

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

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BEFORE THE CONSTRUCTION SERVICES COMMISSION  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH

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IN THE MATTER OF THE LICENSE OF J VANDER VEUR  
TO PRACTICE AS A CONTRACTOR  
IN THE STATE OF UTAH

: NOTICE OF AGENCY ACTION  
: TO REVOKE CONTRACTOR'S  
: LICENSE FOR FAILURE TO  
: MAINTAIN FINANCIAL  
: RESPONSIBILITY FOR  
: UNLAWFUL CONDUCT AND  
: MISREPRESENTATION ON  
: APPLICATION FOR  
: LICENSURE

: Case No. DOPL-2013- 238

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THE CONSTRUCTION SERVICES COMMISSION TO J VANDER VEUR. Also known as JOHN VANDER VEUR ("Respondent"):

J VANDER VEUR

The Division of Occupational and Professional Licensing ("the Division") hereby files this notice of agency action. The jurisdiction and authority for this action is Utah Code Annotated §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 and unlawful conduct by failing to demonstrate and maintain financial responsibility in violation of Utah Code Annotated §58-55-502(1), engaging in unlawful activities in violation of Utah Code Annotated §58-55-501(16)(f), engaging in unprofessional conduct in violation of Utah Code Annotated §58-1-501(2)(c), and making misrepresentation(s) on the application for renewal of licensure, in violation of Utah Code Annotated §58-55-501(9), 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 DEMONSTRATE AND MAINTAIN FINANCIAL RESPONSIBILITY.

2. Respondent has failed to maintain and demonstrate financial responsibility as required by Utah Code Annotated Sections 58-55-306 and 58-55-502(1).

3. Pursuant to Utah Administrative Code Section R156-55a-306, the Division may consider judgments, tax liens, collection actions, a history of late payments to creditors, and bankruptcy schedules filed by a licensee or its owners, as well as prior entities owned or operated by a licensee or its owners when determining financial responsibility.

#### Financial History of Respondent (Sole Proprietor)

4. On or about November 8, 2006 a judgment in the amount of \$33,600.00 was entered in favor of Bridge Loan Funding Corp against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 060500341). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit A.

5. On or about September 28, 2007 a judgment in the amount of \$228,774.18 was entered in favor of High Mountain Construction against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 070500289). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit B.

6. On or about October 15, 2007 a judgment in the amount of \$32,876.60 was entered in favor of Distinctive Marble & Granite against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 070500102). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit C.

7. On or about September 29, 2008 a judgment in the amount of \$173,940.23 was entered in favor of American Express Bank FSB against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 080500634). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit D.

8. On or about September 21, 2009 a judgment in the amount

of \$468,579.91 was entered in favor of Utah State Tax Commission against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 096501070). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit E.

9. On or about September 21, 2009 a judgment in the amount of \$16,381.70 was entered in favor of Utah State Tax Commission against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 096501077). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit F.

10. On or about September 21, 2009 a judgment in the amount of \$32,299.33 was entered in favor of Utah State Tax Commission against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 096501092). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit G.

11. On or about September 21, 2009 a judgment in the amount of \$595,315.22 was entered in favor of Utah State Tax Commission against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 096501105). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit H.

12. On or about September 21, 2009 a judgment in the amount of \$254,602.40 was entered in favor of Utah State Tax Commission against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 096501108). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit I.

13. On or about September 21, 2009 a judgment in the amount of \$75,823.86 was entered in favor of Utah State Tax Commission against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 096501113). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit J.

14. On or about November 17, 2009 a judgment in the amount of \$1,001,879.00 was entered in favor of Image Homes LLC/Todd Neilson against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 080500258). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit K.

15. On or about September 30, 2010 a judgment in the amount of \$6,666.67 was entered in favor of Anti-Discrimination Utah

Labor Commission against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 106501207). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit L.

16. On or about November 29, 2011 a judgment in the amount of \$186,495.26 was entered in favor of Debra Riggs against John Vander Veur (Third District Court, Silver Summit, Summit County, State of Utah, Case No.: 116501445). As of the date of this Notice, Respondent has not satisfied the judgment. Copies of the judgment and court docket are attached as Exhibit M.

17. On or about December 2, 2011 a judgment in the amount of \$6,666.67 was entered in favor of Labor Commission against John Vander Veur (Third District Court, Salt Lake, Salt Lake County, State of Utah, Case No.: 116946030). As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit N.

