

State of Utah  
Administrative Rule Analysis

## NOTICE OF PROPOSED RULE

- \* The agency identified below in box 1 provides notice of proposed rule change pursuant to Utah Code Section 63G-3-301.
- \* Please address questions regarding information on this notice to the agency.
- \* The full text of all rule filings is published in the Utah State Bulletin unless excluded because of space constraints.
- \* The full text of all rule filings may also be inspected at the Division of Administrative Rules.

DAR file no:

43542

Date filed:

2/26/2019

State Admin Rule Filing Id:

Time filed:

	Agency No.	Rule No.	Section No.
Utah Admin. Code Ref (R no.):	R 156	- 55e	-
Changed to Admin. Code Ref. (R no.):	R	-	-

1. **Agency:** Commerce/Division of Occupational and Professional Licensing

**Room no.:**

**Building:** Heber M. Wells Building

**Street address 1:** 160 East 300 South

**Street address 2:**

**City, state, zip:** Salt Lake City UT 84111-2316

**Mailing address 1:** PO Box 146741

**Mailing address 2:**

**City, state, zip:** Salt Lake City UT 84114-6741

**Contact person(s):**

<b>Name:</b>	<b>Phone:</b>	<b>Fax:</b>	<b>E-mail:</b>
Robyn Barkdull	801-530-6727	801-530-6511	rbarkdull@utah.gov

(Interested persons may inspect this filing at the above address or at the Division of Administrative Rules during business hours)

2. **Title of rule or section (catchline):**

Elevator Mechanics Licensing Rule

3. **Type of notice:**

New \_\_\_; Amendment XXX Repeal \_\_\_; Repeal and Reenact \_\_\_

4. **Purpose of the rule or reason for the change:**

This amendment will extend the expiration date for a temporary elevator mechanic license, to allow temporary mechanics to perform the work of erecting, constructing, installing, altering, servicing, maintaining, or repairing elevators during peak construction times when there is a shortage of licensed elevator mechanics. This amendment is recommended by the Construction Services Commission in collaboration with representatives from the elevator industry.

5. **This change is a response to comments from the Administrative Rules Review Committee.**

No XXX Yes \_\_\_\_\_

6. Summary of the rule or change:

Sections R156-55e-102, R156-55e-302a, and R156-55e-302b: These proposed non-substantive amendments update citations and make minor typographical corrections. Section R156-55e-302c. This proposed amendment extends the expiration date of a temporary elevator mechanic license from 90 days to 180 days, to allow a temporary mechanic to perform the work of erecting, constructing, installing, altering, servicing, maintaining, or repairing an elevator during times when there is a shortage of licensed elevator mechanics. This section also provides an extension date for a renewal of the temporary mechanics license from 90 days to 180 days making it possible to be licensed for up to one year as a temporary elevator mechanic.

7. Aggregate anticipated cost or savings to:

A) State budget:

Affected: No \_\_\_\_\_; Yes XXX

The proposed amendment to Section R156-55e-302c will have a minimal fiscal impact to the state. There will be approximately 10 temporary elevator mechanic applications processed in the first fiscal year by the Division, with approximately five per subsequent fiscal years. This will result in a cost of approximately \$300 in FY20 for five hours of license application processing time at \$30/hr. and approximately \$150 for FY21 and all subsequent fiscal years. There will also be a minimal cost to the Division of approximately \$75 to print and distribute the rule once the proposed amendment is made effective. Costs will be offset by the Division charging a fee of \$50 per application resulting in approximately \$500 in FY20 and approximately \$250 for FY21 and all subsequent fiscal years. The proposed amendment may also result in indirect fiscal and non-fiscal benefits to state entities that hire elevator contractors for elevator work, as they may experience cost saving impacts from having additional licensees available to perform the work. However, the exact indirect impacts cannot be estimated because any benefits experienced will vary widely depending on agency requirements.

B) Local government:

Affected: No \_\_\_\_\_; Yes XXXX

The proposed amendment to Section R156-55e-302c is not expected to directly impact local government revenues or expenditures because the amendment only extends the expiration date of the temporary mechanic license, and local governments neither enforce nor are affected by these time frames and application processes. The proposed amendment may also result in indirect fiscal and non-fiscal benefits to local government entities that hire elevator contractors for elevator work, as they may experience cost saving impacts from having additional licensees available to perform the work. However, the exact indirect impacts cannot be estimated because any benefits experienced will vary widely depending on local government requirements.

C) Small businesses ("small business" means a business employing fewer than 50 persons):

Affected: No \_\_\_\_\_; Yes XXXX

The proposed amendment to Section R156-55e-302c is expected to cause small businesses who hire elevator contractors for elevator work within their commercial construction projects (NAICS 236220) to experience cost saving impacts on their business projects by having additional licensees available to perform the work. The Division estimates that this could result in a fiscal benefit for approximately 400 small business commercial contractors throughout the industry. The full fiscal impact on these small businesses cannot be estimated because the benefits that they may experience from increased workforce employment will vary widely depending on the requirements of the businesses and the individual characteristics of each employed licensee.

D) Persons other than small businesses, businesses, or local government entities ("person" means any individual, partnership, corporation, association, governmental entity, or public or private organization of any character other than an agency):

Affected: No \_\_\_\_\_; Yes XXXX

The proposed amendment to Section R156-55e-302c is expected to create a fiscal benefit for individuals who will be able to obtain a temporary elevator mechanic license as they work toward the experience requirement for full licensure as an elevator mechanic. This will include elevator technicians who have a minimum of 3,550 hours of experience, but less than the 6,000 hours of experience required to apply for full licensure. This proposed amendment will also create a fiscal benefit for individuals who are able to obtain employment as a licensed temporary elevator mechanic and earn wages approximately \$9.00/hr higher than a laborer's wages in the same profession. The elevator industry estimates that there will be approximately 10-12 active temporary elevator mechanic's licensees at any given time. The full benefits these other persons will experience from increased employment opportunities are inestimable as the beneficial impact will vary widely depending on the requirements of their employers and the individual characteristics of each licensee.

**8. Compliance costs for affected persons:**

The proposed amendments are not expected to impose compliance costs upon any affected persons because it only extends the expiration date of the temporary elevator mechanic license.

