

L MITCHELL JONES (USB 5979)
Assistant Attorney General
MARK L SHURTLEFF (USB 4666)
Attorney General
Counsel for the Division of Occupational
and Professional Licensing
Heber M Wells Building, 5th Floor
160 East 300 South - Box 140872
Salt Lake City, Utah 84114-0872
Telephone (801) 366-0310
Facsimile (801) 366-0315

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

IN THE MATTER OF THE LICENSE OF
RED HILLS ALUMINUM, INC. TO
PRACTICE AS A GENERAL BUILDING
CONTRACTOR IN THE STATE OF UTAH

STIPULATION AND ORDER

Case no DOPL-2007- 231

STIPULATION

RED HILLS ALUMINUM, INC. ("Respondent") and the **CONSTRUCTION SERVICES COMMISSION** ("Commission") of the Department of Commerce stipulate and agree as follows

1 Respondent is a Utah corporation currently licensed by the Division as a B-100 General Building Contractor Larry Moss, is the President, Director, Registered Agent of, and license qualifier for Respondent and is authorized to act on Respondent's behalf and enter into binding agreements on behalf of Respondent

2 Respondent and Larry Moss admit the jurisdiction of the Commission and Division of Occupational and Professional Licensing (“Division”) over Respondent and over the subject matter of this action

3 Respondent and Larry Moss acknowledge Respondent enters into this Stipulation knowingly and voluntarily

4 Respondent and Larry Moss understand that Respondent has the right to be represented by counsel in this matter and the signature of Larry Moss below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent’s right to counsel in this matter

5 Respondent and Larry Moss understand that Respondent is entitled to a hearing before the Commission or other Division presiding officer at which time Respondent may present evidence on Respondent’s own behalf, call witnesses, and confront adverse witnesses
Respondent and Larry Moss acknowledge that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing

6 Respondent and Larry Moss waive the right to the issuance of a Petition and Notice of Agency Action in this matter

7 Respondent and Larry Moss acknowledge this Stipulation and Order, if adopted by the Commission and Division, will be classified as a public document and may be released to other persons and entities

8 Respondent and Larry Moss admit the following facts are true

- a Larry Moss is the President, Director, Registered Agent and license qualifier for Respondent, a licensed B-100 General Building Contractor, E-100 General

Engineering Contractor, and S-230 Metal and Vinyl Siding Contractor in the State of Utah since March 17, 1993

- b On or about January 19, 2006, Max Seruli Ahquin, President of Nation Builders, Inc , submitted an application to the Division for licensure of his corporation as a B-100 General Building Contractor
- c Mr Ahquin represented on his application that Mr Ahquin worked for Respondent, from June 30, 2001 through January 5, 2006 as a W-2 employee Mr Ahquin represented on the application that he worked 9,360 hours for Respondent Mr Ahquin represented on the application that he worked for Respondent as "Project Manager, Superintendent, Forman [sic] " The confirming signature of Larry Moss, dated January 5, 2006, appeared on the application
- d Nation Builders, Inc was issued a B-100 General Building Contractor on February 6, 2006 based on the representation made in Mr Ahquin's application
- e On or about August 27, 2007 Larry Moss admitted to Division investigator O J Peck that Mr Ahquin had worked for Respondent only from August 15, 2005 to December 1, 2005 Larry Moss admitted that Mr Ahquin had no experience in home building as an employee of Respondent other than the three and half months mentioned above Larry Moss was aware of the false representations made by Mr Acquin in the application as described above before Mr Acquin submitted the application to the Division

9 Respondent and Larry Moss admit that the conduct of Respondent and Larry Moss described above is unlawful and unprofessional conduct as defined in Utah Code Ann § 58-55-501(9) and § 58-1-501(2)(h) Respondent and Larry Moss agree that the Commission and Division may enter an Order, which is disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2), as follows

- a Respondent shall pay a fine to the Division in the amount of \$1,000 00 (one-thousand dollars) pursuant to Utah Code Ann § 58-55-304(5)(a) and § 58-55-504(a) and (h) However, \$500 00 of the fine shall be suspended for a period of three years from the effective date of this Stipulation and Order, conditioned upon strict compliance with the following terms and conditions

~ paid 11/6/07

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- 1 The unsuspending \$500 00 portion of the fine shall be paid in full within 30 days of the effective date of this Order, which is the date the Director signs the order
- 11 Respondent shall comply with all applicable federal and state laws, regulations, rules and orders related to Respondent's practice as a contractor

b Any portion of the suspended fine remaining at the end of three years from the effective date of this Stipulation and Order shall be extinguished

10 This Stipulation and Order, upon approval by the Division Director and Commission, shall be the final compromise and settlement of this non-criminal administrative matter Respondent and Larry Moss acknowledge that the Division Director and Commission are not required to accept the terms of this Stipulation and Order and that if the Division Director or Commission do not do so, this Stipulation and the representations contained therein shall be null and void, except that the Respondent and Larry Moss hereby waive any claim of bias or prejudgment Respondent and Larry Moss might have with regard to the Division Director or Commission by virtue of their having reviewed this Stipulation, and this waiver shall survive such nullification

11 Respondent and Larry Moss agree to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's license as a general contractor

12 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

13 The terms and conditions of this Stipulation and Order become effective immediately

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upon the approval of this Stipulation and signing of the Order by the Division Director Respondent and Larry Moss shall comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order Respondent and Larry Moss shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent and Larry Moss agree that the time period for completion of that term or condition shall be set by the Commission or Division Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions

14 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 Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction

15 Larry Moss has read each and every paragraph contained in this Stipulation and Order Larry Moss understands each and every paragraph contained in this Stipulation and Order Larry Moss has no questions about any paragraph or provision contained in this Stipulation and Order

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

BY 
DENNIS MESERVY
Bureau Manager

BY 
LARRY MOSS
President, Director, Agent
Red Hills Aluminum, Inc

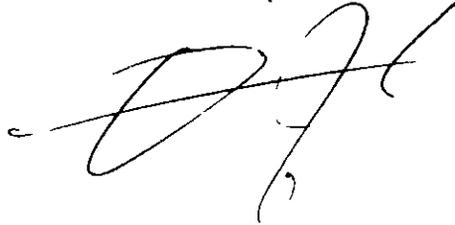
DATE 10-31-07

DATE 10-16-07

MARK L SHURTLEFF
ATTORNEY GENERAL

SIGNATURE WITNESSED BY
DOPL INVESTIGATOR O. J. PECK
10-16-07

BY 
L MITCHELL JONES
Assistant Attorney General

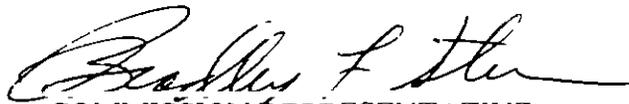


DATE 31 Oct 2007

ORDER

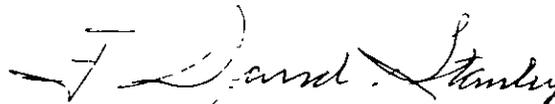
THE ABOVE STIPULATION, in the matter of **RED HILLS ALUMINUM, INC.**, is approved by the Construction Services Commission and constitutes its Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute the Commission's final Order in this case.

DATED this 28th day of November, 2007


COMMISSION REPRESENTATIVE

I concur with the above Stipulation and Order, in the matter of **RED HILLS ALUMINUM, INC.**, which has been approved by the Construction Services Commission

DATED this 28 day of November, 2007


F DAVID STANLEY
Director
Division of Occupational
and Professional Licensing

Investigator O J Peck