

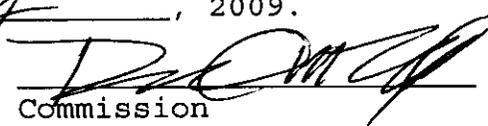
BEFORE THE CONSTRUCTION SERVICES COMMISSION
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF :
OQUIRRH MOUNTAIN CONSTRUCTION, LLC : **DEFAULT ORDER**
TO PRACTICE AS A CONTRACTOR :
IN THE STATE OF UTAH : Case No. DOPL-2009-191

The attached Notice of Entry of Default and Recommended Order is 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.

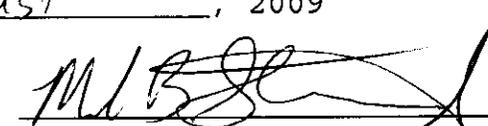
IT IS FURTHER ORDERED that the revoked license, both wall and wallet sizes, as well as any embossed certificate, thus be surrendered to the Division of Occupational and Professional Licensing.

Dated this 26 day of Aug, 2009.


Commission

I hereby concur with the foregoing Order.

Dated this 26 day of August, 2009


Mark B. Steinagel
Director



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

| | | |
|------------------------------------|---|------------------------|
| IN THE MATTER OF THE LICENSE OF | : | NOTICE OF ENTRY |
| OQUIRRH MOUNTAIN CONSTRUCTION, LLC | : | OF DEFAULT AND |
| TO PRACTICE AS A CONTRACTOR | : | RECOMMENDED ORDER |
| IN THE STATE OF UTAH | : | Case No. DOPL-2009-191 |
| | : | |

BY THE ADMINISTRATIVE LAW JUDGE:

This adjudicative proceeding was initiated pursuant to the issuance of a July 1, 2009 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 July 1, 2009 notice was sent to Respondent's last known address of [REDACTED], Tooele UT 84074 by both certified and first class mail. Both the certified mailing and first class mailing were returned to the Division by postal authorities in mid-July 2009 with an updated address of [REDACTED], Grantsville UT 84029-8023.

The Division then mailed the July 1, 2009 notice of agency action by first class mail on July 14, 2009 to Respondent at the newly identified address. That mailing has not been returned to the Division as undeliverable. Respondent has not filed a response to the June 22, 2009 Verified Petition.

The Division filed an August 12, 2009 motion for entry of

default based on Respondent's failure to have filed a 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 June 22, 2009 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.

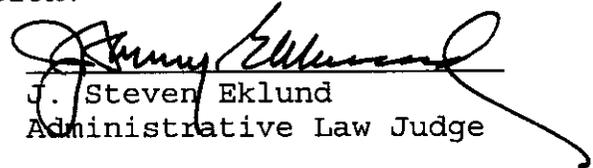
The Court thus adopts the allegations set forth in Paragraphs 3-6 of the June 22, 2009 Verified Petition as its Findings of Fact. The Court also adopts Paragraph 10 of that Petition as its Findings of Fact and Conclusions of Law.

Specifically, the Court concludes Respondent has engaged in unprofessional conduct because various judgments entered against Respondent establish its failure to maintain financial responsibility. 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 Construction Services Commission on the 24th day of August 2009 for their review and action.


J. Steven Eklund
Administrative Law Judge