

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

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

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IN THE MATTER OF THE LICENSE OF  
**RAWX 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  
MISREPRESENTATION ON YOUR  
APPLICATION FOR LICENSURE**

Case No DOPL-2012- 153

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**THE CONSTRUCTION SERVICES COMMISSION TO RAWX INC**  
("Respondent")

RAWX INC

MIDVALE UT 84047

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 misrepresentation on your application for licensure

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

## 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 September 30, 2011 a judgment in the amount of **\$1,223.78** was entered in favor of The Division of Workforce Services against RAWX INC in the Third District Court, Salt Lake County, State Of Utah, Case No 116938317 As of the date of this Notice, Respondent has not satisfied the judgment A certified copy of the judgment is attached as Exhibit A

2 On or about September 30, 2011 a judgment in the amount of **\$2,783.23** was entered in favor of The Division of Workforce Services against RAWX INC in the Third District Court, Salt Lake County, State Of Utah, Case No 116938318 As of the date of this Notice, Respondent has not satisfied the judgment A certified copy of the judgment is attached as Exhibit B

3 On or about December 7, 2011 a judgment in the amount of **\$7,927.72** was entered in favor of The Division of Workforce Services against RAWX INC in the Third District Court, Salt Lake County, State Of Utah, Case No 116946489 As of the date of this Notice, Respondent has not satisfied the judgment A certified copy of the judgment is attached as Exhibit C

#### B Judgments against Respondent's owner's previous company

Respondent's owner's previous company is Sierra Southwest Construction Inc

4 On or about May 17, 2010 a fine in the amount of **\$500.00** was assessed by The Division of Occupational and Professional Licensing against Sierra Southwest Construction Inc No 417-CE As of the date of this Notice, Respondent has not satisfied the fine A copy of the assessment is attached as Exhibit D

5 The above identified judgments and assessment total **\$12,434.73** and have not been satisfied Accordingly, Respondent and Respondent's owner have failed to maintain financial responsibility, which constitutes a basis to revoke Respondent's license pursuant to Utah Code Annotated Section 58-1-401 See Utah Code Ann §§ 58-1-401(1) ("The division shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this title"), 58-1-401(2)(a) ("The division may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the license of any licensee [who has] engaged in unprofessional conduct | ") See also Utah Code § 58-55-502(1) "Unprofessional conduct includes failing to establish, maintain, or demonstrate financial responsibility while licensed as a contractor under this chapter "

6 Based on Respondent's above financial history, Respondent has failed to demonstrate and maintain financial responsibility, which constitutes a basis to revoke Respondent's license pursuant to Utah Code Annotated Section 58-1-401 See Utah Code Ann §§ 58-1-401(1) ("The division shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this title "), 58-1-401(2)(a) ("The division may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the license of any licensee [who has] engaged in unprofessional conduct ") See also Utah Code § 58-55-502(1) "Unprofessional conduct includes failing to establish, maintain, or demonstrate financial responsibility while licensed as a contractor under this chapter "

## II Respondent has Made Misrepresentation on an Application for Licensure

1 Division records and an investigation also show that Respondent failed to disclose the above delinquencies to the Department of Workforce Services when asked by the Division at renewal of licensure if have all payroll withholdings, unemployment insurance premiums, and workers compensation insurance premiums been paid and maintained as required by state law The Respondent answered yes to this question This representation was inaccurate when made Accordingly, Respondent obtained a license by misrepresentation in violation of Utah Code Annotated Subsection 58-55-501(9), and this misrepresentation constitutes a basis to sanction Respondent's license pursuant to Utah Code Annotated Subsection 58-1-401(2) and assess a fine pursuant to Utah Code Annotated Subsection 58-55-503(4)

### 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 11<sup>TH</sup> day of April, 2012

W. Ray Walker  
W Ray Walker  
Regulatory and Compliance  
Officer

