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DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
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**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
DRCX INC

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

TO PRACTICE AS A CONTRACTOR
IN THE STATE OF UTAH

Case No DOPL-OSC-2-2010-61

FINDINGS OF FACT

1 The Division of Occupational and Professional Licensing (the "Division") filed a Notice of Agency Action in this matter on the 21st day of September 2011

2 This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that DRCX INC. ("Respondent"), failed to comply with an order in violation of Utah Code Annotated Subsection 58-1-501(2)(a) and failed to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306

3 The Respondent has filed a response to the notice of agency action. However, the response does not dispute that Respondent has failed to maintain a solvent financial condition and pay its obligations as they become due, but explains the circumstances and has provided evidence that the outstanding judgment is being resolved. Respondent has failed to demonstrate financial responsibility by alternative means of posting a license bond.

Therefore, according to Division records and after a review of Respondent's response in this matter, 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)

CONCLUSIONS OF LAW

4 The Notice of Agency Action and documents attached thereto provide a basis to conclude that Respondent has failed to comply with an order, in violation of under Utah Code Annotated Subsection 58-1-501(2)(a), and has failed to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306, Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306 Based on these violations, Respondent has engaged in unprofessional conduct as defined in by Utah Code Annotated Subsection 58-1-501(2)(a), and Respondent no longer meets the qualification for licensure as provided by Utah Code Annotated Section 58-55-306

5 The Division is authorized to revoke or place on probation Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(1) because the Respondent no longer meets the qualifications for license as required by Utah Code Annotated Subsection 58-55-102(19)

6 The Division is authorized to revoke or place on probation Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(2)(a), for engaging in unprofessional conduct as provided by Utah Code Annotated Subsection 58-1-501(2)(a), for failure to maintain financial responsibility as required by Utah Code Annotated Section 58-55-306

ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in this state shall remain on probation and Respondent shall continue to demonstrate compliance with the Stipulation and Order dated February 24, 2010 including demonstration of compliance with payment arrangements with judgment or tax lien creditors

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 were submitted to the Construction Services Commission and the Division on the 25th day of January 2012 for their review and action



Dan S Jones, Bureau Manager

ORDER

THE ABOVE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER in the matter of **DRCX INC**, is hereby adopted by the Construction Services Commission of the State of Utah

DATED this 29 day of Jan, 2012



CONSTRUCTION SERVICES COMMISSION
Representative

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

DATED this 27 day of Jan, 2012

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B STEINAGEL
Director