

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

IN THE MATTER OF THE LICENSE OF
ASPEN, INC., A PROFESSIONAL CORPORATION
TO PRACTICE AS A CONTRACTOR
IN THE STATE OF UTAH

:
:
: ORDER REINSTATING LICENSE
:
: Case No. DOPL-2007-232
:

BY THE DIVISION:

Respondent has satisfied the terms and conditions as set forth in the Division's Stipulation and Order, dated November 28, 2007, in the above-referenced case.

IT IS HEREBY ORDERED that the probation on the license of ASPEN, INC , A PROFESSIONAL CORPORATION to practice as a contractor be terminated and said license be reinstated with full privileges effective the date of this Order.

Dated this 24th day of June, 2009

Bradley F. Stevens
Commissioner

I hereby concur with the foregoing Order.

Dated this 24 day of June, 2009

Mark B. Steinagel
Mark B. Steinagel, Director
Division of Occupational
and Professional Licensing

S E A L



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

IN THE MATTER OF THE LICENSE OF
**ASPEN, INC. A PROFESSIONAL
CORPORATION**, TO PRACTICE AS A
GENERAL BUILDING CONTRACTOR IN
THE STATE OF UTAH

STIPULATION AND ORDER

Case no DOPL-2007- 232

STIPULATION

ASPEN, INC. A PROFESSIONAL CORPORATION ("Respondent"), Utah License
Number 5945610-5501, 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 of Occupational
and Professional Licensing ("Division") as a R-100 Residential and Small Commercial
Contractor Stan Freeman 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 Stan Freeman 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 Stan Freeman acknowledge that Respondent enters into this Stipulation knowingly and voluntarily

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

5 Respondent and Stan Freeman 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 Stan Freeman 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 Stan Freeman waive the right to the issuance of a Petition and Notice of Agency Action in this matter

7 Respondent and Stan Freeman 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 Stan Freeman admit the following facts are true

- a Respondent was licensed as an R-100 Residential and Small Commercial Contractor in the State of Utah on or about July 21, 2005

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- b On or about June 30, 2005, Respondent and Stan Freeman entered into a contract with John and Jane Doe (identities withheld for purposes of confidentiality) to build John and Jane Doe a new home
- c On or about November 15, 2005 Stan Freeman began installing the rough electrical work on the Doe home and continued installing electrical wiring and fixtures thru January 2006
- d On or about January 10, 2006 Stan Freeman submitted an invoice to the Does for the above-mentioned electrical work in the amount of \$3,300.00 to Zions Bank, as Draw #7, and was paid by the bank with Check #342724125 dated ~~October 19,~~ ^{January 19,} 2006
- e During a deposition taken on January 30, 2007, at the offices of Holme Roberts & Owen, LLP, 299 South Main Street, Suite 1800, Salt Lake City, Utah and later during an interview with Division Supervisor, Wayne Holman, on October 18, 2007, at the Division's office, Stan Freeman admitted that he performed the above-mentioned electrical work Stan Freeman also admitted that he was not licensed as an electrician in the State of Utah at the time he performed the electrical work described above

Handwritten notes:
JANUARY 19
MAY

8 Respondent and Stan Freeman admit that the above-described conduct is unlawful conduct as defined in Utah Code Ann § 58-55-501(2) and unprofessional conduct as defined in Utah Code Ann § 58-1-501(2)(i), and that said conduct justifies disciplinary action against Respondent's license pursuant to Utah Code Ann § 58-1-401(2)(a) and (b) Respondent and Stan Freeman agree that the Commission and Division may issue an Order, which constitutes disciplinary action against Respondent's license by the Division pursuant to Utah Administrative Code R156-1-102(7), Utah Code Ann § 58-1-401(2)(a) and (b), and § 58-55-103 as follows

- a Respondent's license shall be revoked That revocation shall be immediately stayed and the Respondent's license shall be subject to probation until the end of the current renewal cycle on November 30, 2009 The period of probation shall commence on the date of the issuance of an Order by the Division Director During the period probation, the Respondent shall be subject to all of the following terms and conditions If the Commission or the Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division

(1) Respondent shall pay a fine to the Division in the amount of \$1,000.00 (one-thousand dollars) pursuant to Utah Code Ann § 58-1-501(1) and §

— paid 11/6/07

58-55-503(a) and (h) Respondent shall pay \$800 00 (eight-hundred dollars) of the fine within 30 days of the effective date of this Order, which is the date the Director signs the Order. \$200 00 (two-hundred dollars) of the fine shall be stayed pending successful completion of the terms and conditions of this Stipulation and Order. If Respondent successfully complies with the terms and conditions of this Stipulation and Order, the unpaid \$200 00 will lapse on November 30, 2009. If Respondent does not comply with the terms and conditions of this Stipulation and Order, the Division shall remove the stay on the unpaid \$200 00 portion of the fine and Respondent shall be required to pay the \$200 00 within 30 days of being notified that the stay has been removed.

- (2) Respondent and Stan Freeman shall cease and desist from engaging in the practice of an electrician until such time as they obtain the required licenses to do so in Utah.
- (3) Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to Respondent's practice as general contractor in the State of Utah.
- (4) If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including requiring payment of the suspended portion of the fine and imposing any other appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license. If a disciplinary action is initiated before the completion of the terms of this Stipulation and Order, the period of probation and all probationary terms and conditions shall be extended until the matter is final.

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

10 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.

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

12 Stan Freeman has read each and every paragraph contained in this Stipulation and Order. Stan Freeman understands each and every paragraph contained in this Stipulation and Order. Stan Freeman 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


STAN FREEMAN
President, Director, Agent
ASPEN, INC , A
PROFESSIONAL
CORPORATION

DATE 10-31-07

DATE 10/25/07

MARK L SHURTLEFF
ATTORNEY GENERAL

BY


L MITCHELL JONES
Assistant Attorney General

DATE 31 Oct 2007

ORDER

THE ABOVE STIPULATION, in the matter of **ASPEN, INC. A PROFESSIONAL CORPORATION**, 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), Utah Code Ann § 58-1-401(2), and § 58-55-103. 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 **ASPEN, INC. A PROFESSIONAL CORPORATION**, 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 Wayne Holman