

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

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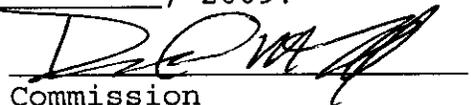
IN THE MATTER OF THE LICENSE OF :  
PROFESSIONAL ROOFING SERVICES, L.C. : **DEFAULT ORDER**  
TO PRACTICE AS A CONTRACTOR :  
IN THE STATE OF UTAH : Case No. DOPL-2009-194

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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.

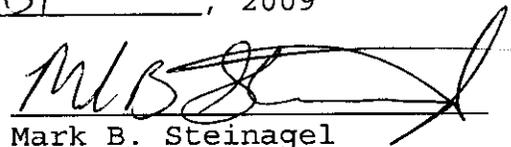
IT IS FURTHER ORDERED that the revoked license, both wall and wallet sizes, as well as any embossed certificate, thus be surrendered to the Division of Occupational and Professional Licensing.

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  
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IN THE MATTER OF THE LICENSE OF	>:	NOTICE OF ENTRY
PROFESSIONAL ROOFING SERVICES, L.C.	:	OF DEFAULT AND
TO PRACTICE AS A CONTRACTOR	:	RECOMMENDED ORDER
IN THE STATE OF UTAH	:	Case No. DOPL-2009-194
	:	

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**BY THE ADMINISTRATIVE LAW JUDGE:**

This adjudicative proceeding was initiated pursuant to the issuance of a July 6, 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 6, 2009 notice was sent to Respondent's last known address of [REDACTED], West Valley City UT 84170 by both certified and first class mail. The certified mailing was returned to the Division by postal authorities in early August 2009 with the notation it was "unclaimed". The first class 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 17, 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 Verified 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 3-12 of the June 22, 2009 Verified Petition as its Findings of Fact. The Court also adopts Paragraph 16 of that Petition as its Findings of Fact and Conclusions of Law.

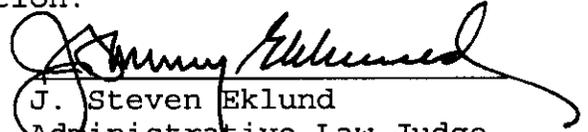
Specifically, the Court concludes Respondent has engaged in unprofessional conduct because various judgments and a tax lien entered against Respondent establish its failure to maintain financial responsibility. The Court thus concludes a proper factual and legal basis exists to enter a disciplinary sanction 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 24<sup>th</sup> day of August 2009 for their review and action.

  
J. Steven Eklund  
Administrative Law Judge