

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

IN THE MATTER OF THE LICENSE OF : NOTICE OF AGENCY ACTION
SIX PENCE INC : TO REVOKE CONTRACTORS
TO PRACTICE AS A : LICENSE FOR FAILURE TO
CONTRACTOR IN THE STATE OF UTAH : COMPLY WITH ORDER AND
: FAILURE TO DEMONSTRATE AND
: MAINTAIN FINANCIAL
: RESPONSIBILITY
:
: Case No. DOPL-OSC-2009-208

THE CONSTRUCTION SERVICES COMMISSION TO SIX PENCE
INC("Respondent"), [REDACTED], RICHFIELD UT 84701:

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 for failure to comply with order dated November 30, 2009 and failure to demonstrate and maintain financial responsibility and to comply with the conditions of your probation.

Said action is based upon Division records and investigation, which shows that you have failed to comply with an order in violation of Utah Code Annotated 58-1-501(2)(a), and you have failed to demonstrate and maintain financial responsibility as required under Utah Code Annotated Sections 58-55-306 and 58-55-502(1), and Utah Administrative Code R156-55a-306 because of the following financial history:

On November, 30, 2009 Respondent entered into a stipulation and order in case 2009-208 agreeing to a probationary license as a result of Respondent's failure to maintain financial responsibility.

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That stipulation and order was the result of a judgment in favor of the Utah Labor Commission in case number 056909270 in the amount of \$298.00 and case number 076927981 in the amount of \$1,500.00.

Judgments were entered against Respondent in favor of the Utah State Tax Commission in case number 076600033 in the amount of \$1,129.77 and case number 076600309 in the amount of \$526.36. Those judgments were satisfied based on overpayments for certain tax periods.

Since the stipulation and order dated November 30, 2009, Respondent provided documents showing a payoff of the judgments and tax liens indicated above.

In the Commission meeting on March 31, 2010, Respondent was informed that if no financial responsibility issues were shown on the credit reports which he was obligated to provide under the terms of the stipulation, the probations could be terminated and the license reissued without probation.

Respondent furnished the credit report but the credit report indicated a Federal Tax Lien in the amount of \$13,801.00 filed in Sevier County Recorder on 01/25/2008 which has not been released. The tax lien is shown on the credit report attached as Exhibit 1.

In the November 30, 2009 stipulation and order, the Respondent was required to provide full written details about any negative items on the credit report that were not previously reported.

Respondent has failed to respond to a letter sent dated on May 20, 2010 requesting written explanation for the federal tax lien and has failed to provide evidence that showing the tax lien is paid or that Respondent has entered into a written payment arrangement to pay the delinquent balance on the federal tax lien.

Respondent met with the construction Services Commission scheduled on July 28, 2010 as required by the stipulation and order but did not provide any documentation that the federal tax lien has been resolved.

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 any response filed.

Within thirty (30) days of the mailing date of this notice, you are requested to file a written response with the Division.

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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 Dan S. Jones, 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.

Dan S. Jones, Bureau Manager, has been designated as the coordinator for the Construction Services Commission, which is the presiding officer for purposes of conducting this informal proceeding. If you or your attorney has 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 your deadline to submit a response, and without further notice to you, the presiding officer will make an informal review of the record in this matter and determine whether you have failed to demonstrate and maintain financial responsibility, in violation of Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1) and you have failed to comply with an order in violation of Utah Code Annotated 58-1-501(2) (a).

The maximum administrative sanction in this case is revocation of licensure to practice as contractor.

Please conduct yourself accordingly.

Dated this 14th day of September, 2010.

W. Ray Walker
W. Ray Walker
Regulatory and Compliance
Officer