

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 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
TOP NOTCH REMODELING CORP	:	CONCLUSIONS OF LAW
	:	AND ORDER
TO PRACTICE AS A CONTRACTOR	:	
IN THE STATE OF UTAH	:	
	:	Case No. DOPL-2011-230

FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 29th day of June 2011.
2. This action is based upon Division records which show Top Notch Remodeling Corp, (the "Respondent") 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 and obtained a license by misrepresentation or omission, in violation of Utah Code Annotated Subsection 58-55-501(9).
3. The Respondent has filed a response to the notice of agency action. However, the response fails to demonstrate the obligations specified in the notice of agency action have been resolved but claims Respondent would attempt to resolve in the future when he becomes solvent. Respondent stated that he did not dispute the judgment awarded to Utah Media Partners against his company which judgment was not disclosed at the renewal of his license. Accordingly, Respondent made a misrepresentation on the application for renewal when Respondent claimed all judgments had been paid.

The response fails to demonstrate the Respondent is able to pay Respondent's obligations as they become due.

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 and obtained a license by misrepresentation or

omission as outlined above, which constitutes a basis to sanction Respondent's license pursuant to Utah Code Annotated Subsections 58-1-401(1) and (2) and Utah Code Annotated subsection 58-55-503(4).

CONCLUSIONS OF LAW

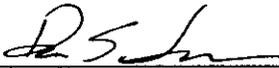
4. Based upon Respondent's failure to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306, Subsection 58-55-502(1), and Section R156-55a-306 [and Respondent has engaged in unlawful conduct by Respondent's misrepresentation or omission in violation of or Utah Code Annotated Subsection 58-55-501(9)], 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.
5. The Division is authorized to revoke 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 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.
7. The Division is authorized to impose fine against Respondent as provided by Utah Code Annotated Subsection 58-55-503(4) for engaging in unlawful conduct as provided by Utah Code Annotated Subsection 58-55-501(9) for obtaining a license by misrepresentation or omission.

ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in this state shall be revoked, effective on the date this order is signed.

WHEREFORE, IT IS ORDERED Respondent's shall be assessed a fine in the amount of \$500.00 which is payable within 30 days of the date of this order is signed.

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 3rd day of August 2011 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 **TOP NOTCH REMODELING CORP**, is hereby adopted by the Construction Services Commission of the State of Utah.

DATED this 31 day of Aug, 2011.


CONSTRUCTION SERVICES COMMISSION
Representative

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

DATED this 31 day of August, 2011.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


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.