

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
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**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
J VANDER VEUR	:	CONCLUSIONS OF LAW
	:	AND ORDER
TO PRACTICE AS A CONTRACTOR	:	
IN THE STATE OF UTAH	:	
	:	Case No. DOPL-2013-238

FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 11th day of June 2013.
2. This action is based upon Division records which show J VANDER VEUR, (the "Respondent") failed to demonstrate and maintain financial responsibility as required under Utah Code Annotated Section 58-55-306 and Subsection 58-55-502(1), and Utah Administrative Code Section R156-55a-306 and obtained a license by misrepresentation or omission, in violation of Utah Code Annotated Subsection 58-55-501(9).
3. The Respondent has filed a response to the notice of agency action. However, the response fails to demonstrate the obligations specified in the notice of agency action have been resolved. Respondent stated that all his corporate debt was because of bank failures. Financial history of entities previously operated by a licensee or its owners is considered as part of the financial responsibility review. Therefore, this statement does not demonstrate financial responsibility for the prior entity. Respondent failed to show the judgment and tax liens entered him personally or against the prior entities as set forth in the Notice of Agency Action have been resolved. Respondent did not address the allegation of misrepresentation. Therefore, Respondent's response fails to demonstrate the Respondent is able to pay Respondent's obligations as they become due.

Therefore, according to Division records and after a review of Respondent's response in this matter, Respondent has failed to demonstrate and maintain financial responsibility as outlined above and obtained a license by misrepresentation or

omission as outlined above, 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

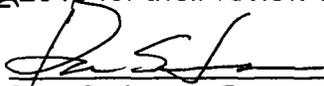
4. Based upon Respondent's failure to demonstrate and maintain financial responsibility as required by Utah Code Annotated Section 58-55-306, Subsection 58-55-502(1), and Section R156-55a-306, the Respondent has engaged in unprofessional conduct as provided by Utah Code Annotated Subsection 58-1-501(2)(a) and Respondent no longer meets the qualification for licensure as provided by Utah Code Annotated Section 58-55-306 and Respondent has engaged in unlawful conduct by Respondent's misrepresentation or omission in violation of or Utah Code Annotated Subsection 58-55-501(9).
5. The Division is authorized to revoke the Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(1) because the Respondent no longer meets the qualifications for license as required by Utah Code Annotated Subsection 58-55-102(19).
6. The Division is authorized to revoke the Respondent's contractor license as provided by Utah Code Annotated Subsection 58-1-401(2)(a) for engaging in unprofessional conduct as provided by Utah Code Annotated Subsection 58-1-501(2)(a) for failure to maintain financial responsibility as required by Utah Code Annotated Section 58-55-306.
7. The Division is authorized to impose fine against Respondent as provided by Utah Code Annotated Subsection 58-55-503(4) for engaging in unlawful conduct as provided by Utah Code Annotated Subsection 58-55-501(9) for obtaining a license by misrepresentation or omission.

ORDER

WHEREFORE, IT IS ORDERED Respondent's license to practice as a contractor in this state shall be revoked, effective on October 3, 2013, unless, prior to that date, the Respondent posts an original license bond in the amount of fifty thousand dollars.

WHEREFORE, IT IS ORDERED Respondent's shall be assessed a fine in the amount of \$500.00 which is payable within 30 days of the date of 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 25th day of September 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 **J VANDER VEUR** is hereby adopted by the Construction Services Commission of the State of Utah.

DATED this 25th day of SEPTEMBER, 2013.


CONSTRUCTION SERVICES COMMISSION
Representative Kevin Cross Acting Chair

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

DATED this 25 day of September, 2013.

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING


W. Ray Walker, Acting Director
for 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.