

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  
AP SOUTHWEST LLC

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

TO PRACTICE AS A CONTRACTOR  
IN THE STATE OF UTAH

Case No DOPL-<sup>2012-</sup>~~2013~~-516

---

**FINDINGS OF FACT**

1 The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on December 20, 2012

2 This action is based upon Division records which show AP SOUTHWEST LLC, (the "Respondent") failed to replace its qualifier 60 days after the qualifier ceased association with the Respondent as required by Utah Code Annotated 58-55-304(6). Division records indicate the qualifier ceased association with the Respondent on or before 09/16/2012

3 The Respondent has filed a response to the notice of agency action. However, the response fails to demonstrate that the Respondent has replaced Respondent's qualifier as required by Utah Code Annotated 58-55-304(6) Respondent acknowledged the qualifier has not been timely replaced as required but are asking for additional time, to allow Jeffrey Keck to take and pass the examination on 01/10/2013 The examination taken on that date was failed However, this response fails to meet the requirements for continued license in the classification shown above

Therefore, according to Division records and after a review of Respondent's response in this matter, Respondent has still failed to replace its qualifier as required

## CONCLUSIONS OF LAW

4 Based upon Respondent's failure to replace its qualifier as required by Utah Code Annotated 58-55-304(6), the Respondent has engaged unprofessional conduct as provided by Utah Code Annotated 58-1-501(2)(a) and Respondent no longer meets the qualification for licensure as provided by Utah Code Annotated 58-55-304(3)-(5)

5 The Division is authorized to revoke the Respondent's contractor license as provided by Utah Code Annotated 58-1-401(1) because the Respondent no longer meets the qualifications for license by having a qualifier as required by Utah Code Annotated 58-55-304(3)-(5)

6 The Division is authorized to revoke the Respondent's contractor license as provided by Utah Code Annotated 58-1-401(2)(a) for engaging in unprofessional conduct as provided by Utah Code Annotated 58-1-501(2)(a) for failure to replace the qualifier as require by Utah Code Annotated 58-55-304(6)

## ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in this state shall be revoked, effective on 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 was submitted to the Construction Services Commission and the Division on the 24<sup>th</sup> day of April 2013 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 AP SOUTHWEST LLC, is hereby adopted by the Construction Services Commission of the State of Utah

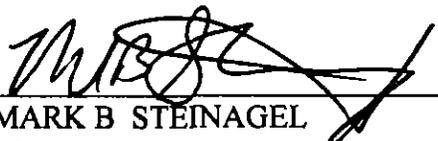
DATED this 1 day of May, 2012.

  
CONSTRUCTION SERVICES COMMISSION  
Representative

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

DATED this 1 day of May, 2012.

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