DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
PO Box 146741
Salt Lake City UT 84114-6741
Telephone: (801) 530-6628

BEFORE THE CONSTRUCTION SERVICES COMMISSION
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF	:	**NOTICE OF AGENCY ACTION**
MARK NOREN GENERAL CONTRACTORS INC	:	**TO REVOKE CONTRACTOR'S**
	:	**LICENSE FOR FAILURE**
	:	**TO COMPLY WITH ORDER**
TO PRACTICE AS A CONTRACTOR	:	**AND FAILURE TO DEMONSTRATE**
IN THE STATE OF UTAH	:	**FINANCIAL RESPONSIBILITY**
	:	
	:	
	:	Case No.DOPL-OSC-2010-322

THE CONSTRUCTION SERVICES COMMISSION TO **MARK NOREN GENERAL CONTRACTORS INC**("Respondent"):

MARK NOREN GENERAL CONTRACTORS INC

The Division of Occupational and Professional Licensing ("the Division") hereby files this notice of agency action. The jurisdiction and authority for this action is §58-1-401(2).

This action is filed based upon a review of the Division's records and investigation ("file") that indicate Respondent has engaged in unprofessional conduct by: failing to comply with the conditions stated in the 10/27/2010 Order as required by Utah Code Annotated Sections 58-1-501(2)(a), and failure to demonstrate and maintain financial responsibility as required under Utah Code Annotated Sections 58-55-306 and 58-55-502(1), such that Respondent's license should be subject to disciplinary action.

ALLEGATIONS AND AUTHORITY

1. In particular the evidence in the Division's file indicates that Respondent has engaged in the following conduct:

I. FAILURE TO COMPLY WITH ORDER

2. Respondent is, and at all times relevant to this proceeding, licensed to practice as a Contractor. Respondent initially became so licensed on or about 07/07/1997.

3. As a result of Respondent's failure to maintain and demonstrate financial responsibility, Respondent's license was placed on probation subject to various terms and conditions on 10/27/2010. That probationary order was based on a stipulation between the Division and Respondent.

4. Respondent has engaged in the following conduct, in violation of the 10/27/2010 probationary order.

a. Pursuant to paragraph 8, Respondent agreed to comply with the payment agreements with the creditors noted above and to provide the Division with evidence of compliance with the payment arrangements. Respondent has failed provide the Division with evidence that Respondent has complied with the payment arrangements. Accordingly, Respondent is in violation of the terms of probation.

b. Pursuant to paragraph 8, Respondent agreed to meet with the Construction Services Commission on 02/27/2013 and explain Respondent's failure to comply with the Order. Respondent failed to appear for this scheduled appointment. Accordingly, Respondent is in violation of the terms of probation.

c. Pursuant to paragraph 8, Respondent agreed to maintain "a solvent financial condition with the timely payment of all newly created obligations accruing after the date of the stipulation." Respondent has failed to maintain a solvent financial condition by failing to make payments or payment arrangements on the new judgment entered. Accordingly, Respondent is in violation of paragraph 8 of the Order.

d. Pursuant to paragraph 8, Respondent agreed to provide to the Division a current copy of an Experian Business Profile business credit report and a personal credit report on a quarterly basis and tax returns on an annual basis. On or about 12/26/2012 & 02/14/2013 the Division sent out letters requesting Respondent to submit business and personal credit reports and tax returns. Respondent has failed to provide the tax returns since 2010. Accordingly, Respondent is in violation of paragraph 8.

5. As a result of the conduct described above, Respondent has failed to comply with an order in violation of Utah Code Annotated §§ 58-1-501(2)(a).

6. Respondent has failed to comply with an order and no longer meets the qualifications for licensure which conduct constitutes unprofessional conduct and therefore provide a basis to revoke Respondent's license pursuant to Utah Code Annotated § 58-1-401.

II. FAILURE TO MAINTAIN AND DEMONSTRATE FINANCIAL RESPONSIBILITY

7. Division records and investigation indicate Respondent has engaged in unprofessional conduct by failing to maintain and demonstrate financial responsibility as required under Utah code Annotated Sections 58-55-306 and 58-55-502(1).

