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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  
SIX PENCE, INC. TO PRACTICE AS A  
CONTRACTOR IN THE STATE OF UTAH

STIPULATION AND ORDER

Case No. DOPL - 2009 - 208

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Six Pence, Inc. ("Respondent") and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action.
2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.
3. The Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. A Notice of Agency Action and Petition has been issued in the captioned case, and the Division and the Respondent agree that this Stipulation and Order shall be the full and final resolution of all allegations and claims raised in the case.

5. Respondent understands that Respondent is entitled to a hearing before the Utah Construction Services Commission (Commission) or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent acknowledges that by executing this document Respondent waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing.

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document and may be released to other persons and entities.

7. Respondent admits the following facts:

- a. Judgments were entered against Respondent 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. An agreement is in place for Respondent's payment of those judgments.
- b. 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.

8. Respondent admits that Respondent has failed to maintain financial responsibility, which is a condition of licensure under Utah Code Ann. § 58-55-306, and which is unprofessional conduct as defined in Utah Code Ann. § 58-55-502(1). Therefore, Respondent agrees that an Order shall be entered in this matter as follows:

- (a) Respondent's license to practice as a contractor shall be placed on probation for a period of three years. The period of probation shall

commence on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order. During the period of probation, the Respondent shall be subject to all of the following terms and conditions. If the Commission and Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Division.

- (b) Respondent shall meet with the Commission at the first scheduled Commission meeting following the effective date of this Stipulation and Order. Respondent shall then meet with the Commission on a quarterly basis or at such other greater or lesser frequency as determined by the Commission and Division for the duration of the Stipulation and Order. Respondent shall meet with a Division staff person prior to Respondent's first meeting with the Commission.
- (c) Respondent shall maintain financial responsibility during the period of probation.
- (d) Respondent shall provide a current copy of Respondent's Experian Business Profile business credit report, a personal credit report, and a current financial statement to the Division on a quarterly basis, or at such other greater or lesser frequency as determined by the Commission and Division, for the duration of the Stipulation and Order. If the credit reports provided show any negative items, including but not limited to accounts which have gone into collections or late payments on new or existing obligations, Respondent shall provide a full written explanation of each negative item on the credit report.
- (e) Respondent shall notify the Division within 10 days of failing to pay in full any obligation, including an installment payment, when it becomes due. The notification shall state the amount not paid when due, to whom the obligation was due, and the date the obligation, including any penalties and interest, is expected to be paid.
- (f) Respondent shall be responsible for payment of all costs associated with this Stipulation and Order. Failure of Respondent to pay the costs associated with this Stipulation and Order constitutes a violation of this Stipulation and Order.
- (g) Respondent shall maintain a current license at all times during the period of this agreement.
- (h) Respondent shall immediately notify the Division in writing of any change in Respondent's residential or business address.
- (i) In the event the amount considered delinquent by creditors increases, or the credit reports provided under paragraph (b) above, or other information received by Division, indicates any of Respondent's financial obligations are delinquent, the Division may take action as set forth in Paragraph 12.

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(j) At any time after a period of one year has elapsed after the effective date of this Stipulation and Order, Respondent may request in writing that the term of probation be ended upon satisfying the following conditions:

- (i) The judgments listed in Paragraph 7(a) above have been satisfied;
- (ii) Respondent has demonstrated continued financial responsibility, including documentation that it has incurred no delinquent accounts or unpaid judgments.

Upon receiving Respondent's written request to terminate probation, the Commission may, at its discretion, issue an order granting the early termination of probation. This in no way guarantees that Respondent's request will be granted.

9. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of its having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's practice as a contractor.

11. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanctions, in the manner provided by law. Such sanctions may include but are not limited to revocation or suspension of Respondent's license. The period of probation shall be extended while an order to show cause or a petition alleging unlawful or unprofessional conduct is pending.

13. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements

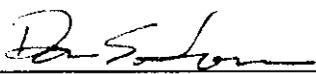
between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

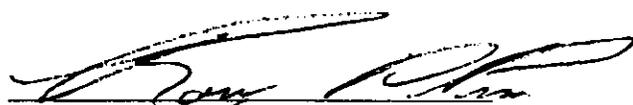
14. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Commission. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

15. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL  
PROFESSIONAL LICENSING

RESPONDENT

BY:   
DAN S. JONES  
Bureau Manager

BY:   
RORY PENCE  
Six Pence, Inc.

DATE: 11-24-09

DATE: November 21, 09

MARK L. SHURTLEFF  
ATTORNEY GENERAL

BY:

  
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LENORE EPSTEIN  
Assistant Attorney General

DATE:

11/23/09

ORDER

THE ABOVE STIPULATION, in the matter of Six Pence, Inc. is hereby approved by the Construction Services Commission and constitutes its Findings of Fact and Conclusions of Law in this Matter. The terms and conditions of the Stipulation are incorporated herein and constitute the Commission's final Order in this case.

DATED this 25 day of Nov, 2009.

  
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COMMISSION CHAIR

THE ABOVE STIPULATION, in the matter of Six Pence, Inc. is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The terms and conditions of the Stipulation are incorporated herein and constitute the Division's final Order in this case.

DATED this 30 day of November, 2009.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

  
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MARK B. STEINAGEL  
Director