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 R & W EXCAVATING INC TO PRACTICE AS A CONTRACTOR IN THE STATE OF UTAH	**NOTICE OF AGENCY ACTION** : **TO REVOKE LICENSE** : **CLASSIFICATION** : **FOR FAILURE TO REPLACE** : **QUALIFIER** : : Case No. DOPL-2011-275

THE CONSTRUCTION SERVICES COMMISSION TO R & W EXCAVATING INC ("Respondent"), , HILDALE, UT 84784-0830:

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 in the E100 classification for failure to replace your qualifier.

Said action is based upon Division records which show that the qualifier for your license classification E100, Walter Newel Steed, is no longer associated with you and you have failed to replace the qualifier within 60 days as required by Utah Code Annotated 58-55-304(6). Division records indicate the qualifier ceased association with you on or before 04/06/2011.

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 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 make a determination of whether you have violated the requirement under Utah Code Annotated 58-55-304(6) to replace the qualifier within 60 days.

The maximum administrative sanction in this case is revocation of licensure in the E100 classification.

Please conduct yourself accordingly.

Dated this 30th day of August, 2011.

W. Ray Walker

W. Ray Walker
Regulatory and Compliance Officer