

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 : NOTICE OF AGENCY ACTION
SKIBY DRYWALL & ACOUSTICALS : TO IMPOSE FINE FOR
SYSTEMS INC : MISREPRESENTATION
TO PRACTICE AS A CONTRACTOR : ON YOUR APPLICATION FOR
IN THE STATE OF UTAH : LICENSURE
:
: Case No. DOPL-2012-469

THE CONSTRUCTION SERVICES COMMISSION TO SKIBY DRYWALL &
ACOUSTICALS SYSTEMS INC ("Respondent"):

SKIBY DRYWALL & ACOUSTICALS SYSTEMS INC
P O BOX 1179
MIDWAY UT 84049

The Division of Occupational and Professional Licensing ("the Division") hereby files this notice of agency action. The jurisdiction and authority for this action is §58-1-401(2).

This action is filed based upon a review of the Division's records and investigation ("file") that indicate Respondent has engaged in unlawful and unprofessional conduct by making misrepresentation(s) on the application for renewal of licensure, in violation of §58-55-501(9)

ALLEGATIONS AND AUTHORITY

1. In particular the evidence in the Division's file indicates that Respondent has engaged in the following conduct:

I. MISREPRESENTATION ON AN APPLICATION FOR LICENSURE

2. Division records and an investigation show that Respondent made misrepresentation on the 2011 renewal application by claiming all judgments, lien liens, child support, etc. had been satisfied. This representation was inaccurate when made.

3. Contrary to representations, Respondent has unpaid judgments and tax liens of \$414,362.20 as shown on the attached Summary of Outstanding Judgments.

4. 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).

5. Respondent's license subsequently expired because its entity expired with the Division of Corporations.

RELIEF SOUGHT

An Administrative Fine in the amount of \$500.00.

NOTICE OF PROCEDURES

This action is designated as an informal adjudicative proceeding ("proceeding") in §R156-46b-202 pursuant in accordance with §63G-4-202(1).

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 below. Until an Entry of appearance is filed, the presiding officer, or others within or representing the Division, will communicate directly with you.

Dan S. Jones, Bureau Manager, is designated as the coordinator for the Construction Services Commission ("Commission"). The Commission is the presiding officer over this informal proceeding. If you or your attorney has any questions regarding the procedures related to this matter, Mr. Jones can be contacted at the above address, or via telephone at (801) 530-6720.

The proceeding will be conducted pursuant to §63G-4-203.

There is no right to a hearing in this proceeding. The decision in this matter will be based upon a review of the Division's file.

Within ten (10) days of the mailing date of this notice, you may obtain by written request a copy of the relevant and nonprivileged contents of the Division's file related to this proceeding. Your request, if any, should be submitted to the address stated below.

Within thirty (30) days of the mailing date of this notice, you are required to file a written response herein. A response may be helpful to clarify, refine, or narrow the facts and violations related to the basis for this action as contained in the Division's file.

If you fail to file a response, it will constitute a basis for entry of default, and an order will be entered by the Presiding Officer without your participation. It will be based upon a review of the Division's file and, as deemed necessary, a review and recommendation by the Commission.

If you file a response, it will be included in the Division's file and will be considered by the presiding officer. An original of your response, if any, should be mailed or hand delivered to:

Division of Occupational and Professional Licensing
Attn: Informal Disciplinary Files

(By Mail):

PO Box 140872

Salt Lake City UT 84114-6741

(By Hand Delivery):

160 East 300 South, 4th floor

Salt Lake City, Utah

If you file a Response, you will be notified if this action is placed on the Commission's agenda. Commission meetings are normally open to the public and public comment may be provided if permitted by the chair of the Commission. However, please note that if this action is placed on the Commission's agenda, it is an agenda item, not a disciplinary hearing.

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 if you have made a misrepresentation on your application for renewal of licensure.

The maximum administrative sanction in this case is an administrative fine in the amount of \$500.00.

Please conduct yourself accordingly.

Dated this 15 day of November, 2012.


W. RAY WALKER
Regulatory and Compliance
Officer

