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 RANCHO TOOELE DEVELOPMENT LC TO PRACTICE AS A CONTRACTOR IN THE STATE OF UTAH	**FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER** Case No. DOPL-2010-233

FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 11th day of October 2010.

2. This action is based upon Division records which show Rancho Tooele Development LC (the "Respondent") failed to demonstrate and maintain financial responsibility as required under Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306 and obtained a license by misrepresentation or omission, in violation of Utah Code Annotated Subsection 58-55-501(9).

3. The Respondent responded to the notice of agency action by meeting with Dan Jones and the Construction Services Commission and explained the circumstances leading to its financial dificulties and provided a credit report but failed to show the delinquent obligations noted in the Notice of Agency Action has been resolved.

Therefore, according to Division records and a review of the response, the Respondent has failed to demonstrate and maintain financial responsibility as outlined above, which constitutes a basis to sanction Respondent's license pursuant to Utah Code Annotated Subsections 58-1-401(1) and (2) and Utah Code Annotated subsection 58-55-503(4).

CONCLUSIONS OF LAW

4. Based upon Respondent's failure to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306, Subsection 58-

55-502(1), and Section R156-55a-306 and Respondent has engaged in unprofessional conduct as provided by Utah Code Annotated Subsection 58-1-501(2)(a) and Respondent no longer meets the qualification for licensure as provided by Utah Code Annotated Section 58-55-306.

5. The Division is authorized to revoke the Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(1) because the Respondent no longer meets the qualifications for license as required by Utah Code Annotated Subsection 58-55-102(19).

6. The Division is authorized to revoke the Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(2)(a) for engaging in unprofessional conduct as provided by Utah Code Annotated Subsection 58-1-501(2)(a) for failure to maintain financial responsibility as required by Utah Code Annotated Section 58-55-306.

ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in this state shall be revoked, effective on January 31, 2011.

This order may be set aside by the Division if prior to January 31, 2011, the Respondent has provided evidence satisfactory to the Division that all of the judgments identified in the Notice of Agency Action in this matter has been paid in full or set aside, the Respondent posts a license bond in the amount of $150,000 or Respondent has entered into a probationary agreement satisfactory to the Division.

On behalf of the Construction Services Commission and the Division of Occupational and professional licensing, I hereby certify the foregoing Findings of Fact, Conclusions of Law and Order was submitted to the Construction Services Commission and the Division on the 29th day of December 2010 for their review and action.

DATED this 29th day of December, 2010

Dan S. Jones, Bureau Manager

ORDER

THE ABOVE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER in the matter of RANCHO TOOELE DEVELOPMENT LC, is hereby adopted by the Construction Services Commission of the State of Utah.

DATED this 29 day of Dec, 2010

CONSTRUCTION SERVICES COMMISSION
Representative

I concur with the above Order, which the Construction Services Commission has approved.

DATED this 29TH day of December, 2010.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

W. Ray Walker, Acting Director
for MARK B. STEINAGEL
Director

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.