

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

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

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**IN THE MATTER OF THE LICENSE OF  
SKIBY DRYWALL & ACOUSTICALS  
SYSTEMS INC  
TO PRACTICE AS A CONTRACTOR  
IN THE STATE OF UTAH**

**· FINDINGS OF FACT,  
· CONCLUSIONS OF LAW,  
· AND ORDER**  
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·  
· Case No. DOPL-2012-469

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**FINDINGS OF FACT**

1 The Division of Occupational and Professional Licensing (“the Division”) filed a Notice of Agency Action in this matter on the 15<sup>th</sup> day of November 2012

2 This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that SKIBY DRYWALL & ACOUSTICALS SYSTEMS INC, (the “Respondent”), misrepresented or omitted information 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 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 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 unlawful conduct as defined by Utah Code Annotated Subsection 58-1-501(2)(a)

6 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 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 30<sup>th</sup> day of January 2013 for their review and action

  
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Dan S Jones, Bureau Manager

**ORDER**

THE ABOVE FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER in the matter of **SKIBY DRYWALL & ACOUSTICALS SYSTEMS INC**, are hereby adopted by the Construction Services Commission of the State of Utah

DATED this 1 day of Feb, 2013

  
CONSTRUCTION SERVICES COMMISSION  
Representative

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

DATED this 4<sup>th</sup> day of Feb, 2013

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