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 1ST CHOICE HOME CONSTRUCTION LLC TO PRACTICE AS A CONTRACTOR IN THE STATE OF UTAH	**FINDINGS OF FACT** **CONCLUSIONS OF LAW** **AND ORDER** Case No. DOPL-2010-263

FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 31st day of August 2010.

2. This action is based upon Division records which show 1st Choice Home Construction LLC, (the "Respondent") failed to replace its qualifier 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 June 1, 2010.

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 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 this state shall be revoked, effective on the date this order is signed.

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 27th day of October 2010 for their review and action.

DATED this 27th day of October, 2010

Dan S. Jones, Bureau Manager

ORDER

THE ABOVE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER in the matter of **1ST CHOICE HOME CONSTRUCTION LLC**, is hereby adopted by the Construction Services Commission of the State of Utah.

DATED this 27 day of Oct, 2010.

CONSTRUCTION SERVICES COMMISSION
Representative

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

DATED this 28 day of OCT, 2010.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

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.