DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
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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 **ASPEN PAVING INC** TO PRACTICE AS A CONTRACTOR IN THE STATE OF UTAH	: **FINDINGS OF FACT,** : **CONCLUSIONS OF LAW,** : **AND ORDER** : : : Case No. DOPL-2011-304

FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 15th day of September 2011.

2. This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that Aspen Paving Inc, (the "Respondent"), failed to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306. This action is also based on Respondent's misrepresentation or omission in connection with an application or renewal of a license, in violation of Utah Code Annotated Subsection 58-55-501(9).

3. Respondent has failed to respond to the Notice of Agency Action and, according to Division records, has failed to demonstrate and maintain financial responsibility as outlined above. [In addition, as outlined above, Respondent has obtained a license by misrepresentation or omission], 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. Respondent's failure to respond to the Notice of Agency Action constitutes a sufficient basis for entry of default against Respondent.

5. The Notice of Agency Action and documents attached thereto provide a basis to conclude that Respondent has failed to demonstrate and maintain financial

responsibility as required by Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306. Further, Respondent has engaged in unlawful conduct by misrepresentation or omission in violation of Utah Code Annotated Subsection 58-55-501(9)], and this conduct constitutes a basis to sanction Respondent's license pursuant to Utah Code Annotated Subsection 58-55-503(4). Based on these violations, Respondent has engaged in unprofessional conduct as defined 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.

6. The Division is authorized to revoke Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(1) because Respondent no longer meets the qualifications for licensure as required by Utah Code Annotated Subsection 58-55-102(19).

7. The Division is authorized to revoke Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(2)(a), for engaging in unprofessional conduct, and as provided by Utah Code Annotated Subsection 58-1-501(2)(a), for failure to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306.

8. The Division is authorized to impose a fine against Respondent as provided in Utah Code Annotated Subsection 58-55-503(4), for engaging in unlawful conduct as provided by Utah Code Annotated Subsection 58-55-501(9) because Respondent obtained a license by misrepresentation or omission.

ORDER

WHEREFORE, IT IS ORDERED Respondent's default is hereby entered.

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 shall be assessed a fine in the amount of $500.00, which must be paid to the Division within 30 days of the date this order is signed.

On behalf of the Construction Services Commission and the Division of Occupational and Professional Licensing, I hereby certify that the foregoing Findings of Fact, Conclusions of Law, and Order were submitted to the Construction Services Commission and the Division on the 26th day of October 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 ASPEN PAVING INC, are hereby adopted by the Construction Services Commission of the State of Utah.

DATED this 26 day of Oct, 2011.

CONSTRUCTION SERVICES COMMISSION
Representative

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

DATED this 26 day of Oct, 2011.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING

MARK B. STEINAGEL
Director

Pursuant to Utah Code Ann. Subsection 63G-4-209(3), Respondent may seek to set aside the above-stated default order by filing such a request with the Division consistent with procedures outlined in the Utah Rules of Civil Procedure.