

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	:	FINDINGS OF FACT
JCS CONSTRUCTION INC	:	CONCLUSIONS OF LAW
	:	AND ORDER
TO PRACTICE AS A CONTRACTOR	:	
IN THE STATE OF UTAH	:	
	:	Case No. OSC-DOPL-2010-97

FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 10th day of November 2010.
2. This action is based upon Division records which show JCS Construction Inc, (the "Respondent") failed to comply with an order in violation of Utah Code Annotated Sections 58-1-501 (2)(a), and failed to demonstrate and maintain financial responsibility as required under 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 and met with the Commission on December 29, 2010. However, the Respondent failed to demonstrate in the response or at the Commission meeting that the Respondent has complied with probation by reporting the new judgments entered against Respondent as required. Respondent has failed to maintain financial responsibility by failing to pay obligations when due which resulted in having judgments entered against Respondent.

Respondent represents that the following judgments have now been satisfied or has made payment arrangements with the creditors listed in the Notice of Agency Action:

Respondent has a judgment entered against it the amount of \$8,009.79.
Respondent has a payment arrangement with the judgment creditor Bonneville Billing & Collections Inc to pay this obligation in monthly payments of \$250.00.

Respondent has a judgment entered against it the amount of \$310.12 which has

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recently been satisfied.

Respondent has a judgment entered against it the amount of \$837.13 which has recently been satisfied.

Respondent has a judgment entered against it the amount of \$25,721.06. Respondent has a payment arrangement with the judgment creditor Wilson Supply to pay this obligation in monthly payments of \$500.00.

Respondent has a judgment entered against it the amount of \$2,958.19 which have recently been satisfied.

Respondent has a judgment entered against it the amount of \$7,497.36 which have recently been satisfied.

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. Based upon Respondent's failure to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306, Subsection 58-55-502(1), and Section R156-55a-306, the Respondent has engaged in unprofessional conduct as provided 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. However, the Respondents recent actions to resolve the new judgments warrant continued licensure under probation.

5. The Division is authorized to revoke, suspend or place on probation the 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, suspend or place on probation the 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 be revoked with the revocation immediately stayed. The stay of revocation is conditioned upon Respondent strictly complying with the stipulation and order for probation in Case 2010-97, including timely reporting to the Division of any obligation to any party that is not paid when due.

WHEREFORE, IT IS ORDERED Respondent is publicly reprimanded for the unprofessional conduct of failing to maintain financial responsibility and failing to comply with the conditions for probation.

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 5th day of January 2011 for their review and action.

DATED this 5th day of January, 2011.

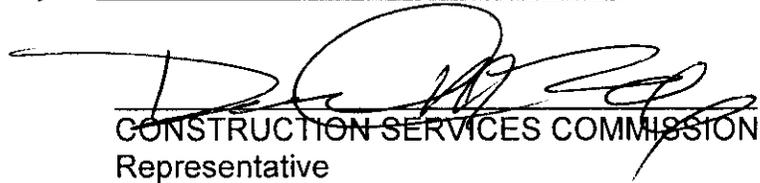


Dan S. Jones, Bureau Manager

ORDER

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

DATED this 5th day of Jan, 2011.


CONSTRUCTION SERVICES COMMISSION
Representative

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

DATED this 5th day of January, 2011.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

for W. Ray Walker, 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.