**9. A) Comments by the department head on the fiscal impact the rule may have on businesses:**

These amendments will extend the expiration date for a temporary elevator mechanic license, to allow temporary mechanics to perform the work of erecting, constructing, installing, altering, servicing, maintaining, or repairing elevators during peak construction times when there is a shortage of licensed elevator mechanics. This amendment is recommended by the Construction Services Commission in collaboration with representatives from the elevator industry. Sections R156-55e-102, R156-55e-302a, and R156-55e-302b: These proposed non-substantive amendments update citations and make minor typographical corrections. Section R156-55e-302c: This proposed amendment extends the expiration date of a temporary elevator mechanic license from 90 days to 180 days, to allow a temporary mechanic to perform the work of erecting, constructing, installing, altering, servicing, maintaining, or repairing an elevator during times when there is a shortage of licensed elevator mechanics. This section also provides an extension date for a renewal of the temporary mechanics license from 90 days to 180 days making it possible to be licensed for up to one year as a temporary elevator mechanic. Small Businesses: The proposed amendment to Section R156-55e-302c is expected to cause small businesses who hire elevator contractors for elevator work within their commercial construction projects (NAICS 236220) to experience cost saving impacts on their business projects by having additional licensees available to perform the work. The Division estimates that this could result in a fiscal benefit for approximately 400 small business commercial contractors throughout the industry. The full fiscal impact on these small businesses cannot be estimated because the benefits that they may experience from increased workforce employment will vary widely depending on the requirements of the businesses and the individual characteristics of each employed licensee. Non-small Businesses: The proposed amendment to R156-55e-302c will impact any non-small businesses such as elevator contractors or installers (NAICS 238211) who may seek to employ temporary elevator mechanics to increase their workforce. Based upon input from the elevator industry, the Division estimates that there are approximately 11 non-small businesses who may seek to employ temporary elevator mechanics while there is a shortage of licensed elevator mechanics during construction peaks. This amendment may impact non-small business revenues or expenditures, based upon hiring practice. Additionally, non-small businesses who hire elevator contractors for elevator erecting, constructing, installing, altering, servicing, maintaining, or repairing within their commercial construction projects (NAICS 236220) may experience cost saving impacts with additional licensees available to perform the work. The Division estimates that this may apply to the approximately 150 large business commercial contractors throughout the industry. The full fiscal and non-fiscal benefits for these non-small businesses cannot be estimated because the impacts that non-small businesses may experience from increased workforce employment will vary widely depending on the requirements of the non-small businesses and the individual characteristics of each licensed employee.

**B) Name and title of department head commenting on the fiscal impacts:**

Francine A. Gianì, Executive Director

**10. This rule change is authorized or mandated by state law, and implements or interprets the following state and federal laws.**

**State code or constitution citations (required)** (e.g., Section 63G-3-402; Subsection 63G-3-601(3); Article IV) :

Subsection 58-1-106(1)(a)

Subsection 58-1-202(1)(a)

Section 58-55-101

Subsection 58-55-308(1)(a)

Subsection 58-55-302(3)(m)

- 11 This rule adds, updates, or removes the following title of materials incorporated by references (a copy of materials incorporated by reference must be submitted to the Division of Administrative Rules; if none, leave blank):

	First Incorporation	Second Incorporation
Official Title of Materials Incorporated (from title page)		
Publisher		
Date Issued		
Issue, or version		
ISBN Number (optional)		
ISSN Number (optional)		
Cost of Incorporated Reference		
Action: Adds, updates, or removes		

(If this rule incorporates more than two items by reference, please attach additional pages)

- 12 The public may submit written or oral comments to the agency identified in box 1. (The public may also request a hearing by submitting a written request to the agency. The agency is required to hold a hearing if it receives requests from ten interested persons or from an association having not fewer than ten members. Additionally, the request must be received by the agency not more than 15 days after the publication of this rule in the Utah State Bulletin. See Section 63G-3-302 and Rule R15-1 for more information.)

A) Comments will be accepted until 5:00 p.m. on (mm/dd/yyyy):

04/15/2019

B) A public hearing (optional) will be held:

On (mm/dd/yyyy):

03/27/2019

At (hh:mm AM/PM):

9:00 AM

At (place):

160 East 300 South, Conference Room  
474, Salt Lake City, Utah

- 13 This rule change may become effective on (mm/dd/yyyy):

04/22/2019

NOTE: The date above is the date on which this rule MAY become effective. It is NOT the effective date. After the date designated in Box 12(A) above, the agency must submit a Notice of Effective Date to the Division of Administrative Rules to make this rule effective. Failure to submit a Notice of Effective Date will result in this rule lapsing and will require the agency to start the rulemaking process over.

- 14 Indexing information -- keywords (maximum of four, in lower case, except for acronyms (e.g., "GRAMA") or proper nouns (e.g., "Medicaid")); may not include the name of the agency:

elevator mechanics

licensing

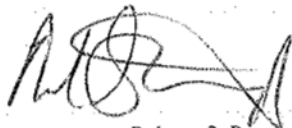
- 15 Attach an RTF document containing the text of this rule change (filename):

R156-55e.pro

To the agency: Information requested on this form is required by Sections 63G-3-301, 302, 303, and 402. Incomplete forms will be returned to the agency for completion, possibly delaying publication in the *Utah State Bulletin*, and delaying the first possible effective date.

### AGENCY AUTHORIZATION

Agency head or  
designee, and title:



Date  
(mm/dd/yyyy)

: 2/26/2011

**Appendix 1: Regulatory Impact Summary Table\***

Fiscal Costs	FY 2019	FY 2020	FY 2021
State Government	\$375	\$150	\$150
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Person	\$0	\$0	\$0
<b>Total Fiscal Costs:</b>	<b>\$350</b>	<b>\$150</b>	<b>\$150</b>
<b>Fiscal Benefits</b>			
State Government	\$500	\$250	\$250
Local Government	\$0	\$0	\$0
Small Businesses	\$0	\$0	\$0
Non-Small Businesses	\$0	\$0	\$0
Other Persons	\$0	\$0	\$0
<b>Total Fiscal Benefits:</b>	<b>\$500</b>	<b>\$250</b>	<b>\$250</b>
<b>Net Fiscal Benefits:</b>	<b>\$125</b>	<b>\$100</b>	<b>\$100</b>

\*This table only includes fiscal impacts that could be measured. If there are inestimable fiscal impacts, they will not be included in this table. Inestimable impacts for State Government, Local Government, Small Businesses and Other Persons are described above. Inestimable impacts for Non-Small Businesses are described below.

**Appendix 2: Regulatory Impact to Non-Small Businesses (50 or more employees)**

The proposed amendment to R156-55e-302c will impact any non-small businesses such as elevator contractors or installers (NAICS 238211) who may seek to employ temporary elevator mechanics to increase their workforce. Based upon input from the elevator industry, the Division estimates that there are approximately 11 non-small businesses who may seek to employ temporary elevator mechanics while there is a shortage of licensed elevator mechanics during construction peaks. This amendment may impact non-small business revenues or expenditures, based upon hiring practice. Additionally, non-small businesses who hire elevator contractors for elevator erecting, constructing, installing, altering, servicing, maintaining, or repairing within their commercial construction projects (NAICS 236220) may experience cost saving impacts with additional licensees available to perform the work. The Division estimates that this may apply to the approximately 150 large business commercial contractors

throughout the industry. The full fiscal and non-fiscal benefits for these non-small businesses cannot be estimated because the impacts that non-small businesses may experience from increased workforce employment will vary widely depending on the requirements of the non-small businesses and the individual characteristics of each licensed employee.

Agency sign off: The head of the Department of Commerce, Francine A. Giani, has reviewed and approved this fiscal analysis.

**R156. Commerce, Occupational and Professional Licensing.**

**R156-55e. Elevator Mechanics Licensing Rule.**

**R156-55e-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 55, as used in Title 58, Chapters 1 and 55, or this rule:

(1) "Employee", as used in Subsection 58-55-102(~~[17]~~18) and this rule, means an individual providing labor services for compensation who has federal and state taxes withheld and worker's compensation and unemployment insurance provided by the individual's employer.

(2) "Immediate supervision", as used in Subsection 58-55-102(~~[16]~~26) and this rule, means reasonable direction, oversight, inspection, and evaluation of the work of a person, in or out of the immediate presence of the supervising person, so as to ensure that the end result complies with the applicable standards.

