

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
DANNY MATTHEWS, : TO REVOKE PLUMBER'S
TO PRACTICE AS AN : LICENSE FOR FAILURE TO
APPRENTICE PLUMBER IN THE : COMPLY WITH TERMS OF
STATE OF UTAH : PROBATION, AND ENGAGING IN
: UNPROFESSIONAL CONDUCT
: :
: Case No. DOPL-OSC-2010-453

THE CONSTRUCTION SERVICES COMMISSION TO DANNY MATTHEWS
("Respondent"):

DANNY MATTHEWS
3674 S STATE ST #3
SALT LAKE CITY, UT 84115

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 an Apprentice Plumber due to your failure to comply with the terms of your probation as set forth in the Order dated January 27, 2011 and unprofessional conduct.

This action is based upon Division records and an investigation, which show that you have failed to comply with the conditions stated in the January 27, 2011 Order. As a result, you have engaged in unprofessional conduct, in violation of Utah Code Annotated Section 58-1-501(2)(a).

ALLEGATIONS SUPPORTING THIS ACTION

1. Respondent is, and at all times relevant to this proceeding was licensed to practice as an Apprentice Plumber on April 17, 1991.

2 On January 27, 2011 the Division brought a disciplinary action against Respondent for unprofessional and unlawful conduct listed below as items a through g . This proceeding resulted in an Order dated January 27, 2011.

- a. March 2001, Respondent was convicted of one count of illegal possession/use of a controlled substance, 3rd degree felony.
- b. September 2003, Respondent was convicted of one count of possession of a controlled substance 1oz or less, a misdemeanor.
- c. June 2004, Respondent was convicted of one count of possession of stolen property, a misdemeanor.
- d. November 2005, Respondent was convicted of one count of driving under the influence of alcohol/drugs, Class B misdemeanor.
- e. January 2006, Respondent was convicted of one count of providing false personal information to a police officer, Class B misdemeanor.
- f. March 2007, Respondent was convicted of one count of distribute/offer/arrange to distribute a controlled substance, 2nd degree felony, and one count of illegal possession/use of a controlled substance, 3rd degree felony.
- g. December 2007, Respondent was convicted of one count of forgery, Class A misdemeanor.

3. Respondent's license was placed on probation for a period of five (5) years], subject to various terms and conditions. That Order was based on a Memorandum of Understanding between the Division and Respondent.

4. Respondent subsequently engaged in additional criminal conduct and failed to immediately notify the Division of that conduct, in violation of the January 27, 2011 Order.

- i. Respondent failed to immediately notify the Division of a warrant that has been issued for him. His Federal probation officer notified the compliance specialist on September 4, 2012 that Respondent admitted, that while on a job site, he stole another person's personal checks and wrote a check out to himself.
- ii. Respondent failed to submit a current criminal probation report from his Federal probation officer that was due August 20, 2012.
- iii. Respondent failed to have his employer submit a quarterly employer report due August 20, 2012.
- iv. Respondent failed to have his monthly U/A's submitted through his probation. Due August 20, 2012

NOTICE OF INFORMAL PROCEEDING

The adjudicative proceeding designated herein is to be conducted on an *informal basis*, which means 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. Your response may be helpful in clarifying, refining or narrowing the facts and the violation alleged herein. Your written response should be mailed to:

Division of Occupational and Professional Licensing
Attn: Dan S. Jones, Bureau Manager
160 East 300 South
PO Box 146741
SALT LAKE CITY, UT 84114-6741

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 above. Until a Notice of Appearance is filed, the presiding officer 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.

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 January 27, 2011 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.

Please conduct yourself accordingly.

Dated this 10 day of September, 2011. 2012

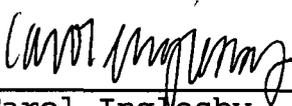
W. Ray Walker
W. Ray Walker
Regulatory and Compliance
Officer



CERTIFICATE OF SERVICE

I hereby certify that on the 10 day of SEPT,
2012, a true and correct copy of the foregoing NOTICE OF AGENCY
ACTION was served on the parties of record in this proceeding by
mailing a copy thereof, properly addressed by first class mail
with postage prepaid, to the following:

DANNY MATTHEWS
3674 S STATE ST #3
SALT LAKE CITY, UT 84115



Carol Inglesby
Administrative Assistant