DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
P O Box 146741
Salt Lake City UT 84114-6741
Telephone: (801) 530-6628

**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 EARTHMOVERS LLC | **FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER** |
| TO PRACTICE AS A CONTRACTOR IN THE STATE OF UTAH | Case No. DOPL-2009- 13 |

BY THE PRESIDING OFFICER:

FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 27th day of January, 2009.

2. This action is based upon Division records which show EARTHMOVERS LLC, (the "Respondent") failed to replace its qualifier within 60 days after the qualifier ceased association with the Respondent as required by Utah Code Annotated 58-55-304(6). Division records indicate the qualifier(s) ceased association with the Respondent on or before 12/31/07.

3. The Respondent has failed to respond to the notice of agency action and according to Division records has failed to replace the qualifier as required by Utah Code Annotated 58-55-304(6).

CONCLUSIONS OF LAW

4. Based upon Respondent's failure to replace its qualifier as required by Utah Code Annotated 58-55-304(6), the Respondent has engaged unprofessional conduct as provided by Utah Code Annotated 58-1-501(2)(a) and Respondent no longer meets the qualification for licensure as provided by Utah Code Annotated 58-55-304(3)-(5).

5. The Division is authorized to revoke the Respondent's contractor license as provided by Utah Code Annotated 58-1-401(1) because the Respondent no longer

meets the qualifications for license by having a qualifier as required by Utah Code Annotated 58-55-304(3)-(5).

6. The Division is authorized to revoke the Respondent's contractor license as provided by Utah Code Annotated 58-1-401(2)(a) for engaging in unprofessional conduct as provided by Utah Code Annotated 58-1-501(2)(a) for failure to replace the qualifier as require by Utah Code Annotated 58-55-304(6).

ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in this state shall be revoked, effective on the date this order is signed.

Dated this 5th day of March, 2009.

Dan S. Jones, Bureau Manager
Presiding Officer

Agency review of this order may be obtained by filing a request for agency review within thirty (30) days after the date of this order. If you choose to file a request for agency review, you must adhere to the attached procedures.