(3) "Unprofessional conduct", as defined in Title 58, Chapters 1 and 55, is further defined, in accordance with Subsection 58-1-203(1), in Section R156-55e-502.

**R156-55e-302a. Qualifications for Licensure - Experience and Education Requirements.**

In accordance with Subsections 58-1-203(1)(b) and 58-1-301(3), the experience requirements in Subsections 58-55-302(1)(e) ~~[+v+]~~ (iv)(C) and 58-55-302(3)(m)(i)(A) and (C) are further clarified and established below.

(1)(a) The required three years of experience and education shall mean 6,000 hours of training.

(b) An applicant may earn no more than 2,000 hours of training in any 12-month period.

(c) The required training shall be within the past ten years from the date of application for licensure.

(d) The required training shall be obtained as an employee working:

(i) under the immediate supervision of a licensed elevator contractor where licensure is required; or

(ii) under an employer meeting similar qualifications as those of a licensed elevator contractor where licensure is not required.

(e) No credit shall be given for training obtained illegally.

(2) The requirements of Subsection (1) may be met by completing a program resulting in the award of a certification from:

(a) the Canadian Elevator Industry Education Program;

(b) the National Association of Elevator Contractors Certified Elevator Technician Education Program;

(c) the National Elevator Industry Education Program; or

(d) any other program that meets the requirements of Subsection 58-55-302(3)(m)(i)(C) as determined by the Commission with the concurrence of the Division Director.



**R156-55e-302b. Qualifications for Licensure - Examination Requirements.**

(1) In accordance with Subsection 58-55-302(3)(m)(i)(B), an applicant for licensure as an elevator mechanic~~at~~ shall:

(a) pass the Utah Elevator Examination with a score of not less than 75%; or

(b) complete one of the following certification programs:

(i) the Canadian Elevator Industry Education Program;

(ii) the National Association of Elevator Contractors Certified Elevator Technician Education Program;

(iii) the National Elevator Industry Education Program; or

(iv) any other program that meets the requirements of Subsection 58-55-302(3)(m)(i)(C) as determined by the Commission with the concurrence of the Division Director.

(2) An applicant for licensure who fails the Utah Elevator Examination may retake the failed examination as follows:

(a) no earlier than 30 days following any failure, up to three failures; and

(b) no earlier than six months following any failure thereafter.

**R156-55e-302c. Qualifications for Licensure - Temporary License Requirements.**

(1) The Division may issue a temporary license when:

(a) a licensed elevator contractor notifies the Division that the contractor cannot find a licensed elevator mechanic to perform the work of erecting, constructing, installing, altering, servicing, repairing, or maintaining an elevator, which is confirmed by the Division;

(b) the contractor requests the Division to issue a temporary elevator mechanic license to an individual;

(c) the individual submits an application for temporary licensure accompanied by the appropriate application fee; and

(d) the contractor certifies that the individual has completed 3,550 hours of training that meets the requirements of Section R156-55e-302a.

(2) The expiration date of the temporary license shall be the expected duration of the shortage of licensed elevator mechanics, but shall not exceed ~~[90]~~180 days.

(3) A temporary license may be renewed if a shortage of elevator mechanics is ongoing on the expiration date of the license, but shall not exceed ~~[90]~~180 days.

**KEY: elevator mechanics, licensing**

**Date of Enactment or Last Substantive Amendment: [November 8, 2010]2019**

**Notice of Continuation: September 14, 2015**

**Authorizing, and Implemented or Interpreted Law: 58-1-106(1)(a);**

58-1-202 (1) (a) ; 58-55-101; 58-55-308 (1) (a) ; 58-55-302 (3) (m)

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
Heber M. Wells Building  
160 East 300 South  
P O Box 146741  
Salt Lake City UT 84114-6741  
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  
INKLEY BROTHERS CORPORATION  
LICENSE NO. 10712387-5501  
TO PRACTICE AS A CONTRACTOR  
IN THE STATE OF UTAH**

**DEFAULT ORDER**

Case No. DOPL-2019-22

**FINDINGS OF FACT**

1. The Division of Occupational and Professional Licensing (“the Division”) filed a Notice of Agency Action in this matter on the 24<sup>th</sup> day of January, 2019.
2. This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that Inkley Brothers Corporation, (the “Respondent”), has engaged in unlawful conduct by engaging in a construction trade acting as a contractor without a license, in violation of Utah Code § 58-55-501(1).
3. Respondent responded to the Notice of Agency Action and stated “[a]lthough we feel that we were in compliance, we are anxious to finalize the matter, and are willing to accept the action that the [Division] feels is necessary” ... “[i]s there anything you can do to help alleviate some of the financial strain related to this issue”.
4. Respondent has responded to the Notice of Agency Action and, according to Division records, has engaged in unlawful conduct as outlined above, and this conduct constitutes a basis to issue a cease and desist order pursuant to Utah Code § 58-1-401(4)(b) and (c). In addition, as outlined above, Respondent should be assessed a fine in the amount of \$2,500 (Two-Thousand Five Hundred Dollars) as provided by Utah Code § 58-55-503(4)(a)(i) and (h)(i).

## CONCLUSIONS OF LAW

5. The Notice of Agency Action and documents attached thereto provide a basis to conclude that Respondent has engaged in unlawful conduct in violation of Utah Code § 58-55-501(1).

6. The Division is authorized to issue a cease and desist order as provided by Utah Code § 58-1-401(4)(b) and (c) for engaging in unlawful conduct in violation of Utah Code § 58-55-501(1).

## ORDER

WHEREFORE, IT IS ORDERED Respondent's default is hereby entered.

WHEREFORE, IT IS ORDERED Respondent shall cease and desist from practicing in the construction trade without a license.

WHEREFORE, IT IS ORDERED Respondent shall be assessed a fine in the amount of \$2,500.00, which must be paid to the Division within 30 days of 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 were submitted to the Construction Services Commission and the Division on the 27 day of MARCH 2019, for their review and action.

  
Chris Rogers, Bureau Manager

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	>:	ORDER OF DISMISSAL
SILVER STATE ROCKWALLS & EXCAVATION INC. :	:	
TO PRACTICE AS A CONTRACTOR	:	Case No.
IN THE STATE OF UTAH	:	DOPL-2018-550
	:	

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BY THE COMMISSION/DIVISION:

WHEREFORE, IT IS ORDERED that the December 4, 2018 Notice of Agency Action in the above-referenced case number is dismissed without prejudice based on the fact that the matters identified in the Notice have now been resolved as they relate to Respondent's license to practice as a contractor. No further proceedings will be conducted in this matter/case number.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019

\_\_\_\_\_  
CONSTRUCTION SERVICES COMMISSION  
Representative

I hereby concur with the foregoing Order.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

\_\_\_\_\_  
MARK B. STEINAGEL  
Director

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

IN THE MATTER OF THE LICENSE OF  
**BUILDING PROS, LLC**  
**LICENSE #9408904-5501**  
TO OPERATE AS A CONTRACTOR  
IN THE STATE OF UTAH

**ORDER TO SET ASIDE REVOCATION  
&  
DISMISS NOTICE OF  
AGENCY ACTION  
&  
REINSTATEMENT OF ACTIVE  
LICENSURE**

Case No. DOPL - 2018-462

**BY THE CONSTRUCTION SERVICES COMMISSION:**

On January 30, 2019, at its duly-noticed meeting, the Construction Services Commission entered an order revoking the contractor's license of Building Pros, LLC ("Respondent") based upon Respondent's failure to maintain insurance in violation of pursuant to Utah Code §§ 58-55-302(2)(b)(ii) and 58-1-501(2)(a). As a result, Respondent did not misrepresent insurance coverage on the prior renewal applications, as alleged in the Notice of Agency Action. Shortly after revocation, Respondent provided evidence that demonstrated that Respondent was indeed insured throughout licensure and requested that the revocation be set aside.

