

BEFORE THE CONSTRUCTION SERVICES COMMISSION
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF
PETER JOHN BEKKER
TO PRACTICE AS A CONTRACTOR
IN THE STATE OF UTAH

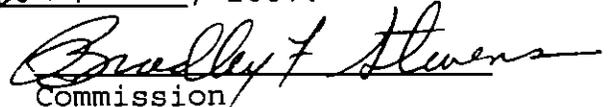
DEFAULT ORDER

Case No DOPL-2007-130

The attached Notice of Entry of Default and Recommended Order is hereby adopted by the Construction Services Commission of the State of Utah Respondent's license to practice as a contractor is thus revoked, effective the date of this Order

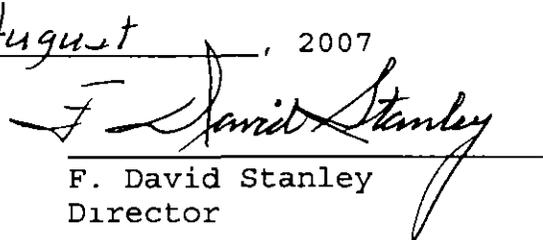
IT IS FURTHER ORDERED that the revoked license, both wall and wallet sizes, as well as any embossed certificate, thus be surrendered to the Division of Occupational and Professional Licensing.

Dated this 29th day of August, 2007.


Commission

I hereby concur with the foregoing Order.

Dated this 30 day of August, 2007


F. David Stanley
Director



In accordance with Subsection 63-46b-11(3), Respondent may seek to set aside the above-stated default order by filing such a request with the Division consistent with the procedures outlined in the Utah Rules of Civil Procedure.

**BEFORE THE CONSTRUCTION SERVICES COMMISSION
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF
PETER JOHN BEKKER
TO ACT AS A CONTRACTOR
IN THE STATE OF UTAH

:
: **NOTICE OF**
: **ENTRY OF DEFAULT AND**
: **RECOMMENDED ORDER**
: Case No. DOPL-2007-130
:

BY THE ADMINISTRATIVE LAW JUDGE:

This adjudicative proceeding was initiated pursuant to the issuance of a July 12, 2007 notice of agency action. The notice recites Respondent was required to file a written response within thirty (30) days from the mailing date of the notice

The July 12, 2007 notice was sent to Respondent's last known address of _____, Salt Lake City, Utah, 84123 by certified and regular mail on July 13, 2007 and July 16, 2007, respectively.

Postal authorities returned both the certified and regular mailing to the Division on or about July 25, 2007 with the notation that each mailing was to be returned to sender, it was not deliverable as addressed and it could not be forwarded. The Division has not been able to locate a more current mailing address for Respondent. The latter has filed no response to the July 10, 2007 Petition.

The Division thus filed an August 20, 2007 request for entry of Respondent's default Utah Code Ann. §63-46b-11(4)(c)

1 provides an order of default may enter if a respondent in a formal adjudicative proceeding fails to file a response. Given the foregoing, the Court concludes a proper basis exists to enter Respondent's default and it is so entered

After the issuance of a default order, §63-46b-11(4)(a) provides the presiding officer shall conduct further proceedings as necessary to complete the adjudicative proceeding without the participation of the party in default. §63-46b-11(4)(a) also provides a determination shall be made of all issues in the adjudicative proceeding, including those affecting the defaulting party

The Court thus adopts the allegations set forth in Paragraphs (3) through (9) of the July 10, 2007 Petition as its Findings of Fact. The Court also adopts Paragraph (15) of that Petition as its Conclusions of Law

Specifically, the Court concludes Respondent engaged in unprofessional conduct when he failed to correct the porch handrail which was not properly secured and thus unsafe. Respondent's failure to correct the unsafe condition, which constitutes a violation of the Salt Lake City Building Code, establishes that Respondent has engaged in unprofessional conduct as defined by §58-1-501(2)(a) and §58-55-501(16)(a)

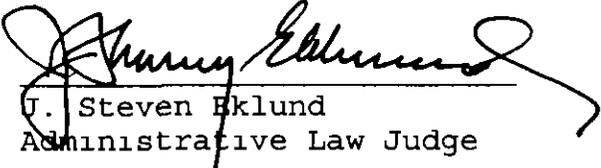
The Court thus concludes a proper factual and legal basis exists to enter a disciplinary sanction as to Respondent's

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license Absent any matters offered in defense or mitigation,
the Court concludes the following Recommended Order is warranted.

RECOMMENDED ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as
a contractor in this state shall be revoked, effective the date
this Recommended Order is adopted by the Construction Services
Commission and the Division.

I hereby certify the foregoing Notice of Entry of Default
and Recommended Order was submitted to the Construction Services
Commission and F. David Stanley, Director of the Division of
Occupational and Professional Licensing, on the 27th day of
August, 2007 for their review and action.


J. Steven Eklund
Administrative Law Judge