18. On or about February 4, 2005 a tax lien in the amount of \$167,230.72 was entered in favor of Internal Revenue Service against John Vander Veur (Summit County Recorder, Summit County, State of Utah, Case No.: 00726246). As of the date of this Notice, Respondent has not satisfied the tax lien. A copy of the tax lien is attached as Exhibit O.

19. On or about April 25, 2006 a tax lien in the amount of \$416,577.77 was entered in favor of Internal Revenue Service against John Vander Veur (Summit County Recorder, Summit County, State of Utah, Case No.: 00776816). As of the date of this Notice, Respondent has not satisfied the tax lien. A copy of the tax lien is attached as Exhibit P.

20. On or about March 5, 2012 in United States District Court, District of Utah, Respondent filed a document entitled "Statement by Defendant in Advance of Guilty Plea". In that document Respondent acknowledged the IRS contention that estimated tax losses occurred in the amount of \$573,903.98 for which Respondent was responsible. See Case No.: 2:11-CR-52 DAK against John Vander Veur in United States District Court, District of Utah, Central Division. As of the date of this notice, Respondent has not satisfied these taxes. A copy of the Statement is attached as Exhibit Q

21. On or about June 22, 2012 and September 24, 2012 bankruptcies were filed for John Vander Veur (Case No.: 12-28115 and 12-32170 (United States Bankruptcy Court, District of Utah). Due to Respondent's failure to file information, both filings were dismissed on August 14, 2012 and November 9, 2012

respectively. A copy of the search results is attached as Exhibit R.

### **Financial History of Respondent's Other Ventures**

22. Respondent was the owner of Deer Valley Mill and Cabinets Inc and Intermountain Luxury Homes LLC

23. On or about December 3, 2007 a judgment in the amount of \$925.00 was entered in favor of Workforce Solutions against Deer Valley Mill & Cabinets (Third District Court, Salt Lake, Salt Lake County, State of Utah, Case No.: 078902786 As of the date of this Notice, Respondent has not satisfied the judgment. A copy of the court docket is attached as Exhibit S.

24. On or about July 21 2010 a bankruptcy was filed for Intermountain Luxury Homes LLC, (Case No.: 10-29817 (United States Bankruptcy Court, District of Utah declared assets of \$2,040,000 and liabilities of \$2,813,950 resulting in a negative equity of \$773,950. A copy of the Summary of Schedules is attached as Exhibit T.

25. Based on the above financial history, Respondent has failed to demonstrate and maintain financial responsibility, which constitutes a basis to revoke Respondent's license pursuant to Utah Code Annotated Section 58-1-401. See Utah Code Annotated §§ 58-1-401(1) ("The division . . . shall refuse to renew or shall revoke, suspend, restrict, place on probation, or otherwise act upon the license of a licensee who does not meet the qualifications for licensure under this title."); Section 58-1-401(2)(a) ("The division . . . may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the license of any licensee [who has] engaged in unprofessional conduct . . . "). See also Utah Code Annotated Section 58-55-502(1) ("Unprofessional conduct includes . . . failing to establish, maintain, or demonstrate financial responsibility while licensed as a contractor under this chapter.")

## **II. UNLAWFUL CRIMINAL CONDUCT**

### **Criminal History of Respondent**

26. On or about March 5, 2012 John Vander Veur plead guilty to the felony offense of filing a false tax return in violation of 26 U.S.C § 7206. A copy of the judgment in a criminal case is attached as Exhibit Q.

27. The above is unlawful conduct in violation of Utah Code Annotated Section 58-55-501(16)(f) and unprofessional conduct in violation of Utah Code Annotated Section 58-1-501(2)©.

### III. MISREPRESENTATION ON AN APPLICATION FOR LICENSURE

28. Division records and an investigation also show that Respondent made misrepresentation on the renewal application filed on January 5, 2012 claiming that he had no judgments or tax liens entered during the last five years. This representation was inaccurate when made. 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).

#### RELIEF SOUGHT

The Division seeks revocation of licensure to practice as a contractor in the State of Utah and 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 or by e-mail at [dansjones@utah.gov](mailto:dansjones@utah.gov).

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 be used as a basis for entry of default, and an order will be entered by the Presiding Officer without your participation. The order will be based upon a review of the Division's file and, if 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 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 demonstrate financial in violation of Utah Code Annotated Sections 58-55-306 and 58-55-502(1) and if you have made a misrepresentation to the Division in violation of 58-1-501(9).