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MAR 29 2010  
UTAH DEPARTMENT OF REAL ESTATE

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DIVISION OF REAL ESTATE  
DEPARTMENT OF COMMERCE  
DEANNA D. SABEY, DIRECTOR  
160 EAST 300 SOUTH 2<sup>ND</sup> FLOOR  
P.O. BOX 146711  
SALT LAKE CITY, UTAH 84114-6711  
TELEPHONE: (801) 530-6747  
FAX: (801) 530-6749

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BEFORE THE UTAH REAL ESTATE COMMISSION

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In the Matter of the License  
Of Spencer J. Lindahl to Act  
as a Real Estate Sales Agent

STIPULATION & ORDER  
CASE NO. RE 45547

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The Division of Real Estate of the Department of Commerce of the State of Utah (the Division), by and through its Director of Enforcement, Dee Johnson and Spencer J. Lindahl (Respondent), a licensed real estate Sales Agent hereby stipulates and agrees as follows:

STIPULATION

1. Respondent is a licensee of the Division, licensed as a real estate Sales Agent, holding License No. 5315473-SA00.
2. Respondent admits the jurisdiction of the Utah Real Estate Commission (the Commission) over the Respondent and over the subject matter of this action.
3. Respondent specifically waives the right to confront adverse witnesses and the right to a hearing pursuant to Utah Code Annotated Section 61-2-1, et seq., (2005 as amended) and the rules promulgated there under.
4. The Division and the Respondent recognize and agree that this Stipulation alone shall not be binding upon the Commission or the Director of the Division of Real Estate (Director). If the Commission or the Director do not concur in the disciplinary action

proposed herein, this Stipulation shall be null and void and a hearing shall be scheduled for this matter; and the Respondent waives any claim of bias or prejudice which the Respondent might otherwise have with regard to the Commission and Director by virtue of the Commission and the Director having reviewed this Stipulation, and this waiver shall survive any such nullification.

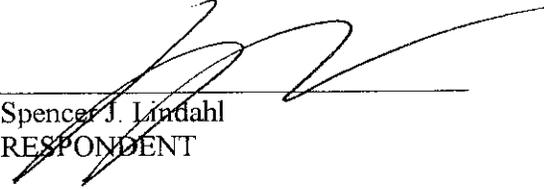
5. Respondent acknowledges that when this Stipulation is presented to the Commission and Director, the Commission and the Director may ask the Division investigative staff, questions about the facts underlying this Stipulation or about the terms of this Stipulation. Respondent agrees that the investigative staff may answer such questions. Respondent will have the right to be present when the Stipulation is presented and to address the Commission and the Director about this Stipulation or the facts underlying it. If Respondent desires to be present to address the Commission and Director, Respondent may contact Renda Christensen at the Division by calling (801) 530-6750 for information about the date, time and place of the meeting at which this Stipulation will be presented to the Commission and the Director.
6. If the Commission or the Director do not concur in the disciplinary action proposed herein and this Stipulation becomes null and void, Respondent waives any claim of bias or prejudice that the Respondent might otherwise have with regard to the Commission and the Director by virtue of the Commission and the Director having heard any such statement made by investigative staff or any statement made by Respondent, and this waiver shall survive any such nullification of this Stipulation.
7. Respondent acknowledges that upon approval by the Commission and the Director, this Stipulation shall be made a part of the attached final Order, and shall be the final compromise and settlement of this matter.

8. Respondent affirms that the Respondent enters into this Stipulation voluntarily, and the only promises or understandings the Respondent has obtained from the Division, or any member, officer, agent or representative of the Division, regarding this Stipulation are contained herein.
9. Respondent admits the Respondent's license expired on January 31, 2009. On May 13, 2009 Respondent entered into a buyer agency where Respondent prepared and presented an offer to purchase property. Respondent admits the offer to purchase property was accepted and subsequently closed prior to the Respondent reinstating Respondent's license. In mitigation with the Division, the Respondent stated that Respondent was out of the country for a few months, during the time Respondent's license expired. As soon as the Respondent realized that the Respondent's license had expired the Respondent immediately contacted the Division to take the necessary steps to get the license reinstated.
10. Respondent admits that the above acts and practices constitute violation of Utah Code Annotated Section 61-2-11. Specifically, Respondent admits that the Respondent has violated:  
  
**Subsection (5) (a) acting as an associate broker or sales agent while not licensed with a licensed principal broker; and**
11. Respondent acknowledges that the Respondent has been informed of the Respondent's right to be represented by legal counsel and that if the Respondent has waived this right, the Respondent has either sought the advice of an attorney or has voluntarily chosen not to do so.
12. As full settlement of all of the issues raised in this Stipulation, Respondent agrees as follows:
  - a. Respondent shall pay a \$1,000.00 civil penalty to the Division within 30 days

from the date that the Commission and the Director sign the final Order in this matter, and;

- b. If the Respondent fails to pay the civil penalty by the agreed deadline, the Respondent's license will immediately, without notice, become suspended and may only be reinstated on the condition that the Respondent pays the full amount owing, in addition to any other license reinstatement requirements.
13. This document and all other documents incorporated herein by reference constitute the entire agreement between the parties herein and supersedes and cancels any and all prior negotiations, representations, understandings, or agreements between the parties. There are no verbal agreements, which modify, interpret, construe, or affect this agreement.
14. Respondent acknowledges that this Stipulation and Order, once adopted, will be classified as a public document and may be issued to the public upon request. Respondent acknowledges that the Division may inform other state and federal agencies of action taken on the Respondent's license and the contents of this Stipulation and Order.

Dated this 23 day of MARCH, 2010.

  
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Spencer J. Lindahl  
RESPONDENT

Dated this 12<sup>th</sup> day of APRIL, 2010.

  
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DEE JOHNSON  
DIRECTOR OF ENFORCEMENT  
DIVISION OF REAL ESTATE

ORDER

The Commission and the Director approve and adopt the foregoing Stipulation of the parties. Based upon the foregoing Stipulation and for good cause appearing, the Commission and the Director order as follows, effective on the date of this Order:

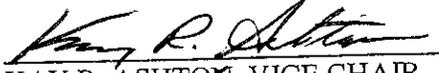
In lieu of the filing of a complaint and the holding of a hearing, the Respondent agrees to the following:

1. Respondent shall pay a \$1,000.00 civil penalty to the Division within 30 days from the date that the Commission and the Director sign the final Order in this matter, and;
2. If the Respondent fails to pay the civil penalty by the agreed deadline, the Respondent's license will immediately, without notice, become suspended and may only be reinstated on the condition that the Respondent pays the full amount owing, in addition to any other license reinstatement requirements.

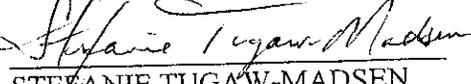
Dated this 21<sup>st</sup> day of April, 2010.

UTAH REAL ESTATE COMMISSION

  
GARY R. HANCOCK, CHAIR

  
KAY R. ASHTON, VICE CHAIR

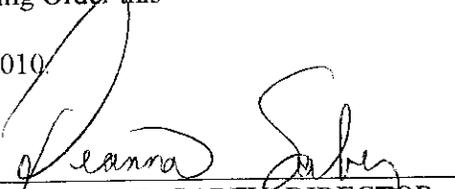
  
H. BLAINE WALKER

  
STEFANIE TUGAW-MADSEN

  
H. THAYNE HOUSTON

The undersigned concurs with the foregoing Order this

21st day of April 2010.

  
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DEANNA D. SABEY, DIRECTOR  
DIVISION OF REAL ESTATE