

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  
**CARL F. HART** to Act as a Sales Agent

ORDER ON APPLICATION FOR  
REINSTATEMENT

Case No. RE-10-50600

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On June 15, 2010, Carl F. Hart (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 January 8, 2008, Applicant was charged in case number 081101163 with two counts of criminal defamation, a class B misdemeanor; two counts of abuse of personal identity, also a class B misdemeanor; and one count of stalking, a class A misdemeanor. On April 7, 2010, Applicant entered into a plea in abeyance agreement on the stalking charge and on one count of abuse of personal identity. The remaining charges were dismissed. Applicant was sentenced to three days in jail, ordered to pay a court fee of \$400, and ordered to perform 30 hours of community service. In addition, he was ordered to have no contact with the victim and to write a

letter of apology. Finally, he was ordered to undergo evaluation and to complete recommended counseling.

In his letter of explanation, Applicant states that the charges outlined above resulted from his actions in using a former girlfriend's picture and personal information to create two sexually-oriented online advertisements. He describes these actions as "vindictive."

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.

The actions Applicant has admitted to, and which resulted in Applicant's entering a guilty plea in abeyance to charges of stalking and abuse of personal identity, demonstrate a lack of respect for the law, which reflects negatively on Applicant's integrity and reputation. Therefore, Applicant does not meet the requirements of Section 61-2f-203(1) (2010) for unrestricted licensure.

In mitigation, the presiding officer notes that this incident appears to be an isolated instance of poor judgment rather than an episode in a long history of criminal behavior and that Applicant appears to regret his actions and recognize that his behavior was inappropriate. Therefore, the presiding officer finds that issuing a probationary license is justified.

### **ORDER**

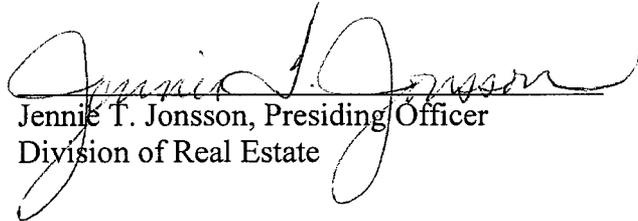
Based on the above analysis, Carl F. Hart's application for licensure as a sales agent is granted with restriction. The license is placed on probation for the licensing period. During the probationary period, Mr. Hart shall comply with all laws and with the rules regulating his

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 8<sup>th</sup> day of July, 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 8 day of July, 2010, a true and correct copy of the foregoing document was sent first class mail, postage prepaid, to the following:

Carl F. Hart  
875 East 500 South  
Smithfield, UT 84335

Renda Christensen