Based on the above, the Division recommends dismissal of the Notice of Agency Action in this matter and reinstatement of Respondent's contractor's license to active status.

Based on the above, IT IS HEREBY ORDERED THAT:

1. The Default Order, dated January 30, 2019 in this matter, revoking Respondent's contractor's license is hereby set aside and that the license is hereby reinstated to full active licensure.

2. The Notice of Agency Action, filed in this matter on October 18, 2018, is hereby dismissed.

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On behalf of the Construction Services Commission and the Division of Occupational and Professional Licensing, I hereby certify that the foregoing **ORDER TO SET ASIDE REVOCATION & DISMISS NOTICE OF AGENCY ACTION & REINSTATEMENT OF ACTIVE LICENSURE** was submitted to the Construction Services Commission and the Division on the \_\_\_\_\_ day of \_\_\_\_\_, 2019, for their review and action.

DIVISION OF OCCUPATIONAL AND  
PROFESSIONAL LICENSING

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Chris Rogers  
Bureau Manager

L. MITCHELL JONES (U.S.B. 5979)  
Assistant Attorney General  
SEAN D. REYES (U.S.B. 7969)  
Utah Attorney General  
Commercial Enforcement Division  
Heber M. Wells Building  
PO Box 140872  
Salt Lake City, UT 84114-6741  
Telephone: (801) 366-0310

**THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF  
**LAWSON COMPANIES, LLC**  
TO OPERATE AS A CONTRACTOR  
IN THE STATE OF UTAH

**STIPULATION AND ORDER**

CASE NO. DOPL 2019- 127

**LAWSON COMPANIES, LLC** ("Respondent") and the Construction Services

Commission ("Commission") of the Department of Commerce of the State of Utah stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Commission and the Division of Occupational and Professional Licensing ("Division") over Respondent and over the subject matter of this action. Michael T. Lawson, Mark J. Rabwin, and Karen D. Rabwin are the owners of Respondent company, and are authorized to act as agents for, and enter into binding agreements on behalf of, Respondent company. In this Stipulation and Order, the term "Respondent" shall mean both Lawson Companies, LLC, Michael T. Lawson, Mark J. Rabwin, and Karen D. Rabwin, individually and collectively.



2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that the Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives their Respondent's right to counsel in this matter.

4. Respondent understands that the issuance of a license pursuant to this Stipulation and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative review of that partial denial of licensure. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R151-4-901 through R151-4-907.

5. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Commission and Division, will be classified as a public document. The Commission and Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent first applied for initial licensure as a contractor in the State of Utah on or about February 22, 2019.
- b. On or about October 17, 2018, Michael T. Lawson pleaded guilty to one count of possession of controlled substance marijuana/spice, a class B misdemeanor, in the 8<sup>th</sup> District Court - Vernal, Uintah County, State of Utah; Case No. 181800520. The plea was held in abeyance.

- c. On or about October 17, 2018, Michael T. Lawson pleaded guilty to one count of possession or use of a controlled substance, a class A misdemeanor, in the 8<sup>th</sup> District Court - Vernal, Uintah County, State of Utah; Case No. 181800520. The plea was held in abeyance.
- d. On or about October 17, 2018, Michael T. Lawson pleaded guilty to one count of use or possession of drug paraphernalia, a class B misdemeanor, in the 8<sup>th</sup> District Court - Vernal, Uintah County, State of Utah; Case No. 181800520. The plea was held in abeyance.
- e. On or about August 29, 2017, Michael T. Lawson pleaded guilty to one count of disorderly conduct, a class B misdemeanor, in the Salt Lake County Justice Court, Salt Lake County, State of Utah; Case No. 171600942.
- c. Michael T. Lawson has a long history of alcohol or substance abuse.
- d. Michael T. Lawson has engaged in the conduct that resulted in a conviction with respect to a crime of moral turpitude and/or a crime that, when considered with the functions and duties of Respondent's license classification, bears a reasonable relationship to Respondent's ability to safely or competently practice as a licensee.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a), (c) and (e); and that said conduct justifies disciplinary action against Respondent pursuant to Utah Code Ann. § 58-1-401(2). Respondent understands that the issuance of the Order in this matter is disciplinary action by the Division against Respondent's license pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). Respondent agrees that an Order shall be entered in this matter as follows:

- (1) Respondent's license shall be revoked and the revocation immediately stayed. Respondent's license shall be subject to a term of probation for a period of two years. Respondent's license shall be subject to a term of probation commencing on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order. Respondent's

of this Stipulation and Order. MICHAEL T. LAWSON shall attend all appointments and follow-up appointments in a timely manner. MICHAEL T. LAWSON shall cooperate fully with the evaluator to ensure a fair and complete evaluation. MICHAEL T. LAWSON shall notify the Division immediately after successfully completing the evaluation and inform the Division that MICHAEL T. LAWSON has successfully completed the chemical dependency evaluation. MICHAEL T. LAWSON agrees to cause the evaluation report to be sent to the Division within 90 days of the effective date of this Order. If an adequate evaluation has already been completed as the result of previous court orders, the Division may agree to accept the previous evaluation rather than requiring a new evaluation provided prior evaluation is provided within 45 days of the effective date of this Stipulation and Order.

- (ii) If MICHAEL T. LAWSON fails to submit the evaluation(s) to the Division within the time stated above, the Division may take any action necessary pursuant to the Utah Administrative Procedures Act, Utah Code Annotated § 63-46b.
  - (iii) MICHAEL T. LAWSON shall successfully complete all treatment programs and treatment recommendations as outlined in the evaluations. MICHAEL T. LAWSON shall sign any releases required to allow MICHAEL T. LAWSON's therapist or counselor to provide the Division with ongoing reports of diagnosis, prognosis, compliance, etc., regarding Respondent's treatment.
  - (iv) In the interest of public safety, the Division may impose additional requirements above and beyond those recommended by the evaluator in the chemical dependency evaluation set forth above. MICHAEL T. LAWSON agrees to comply with these additional requirements.
- j. Unless otherwise approved by the Division, MICHAEL T. LAWSON shall, except as provided otherwise herein, receive prescriptions from only one prescribing practitioner, and MICHAEL T. LAWSON shall fill prescriptions at only one

pharmacy. MICHAEL T. LAWSON shall not obtain the same or equivalent prescription drug or controlled substance from more than one practitioner. All prescribing practitioners must be informed of any and all of MICHAEL T. LAWSON's addiction/abuse problems. MICHAEL T. LAWSON shall not undertake, under any circumstance, to obtain prescription drugs in quantities or types that are not legitimately required. Respondent shall submit the names of the prescribing practitioner and pharmacy to the Division and Commission for approval. MICHAEL T. LAWSON shall provide the Division with a copy of all MICHAEL T. LAWSON prescriptions for prescription drugs, controlled substances, or any other mood altering substance, within forty-eight (48) hours after the prescription has been written.

