

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

**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	:	FINDINGS OF FACT
GRANT MACKAY COMPANY INC	:	CONCLUSIONS OF LAW
TO PRACTICE AS A CONTRACTOR	:	AND ORDER
IN THE STATE OF UTAH	:	
	:	
	:	Case No. DOPL-2010-339

FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 12th day of October 2010.
2. This action is based upon Division records which show [contractor name], (the "Respondent") failed to replace its qualifier in the B100 and E100 classifications 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 July 26, 2010.
3. The Respondent has filed a response to the notice of agency action. However, the response fails to demonstrate that the Respondent has replaced Respondent's qualifier as required by Utah Code Annotated 58-55-304(6). Respondent alleged that they have had two employees take the required exams, but that they did not pass. Accordingly, this response fails to demonstrate the qualifier has been replaced.

Therefore, according to Division records and after a review of Respondent's response in this matter, Respondent has failed to replace its qualifier within the time period required.

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 in the B100 and E100 classifications 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 the B100 and E100 classifications 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 29th day of Dec 2010 for their review and action.

DATED this 29th day of December, 2010.

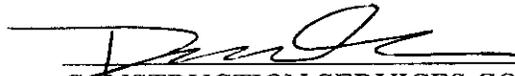


Dan S. Jones, Bureau Manager

ORDER

THE ABOVE FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER in the matter of **GRANT MACKAY COMPANY INC**, 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

for W. Russ Walhee, Acting Director
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.