

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  
**CAROL E. BAYE** to Act as a Sales Agent

ORDER ON APPLICATION FOR  
RENEWAL

Case No. RE-10-50601

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On June 29, 2010, Carol E. Baye (Applicant) submitted to the Utah Real Estate Commission (Commission) and the Division of Real Estate (Division) an application to renew her 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 June 3, 2010, Applicant was charged in case number 10-0050 with driving under the influence. It is unclear from the record whether Applicant entered into an abeyance agreement on a plea of no contest or whether she suffered a conviction. Regardless, Applicant served one day in jail and was fined \$692 and placed on probation for one year. In addition, she was ordered to complete DUI school, perform 48 hours of community service, and participate in a victim impact panel.

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. Applicant failed to do so.

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 her integrity and reputation. Applicant's failure to report her conviction to the Division within the time mandated by statute reflects negatively on her 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.

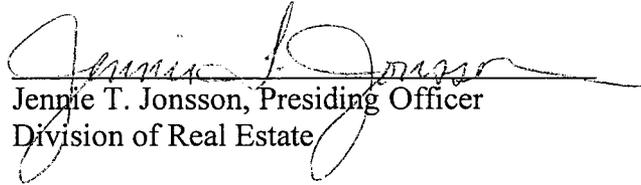
### **ORDER**

Based on the above analysis, Carol E. Baye'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, Ms. Baye shall comply with all laws and with the rules regulating her profession, including all reporting requirements, and shall conduct herself in a way that demonstrates her 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

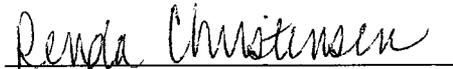
Notice of Right to Administrative Review:

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:

Carol E. Baye  
62 W. Lester, Apt. J22  
Salt Lake City, UT 84107

  
Renda Christensen