- k. Prescriptions from an emergency practitioner or referral practitioner must be submitted to the Division within forty-eight (48) hours of being issued. MICHAEL T. LAWSON shall report to the Division within forty-eight (48) hours any and all medications and controlled substances administered or dispensed to Respondent by any other individual.
- l. MICHAEL T. LAWSON shall report to the Division within forty-eight (48) hours any and all medications or controlled substances ingested by MICHAEL T. LAWSON from any source.
- m. MICHAEL T. LAWSON shall provide to the primary prescribing practitioner a copy of this Stipulation and Order.
- n. MICHAEL T. LAWSON shall provide samples (urine, blood, saliva, hair, or any other type of sample requested) for alcohol and drug analysis ("drug testing") upon the request of the Division, to be conducted by any company with which the Division has contracted to conduct drug testing. The designated company may also request such samples and Respondent shall comply with such requests. MICHAEL T. LAWSON shall call in to a designated phone number or check-in via the internet every day to determine if MICHAEL T. LAWSON is required to provide a sample for drug and alcohol analysis. The Division shall determine when and where MICHAEL T. LAWSON is to submit for testing. MICHAEL T. LAWSON shall pay for the cost of drug testing and shall accurately complete and sign any and all release forms requested by the Division or the drug testing company with respect to drug testing, including but not limited to, forms authorizing the

company to send the drug test results to the Division. Any report from a drug testing company that indicates that MICHAEL T. LAWSON failed to provide a sample for drug analysis as directed will be considered a positive drug test result for MICHAEL T. LAWSON and may subject MICHAEL T. LAWSON to additional sanctions, including fines. Any drug test result or pattern of results that indicates the sample provided by MICHAEL T. LAWSON for drug and/or alcohol analysis has a creatinine level below 20 mg/dL, will be considered a non-negative test result for MICHAEL T. LAWSON, will be considered a violation of this Stipulation and Order, and will subject Respondent to additional sanctions.

- o. Failure of MICHAEL T. LAWSON to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.
- p. MICHAEL T. LAWSON shall participate in any therapy and/or aftercare that the Division and the Commission may require after completion of MICHAEL T. LAWSON's treatment program. Any treatment program or therapist from whom Respondent has or will receive treatment must be approved by the Division and Commission, and MICHAEL T. LAWSON shall direct and authorize MICHAEL T. LAWSON's therapist to discuss MICHAEL T. LAWSON's diagnosis, treatment, and prognosis with the Division and the Commission. MICHAEL T. LAWSON shall direct MICHAEL T. LAWSON's therapist or aftercare provider to submit quarterly evaluations to the Commission that address MICHAEL T. LAWSON's progress in treatment and MICHAEL T. LAWSON's prognosis. Respondent may be subject to reevaluation upon notice and opportunity to be heard.
- q. MICHAEL T. LAWSON shall 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.
- r. MICHAEL T. LAWSON shall attend a 12-step program, obtain a 12-step program sponsor, comply with the requirements of the the 12-step program, and submit quarterly reports to the Division documenting MICHAEL T. LAWSON's participation. The frequency of MICHAEL T. LAWSON's participation in the 12-step program shall be monitored and approved by the Commission.

Unless otherwise directed, MICHAEL T. LAWSON shall attend at least two times per month.

- s. The Division may take appropriate action to impose sanctions if:
  - (i) MICHAEL T. LAWSON tests positive for alcohol, a prescription drug, a controlled substance, or any mood altering substance which cannot be accounted for by an administration or prescription by a lawful practitioner for a current medical condition; or
  - (ii) MICHAEL T. LAWSON violates any federal, state or local law relating to Respondent's area of licensed practice, the Controlled Substance Act; or a term or condition of this Stipulation and Order. Sanctions may include revocation or suspension of Respondent's license, or other appropriate sanction, in the manner provided by law.
- t. MICHAEL T. LAWSON shall provide to the Division a current criminal history report obtained from the State of Utah, Department Public Safety, or any other state requested by the Division, on an annual basis, or whenever directed by the Division.
- u. MICHAEL T. LAWSON shall immediately notify the Division in writing of any change in MICHAEL T. LAWSON's residential or business address.

9. This Stipulation and Order, upon approval by the Commission and Division Director, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Commission and Director are not required to accept the terms of this Stipulation and Order and that if the Commission or Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Commission, Director, and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Commission and Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the construction activities. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Commission or Board members during a meeting of the Commission or Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Commission and Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Commission and Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that

the time period for completion of that term or condition shall be set by the Commission. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. If Respondent violates any term or condition of this Stipulation and Order, the Commission may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

14. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

15. Respondent shall practice only under Respondent's name as set forth in the caption of this Stipulation and Order. If Respondent intends to practice under any other name, then, prior to practicing under any other name, Respondent shall inform the Division in writing, and Respondent and the Division shall enter into an Amended Stipulation and Order, which consists of the new name Respondent intends to practice under, along with all the same terms and conditions in the original Stipulation and Order.

16. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.



DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY:   
CHRIS ROGERS  
Bureau Manager

DATE: 3/21/2019

SEAN D. REYES  
UTAH ATTORNEY GENERAL


BY:   
L. MITCHELL JONES  
Counsel for the Division

DATE: 21 Mar 19

RESPONDENT

BY:   
MICHAEL T. LAWSON

DATE: 3-19-19

BY:   
MARK J. RABWIN

DATE: 3-19-19

BY:   
KAREN D. RABWIN

DATE: 3-19-19

L. MITCHELL JONES (U.S.B. 5979)  
Assistant Attorney General  
SEAN D. REYES (U.S.B. 7969)  
Attorney General  
Commercial Enforcement Division  
Heber M. Wells Building  
PO Box 140872  
Salt Lake City, UT 84114-6741  
Telephone: (801) 366-0310

RECEIVED

MAR 21 2019

DIVISION OF OCCUPATIONAL  
& PROFESSIONAL LICENSING

**THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF  
**HIGH UINTAH CONSTRUCTION, INC**  
TO OPERATE AS A CONTRACTOR  
IN THE STATE OF UTAH

**STIPULATION AND ORDER**

CASE NO. DOPL 2019- 123

**HIGH UINTAH CONSTRUCTION, INC** (“Respondent”) and the Construction Services Commission (“Commission”) of the Department of Commerce of the State of Utah stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Commission and the Division of Occupational and Professional Licensing (“Division”) over Respondent and over the subject matter of this action. Trenton Glen Kohler is the owner of Respondent Company and is authorized to act as agent for, and enter into binding agreements on behalf of, Respondent Company. In this Stipulation and Order, the term “Respondent” shall mean both High Uintah Construction, Inc, and Trenton Glen Kohler, individually and collectively.

2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that the Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives their Respondent's right to counsel in this matter.

4. Respondent understands that the issuance of a license pursuant to this Stipulation and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative review of that partial denial of licensure. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R151-4-901 through R151-4-907.

5. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Commission and Division, will be classified as a public document. The Commission and Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent applied for licensure as a contractor in the State of Utah on or about January 16, 2019.
- b. On the application filed with the Division, Respondent made a misrepresentation by claiming not to have any criminal history. This representation was false.
- c. On or about March 27, 2012, Respondent pleaded "no contest" to one count of driving under the influence of alcohol/drugs, a class B misdemeanor, in the Fourth District Court - Heber, Wasatch County, State of Utah; Case No. 121500061.

