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

IN THE MATTER OF THE LICENSE OF ASPEN HOMES DEVELOPMENT INC TO PRACTICE AS A CONTRACTOR IN THE STATE OF UTAH	**NOTICE OF AGENCY ACTION TO REVOKE LICENSE CLASSIFICATION FOR FAILURE TO REPLACE QUALIFIER** Case No. DOPL-2009- 163

THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING TO ASPEN HOMES DEVELOPMENT INC ("Respondent"), [redacted] OGDEN UT 84404:

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action to determine whether a basis exists to revoke your license to practice as a contractor in the R100 classification for failure to replace your qualifier.

Said action is based upon Division records which show that the qualifier for your license classification R100, RICK U. KEARL, is no longer associated with you and you have failed to replace the qualifier within 60 days as required by Utah Code Annotated 58-55-304(6). Division records indicate the qualifier ceased association with you on or before MARCH 20, 2009.

The adjudicative proceeding designated herein is to be conducted on an informal basis, meaning that you are not entitled to a hearing. The decision in this matter will be based upon a review of the Division records and the response filed.

Within thirty (30) days of the mailing date of this notice, you are required to file a written response with the Division. The response you file may be helpful in clarifying, refining or narrowing the facts and the violation alleged herein. Your written response should be mailed to the following address: Division of Occupational and Professional Licensing, Attn Disciplinary Files, 160 East 300 South, PO Box 146741, SALT LAKE CITY, UT 84114-6741.

You may represent yourself or be represented by legal counsel, at your own expense, at all times while this action is pending. Your legal counsel shall file with the Division an Entry of Appearance and until that Entry of Appearance is filed, the presiding officer will deal directly with you.

The presiding officer for purposes of conducting this informal proceeding is Dan S. Jones, Bureau Manager. If you or your attorney have any questions as to the procedures relative to this matter, Dan S, Jones can be contacted at P O Box 146741, Salt Lake City, UT 84114-6741. His telephone number is (801) 530-6720.

At the expiration of the (30) days specified herein, and without further notice to you, the presiding officer will make an informal review of the Division records regarding this matter and any response you should file and make a determination of whether you have violated the requirement under Utah Code Annotated 58-55-304(6) to replace the qualifier within 60 days. If the presiding officer finds that you have violated this section, the presiding officer may issue an order revoking your license to practice as a contractor in the R100 classification.

The maximum administrative sanction in this case is revocation of licensure in the R100 classification.

Please conduct yourself accordingly.

Dated this 28 day of May, 2009.

Dan S. Jones, Bureau Manager
Presiding Officer