

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 DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF	:	FINDINGS OF FACT
ALL AMERICAN CONSTRUCTION INC	:	CONCLUSIONS OF LAW
	:	AND ORDER
TO PRACTICE AS A CONTRACTOR	:	
IN THE STATE OF UTAH	:	
	:	Case No. DOPL-2011-77

FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Amended Notice of Agency Action in this matter on the 11th day of April 2011.
2. This action is based upon Division records which show All American Construction Inc, (the "Respondent") failed to demonstrate and maintain financial responsibility as required under Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306 and obtained a license by misrepresentation or omission, in violation of Utah Code Annotated Subsection 58-55-501(9).
3. The Respondent has filed a response to the amended notice of agency action. However, the response does not dispute the financial history stated in the amended notice of agency action but simply asks that the bond not be enforced since more than three years has elapsed from the bankruptcy. This action requested by Respondent would result in the misrepresentation benefiting Respondent to avoid the bonding requirement.
4. Therefore, according to Division records and after a review of Respondent's response in this matter, Respondent has failed to demonstrate and maintain financial responsibility as outlined above and obtained a license by misrepresentation or omission as outlined above], 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. Based upon Respondent's failure to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306, Subsection 58-55-502(1), and Section R156-55a-306 and Respondent has engaged in unlawful conduct by Respondent's misrepresentation or omission in violation of or Utah Code Annotated Subsection 58-55-501(9), the Respondent has engaged in unprofessional conduct as provided 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.
5. The Division is authorized to revoke the Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(1) because the Respondent no longer meets the qualifications for license as required by Utah Code Annotated Subsection 58-55-102(19).
6. The Division is authorized to revoke the Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(2)(a) for engaging in unprofessional conduct as provided by Utah Code Annotated Subsection 58-1-501(2)(a) for failure to maintain financial responsibility as required by Utah Code Annotated Section 58-55-306.
7. The Division is authorized to impose fine against Respondent as provided by Utah Code Annotated Subsection 58-55-503(4) for engaging in unlawful conduct as provided by Utah Code Annotated Subsection 58-55-501(9) for obtaining a license by misrepresentation or omission.

ORDER

WHEREFORE, IT IS ORDERED Respondent shall be required to post a license bond in the amount of \$150,000 within 30 days of the date of this order and the bond shall remain in effect for at least one year.

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in this state shall be revoked, effective 30 days after the date this order is signed unless the \$150,000 license bond specified above has been posted.

WHEREFORE, IT IS ORDERED Respondent's shall be assessed a fine in the amount of \$500.00 which is payable within 30 days of the date of 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 was submitted to the Construction Services Commission and the Division on the 27th day of July 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 **ALL AMERICAN CONSTRUCTION INC**, is hereby adopted by the Construction Services Commission of the State of Utah.

DATED this 27 day of July, 2011.



CONSTRUCTION SERVICES COMMISSION
Representative

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

DATED this 27 day of July, 2011.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



MARK B. STEINAGEL
Director

Agency review of this order may be obtained by filing a request for agency review within thirty (30) days after the date of this order. If you choose to file a request for agency review, you must adhere to the attached procedures.