

DIVISION OF REAL ESTATE
DEPARTMENT OF COMMERCE
DEANNA D. SABEY, DIRECTOR
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UTAH STATE DIVISION
OF REAL ESTATE

BEFORE THE UTAH REAL ESTATE COMMISSION

In the Matter of the License
of William J. Ross to Act
as a Real Estate Sales Agent

STIPULATION & ORDER
CASE NO. RE 47942

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 William J. Ross (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. 6195649-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 that the Respondent's license was allowed to expire and the Respondent continued to practice real estate, and completed at least two different transactions while the license had expired. These transactions were done at two different brokerages which paid a commission to the Respondent. In mitigation with the Division the Respondent stated that during the renewal period and afterward, the Respondent was under a lot of unusual situations going through a Divorce, a non real estate business Lawsuit, the Respondent had taken the required continuing education to renew, but did not make application with the Division. The Respondent was required to take the ninety hour pre licensing course in order to re apply and get a license.
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 \$4,000.00 civil penalty to the Division in four installments of \$1,000.00 each, with the first installment to be paid no later than 60 days after the date the Commission and the Director sign the final Order, and the second installment to be paid no later than 90 days after the date the Commission and the Director sign the final Order, and the third installment to be paid no later than 120 days after the date the Commission and the Director sign the final Order, and the fourth installment to be paid no later than 150 days after the date the Commission and the Director sign the final Order, and;
 - b. If the Respondent fails to pay the civil penalty by the agreed deadlines, 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 7 day of May, 2010.

William J Ross
WILLIAM J. ROSS
RESPONDENT

Dated this 17th day of MAY, 2010.

Dee Johnson
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:

- a. Respondent shall pay a \$4,000.00 civil penalty to the Division in four installments of \$1,000.00 each, with the first installment to be paid no later than 60 days after the date the Commission and the Director sign the final Order, and the second installment to be paid no later than 90 days after the date the Commission and the Director sign the final Order, and the third installment to be paid no later than 120 days after the date the Commission and the Director sign the final Order, and the fourth installment to be paid no later than 150 days after the date the Commission and the Director sign the final Order, and;
- b. If the Respondent fails to pay the civil penalty by the agreed deadlines, 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 19 day of May, 2010.

UTAH REAL ESTATE COMMISSION


GARY R. HANCOCK, CHAIR

Absent

KAY R. ASHTON, VICE CHAIR

H. BLAINE WALKER

STEFANIE TUGAW-MADSEN

H. THAYNE HOUSTON

The undersigned concurs with the foregoing Order this

19th day of May 2010.

DEANNA D. SABEY, DIRECTOR
DIVISION OF REAL ESTATE