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 CONSTRUCTION SERVICES COMMISSION
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF **SPECTRUM DYNAMICS 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 AND FAILURE TO REPLACE QUALIFIER** : : Case No. DOPL-2011-284

THE CONSTRUCTION SERVICES COMMISSION TO SPECTRUM DYNAMICS, INC. ("Respondent"):

SPECTRUM DYNAMICS, INC.

SALT LAKE CITY, UT 84109

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 and failure to replace your qualifier.

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.

Division records also show that Respondent has failed to replace its qualifier. Utah Code Annotated 58-55-304(6) provides that "[t]he licensee shall replace the original qualifier with another individual qualifier within the 60-day period or the license shall be automatically suspended."

ALLEGATIONS SUPPORTING THIS ACTION

I. Respondent has Failed to Demonstrate and Maintain Financial Responsibility

A. Judgments and tax liens against Respondent

1. On or about March 3, 2011 a judgment in the amount of **$9396** was entered in favor of Alven Gines Drywall LLC against Spectrum Dynamics Inc. (Salt Lake City Justice Court, Salt Lake County, Case No.: 108400551). As of the date of this Notice, Respondent has not satisfied the judgment. A certified copy of the judgment is attached as Exhibit A.

B. Judgments against Respondent's owner

2. Respondent's owner is Steven L. Taylor.

3. On or about March 21, 2011 a judgment in the amount of **$5,456.91** was entered in favor of Utah State Tax Commission against Steven L. Taylor (Third District Court, Salt Lake County, Case No.: 116910237). As of the date of this Notice, Respondent has not satisfied the judgment. A certified copy of the judgment is attached as Exhibit B.

C. Failure to replace qualifier

4. Steven L. Taylor passed away on or about June 7, 2011. Accordingly, you have failed to replace your qualifier within 60 days as required.

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, Bureau Manager
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, Bureau Manager, 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)[,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 your license to practice as a contractor [and imposition of an administrative fine of up to $1,000 for misrepresentation on your application].

Please conduct yourself accordingly.

Dated this 8TH day of September, 2011.

W. Ray Walker
W. Ray Walker
Regulatory and Compliance Officer