- d. On or about March 27, 2012, Respondent pleaded “no contest” to one count of interference with arresting officer, a class B misdemeanor, in the Fourth District Court - Heber, Wasatch County, State of Utah; Case No. 121500061.

8. Respondent admits that Respondent’s conduct described above is unlawful conduct as defined in Utah Code Ann. § 58-1-501(1)(e) and § 58-55-501(9) and is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(c) and 58-55-502(1) and that said conduct justifies disciplinary action against Respondent pursuant to Utah Code Ann. § 58-1-401(2). Respondent understands that the issuance of the Order in this matter is disciplinary action by the Division against Respondent’s license pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). Respondent agrees that an Order shall be entered in this matter as follows:

- (1) Respondent shall pay an administrative penalty of \$500.00 (five-hundred dollars) to the Division, pursuant to Utah Code Ann. § 58-55-503, due upon the effective date of this Stipulation and Order.
- (2) Respondent’s license shall be revoked and the revocation immediately stayed. Respondent’s license shall be subject to a term of probation for a period of two years. Respondent’s license shall be subject to a term of probation commencing on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order. Respondent’s license shall be subject to all of the following terms and conditions. If the Commission or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Commission or Division.
  - a. TRENTON GLEN KOHLER shall meet with the Commission or a Division representative on a yearly basis or at such other greater or lesser frequency as determined by the Commission and Division for the duration of the Stipulation and Order.
  - b. If TRENTON GLEN KOHLER is arrested or charged with a criminal offense by any law enforcement agency, in any

jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent TRENTON GLEN KOHLER be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, TRENTON GLEN KOHLER agrees to cause the Division and Commission to be notified immediately. If TRENTON GLEN KOHLER at any time during the period of this agreement is charged and or convicted of a criminal offense of any kind including traffic citation, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take appropriate action against TRENTON GLEN KOHLER, including imposing appropriate sanctions, after notice and opportunity for hearing. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.

- c. Respondent shall maintain an active license at all times during the period of this agreement.
- d. Failure of TRENTON GLEN KOHLER to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.
- e. TRENTON GLEN KOHLER shall provide to the Division a current criminal history report obtained from the State of Utah, Department Public Safety, or any other state requested by the Division, on an annual basis, or whenever directed by the Division.
- f. TRENTON GLEN KOHLER shall immediately notify the Division in writing of any change in Respondent's residential or business address.

9. This Stipulation and Order, upon approval by the Commission and Division Director, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Commission and Director are not required to accept the terms of this Stipulation and Order and that if the Commission or Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the

Commission, Director, and the Respondent waive any claim of bias or prejudice Respondent might have with regard to the Commission and Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the construction activities. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Commission or Board members during a meeting of the Commission or Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Commission and Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Commission and Division Director's signing of the Order

page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Commission. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. If Respondent violates any term or condition of this Stipulation and Order, the Commission may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

14. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

15. Respondent shall practice only under Respondent's name as set forth in the caption of this Stipulation and Order. If Respondent intends to practice under any other name, then, prior to practicing under any other name, Respondent shall inform the Division in writing, and Respondent and the Division shall enter into an Amended Stipulation and Order, which consists of the new name Respondent intends to practice under, along with all the same terms and conditions in the original Stipulation and Order.

16. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY:   
CHRIS ROGERS  
Bureau Manager

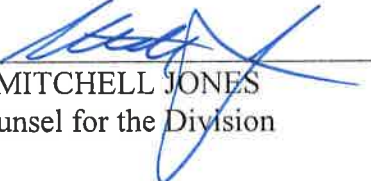
DATE: 3/21/2019

RESPONDENT

BY:   
TRENTON GLEN KOHLER

DATE: March 13 2019

SEAN D. REYES  
UTAH ATTORNEY GENERAL

BY:   
L. MITCHELL JONES  
Counsel for the Division

DATE: 21 Mar 19



L. MITCHELL JONES (U.S.B. 5979)  
Assistant Attorney General  
SEAN D. REYES (U.S.B. 7969)  
Utah Attorney General  
Commercial Enforcement Division  
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Salt Lake City, UT 84114-6741  
Telephone: (801) 366-0310

**THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF  
**JIRE DRYWALL, LLC**  
TO OPERATE AS A CONTRACTOR  
IN THE STATE OF UTAH

**STIPULATION AND ORDER**

CASE NO. DOPL 2019- 99

**JIRE DRYWALL, LLC** (“Respondent”) and the Construction Services Commission (“Commission”) of the Department of Commerce of the State of Utah stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Commission and the Division of Occupational and Professional Licensing (“Division”) over Respondent and over the subject matter of this action. Luis Gamez Alvarez is the owner of Respondent company, and is authorized to act as agent for, and enter into binding agreements on behalf of, Respondent company. In this Stipulation and Order, the term “Respondent” shall mean both Jire Drywall, LLC, and Luis Gamez Alvarez, individually and collectively.

2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that the Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives their Respondent's right to counsel in this matter.

4. Respondent understands that the issuance of a license pursuant to this Stipulation and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative review of that partial denial of licensure. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R151-4-901 through R151-4-907.

5. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Commission and Division, will be classified as a public document. The Commission and Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent applied for initial licensure as a contractor in the State of Utah on or about January 28, 2019.
- b. On or about January 23, 2018, Respondent pleaded guilty to one count of identity fraud, a 2<sup>nd</sup> degree felony, amended to a Class A misdemeanor, in the Fifth District Court, St. George, Washington County, State of Utah; Case No. 171501323.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(c); 58-55-502(1) and that said conduct justifies disciplinary action against Respondent pursuant to Utah Code Ann. § 58-1-401(2). Respondent understands that the issuance of the Order in this matter is disciplinary action by the Division against Respondent's license pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). Respondent agrees that an Order shall be entered in this matter as follows:

- (1) Respondent's license shall be revoked and the revocation immediately stayed. Respondent's license shall be subject to a term of probation for a period of two years. Respondent's license shall be subject to a term of probation commencing on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order. Respondent's license shall be subject to all of the following terms and conditions. If the Commission or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Commission or Division.
  - a. Respondent shall contact the Division compliance specialist, Koriann Fausett, at 801-530-6718 within two weeks of the Director signing this stipulation. LUIS GAMEZ ALVAREZ shall meet with the Commission or a Division representative on a yearly basis or at such other greater or lesser frequency as determined by the Commission and Division for the duration of the Stipulation and Order.
  - b. If LUIS GAMEZ ALVAREZ is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent LUIS GAMEZ ALVAREZ be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, LUIS GAMEZ ALVAREZ agrees to cause the Division and Commission to be notified immediately but no later than 48 hours after the event. If LUIS GAMEZ ALVAREZ at any time during the period of this agreement is charged and or convicted of a criminal offense

of any kind including traffic citation, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take additional action against LUIS GAMEZ ALVAREZ, including imposing appropriate sanctions pursuant to Utah law. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.

- c. Respondent shall maintain an active license at all times during the period of this agreement.
- d. Failure of LUIS GAMEZ ALVAREZ to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.
- e. LUIS GAMEZ ALVAREZ shall provide to the Division a current criminal history report (BCI report) obtained from the State of Utah, Department Public Safety, or any other state requested by the Division, on an annual basis, or whenever directed by the Division.
- f. LUIS GAMEZ ALVAREZ shall immediately notify the Division in writing of any change in Respondent's residential or business address.

