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

IN THE MATTER OF THE LICENSE OF **AARROW LANDSCAPE CONSTRUCTION LLC** TO PRACTICE AS A CONTRACTOR IN THE STATE OF UTAH	**NOTICE OF AGENCY ACTION TO REVOKE CONTRACTORS LICENSE FOR FAILURE TO MAINTAIN FINANCIAL RESPONSIBILITY AND MISREPRESENTATION ON APPLICATION FOR LICENSURE** Case No. DOPL-2010-382

THE CONSTRUCTION SERVICES COMMISSION TO AARROW LANDSCAPE CONSTRUCTION LLC ("Respondent"), [redacted] DRAPER UT 84020:

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action to determine whether a basis exists to revoke your license to practice as a contractor for failure to demonstrate and maintain financial responsibility.

Said action is based upon Division records and investigation, which shows that you have failed to demonstrate and maintain financial responsibility as required under Utah Code Annotated Section 58-55-306 and 58-55-502(1), and Utah Administrative Code Section R156-55a-306 because of the following financial history.

A judgment in favor of SS Inc in the amount of $8,809.83 was entered against Respondent on or about November 20, 2008 in the Third District Court Salt Lake County, State of Utah, Case No. 080916162. As of the date of this Notice, Respondent has not satisfied the judgment. A certified copy of the judgment is attached as Exhibit 1.

A judgment in favor of For-Shore Company in the amount of $8,396.00 was entered against Respondent on or about February 27, 2009 in the Third District Court Salt Lake County, State of Utah, Case No. 080911832. As of the date of this Notice, Respondent has not satisfied the judgment. A certified copy of the judgment is attached as Exhibit 2.

A judgment in favor of All American Sod Farms Inc in the amount of $145,256.58 was entered against Respondent on or about April 6, 2010 in the Third District Court Salt Lake County, State of Utah, Case No. 080907991. As of the date of this Notice, Respondent has not satisfied the judgment. A certified copy of the judgment is attached as Exhibit 3.

A judgment in favor of Utah State Tax Commission in the amount of $3,659.96 was entered against Respondent's owner, Thomas E Macaluso, on or about November 5, 2007 in the Third District Court Salt Lake County, State of Utah, Case No. 076928223. As of the date of this Notice, Respondent has not satisfied the judgment. A certified copy of the judgment is attached as Exhibit 4.

A judgment in favor of Utah State Tax Commission in the amount of $2,594.43 was entered against Respondent's owner, Thomas E Macaluso, on or about November 5, 2007 in the Third District Court Salt Lake County, State of Utah, Case No076928341. As of the date of this Notice, Respondent has not satisfied the judgment. A certified copy of the judgment is attached as Exhibit 5.

A judgment in favor of Utah State Tax Commission in the amount of $2,674.91 was entered against Respondent's owner, Thomas E Macaluso, on or about December 22, 2008 in the Third District Court Salt Lake County, State of Utah, Case No. 086933152. As of the date of this Notice, Respondent has not satisfied the judgment. A certified copy of the judgment is attached as Exhibit 6.

A Notice of Federal Tax Lien against Respondent's owner, Thomas E Macaluso in the amount of $22,491.11 was filed with the Salt Lake County Recorder, Reference No. 10012768, on February 6, 2007. As of the date of this Notice, Respondent has not satisfied the lien. A copy of the Notice of Federal Tax Lien is attached as Exhibit 7.

A Notice of Federal Tax Lien against Respondent's owner, Thomas E Macaluso in the amount of $168,431.00 was filed with the Salt Lake County Recorder, Reference No. 10012769, on February 6, 2007. As of the date of this Notice, Respondent has not satisfied the lien. A copy of the Notice of Federal Tax Lien is attached as Exhibit 8.

Utah Administrative Code Subsection R156-55a-306(f) provides the division may consider judgments and/or tax liens against and owner of the licensee or prior entities owned by the owner in determining the licensee financial responsibility.

Judgments and Tax Liens totaling $362,313.82 as outlined above were entered against Respondent and have not been satisfied. Therefore, 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).

The Respondent made a representation to the Division when Respondent applied for renewal of licensure that all judgments or tax liens had been paid. This representation was not accurate when made. Therefore, Respondent has obtained a license by misrepresentation in violation of Utah Code Annotated Subsection 58-55-501(9), which constitutes a basis to sanction Respondent's license pursuant to Utah Code Annotated Subsection 58-1-401(2) and assess a fine pursuant to Utah Code Annotated Subsection 58-55-503(4).

The adjudicative proceeding designated herein is to be conducted on an informal basis, meaning that you are not entitled to a hearing. The decision in this matter will be based upon a review of the Division records and any response filed.

Within thirty (30) days of the mailing date of this notice, you are requested to file a written response with the Division. The response you file may be helpful in clarifying, refining or narrowing the facts and the violation alleged herein. Your written response should be mailed to the following address: Division of Occupational and Professional Licensing, Attn Dan S. Jones, 160 East 300 South, PO Box 146741, SALT LAKE CITY, UT 84114-6741.

You may represent yourself or be represented by legal counsel, at your own expense, at all times while this action is pending. Your legal counsel shall file with the Division an Entry of Appearance and until that Entry of Appearance is filed, the presiding officer will deal directly with you.

Dan S. Jones, Bureau Manager, has been designated as the coordinator for the Construction Services Commission, which is the presiding officer for purposes of conducting this informal proceeding. If you or your attorney has any questions as to the procedures relative to this matter, Dan S, Jones can be contacted at P.O. Box 146741, Salt Lake City, UT 84114-6741. His telephone number is (801) 530-6720.

At the expiration 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 demonstrate and maintain financial responsibility, in violation of Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and whether you obtained a license by omission or misrepresentation, in violation of Utah Code Annotated Subsection 58-1-501(1)(e).

The maximum administrative sanction in this case is revocation of licensure to practice as contractor and imposition of an administrative fine of up to $1,000 for misrepresentation on an application.

Please conduct yourself accordingly.

Dated this 3RD day of November, 2010.

W. Ray Walker

W. Ray Walker
Regulatory and Compliance
Officer