DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
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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 PENCO INCORPORATED TO PRACTICE AS A CONTRACTOR IN THE STATE OF UTAH	**FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER** Case No. DOPL-2009-280

BY THE PRESIDING OFFICER:

FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 15th day of September, 2009.

2. This action is based upon Division records which show Penco Incorporated, (the "Respondent") failed to replace its qualifier in the B100 classification within 60 days after the qualifier ceased association with the Respondent as required by Utah Code Annotated 58-55-304(6). Division records indicate the qualifier ceased association with the Respondent on or before July 13, 2009.

3. The Respondent has failed to respond to the notice of agency action and according to Division records has failed to replace the qualifier as required by Utah Code Annotated 58-55-304(6).

CONCLUSIONS OF LAW

4. Based upon Respondent's failure to replace its qualifier as required by Utah Code Annotated 58-55-304(6), the Respondent has engaged unprofessional conduct as provided by Utah Code Annotated 58-1-501(2)(a) and Respondent no longer meets the qualification for licensure as provided by Utah Code Annotated 58-55-304(3)-(5).

5. The Division is authorized to revoke the Respondent's contractor license as provided by Utah Code Annotated 58-1-401(1) because the Respondent no longer meets the qualifications for license by having a qualifier as required by Utah Code Annotated 58-55-304(3)-(5).

6. The Division is authorized to revoke the Respondent's contractor license in the B100 classification as provided by Utah Code Annotated 58-1-401(2)(a) for engaging in unprofessional conduct as provided by Utah Code Annotated 58-1-501(2)(a) for failure to replace the qualifier as require by Utah Code Annotated 58-55-304(6).

ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in the B100 classification in this state shall be revoked, effective on the date this order is signed.

Dated this 20 day of October, 2009.

Dan S. Jones, Bureau Manager
Presiding Officer

Agency review of this order may be obtained by filing a request for agency review within thirty (30) days after the date of this order. If you choose to file a request for agency review, you must adhere to the attached procedures.