

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
Heber M. Wells Building
160 East 300 South
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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	:	FINDINGS OF FACT
FITZGERALD CONSTRUCTION LLC	:	CONCLUSIONS OF LAW
TO PRACTICE AS A CONTRACTOR	:	AND ORDER
IN THE STATE OF UTAH	:	
	:	
	:	
	:	
	:	Case No. DOPL-2013-197

FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on May 13, 2013.
2. This action is based upon Division records as reflected in the notice of agency action filed herein which show **FITZGERALD CONSTRUCTION LLC**, (the "Respondent") failed to replace its qualifier within 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 December 31, 2013.
3. The Respondent has failed to respond to the notice of agency action and according to Division records has failed to replace the qualifier as required by Utah Code Annotated 58-55-304(6).

CONCLUSIONS OF LAW

4. Respondent's failure to respond to the notice of agency action constitutes a basis for entry of default against Respondent.
5. The notice of agency action and attached documentation supports a basis to conclude that the Respondent failed 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).

6. 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).

7. 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 default is hereby entered.

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 24th day of June 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 **FITZGERALD CONSTRUCTION LLC**, is hereby adopted by the Construction Services Commission of the State of Utah.

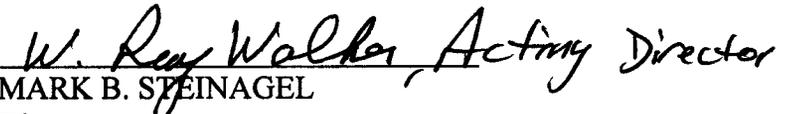
DATED this 24 day of June, 2013.


CONSTRUCTION SERVICES COMMISSION
Representative

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

DATED this 24 day of June, 2013.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING


for MARK B. STEINAGEL
Director

Agency review of this order may be obtained by filing a request for agency review with the Executive Director of the Department of Commerce, 160 East 300 South, Box 146701, Salt lake City, Utah 84114-6701, within thirty (30) days after the date of this order. A motion to set aside the order may also be filed with the presiding officer pursuant to Rule 60(b) of the Utah Rules of Civil Procedure. The agency action in this case was a informal proceeding. The laws and rules governing agency review of this proceeding are found in Section 63G-4-101 et seq. of the Utah Code, and Rule 151-4 of the Utah Administrative Code.