8. Since entering into the Stipulation, the Respondent has had the following additional judgments or tax liens entered against Respondent:

a. On or about 02/04/2013 a tax lien in the amount of **$1,051.56** was entered in favor of UTAH STATE TAX COMMISSION against MARK A NOREN, Case No.: 136905130. As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the judgment is attached as *Exhibit A*.

9. Pursuant to Utah Administrative Code Section R156-55a-306, the Division may consider judgments, tax liens, collection actions, a history of late payments to creditors, and bankruptcy schedules filed by a licensee or its owners, as well as prior entities owned or operated by a licensee or its owners when determining financial responsibility which subjects Respondent's license to disciplinary action.

10. Respondent has failed to maintain and demonstrate financial responsibility in violation of Utah Code Annotated §§ 58-1-501(2)(a) and no longer meets the qualification for licensure as provided by Utah Code Annotated § 58-55-306 and Utah Administrative Code § R156-55a-306.

11. Based on the above financial history, Respondent has failed to demonstrate and maintain financial responsibility, which constitutes a basis to revoke Respondent's license pursuant to Utah Code Annotated Section 58-1-401. See Utah Code Annotated §§ 58-1-401(1) ("The division . . . shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this title."); Section 58-1-401(2)(a) ("The division . . . may refuse to renew or may revoke,

suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the license of any licensee [who has] engaged in unprofessional conduct . . . "). See also Utah Code Annotated Section 58-55-502(1) ("Unprofessional conduct includes . . . failing to establish, maintain, or demonstrate financial responsibility while licensed as a contractor under this chapter.")

RELIEF SOUGHT

The Division seeks Revocation of Licensure to practice as a Contractor in the State of Utah.

NOTICE OF PROCEDURES

This action is designated as an informal adjudicative proceeding ("proceeding") in §R156-46b-202 pursuant in accordance with §63G-4-202(1).

You may represent yourself or legal counsel may represent you, at your own expense, while this action is pending. If you are represented by legal counsel, your attorney must file a Notice of Appearance with the Division at the address stated below. Until an Entry of appearance is filed, the presiding officer, or others within or representing the Division, will communicate directly with you.

Dan S. Jones, Bureau Manager, is designated as the coordinator for the Construction Services Commission ("Commission"). The Commission is the presiding officer over this informal proceeding. If you or your attorney has any questions regarding the procedures related to this matter, Mr. Jones can be contacted at the above address, or via telephone at (801) 530-6720.

The proceeding will be conducted pursuant to §63G-4-203. There is no right to a hearing in this proceeding. The decision in this matter will be based upon a review of the Division's file.

Within ten (10) days of the mailing date of this notice, you may obtain by written request a copy of the relevant and nonprivileged contents of the Division's file related to this proceeding. Your request, if any, should be submitted to the address stated below.

Within thirty (30) days of the mailing date of this notice, you are required to file a written response herein. A response may be helpful to clarify, refine, or narrow the facts and violations related to the basis for this action as contained in

the Division's file.

If you fail to file a response, it will constitute a basis for entry of default, and an order will be entered by the Presiding Officer without your participation. It will be based upon a review of the Division's file and, as deemed necessary, a review and recommendation by the Commission.

If you file a response, it will be included in the Division's file and will be considered by the presiding officer. An original of your response, if any, should be mailed or hand delivered to:

DIVISION of OCCUPATIONAL and PROFESSIONAL LICENSING
Attn: Dan S. Jones
(By Mail):
PO Box 146741
Salt Lake City UT 84114-6741
(By Hand Delivery):
160 East 300 South, 4th floor
Salt Lake City, Utah

If you file a Response, you will be notified if this action is placed on the Commission's agenda. Commission meetings are normally open to the public and public comment may be provided if permitted by the chair of the Commission. However, please note that if this action is placed on the Commission's agenda, it is an agenda item, not a disciplinary hearing.

At the expiration of 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 comply with the Division's Order, in violation of Utah Code Annotated Section 58-1-501(2)(a).

The maximum administrative sanction in this case is revocation of your license to practice as a contractor in the State of Utah.

Please conduct yourself accordingly.

Dated this 7 day of May, 2013.

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