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 **TOP NOTCH REMODELING CORP** 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-2011- 230

THE CONSTRUCTION SERVICES COMMISSION TO TOP NOTCH REMODELING CORP ("Respondent"), [redacted] LAYTON UT 84041-8816:

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 Respondent has 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 Utah Media Partners in the amount of $2,643.39 was entered against Respondent on or about June 25, 2009 in the 3rd District Court, State of Utah, Case No. 098402063. As of the date of this Notice, Respondent has not satisfied the judgment. A certified copy of the judgment is attached as Exhibit 1.

Judgments totaling $2,643.39 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).

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

Respondent's financial history includes substantial delinquent obligations which ultimately resulted in a bankruptcy filing of Respondent's owner, Philippe Michel Letendre. The bankruptcy schedules indicate Respondent's owner, Philippe Michel Letendre had $310,231.52 in assets and $459,003.03 in liabilities resulting in a negative equity of $148,771.51 at the date of the bankruptcy. In addition, the liabilities included $1,577.51 in priority claims that are not dischargeable in bankruptcy. A copy of the Summary of Schedules is attached as Exhibit 2.

Said action is also based upon Division records and investigation, which shows that the Respondent made a representation to the Division when Respondent applied for reinstatement of licensure that all judgments or tax liens had been paid and all bankruptcies had been reported to the Division. 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 29TH day of June, 2011.

W. Ray Walker

W. Ray Walker
Regulatory and Compliance Officer