put Applicant on notice that his failure to disclose his traffic violations in response to the application questionnaire is considered falsification of a sworn document. The Division and the Commission take such matters very seriously and wish to emphasize to Applicant that real estate professionals must be thorough and accurate in the documents that they complete and attest to in representing their clients. Although concerned

about Applicant's falsified application, the presiding officer notes that the most serious of Applicant's criminal charges was resolved over three years ago. Therefore, the presiding officer finds that issuing a restricted license is justified and hopes that this action will serve as a warning to Applicant that the Division and Commission expect licensees to be upstanding citizens who respect and obey *all laws*.

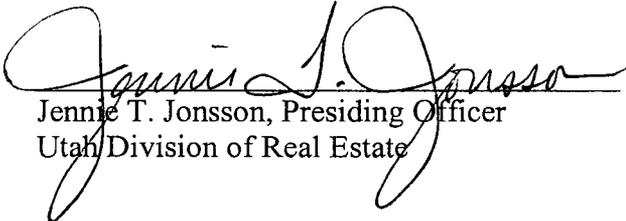
ORDER

Based on the above analysis, Trent Hickman's application for licensure as a sales agent is granted with restriction. The license is immediately suspended for 30 days from the date of this order and thereafter placed on probation for the initial licensing period. During the probationary period Mr. Hickman shall comply with all laws and with the rules regulating his profession, and shall conduct himself in a way that demonstrates his qualification and fitness for continuing licensure as a real estate professional.

This order shall be effective on the signature date below.

DATED this 15th day of June, 2010.

UTAH DIVISION OF REAL ESTATE


Jennie T. Jonsson, Presiding Officer
Utah 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 16 day of June, 2010, a true and correct copy of the foregoing document was sent first class mail, postage prepaid, to the following:

Trent Hickman
1940 Prospector Ave.
P.O. Box 681633
Park City, UT 84068

Renda Christensen