9. This Stipulation and Order, upon approval by the Commission and Division Director, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Commission and Director are not required to accept the terms of this Stipulation and Order and that if the Commission or Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Commission, Director, and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Commission and Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the construction activities. If the Division files a

Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Commission or Board members during a meeting of the Commission or Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Commission and Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Commission and Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Commission. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation

and Order and may subject Respondent to revocation or other sanctions.

13. If Respondent violates any term or condition of this Stipulation and Order, the Commission may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

14. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

15. Respondent shall practice only under Respondent's name as set forth in the caption of this Stipulation and Order. If Respondent intends to practice under any other name, then, prior to practicing under any other name, Respondent shall inform the Division in writing, and Respondent and the Division shall enter into an Amended Stipulation and Order, which consists of the new name Respondent intends to practice under, along with all the same terms and conditions in the original Stipulation and Order.


16. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY:   
CHRIS ROGERS  
Bureau Manager

DATE: 3/11/2019

SEAN D. REYES  
UTAH ATTORNEY GENERAL

BY:   
L. MITCHELL JONES  
Counsel for the Division

DATE: 12 Mar 19

RESPONDENT

BY:   
LUIS GAMEZ ALVAREZ

DATE: 3-08-2019

L. MITCHELL JONES (U.S.B. 5979)  
Assistant Attorney General  
SEAN D. REYES (U.S.B. 7969)  
Utah Attorney General  
Commercial Enforcement Division  
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**THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

IN THE MATTER OF THE LICENSE OF  
**SIMONS BUILT CONSTRUCTION, LLC**  
TO OPERATE AS A CONTRACTOR  
IN THE STATE OF UTAH.

**STIPULATION AND ORDER**

CASE NO. DOPL 2019- 98

**SIMONS BUILT CONSTRUCTION, LLC** ("Respondent") and the Construction Services Commission ("Commission") of the Department of Commerce of the State of Utah stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Commission and the Division of Occupational and Professional Licensing ("Division") over Respondent and over the subject matter of this action. Greg Owen Simons is the owner of Respondent company, and is authorized to act as agent for, and enter into binding agreements on behalf of, Respondent company. In this Stipulation and Order, the term "Respondent" shall mean both Simons Built Construction, LLC, and Greg Owen Simons, individually and collectively.

2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.



3. Respondent understands that the Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives their Respondent's right to counsel in this matter.

4. Respondent understands that the issuance of a license pursuant to this Stipulation and Order is a partial denial of licensure, and Respondent hereby waives the right to any administrative review of that partial denial of licensure. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R151-4-901 through R151-4-907.

5. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Commission and Division, will be classified as a public document. The Commission and Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license to other persons and entities.

7. Respondent admits the following facts are true:

- a. Respondent applied for initial licensure as a contractor in the State of Utah on or about January 31, 2019.
- b. On or about September 16, 2014, Respondent pleaded guilty to one count of driving under the influence of alcohol/drugs, a 3<sup>rd</sup> degree felony (402 amended) to class A misdemeanor, in the Fourth District Court-American Fork, Utah County, State of Utah; Case No. 141100519.
- c. On or about November 14, 2013, Respondent pleaded guilty to one count of driving under the influence of alcohol/drugs, a class B misdemeanor, in

the Sandy Justice Court, Salt Lake County, State of Utah; Case No. 135013008.

- d. On or about February 11, 2012, Respondent pleaded guilty to one count of throwing lighted material from vehicle, a class C misdemeanor, in the Utah County Justice Court, Utah County, State of Utah; Case No. 125113420.
- e. On or about February 11, 2012, Respondent pleaded guilty to one count of fail to appear on citation, a class B misdemeanor, in the Utah County Justice Court, Utah County, State of Utah; Case No. 125113420.
- f. On or about April 25, 2012, Respondent pleaded guilty to one count of endangerment of child or elder adult, a 3<sup>rd</sup> degree felony (402 amended) to class A misdemeanor, in the Third District Court - Salt Lake, Salt Lake County, State of Utah; Case No. 121902485.
- g. On or about March 13, 2012, Respondent pleaded guilty to one count of burglary, a 2<sup>nd</sup> degree felony (402 amended) to class A misdemeanor, in the Fourth District Court - American Fork, Utah County, State of Utah; Case No. 111101569.
- h. On or about March 13, 2012, Respondent pleaded guilty to one count of theft, a 2<sup>nd</sup> degree felony (402 amended) to class A misdemeanor, in the Fourth District Court - American Fork, Utah County, State of Utah; Case No. 111101569.
- i. On or about November 7, 2011, Respondent pleaded guilty to one count of attempted retail theft (shoplifting), a class C misdemeanor, in the Lehi City Justice Court, Utah County, State of Utah; Case No. 111000695.
- j. On or about August 25, 2011, Respondent pleaded guilty to one count of attempted theft by receiving stolen property, a class B misdemeanor (amended) to class C misdemeanor, in the Provo City Justice Court, Utah County, State of Utah; Case No. 111001225.
- k. On or about August 23, 2011, Respondent pleaded guilty to one count of Retail theft (shoplifting), a class B misdemeanor, in the Springville Justice Court, Utah County, State of Utah; Case No. 111800269.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(c) and (e); and that said conduct justifies

disciplinary action against Respondent pursuant to Utah Code Ann. § 58-1-401(2). Respondent understands that the issuance of the Order in this matter is disciplinary action by the Division against Respondent's license pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). Respondent agrees that an Order shall be entered in this matter as follows:

- (1) Respondent's license shall be revoked and the revocation immediately stayed. Respondent's license shall be subject to a term of probation for a period of two years. Respondent's license shall be subject to a term of probation commencing on the effective date of this Stipulation and Order, which is the date the Division Director signs the Order. Respondent's license shall be subject to all of the following terms and conditions. If the Commission or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Commission or Division.
  - a. Respondent shall contact the Division compliance specialist, Koriann Fauset, at 801-530-6718 within two weeks of the Director signing this stipulation. GREG OWEN SIMONS shall meet with the Commission or a Division representative on a yearly basis or at such other greater or lesser frequency as determined by the Commission and Division for the duration of the Stipulation and Order.
  - b. If GREG OWEN SIMONS is arrested or charged with a criminal offense by any law enforcement agency, in any jurisdiction, inside or outside the State of Utah, for any reason, or should Respondent GREG OWEN SIMONS be admitted as a patient to any institution in this state or elsewhere for treatment regarding the abuse of or dependence on any chemical substance, or for treatment for any emotional or psychological disorder, GREG OWEN SIMONS agrees to cause the Division and Commission to be notified immediately but no later than 48 hours after the event. If GREG OWEN SIMONS at any time during the period of this agreement is charged and or convicted of a criminal offense of any kind including traffic citation, or enters a plea in abeyance to a criminal offense of any kind, including a pending criminal charge, the Division may take additional action against GREG OWEN SIMONS, including imposing appropriate sanctions pursuant to

Utah law. Such sanctions may include revocation or suspension of Respondent's license, or other appropriate sanctions.

