

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

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

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In the Matter of the Application of  
**MICHAEL S. VAROZ** to Act as a Sales  
Agent

ORDER ON APPLICATION FOR  
RENEWAL

Case No. RE-10-51133

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On July 19, 2010, Michael S. Varoz (Applicant) submitted to the Utah Real Estate Commission (Commission) and the Division of Real Estate (Division) an application to renew 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 July 8, 2010, Applicant was charged in case number 095301865 with the following offenses:

- Driving under the influence, amended to impaired driving.
- Possession of marijuana.
- Possession of paraphernalia.
- Driving on suspension.
- Speeding.

Applicant was found guilty on the DUI and speeding charges, and he entered into a 12-month plea in abeyance agreement on the remaining charges. He was fined \$1,440, placed on probation for 12 months, and ordered to undergo counseling, assessment, and treatment. In addition, his driver license was revoked for 18 months.

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 criminal history 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. Therefore, Applicant does not meet the requirements of Section 61-2f-203(1) (2010) for unrestricted licensure.

The presiding officer is concerned that this case is very recent and that Applicant is currently ordered to remain on criminal probation until July of 2011. In mitigation, the presiding officer notes that all of the offenses for which Applicant was charged in this case are misdemeanors and that he appears to be in compliance at this time with the terms of his abeyance agreement. Therefore, the presiding officer finds that issuing a probationary license is justified.

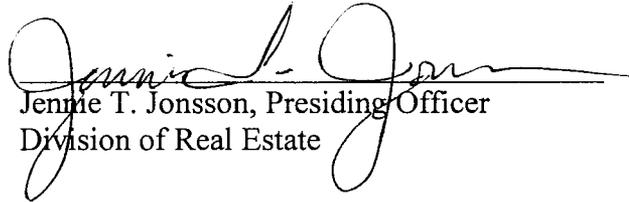
### **ORDER**

Based on the above analysis, Michael S. Varoz's application for licensure as a sales agent is granted with restriction, and the license is placed on probation for the renewal period. During the probationary period, Mr. Varoz 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 11<sup>th</sup> 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 11 day of August, 2010, a true and correct copy of the foregoing document was sent first class mail, postage prepaid, to the following:

Michael S. Varoz  
291 East 100 North  
Heber city, UT 84032

Renda Christensen