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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF)	NON-DISCIPLINARY
LONNIE KENT NYMAN)	LIMITATION STIPULATION
UTAH LICENSE #5457209-0902)	AND ORDER
TO PRACTICE AS A)	
FUNERAL SERVICE DIRECTOR)	Case No. DOPL 2018- 493
IN THE STATE OF UTAH)	

LONNIE KENT NYMAN (“Respondent”) and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (“Division”) stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that by signing this document Respondent hereby knowingly and intelligently waives the right to all administrative and judicial review as set forth in §§ 63G-4-301 through 63G-4-405, and Utah Administrative Code R156-4-901 through R156-4-907.

Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release this Stipulation and Order, and will release other information to other persons and entities.

7. Respondent admits the following facts are true:

- a. On or about Respondent was first licensed to practice as a funeral service director in the State of Utah on or about May 29, 2015.
- b. On or about October 30, 2018, Respondent was charged with three counts of sexual exploitation of a minor, each a 2nd degree felony; four counts of dealing in materials harmful to a minor, each a 3rd degree felony; two counts of enticing/soliciting/seducing/luring a minor, each a Class A misdemeanor; one count of tampering with a witness, a 3rd degree felony; and one count of obstruction of justice, a 3rd degree felony, in First District Court, Cache County, Utah, based upon allegations related to Respondent's practice as a funeral service director.
- c. Respondent does not herein admit any wrongdoing related to the allegations underlying the criminal charges.
- d. Respondent agrees that Respondent's license to practice as a funeral service director in the State of Utah shall be immediately limited, meaning

that Respondent shall not practice as a funeral service director in any way or manner, until the allegation underlying the criminal charges described above have been resolved by Respondent entering into a disciplinary stipulated agreement with the Division; a hearing is held before the Utah Funeral Service Licensing Board and findings are issued by the Board; or the Division informing Respondent that insufficient evidence exists to pursue disciplinary action against Respondent's licenses.

- e. Respondent understands that the limitation is non-disciplinary in nature and that no finding of unprofessional or unlawful conduct has been made by the Division.

8. Respondent's license to practice as a funeral service director in the State of Utah shall be immediately limited, meaning that Respondent shall not practice as a funeral service director in any way or manner, until the allegation underlying the criminal charges described in paragraph 7 above is resolved by Respondent entering into a disciplinary stipulated agreement with the Division; a hearing is held before the Utah Funeral Service Licensing Board and findings are issued by the Board; or the Division informs Respondent that insufficient evidence exists to pursue disciplinary action against Respondent's licenses. Respondent shall renew and maintain an active license during the period of limitation.

9. This Stipulation and Order is not a finding of unprofessional or unlawful conduct, nor is it disciplinary action against Respondent or Respondent's licenses. The Division may continue to investigate any allegations of unprofessional and unlawful conduct, including the alleged conduct described above, and may take disciplinary administrative action against Respondent's license in the State of Utah, including undertaking emergency proceedings, at any time.

10. Respondent acknowledges that the Director is not required to accept the terms of

this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment they might otherwise have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

12. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

13. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

for BY: *Robyn Barkdull*
ROBYN BARKDULL
Bureau Manager

BY: *Lonnie Kent Nyman*
LONNIE KENT NYMAN

DATE: 10/31/2018

DATE: 10-31-18

SEAN D. REYES
UTAH ATTORNEY GENERAL

BY: *L. Mitchell Jones*
L. MITCHELL JONES
Counsel for the Division


DATE: 30 Oct 18

ORDER

THE ABOVE STIPULATION, in the matter of **LONNIE KENT NYMAN** is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 31st day of October, 2018.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B. STEINAGEL
Director

Investigator: Bobby Main