

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

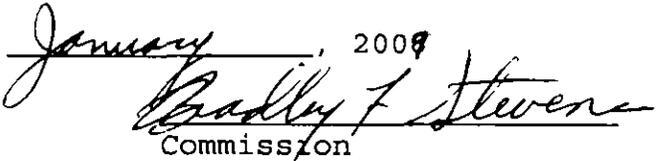
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IN THE MATTER OF THE LICENSE OF :  
SUNPLAY POOLS CONSTRUCTION, INC. :                   **DEFAULT ORDER**  
TO PRACTICE AS A CONTRACTOR :  
IN THE STATE OF UTAH :                   Case No. DOPL-2008-205

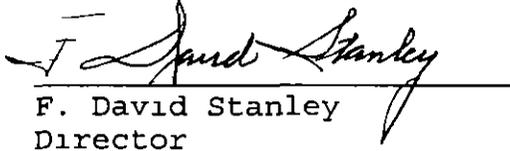
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The attached Notice of Entry of Default and Recommended Order are hereby adopted by the Construction Services Commission of the State of Utah. Respondent's license to practice as a contractor is thus revoked, effective the date of this Order.

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 28 day of January, 2008  
  
Commission

I hereby concur with the foregoing Order

Dated this 29 day of January, 2008  
  
F. David Stanley  
Director

S E A L

Pursuant to Subsection 63G-4-209(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 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

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IN THE MATTER OF THE LICENSE OF	:	NOTICE OF ENTRY
SUNPLAY POOLS CONSTRUCTION, INC.	:	OF DEFAULT AND
TO PRACTICE AS A CONTRACTOR	:	RECOMMENDED ORDER
IN THE STATE OF UTAH	:	Case No DOPL-2008-205

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**BY THE ADMINISTRATIVE LAW JUDGE:**

This adjudicative proceeding was initiated pursuant to the issuance of an October 13, 2008 notice of agency action. The notice recites Respondent was required to file a response within thirty (30) days of the mailing date of the notice.

The October 13, 2008 notice was sent to Respondent's last known address by both first class mail and certified mail on October 14, 2008. That notice was thus received by Respondent on October 15, 2008.

Respondent has not filed a response to the October 6, 2008 Petition. The Division filed a December 8, 2008 motion for entry of default based on Respondent's failure to have filed any response. Utah Code Ann. §63G-4-209(1)(c) provides an order of default may enter if a respondent in a formal adjudicative proceeding fails to file a response.

Given Respondent's failure to have filed a response to the October 6, 2008 Petition, the Court concludes a proper basis exists to enter Respondent's default and it is so entered. After

the entry of a default order, §63G-4-209(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. §63G-4-209(4)(a) also provides a determination shall be made of all issues in the adjudicative proceeding, including those affecting the defaulting party.

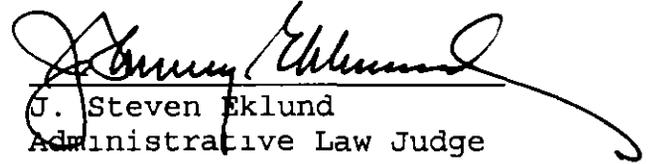
The Court thus adopts the allegations set forth in Paragraphs 3 through 12 of the October 6, 2008 Petition as its Findings of Fact. The Court also adopts Paragraphs 18 and 19 of the Petition as its Findings of Fact and Conclusions of Law

Specifically, the Court concludes Respondent has engaged in unprofessional conduct because Respondent has failed to maintain its qualifier and Respondent has also failed to maintain financial responsibility due to numerous unpaid judgments and liens. The Court thus concludes a proper factual and legal basis exists to enter a disciplinary sanction as to Respondent's 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 may be adopted

I hereby certify the foregoing Notice of Entry of Default, Findings of Fact, Conclusions of Law and Recommended Order were submitted to F. David Stanley, Director of the Division of Occupational and Professional Licensing, on the 11<sup>th</sup> day of December, 2008 for his review and action.

  
J. Steven Eklund  
Administrative Law Judge