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DIVISION OF OCCUPATIONAL
& PROFESSIONAL LICENSING

**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)
FAMILY HEATING & COOLING, INC) STIPULATION AND ORDER
TO OPERATE AS A CONTRACTOR)
IN THE STATE OF UTAH) CASE NO. DOPL 2010- 297

FAMILY HEATING & COOLING, INC ("Respondent") and the Construction Services Commission ("Commission") of the Department of Commerce of the State of Utah stipulate and agree as follows:

1. Respondents admits the jurisdiction of the Commission and the Division of Occupational and Professional Licensing ("Division") over Respondent and over the subject matter of this action. Thomas Jay Ramsrud is the qualifier and owner of Respondent company and is authorized to act as agent for and enter into binding agreements on behalf of Respondent company. In this Stipulation and Order, the term "Respondent" shall mean both Thomas Jay Ramsrud and Family Heating & Cooling, Inc., jointly and separately.

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2. Respondents acknowledges that Respondents enter into this Stipulation knowingly and voluntarily.

3. Respondents understand that the Respondents have the right to be represented by counsel in this matter and Respondents signature below signifies that Respondents has either consulted with an attorney or Respondents waive their Respondents right to counsel in this matter.

4. Respondents understands that the Respondent is entitled to a hearing before the Commission, or other Presiding Officer, at which time Respondents may present evidence on the Respondents own behalf, call witnesses, and confront adverse witnesses. Respondents acknowledges that by executing this document Respondents hereby waives the right to a hearing and any other rights to which Respondents may be entitled in connection with said hearing. Respondents understands that by signing this document Respondents waive all rights to any administrative and judicial review as set forth in §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R156-46b-12 through R156-46b-15. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann §63G4-102(4).

5. Respondents waive the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondents acknowledge that this Stipulation and Order, if adopted by the Commission and Division, will be classified as a public document. The Commission and Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondents license to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent was first licensed to operate as a contractor in the State of Utah on or about March 28, 2004.
- b. On or about November 24, 2009, Respondent submitted an application for renewal of Respondent's license. On that application Respondent answered "yes" to the question "Have all judgments, liens, taxes and child support payments been paid as required and have all bankruptcies been reported to DOPL?"
- c. On or about June 2, 2009 Family Heating & Cooling, Inc and Thomas Jay Ramsrud had a judgment entered against them in the amount of \$27,129.21 in Utah Third District Court. At the time Respondent filed its application for renewal the judgment was still outstanding.
- d. On or about June 23, 2009 Thomas Jay Ramsrud filed for bankruptcy in federal bankruptcy court.

8. Respondent admits that Respondent's conduct described above is unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(e) and Utah Code Ann. § 58-55-501(9); and that said conduct justifies disciplinary action against Respondent pursuant to Utah Code Ann. § 58-1-401. Respondent understands that the issuance of the Order in this matter is disciplinary action by the Division against Respondent's license pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2). Respondent agrees that an Order shall be entered in this matter as follows:

- (a) Respondent shall pay an administrative penalty of \$500.00 (five hundred dollars) to the Division, pursuant to Utah Code Ann. § 58-55-503, within 30 days of the effective date of this Stipulation and Order.

*500 fine
paid on
4-9-2010.
cm*

9. This Stipulation and Order, upon approval by the Commission and Division Director, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Commission and Director are not required to accept the terms

of this Stipulation and Order and that if the Commission does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Commission, Director, and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Commission and Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the construction activities.

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Commission or Board members during a meeting of the Commission or Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Commission and Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Commission and Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a

term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Commission. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. If Respondent violates any term or condition of this Stipulation and Order, the Commission may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

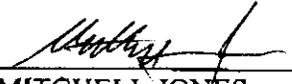
14. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
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BY: 
DAN S. JONES
Bureau Manager

DATE: 9-16-10

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE: 16 Sep 2010

RESPONDENT

BY: 
THOMAS JAY RAMSRUD
Owner
Family Heating & Cooling, Inc.

DATE: 9/3/2010

ORDER

THE ABOVE STIPULATION, in the matter of **FAMILY HEATING & COOLING, INC**, is hereby approved by the Construction Services Commission, and constitutes its Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action pursuant to Utah Administrative Code R156-1-102(6) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute the Commission's final Order in this case.

DATED this 1 day of Sep, 2010.


CONSTRUCTION SERVICES COMMISSION
Representative

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

DATED this 16 day of September, 2010.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


MARK B. STEINAGEL
Director