

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
JSM CONTRACTING INC
TO PRACTICE AS A
CONTRACTOR IN THE STATE OF UTAH

**NOTICE OF AGENCY ACTION
TO REVOKE CONTRACTOR'S
LICENSE FOR FAILURE TO
MAINTAIN FINANCIAL
RESPONSIBILITY**

Case No DOPL-2011-265

THE CONSTRUCTION SERVICES COMMISSION TO JSM CONTRACTING
INC ("Respondent")

JSM CONTRACTING INC

SALT LAKE CITY UT 84119

The Division of Occupational and Professional Licensing ("the Division") hereby files this Notice of Agency Action ("Notice") to determine whether a basis exists to revoke your license to practice as a contractor due to your failure to demonstrate and maintain financial responsibility

This action is based upon Division records and an investigation, which show that Respondent has failed to demonstrate and maintain financial responsibility as required by Utah Code Annotated Sections 58-55-306 and 58-55-502(1), and Utah Administrative Code Section R156-55a-306 Pursuant to Utah Administrative Code Section R156-55a-306, the Division may consider judgments, tax liens, collection actions, a history of late payments to creditors, and bankruptcy schedules filed by a licensee or its owners, as well as prior entities owned or operated by a licensee or its owners when determining financial responsibility

ALLEGATIONS SUPPORTING THIS ACTION

Respondent has Failed to Demonstrate and Maintain Financial Responsibility

1 A tax lien in favor of Utah State Tax Commission in the amount of \$4052 64 was entered against Respondent on or about October 5, 2009 in the Third District Court, State of Utah, Case No 096932093 As of the date of this Notice, Respondent has not satisfied the judgment A certified copy of the judgment is attached as Exhibit A

2 A tax lien in favor of Utah State Tax Commission in the amount of \$1067 81 was entered against Respondent on or about December 6, 2010 in the Third District Court, State of Utah, Case No 106940427 As of the date of this Notice, Respondent has not satisfied the judgment A certified copy of the judgment is attached as Exhibit B

3 A judgment in favor of Utah Department of Workforce Services in the amount of \$303 41 was entered against Respondent on or about March 14, 2011 in the Third District Court, State of Utah, Case No 116908937 As of the date of this Notice, Respondent has not satisfied the judgment A certified copy of the judgment is attached as Exhibit C

The above identified judgment and tax liens totaling \$7651 90 and have not been satisfied Accordingly, Respondent has failed to demonstrate and maintain financial responsibility, which constitutes a basis to revoke Respondent's license pursuant to Utah Code Annotated Section 58-1-401 See Utah Code Ann §§ 58-1-401(1) ("The division shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this title "), 58-1-401(2)(a) ("The division may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the license of any licensee [who has] engaged in unprofessional conduct ") See also Utah Code § 58-55-502(1) ("Unprofessional conduct includes failing to establish, maintain, or demonstrate financial responsibility while licensed as a contractor under this chapter ")

NOTICE OF INFORMAL PROCEEDING

The adjudicative proceeding designated herein is to be conducted on an *informal basis*, which means 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. Your response may be helpful in clarifying, refining or narrowing the facts and the violation alleged herein Your written response should be mailed to

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 legal counsel may represent you, at your own expense, while this action is pending. If you are represented by legal counsel, your attorney must file a Notice of Appearance with the Division at the address stated above. Until a Notice of Appearance is filed, the presiding officer will communicate directly with you.

Dan S Jones, is designated as the coordinator for the Construction Services Commission, which is the presiding officer over this informal proceeding. If you or your attorney has any questions as to the procedures related to this matter, Mr Jones can be contacted at the above address or via telephone number at (801) 530-6720.

At the expiration of 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 Sections 58-55-306 and 58-55-502(1).

The maximum administrative sanction in this case is revocation of your license to practice as a contractor.

Please conduct yourself accordingly.

Dated this 24TH day of August, 2011



W. Ray Walker
W Ray Walker
Regulatory and Compliance
Officer