

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

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**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 : NOTICE OF AGENCY ACTION  
FOOTING SPECIALISTS, INC : TO REVOKE CONTRACTORS  
d/b/a HORIZON CONCRETE : LICENSE FOR FAILURE TO  
TO PRACTICE AS A : COMPLY WITH ORDER AND  
CONTRACTOR IN THE STATE OF UTAH : FAILURE TO DEMONSTRATE AND  
: MAINTAIN FINANCIAL  
: RESPONSIBILITY  
:  
: Case No. DOPL-OSC-2009-360

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THE CONSTRUCTION SERVICES COMMISSION TO FOOTING SPECIALISTS  
INC d/b/a HORIZON CONCRETE ("Respondent"), [REDACTED] WEST  
POINT UT 84015:

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 Sections 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 2009-360 agreeing to a probationary license as a result of Respondent's failure to maintain financial responsibility.

That stipulation and order was the result of a judgment in favor of Staker & Parson Companies in the amount of \$41,244.69 being entered against Respondent. Respondent claimed to have arranged for a monthly payment agreement and other terms with Staker & Parson Companies to resolve this judgment.

Since the stipulation and order dated November 30, 2009 Respondent has had new tax liens shown on the credit report as follows: A copy of the credit report is attached as Exhibit 1.

A State Tax Lien was entered against Respondent on or about 01/04/2010 in the amount of \$3,475.00 filed in the Davis District Court, Case No. 106700014.

A State Tax Lien was entered against Respondent on or about 01/04/2010 in the amount of \$15,239.00 filed in the Davis District Court, case No. 106700033.

A State Tax Lien was entered against Respondent on or about 01/04/2010 in the amount of \$5,104.00 filed in the Davis District Court, Case No. 106700045.

A State Tax Lien was entered against Respondent on or about 01/11/2010 in the amount of \$3,475.00 filed in the Davis District Court, Case No. 106900198.

A State Tax Lien was entered against Respondent on or about 01/11/2010 in the amount of \$15,239.00 filed in the Davis District Court, Case No. 106900212.

A State Tax Lien was entered against Respondent on or about 01/11/2010 in the amount of \$5,104.00 filed in the Davis District Court, Case No. 106900213.

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 letters sent dated on March 16, 2010 and May 18, 2010 requesting written explanation for the new tax liens and also verifying having complied with a payment arrangement with Staker & Parsons, the judgment creditor.

Respondent has failed to meet with the construction Services Commission scheduled on July 28, 2010 as required by the stipulation and order.

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.** 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 section 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 7<sup>TH</sup> day of September, 2010.

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