

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 : NOTICE OF AGENCY ACTION
JCS CONSTRUCTION INC : TO REVOKE CONTRACTORS
 : LICENSE FOR FAILURE TO
TO PRACTICE AS A : COMPLY WITH ORDER AND
CONTRACTOR IN THE STATE OF UTAH : FAILURE TO DEMONSTRATE AND
 : MAINTAIN FINANCIAL
 : RESPONSIBILITY
 :
 : Case No. OSC-DOPL-2010-97

THE CONSTRUCTION SERVICES COMMISSION TO JCS CONSTRUCTION
INC("Respondent"), [REDACTED] VERNAL UT 84078:

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 comply with order dated March 31, 2010 and failure to demonstrate and maintain financial responsibility and to comply with the conditions of your probation.

Said action is based upon Division records and investigation, which shows that you have failed to comply with an order in violation of Utah Code Annotated Sections 58-1-501 (2)(a), and you have failed to demonstrate and maintain financial responsibility as required under Utah Code Annotated Sections 58-55-306 and 58-55-502(1), and Utah Administrative Code R156-55a-306 because of the following financial history:

On March 31, 2010 Respondent entered into a stipulation and order in case 2010-97 agreeing to a probationary license as a result of Respondent's failure to maintain financial responsibility.

That stipulation and order was the result of a tax lien in favor of Utah State Tax Commission in the amount of \$84,317.58 being entered against Respondent. Respondent has a payment arrangement with the Utah State Tax Commission to pay this obligation in monthly payments of \$1,500.

Since the stipulation and order dated March 31, 2010 Respondent has had new judgments entered against the respondent which does not appear to have been satisfied.

A judgment in favor of Bonneville Billing & Collections Inc was entered against Respondent on or about 04/08/10 in the amount of 8,009.79 filed in the Eighth District Court, Case No. 100800245.

A judgment in favor of Workforce Services was entered against Respondent on or about 07/29/10 in the amount of \$310.12 filed in the Eighth District Court, Case No. 106800635.

A judgment in favor of E&C Investments DBA Bull Ring was entered against Respondent on or about 08/24/10 in the amount of \$837.13 filed in the Eighth District Court, Case No. 100800318.

A judgment in favor of Wilson Supply was entered against Respondent on or about 09/24/10 in the amount of \$25,721.06 filed in the Eighth District Court, Case No. 100800521.

A judgment in favor of C&C Supply Inc was entered against Respondent on or about 10/12/10 in the amount of \$2,958.19 filed in the Eighth District Court, Case No. 100800317.

In the March 31, 2010 stipulation and order under paragraph 8(1)d states that Respondent shall notify the Division within 10 days after any new obligation accrued after the date of the stipulation that is not paid in full when it becomes due.

Respondent has failed to respond to a letter sent dated on 08/19/10 requesting a written explanation for the new judgments and to submit proof that a payment arrangement have been made with the creditor, or evidence that the judgment is paid in full.

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 you have failed to comply
with an order in violation of Utah Code Annotated section 58-1-
501(2) (a).

The maximum administrative sanction in this case is
revocation of licensure to practice as contractor.

Please conduct yourself accordingly.

Dated this 9TH day of November, 2010.

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