

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
TYE OLSEN to Act as a Sales Agent

ORDER ON APPLICATION FOR
RENEWAL

Case No. RE-10-50602

On June 24, 2010, Tye Olsen (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 May 7, 2009, Applicant was charged in case number 095001839 with driving under the influence. It is unclear from the court records whether Applicant was convicted or entered into a plea in abeyance agreement. Regardless, Applicant was sentenced to a jail term of 180 days, of which 158 days was suspended. In addition, he was fined \$1,850, of which \$1,350 was suspended, ordered to perform 48 hours of community service, and placed on probation for 12 months.

Utah Code Ann. § 61-2f-301 (2010) requires real estate licensees to report a criminal conviction or plea in abeyance to the Division within ten business days. Although Applicant reported this incident prior to applying for renewal, he failed to meet the statutory deadline.

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. Applicant's failure to report this case 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.

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 it does not appear to involve fraud, misrepresentation, or deceit. Therefore, the presiding officer finds that issuing a probationary license is justified.

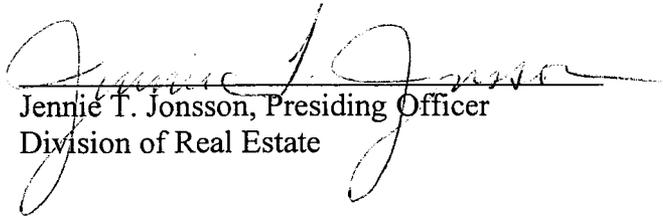
ORDER

Based on the above analysis, Tye Olsen's application for licensure as a sales agent is granted with restriction. The license is placed on probation for the renewal period. During the probationary period, Mr. Olsen shall 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 8th 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:

Tye Olsen
7357 S. Redwood Rd.
West Jordan, UT 84084

