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**
JEFF ALLEN DAVIS	:	**TO REVOKE CONTRACTOR'S**
DBA: **PREMIUM SIDING**	:	**LICENSE FOR FAILURE**
	:	**TO MAINTAIN FINANCIAL**
TO PRACTICE AS A CONTRACTOR	:	**RESPONSIBILITY**
IN THE STATE OF UTAH	:	
	:	
	:	Case No. DOPL-2013-44

THE CONSTRUCTION SERVICES COMMISSION TO JEFF ALLEN DAVIS, DBA PREMIUM SIDING ("Respondent"):

JEFF ALLEN DAVIS
DBA: PREMIUM SIDING

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 conduct by failing to demonstrate and maintain financial responsibility in violation of Utah Code Annotated § 58-55-502(1), 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 §§ 58-55-306 and 58-55-502(1).

3. Pursuant to Utah Administrative Code § 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

1. On or about March 4, 2011, a judgment in the amount of $2,844.06 was entered in favor of AMERICAN BUILDERS AND CONTRACT, against TREVOR ALLEN DAVIS, DBA PREMIUM SIDING, (Fourth District Court, Provo, Utah County; Case No. 100404147). As of the date of this Notice, Respondent has not satisfied the judgment. A certified copy of the judgment is attached as *Exhibit A*.

2. On or about August 7, 2009, a judgment in the amount of $856.81 was entered in favor of ROOFERS SUPPLY, against PREMIUM SIDING (Fourth District Court, Provo, Utah County; Case No. 098100163). As of the date of this Notice, Respondent has not satisfied the judgment. A certified copy of the judgment is attached as *Exhibit B*.

3. On or about August 8, 2012, a judgment in the amount of $5,471.00 was entered in favor of ROBERT & MICHELLE MONROE, against JEFF DAVIS, (Millard County Justice Court, Millard, Millard County; Case No. 128000008). As of the date of this Notice, the Qualifier has not satisfied the judgment. A certified copy of the judgment is attached as *Exhibit C*.

4. On or about September 30, 2010, a judgment in the amount of $10,156.42 was entered in favor of ALLIED BUILDING PRODUCTS, against JEFF DAVIS, (Fourth District Court, Provo, Utah County; Case No. 100101634). As of the date of this Notice, the Qualifier has not satisfied the judgment. A certified copy of the judgment is attached as *Exhibit D*.

5. On or about August 24, 2009, a judgment in the amount of $22,521.73 was entered in favor of NORANDEX BUILDING MATERIALS DI, against JEFF DAVIS (Third District Court, West Jordan, Salt Lake County; Case No. 090410855). As of the date of this Notice, the Qualifier has not satisfied the judgment. A certified copy of the judgment is attached as *Exhibit E*.

6. On or about January 29, 2003, a judgment in the amount of $28,664.59 was entered in favor of the UTAH LABOR COMMISSION, against JEFF DAVIS and PREMIUM SIDING (Third District Court, Salt

Lake, Salt Lake County; Case No. 036901960). As of the date of this Notice, the Qualifier has not satisfied the judgment. A certified copy of the judgment is attached as *Exhibit F*.

7. On or about January 27, 2005 a bankruptcy was filed for JEFFERY ALLEN DAVIS, (Case No.: 05-21171) (United States Bankruptcy Court, District of Utah) declared assets of $328,960.00 and liabilities of $322,503.00. A copy of the Summary of Schedules is attached as *Exhibit G.*

8. 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 § 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."); § 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 § 58-55-502(1) ("Unprofessional conduct includes . . . failing to establish, maintain, or demonstrate financial responsibility while licensed as a contractor under this chapter.")

RELIEF SOUGHT

The Division seeks revocation of licensure to practice as a contractor 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 or by e-mail at 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 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: Informal Disciplinary Files

(By Mail):
PO Box 140872
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 § 58-55-306 and § 58-55-502(1) and if you have made a misrepresentation to the Division in violation of Utah Code Annotated § 58-1-501(9).

The maximum administrative sanction in this case is revocation of your license to practice as a contractor in the State of Utah.

Please conduct yourself accordingly.

Dated this 28 day of January, 2013.

W. Ray Walker

W. RAY WALKER
Regulatory and Compliance Officer