

DIVISION OF REAL ESTATE
DEPARTMENT OF COMMERCE
DEANNA SABEY, DIRECTOR
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
ADAM L. ALLRED to Act as a Sales Agent

ORDER ON APPLICATION

Case No. RE-10-51053

On August 5, 2010, the Utah Division of Real Estate (Division) sent a notice of informal proceeding by certified mail to Adam L. Allred (Applicant). The notice informed Applicant that an informal adjudicative proceeding would be held before the Utah Real Estate Commission (Commission) and the Director of the Division (Director) on September 15, 2010 at 11:30 A.M. Mountain Daylight Time to determine whether he meets the statutory requirements to practice as a sales agent. The hearing took place as scheduled. The Division was represented at the proceeding by Assistant Attorney General Traci Gunderson. Applicant appeared and was represented by Joseph F. Orifici. The Director, pursuant to a grant of authority from the Commission and on its behalf, now enters the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

On May 26, 2006, Applicant was charged in case number 06-36067 (Duchesne County Justice Court) with possession of controlled substance, a class B misdemeanor; and with possession of drug paraphernalia, a class C misdemeanor. Applicant entered into a plea in

abeyance agreement under which he paid a fine and completed certain education. Applicant testified that he has complied in full with the terms of the plea in abeyance, and Mr. Orifici explained that Applicant plans to petition the court to retroactively enter a plea of not guilty in the case so as to remove it from Applicant's criminal record.

On January 16, 2010, Applicant was charged in case number 101000071 (Tooele County Justice Court) with possession or use of a controlled substance, a class B misdemeanor. Applicant pleaded guilty and was sentenced to a suspended jail term of 90 days, fined \$555, placed on probation for 12 months, and ordered to undergo a substance abuse evaluation and complete certain education. Applicant testified that he is current with his fine payments as ordered by the court and that he is scheduled to complete the education ordered as part of his sentence.

In his hearing, Applicant explained that both incidents involved marijuana. As to the 2006 incident, Applicant testified that he and his girlfriend took some marijuana with them on a car trip. Because it was a holiday weekend, the police had set up a roadblock to check for intoxicated drivers. When an officer determined that Applicant's girlfriend had failed to pay a speeding ticket and, therefore, had a warrant out for her arrest, the officer searched the car and found the marijuana.

As to the 2010 incident, Applicant testified that he had smoked marijuana that morning and, his judgment somewhat impaired thereby, had agreed to transport a friend in his car, knowing that this friend had marijuana in his possession. A police officer stopped him for improper lane travel and found the drugs in the car.

Applicant assured the Commission and the Director that he does not have a reputation as a drug user and that he has learned from his past mistakes. He now has a daughter, which

circumstances have helped him to become more responsible and to recognize the importance of respecting and obeying the law. He testified that he has never sold drugs, that he no longer associates with individuals who use drugs, and that he has not used any marijuana since the January 2010 incident in Tooele County.

CONCLUSIONS OF LAW

Utah Code Ann. § 61-2f-203(1) (2010) requires that the Division and Commission determine whether an applicant demonstrates honesty, integrity, truthfulness, reputation, and competency. Utah Admin. Code § R162-2-2.11 requires the Division and the Commission to consider an applicant's past, particularly his criminal history, in making this determination.

Applicant's criminal history involving illegal drug possession demonstrates a lack of respect for the law, which reflects negatively on his reputation and integrity. It is particularly troubling to the Commission and Director that Applicant's 2010 conviction is recent and is for a repeat offense. Therefore, Applicant does not meet the requirements of Section 61-2f-203(1) (2010) for unrestricted licensure. In mitigation, the Commission and Director note that Applicant honestly disclosed his criminal history in response to the licensing questionnaire and that he testified in the hearing candidly and with sincerity. They further note that Applicant appears to be earnest in his desire to change his behavior in the future and to conduct himself responsibly in providing for his daughter.

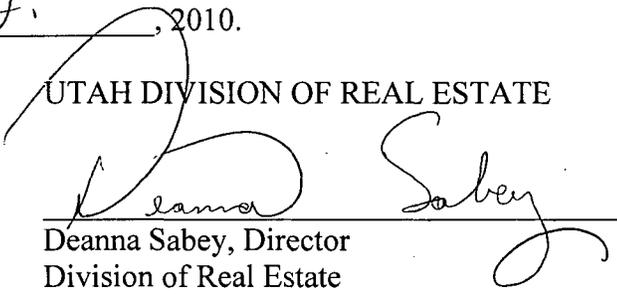
ORDER

Based on the above findings of fact and conclusions of law, Adam L. Allred's application for licensure as a sales agent is granted with restriction. The license is placed on probation for the initial licensing period. During the probationary period, Mr. Allred 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 sales agent. This order shall be effective on the signature date below.

DATED this 15th day of Sept., 2010.

UTAH DIVISION OF REAL ESTATE


Deanna Sabey, Director
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 Executive Director of the Department of Commerce 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 16 day of September, 2010, a true and correct copy of the foregoing document was sent first class mail, postage prepaid, to the following:

Adam L. Allred
458 E. Williams Ave.
Salt Lake City, UT 84111

Joseph F. Orifici
4625 South 2300 East, Ste. 211
Holladay, UT 84117

Renda Christensen