

DIVISION OF REAL ESTATE
DEPARTMENT OF COMMERCE
P.O. BOX 146711
160 EAST 300 SOUTH
SALT LAKE CITY, UTAH 84114-6711
Telephone: (801) 530-6747

BEFORE THE DIVISION OF REAL ESTATE OF
THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

In the Matter of the Application of
TERRY A. VIGIL to Act as a Sales Agent

ORDER ON APPLICATION FOR
REINSTATEMENT

Case No. RE-10-51337

On August 18, 2010, Terry A. Vigil (Applicant) submitted to the Utah Real Estate Commission (Commission) and the Division of Real Estate (Division) an application to reinstate his 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

On April 16, 2008, Applicant was charged in case number 081705425 with no proof of insurance, a class B misdemeanor; and with following another vehicle too close, a class C misdemeanor. On November 6, 2008, Applicant entered a plea in abeyance to both charges. He was fined \$400, placed on probation for 12 months, and ordered to pay restitution in the amount of \$676.66. Applicant was actively licensed when he entered the plea in abeyance; however, he failed to report it to the Division within 10 business days as required by Utah Code § 61-2f-301 (2010).

On August 20, 2009, Applicant was charged in case number 096307822 with driving under the influence of alcohol and drugs, a class B misdemeanor; with no proof of insurance, also a class B misdemeanor; and with failure to yield, a class C misdemeanor. On January 12, 2010, he was found guilty on the first charge, and the remaining charges were dismissed. Applicant was ordered to serve two days in jail with an additional suspended jail sentence of 88 days. He was fined \$1,340, placed on supervised probation for one year, and ordered to undergo evaluation and treatment. Applicant was actively licensed when he was convicted; however, he failed to report his conviction to the Division within 10 business days as required by Utah Code § 61-2f-301 (2010).

On May 1, 2010, Applicant was charged in case number 100100583 with the following violations:

1. Driving under the influence of alcohol.
2. Suspension/revocation, alcohol-related.
3. Alcohol-restricted driver license.
4. Failure to install ignition interlock.
5. Stop sign violation.
6. Failure to signal.

As of the date of this order, the case has yet to go to hearing.

Utah Code Ann. § 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 Admin. Code § R162-2-2.11 requires the Division and the Commission to consider an applicant's criminal history in making this determination.

Applicant's violation of various Utah traffic laws during the past term of licensure demonstrates a lack of respect for the law and for the safety of others, which reflects negatively on his integrity and reputation. Applicant's failure to report his plea in abeyance in case number 081705425 and his conviction in case number 096307822 to the Division within the time mandated by statute reflects negatively on his honesty and competency. Therefore, Applicant does not meet the requirements of Section 61-2f-203(1) (2010) for unrestricted licensure.

The record seems to indicate that Applicant does not drink responsibly, and this is very concerning to the presiding officer, particularly where a sales agent's job typically involves driving clients to look at properties for sale. To date, it does not appear from the record that Applicant has caused any accidents, injuries, or deaths as a result of his irresponsible drinking. It also appears that Applicant is under order to install and use an ignition interlock device. Given this circumstance, the presiding officer finds that issuing a restricted license is justified.

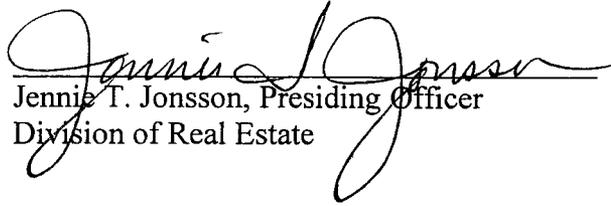
ORDER

Based on the above analysis, Terry A. Vigil's application for licensure as a sales agent is granted with restriction. The license is placed on probation for the renewal period. Mr. Vigil is prohibited from transporting a client in any vehicle that is not equipped with an ignition interlock device. In addition, Mr. Vigil is ordered to provide a copy of this order to any principal broker with whom he associates his license during the renewal period. During the probationary period, Mr. Vigil shall otherwise comply with all laws and with the rules regulating his profession, *including all reporting requirements*, 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 26th day of August, 2010.

UTAH DIVISION OF REAL ESTATE


Jennie T. Jonsson, Presiding Officer
Division of Real Estate

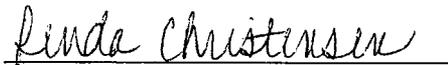
Notice of Right to Administrative Review:

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 26 day of August, 2010, a true and correct copy of the foregoing document was sent first class mail, postage prepaid, to the following:

Terry A. Vigil
1583 West 7525 South
West Jordan, UT 84084


Linda Christensen