

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
ADAIR CONSTRUCTION

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

Case No DOPL-2011-343

FINDINGS OF FACT

- 1 The Division of Occupational and Professional Licensing (the "Division") filed a Notice of Agency Action in this matter on the 17th day of October 2011
- 2 This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that ADAIR CONSTRUCTION ("Respondent"), has engaged in unlawful conduct by allowing one's license to be used by another, in violation of Utah Code Annotated Subsection 58-55-501(10)
- 3 Respondent has failed to respond to the Notice of Agency Action and, according to Division records, has engaged in unlawful conduct as outlined above, and this conduct constitutes a basis to issue a cease and desist order pursuant to Utah Code Annotated Subsection 58-1-401(4)(b) and (c) In addition, as outlined above, Respondent should be assessed a fine in the amount of \$1,000 as provided by Utah Code Ann Subsections 58-55-503(4)(a)(i) and (h)(i)

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 comply with an order, in violation of Utah Code Annotated Subsection 58-1-501(2)(a) 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 issue a cease and desist order as provided by Utah Code Annotated Subsections 58-1-401(4)(b) and (c) for engaging in unprofessional conduct as provided by Utah Code Annotated Subsection 58-1-501(2)(a) by allowing one's license to be used by another in violation of Utah Code Annotated 58-55-501(10)

ORDER

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

WHEREFORE, IT IS ORDERED Respondent shall cease and desist from practicing in the construction trade without a license and allowing its license to be used by another

WHEREFORE, IT IS ORDERED Respondent shall be assessed a fine in the amount of \$1000 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 the foregoing Findings of Fact, Conclusions of Law, and Order were submitted to the Construction Services Commission and the Division on the 21st day of December 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 **Adair Construction**, is hereby adopted by the Construction Services Commission of the State of Utah

DATED this 21 day of Dec, 2011


CONSTRUCTION SERVICES COMMISSION
Representative

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

DATED this 21 day of Dec, 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