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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 .
LANI HATCH DBA THE DRYWALL SURGEONS: **NOTICE OF AGENCY ACTION**
TO PRACTICE AS A CONTRACTOR :
IN THE STATE OF UTAH : Case No. DOPL-2009-212

THE CONSTRUCTION SERVICES COMMISSION TO Lani Hatch dba The
Drywall Surgeons ("Respondent"), Orem UT
84057.

The Division of Occupational and Professional Licensing
("the Division") hereby files this Notice of Agency Action. Said
action is based upon the Verified Petition of A. Bown Call,
Auditor, State of Utah, a copy of which is attached hereto and
incorporated herein by reference.

The adjudicative proceeding designated herein is to be
conducted on a formal basis. **Within thirty (30) days of the
mailing date of this Notice, you are required to file a written
response with this Division.** The response you file may be
helpful in clarifying, refining or narrowing the facts and
violations alleged in the Verified Petition. 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.

You are entitled by law to an evidentiary hearing to
determine whether your license to practice as a contractor in the
State of Utah should be subject to a disciplinary action. Unless

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otherwise specified by the Construction Services Commission, the Commission will serve as fact finder in the evidentiary hearing and will adopt an Order to be submitted to the Division Director for his concurrence. You will be notified by separate notice of the date, time, and place of that evidentiary hearing and of any other hearings.

During the evidentiary hearing, you will have the opportunity to present evidence, argue, respond, conduct cross-examination and submit rebuttal evidence to the fact finder.

The presiding officer for purposes of conducting hearings will be J. Steven Eklund, Administrative Law Judge, Department of Commerce, who will preside over any evidentiary issues and matters of law or procedure. If you or your attorney have any questions as to the procedures relative to the hearing, Judge Eklund can be contacted at P O Box 146701, Salt Lake City, UT 84114-6701. His telephone number is (801) 530-6648.

Counsel for the Division in this case is Lenore Epstein, Assistant Attorney General at (801) 366-0310 or P O Box 140872, Salt Lake City, UT 84114-0872. Within ten (10) days after the filing of your response, Ms. Epstein will request the scheduling of a prehearing conference.

You, or if you have an attorney, your attorney, may attempt to negotiate a settlement of the case without proceeding to a hearing by contacting Ms. Epstein

Should you fail to timely file a response, as set forth above, or fail to attend or participate in any scheduled hearing in this case, including prehearing conference(s), you may be held in default without further notice to you. If you are held in default, the maximum administrative sanction consistent with the terms of the Verified Petition may be imposed against you. The maximum administrative sanction in this case is revocation of licensure.

Please conduct yourself accordingly

Dated this 8TH day of July, 2009.

W. Ray Walker
W Ray Walker
Regulatory & Compliance
Officer

LENORE EPSTEIN (USB 6723)
Assistant Attorney General
MARK L. SHURTLEFF (USB 4666)
Attorney General
Counsel for the Division of Occupational
and Professional Licensing
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Salt Lake City, Utah 84114-0872
Telephone (801) 366-0310
Facsimile (801) 366-0315

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
LANI HATCH dba THE DRYWALL
SURGEONS TO PRACTICE AS A
CONTRACTOR IN THE STATE OF UTAH

VERIFIED PETITION

Case No. DOPL - 2009 - 212

PRELIMINARY STATEMENT

The following claims were investigated by the Utah Division of Occupational and Professional Licensing ("Division") upon receipt of complaints that Lani Hatch dba The Drywall Surgeons ("Respondent"), a licensee of the Division, has engaged in acts and practices that constitute violations of the Division of Occupational and Professional Licensing Act, Utah Code Ann. §§ 58-1-101 to 58-1-504 (West 2004), and the Construction Trades Licensing Act, Utah Code Ann. § 58-55-101 to 58-55-604 (West 2004). The allegations in this Petition are based upon the Division's information and belief arising out of that investigation. Each count in this Petition shall be deemed to incorporate the allegations set forth in all other paragraphs of the Petition.

PARTIES

1 The Division is a division of the Department of Commerce of the State of Utah and is established pursuant to Utah Code Ann § 13-1-2 (West Supp 2008)

2 At all times relevant to this Petition, Respondent was licensed by the Division as a contractor pursuant to Utah Code Ann §§ 58-55-101 to 604 (West 2004)

STATEMENT OF ALLEGATIONS

3 A judgment in favor of Workforce Services in the amount of \$3,330 05 was entered against Respondent on or about February 25, 2009 in the Fourth District Court of Utah County, State of Utah, Case No 086401900 As of the date of this Petition, Respondent has not satisfied the judgment A certified copy of the judgment is attached as Exhibit 1

4 A judgment in favor of American Builders & Contractors Supply Co , Inc dba ABC Supply Co in the amount of \$242,390 08 was entered against Respondent on or about November 19, 2008 in the Fourth District Court of Utah County, State of Utah, Case No 080401616 As of the date of this Petition, Respondent has not satisfied the judgment A certified copy of the judgment is attached as Exhibit 2

APPLICABLE LAW

5 Utah Code Ann § 58-1-401(2) (West 2004) provides in part that the Division may refuse to renew, or may revoke, suspend, restrict, or place on probation, issue a public or private reprimand to, or otherwise act upon the license of any licensee who has engaged in unlawful or unprofessional conduct

6 Utah Code Ann § 58-1-106(1)(d) (West 2004), authorizes the Division to issue cease and desist orders against persons who violate the statutes the Division administers

7 Utah Code Ann § 58-55-502(1) (West 2004) defines unprofessional conduct to include failing to maintain financial responsibility while licensed as a contractor

COUNT I

8 Judgments totaling \$245,720 13 have been entered against Respondent, and have not been satisfied Therefore, Respondent has failed to maintain financial responsibility, which constitutes unprofessional conduct under Section 58-55-502(1), and a basis exists to sanction Respondent's license pursuant to Sections 58-1-401(2) and 58-1-106(1)(d)

WHEREFORE, the Division respectfully requests the following relief

1 that the Respondent be adjudged and decreed to have engaged in the acts alleged herein,

2 that by engaging in the acts described herein, Respondent be adjudged and decreed to have violated the Division of Occupational and Professional Licensing Act and the Construction Trades Licensing Act,

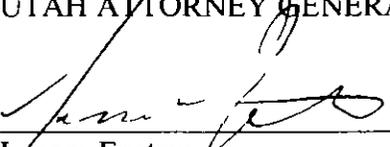
3 that an Order be issued imposing appropriate sanctions against Respondent's license to act as a contractor in the State of Utah,

4 that Respondent be ordered to cease and desist from future violation of the Acts, and

5 that an Order be issued revoking Respondent's contractor license

DATED this 25th day of June, 2009

MARK L SHURTLEFF
UTAH ATTORNEY GENERAL



Lenore Epstein
Assistant Attorney General

