

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 :  
SPILSBURY CONSTRUCTION & DEVELOPMENT, LLC: **DEFAULT ORDER**  
TO PRACTICE AS A CONTRACTOR :  
IN THE STATE OF UTAH : Case No. DOPL-2009-243

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

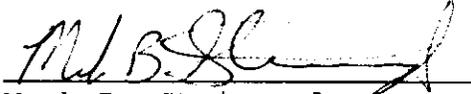
IT IS FURTHER ORDERED that the revoked license, both wall and wallet sizes, as well as any embossed certificate, thus be surrendered to the Division of Occupational and Professional Licensing.

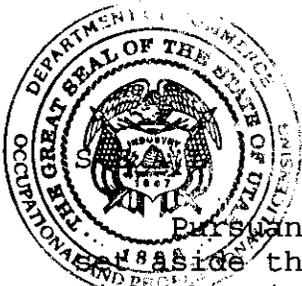
Dated this 28 day of Oct, 2009.

  
Commission

I hereby concur with the foregoing Order.

Dated this 28 day of October, 2009

  
Mark B. Steinagel  
Director



Pursuant to Subsection 63G-4-209(3), Respondent may seek to ~~rescind~~ <sup>revoke</sup> 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	:	
<b>SPILSBURY CONSTRUCTION &amp; DEVELOPMENT, LLC</b>	:	<b>NOTICE OF</b>
TO ACT AS A CONTRACTOR	:	<b>ENTRY OF DEFAULT AND</b>
IN THE STATE OF UTAH	:	<b>RECOMMENDED ORDER</b>
	:	Case No. DOPL-2009-243
	:	

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**BY THE ADMINISTRATIVE LAW JUDGE:**

This adjudicative proceeding was initiated pursuant to the issuance of an August 19, 2009 notice of agency action. The notice provides Respondent was required to file a written response within thirty (30) days from the mailing date of the notice.

The August 19, 2009 notice was sent on that date to Respondent's last known addresses of [REDACTED] Hurricane, Utah 84737 and [REDACTED] Washington, Utah 84780 by both certified and regular mail.

Postal authorities returned the mailings sent to the Washington, Utah address to the Division with a notation of a new address of [REDACTED] Hurricane, Utah 84737. Postal authorities returned the certified mailing for the Hurricane, Utah address to the Division with a notation that the mailing was unclaimed. The first class mailing sent to the Hurricane, Utah address was not returned to the Division.

The Division has not been able to locate a more current mailing address for Respondent. The latter has filed no response to the August 12, 2009 Verified Petition.

The Division filed a September 23, 2009 request for entry of Respondent's default. Utah Code Ann. §63-4-209(4)(c) provides an order of default may enter if a respondent in a formal adjudicative proceeding fails to file a response. Given the foregoing, the Court concluded a proper basis exists to enter Respondent's default and its default it so entered.

After the issuance 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) through (5) of the August 12, 2009 Verified Petition as its Findings of Fact. The Court also adopts Paragraph (9) of that Petition as its Conclusions of Law.

Specifically, the Court concludes Respondent has failed to maintain financial responsibility and thus engaged in unprofessional conduct violative of §58-55-502(1) as reflected by the three (3) judgments totaling \$1,347.75 entered against Respondent. The Court thus concludes a proper factual and legal

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basis exist to enter a disciplinary sanction as to Respondent's license. Absent any matters offered in defense or mitigation, the Court further concludes the 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 is adopted by the Construction Services Commission and the Division.

I hereby certify the foregoing Notice of Entry of Default and Recommended Order was submitted to the Construction Services Commission and Mark B. Steinagel, Director of the Division of Occupational and Professional Licensing, on the 14<sup>th</sup> day of October, 2009 for their review and action.

  
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J. Steven Eklund  
Administrative Law Judge