



INFORMATION ABOUT AGENCY REVIEW

Department of Commerce
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If you have been denied a license, received disciplinary action on your license, lost a citation hearing, or have otherwise been adversely impacted by a decision from one of the Divisions at the Department of Commerce, please be aware that you may request agency review of that decision by the Department's Executive Director. Upon review, the Executive Director could uphold, reverse, or modify the Division's decision, or might return the case to the Division for further consideration.

If you choose to file a request for agency review, please keep in mind all of the following:

- **Written Request and Due date:** Your request for agency review ("Request") must be received **no later than 30 days** from the date of the Division order that you wish reviewed. The Request must be in writing and must be addressed to the **Executive Director, Utah Department of Commerce**, at the above address;
- **Copy of Order:** You must include with your Request a copy of the letter or order you wish reviewed;
- **Transcript of Hearing:** If a hearing was held in your case, and you are challenging the order on the grounds that the evidence presented at the hearing did not support the order, you must, at your expense, order a transcript of the hearing and file it with the Department. You must also file with the Department your certification verifying that you have ordered a transcript of the proceeding and stating the date by which you expect to file the transcript with this Department. (You may use the form titled "Certification Regarding Transcript," accessed at: <http://www.commerce.utah.gov/agencyrev.html>) For instructions on how to order a transcript, you may contact the hearing officer or administrative law judge who conducted the hearing. However if the hearing involved a DOPL Citation, contact Kim Lesh at (801) 530-6628; if the hearing was before the Division of Real Estate, contact Maelynn Valentine at (801) 530-6750;
- **Memorandum in Support of Your Request:** You may file a memorandum to support your Request. If you are required to file a transcript of the hearing with the Department, your memorandum must be filed no later than fifteen (15) days after the filing of the transcript. Otherwise, your memorandum must be filed at the time you file your Request;
- **Reply Memorandum:** If the Division files a response, you may file a final reply memorandum no later than ten (10) days after service of any response from the Division;
- **Basis for Request:** In order to succeed on agency review, you must be able to show that you were substantially prejudiced as a result of any of the grounds identified in Utah Code Ann. §63G-4-403; and
- **Copies to Division:** You must provide the Division copies of all documents that you file with the Department.

Please note that the Utah Administrative Procedures Act (UAPA), Utah Code Ann. Sections 63G-4-101 *et seq.*, and the Department's UAPA Rules, Utah Admin. Code R151-4-101 *et seq.*, govern requests for agency review. Nothing contained in this document supersedes the referenced statutes and rules. You may access the applicable provisions at your local library or on the Department of Commerce web site:

<http://www.commerce.utah.gov/agencyrev.html>.

If you have any questions about how to proceed, you are encouraged to seek legal advice from an attorney. You may contact Masuda Medcalf, Administrative Law Judge, at (801) 530-7663, with any technical or procedural questions, but the merits of the case cannot be discussed.