

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
WESLEY STRINGFELLOW : TO REVOKE LICENSE
 : APPRENTICE PLUMBER
 : FOR FAILURE TO COMPLY
TO PRACTICE AS AN APPRENTICE : WITH TERMS OF PROBATION,
PLUMBER IN THE STATE OF UTAH : AND ENGAGING IN
 : UNPROFESSIONAL CONDUCT
 :
 :
 : Case No. DOPL-OSC-2012-527

THE CONSTRUCTION SERVICES COMMISSION TO WESLEY STRINGFELLOW
("Respondent"):

WESLEY STRINGFELLOW

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 unprofessional conduct by: failing to comply with the terms of probation as set forth in the Order dated February 4th, 2013, in violation of Utah Code Annotated Section 58-1-501(2)(a), such that Respondent's license should be subject to disciplinary action.

ALLEGATIONS AND AUTHORITY

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

I. FAILURE TO COMPLY WITH TERMS OF PROBATION

2. Respondent is, and at all times relevant to this proceeding, licensed to practice as an Apprentice Plumber. Respondent initially became so licensed on or about February 4, 2013.

3. As a result of Respondent's unlawful or unprofessional conduct, the Respondent's license was placed on probation subject to various terms and conditions on February 4, 2013. That probationary order was based on a stipulation between the Division and Respondent.

4. Respondent has engaged in the following conduct, in violation of the February 4, 2013 probationary order.

[a] Respondent failed to successfully complete an alcohol/chemical dependency evaluation provided by a Division-approved licensed provider within ninety (90) days of the effective date of the February 4, 2013 Order, as required by paragraph 1(h)(i) of the probationary order.

[b] Respondent failed to provide samples (urine, blood, saliva, hair, or any other type of sample requested) for drug, alcohol or substance abuse analysis upon the request of the Division, to be conducted by any company with which the Division has contracted to conduct drug testing, as required by paragraph 1(m) of the probationary order.

[c] Respondent failed to call in to a designated phone number every day to determine if Respondent is required to provide a sample for drug analysis, as required by paragraph 1(m) of the probationary order.

[d] Respondent failed to participate in any therapy, counseling or aftercare that the Division or Commission may require, even if no therapy, counseling or aftercare was recommended by an evaluator, as required by paragraph 1(o) of the probationary order.

[e] Respondent failed to attend a 12-step program, obtain a 12-step program sponsor, comply with the requirements of the 12-step program, and submit quarterly reports to the Division documenting Respondent's participation and attendance at least two times per month, as required by paragraph 1(q) of the probationary order.

5. Utah Code Annotated 58-1-401(2) provides the Division may revoke licensure when an applicant has engaged in unprofessional or unlawful conduct. Utah Code Annotated 58-1-501(2)(c) provides unprofessional conduct includes a conviction which when considered with the functions and duties of the occupation bears a reasonable relationship to the ability to safely or competently practice the occupation.

RELIEF SOUGHT

Revocation of Licensure to practice as an Apprentice Plumber in the State of Utah.

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: Dan S. Jones

(By Mail):

PO Box 146741

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 whether you have failed to comply with the Division's Order, in violation of Utah Code Annotated Section 58-1-501(2)(a).

The maximum administrative sanction in this case is revocation of your license to practice as an Apprentice Plumber in the State of Utah.

Please conduct yourself accordingly.

Dated this 11 day of June, 2013.

W. Ray Walker

W. RAY WALKER
Regulatory and Compliance
Officer