- c. Respondent shall maintain an active license at all times during the period of this agreement.
- d. Failure of GREG OWEN SIMONS to pay the costs associated with this Stipulation and Order constitutes a violation of the Stipulation and Order.
- e. GREG OWEN SIMONS shall provide to the Division a current criminal history report (BCI report) obtained from the State of Utah, Department Public Safety, or any other state requested by the Division, on an annual basis, or whenever directed by the Division.
- f. GREG OWEN SIMONS shall immediately notify the Division in writing of any change in Respondent's residential or business address.

9. This Stipulation and Order, upon approval by the Commission and Division Director, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Commission and Director are not required to accept the terms of this Stipulation and Order and that if the Commission or Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Commission, Director, and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Commission and Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the construction activities. If the Division files a Petition alleging that Respondent has engaged in new misconduct or files an Order to Show Cause Petition alleging that Respondent has violated any of the terms and conditions contained in

this Stipulation and Order, the period of Respondent's probation shall be tolled during the period that the Petition or Order to Show Cause Petition has been filed and is unresolved.

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Commission or Board members during a meeting of the Commission or Board. Any such action or statement shall be considered a violation of this Stipulation and Order.

12. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Commission and Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Commission and Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Commission. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. If Respondent violates any term or condition of this Stipulation and Order, the

Commission may take action against Respondent, including imposing appropriate sanction, in the manner provided by law.

14. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

15. Respondent shall practice only under Respondent's name as set forth in the caption of this Stipulation and Order. If Respondent intends to practice under any other name, then, prior to practicing under any other name, Respondent shall inform the Division in writing, and Respondent and the Division shall enter into an Amended Stipulation and Order, which consists of the new name Respondent intends to practice under, along with all the same terms and conditions in the original Stipulation and Order.

16. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY:   
CHRIS ROGERS  
Bureau Manager

DATE: 03/08/2019

SEAN D. REYES  
UTAH ATTORNEY GENERAL

BY:   
L. MITCHELL JONES  
Counsel for the Division

DATE: 11 Mar 19

RESPONDENT

BY:   
GREG OWEN SIMONS

DATE: 3-6-2019

STERLING R. CORBETT (USB 12319)  
Assistant Attorney General  
Sean D. Reyes (USB 7969)  
Utah Attorney General  
OFFICE OF THE UTAH ATTORNEY GENERAL  
Heber M. Wells Building, 5<sup>th</sup> Floor  
160 East 300 South - Box 140872  
Salt Lake City, Utah 84114-0872  
Telephone: (801) 366-0310  
Facsimile: (801) 366-0315  
Email: sterlingc@agutah.gov

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DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
DEPARTMENT OF COMMERCE  
STATE OF UTAH

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IN THE MATTER OF THE LICENSE OF:

**DESIGN D RIVERA CORP.**

**LICENSE NO. 10256836-5501**

TO PRACTICE AS A CONTRACTOR IN  
THE STATE OF UTAH

**STIPULATION AND ORDER**

Case No.: DOPL 2018-344

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**DESIGN D RIVERA CORP.** ("Respondent" or "Design D"), the Division of Occupational and Professional Licensing ("Division"), and the Construction Services Commission ("Commission") of the Department of Commerce of the State of Utah stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division and Commission over Respondent and over the subject matter of this action. Benjamin Rivera is an owner of Respondent, Design D, and is authorized to act as agent for and enter into binding agreements on behalf of Design D.



2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that by signing this document Respondent waives all rights to any administrative and judicial review as set forth in Utah Code Ann. §§ 63G-4-301 through 63G-4-405 and Utah Administrative Code R151-4-901 through R151-4-907. Respondent and the Division hereby express their intent that this matter be resolved expeditiously through stipulation as contemplated in Utah Code Ann. § 63G-4-102(4).

5. Respondent acknowledges that this Stipulation and Order, if adopted by the Commission and Division, will be classified as a public document. The Commission and Division may release this Stipulation and Order, and will release other information about this disciplinary action against Respondent's license to other persons and entities upon lawful request.

6. Respondent admits the following allegations are true:

a. Respondent was granted a Utah contractor's license on or about May 11, 2017.

b. At the time of its license application, Respondent was not able to demonstrate financial responsibility based on Respondent's financial history; however, Respondent demonstrated financial responsibility by the alternative means of submitting a license bond.

c. Respondent allowed Respondent's license bond to be cancelled effective July 20, 2018. On or about March 7, 2018, a judgment in the amount of \$1,615.00, with 3.760 percent interest as allowed by section 15-1-4 UCA until paid, was entered in favor of Jose Gaytan Lemus, against Respondent in the West Valley City Justice Court, Salt Lake County, Case No. 188700022.

7. Respondent admits that the conduct described above in Paragraphs 6(c) is unprofessional conduct pursuant to Utah Code Ann. § 58-55-502(1). Respondent agrees by engaging in such conduct the Division is justified in acting upon Respondent's license pursuant to Utah Code Ann. § 58-1-401(1) and (2)(a). In lieu of revocation, Respondent agrees that an Order shall be entered in this matter as follows:

a. Respondent agrees to pay a fine of \$500.00 (five hundred dollars) to the Division. Respondent shall pay the fine to the Division within six months of the effective date of this Stipulation and Order.

b. At all times during the course of Respondent's licensure, Respondent shall immediately notify the Division in writing of any change in Respondent's business address.

c. Until any such time as the Division determines and provides in writing that a bond is no longer required, Respondent shall maintain at all times during the course of Respondent's licensure the bond detailed in Paragraph 7(d)(i).

d. Respondent shall be subject to all of the following terms and conditions, upon the completion of which the Division agrees to set aside its Default Order issued October 30, 2018 and to reinstate Respondent's license. If the Commission or Division later deems any of the conditions unnecessary such deletions may be made by an amended order issued unilaterally by the Commission or Division.

i. Respondent shall submit a bond pursuant to Utah Code Ann. § 58-55-306(5)(b)(iii)(A) and Rule R156-55a-602(5) of the Utah Administrative Code in the amount of \$50,000.00 (fifty thousand dollars).

ii. Respondent shall fully satisfy the judgment in Case No. 188700022, West Valley City Justice Court, Salt Lake County, and provide a copy of the notice of satisfaction of judgment to the Division.

iii. Respondent shall provide the Division with Respondent's current business address.

9. This Stipulation and Order, upon approval by the Commission and Division Director, shall be the final compromise and settlement of the Notice of Agency Action against Design D and the informal adjudicative proceeding. Respondent acknowledges that the

Commission and Director are not required to accept the terms of this Stipulation and Order and that if the Commission or Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Commission, Director, and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Commission and Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification. Respondent shall retain all of its defenses and objections and none shall be deemed to have been waived.

10. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to the Respondent's licensed practice.

11. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation. Respondent agrees not to take any action or make any public statement, that creates, or tends to create, the impression that any of the matters set forth in this Stipulation and Order are without factual basis. A public statement includes statements to one or more Commission members during a meeting of the Commission. Any such action or statement shall be considered a violation of this Stipulation and Order.

12. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Commission and Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Commission and Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is

not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Commission. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order.

13. Respondent understands that the disciplinary action taken by the Division in this Stipulation and Order may adversely affect any license that Respondent may possess in another state or any application for licensure Respondent may submit in another state.

14. If Respondent violates any term or condition of this Stipulation and Order, the Commission may take action against Respondent, including imposing appropriate sanctions, in the manner provided by law.

15. Respondent shall practice only under Respondent's name as set forth in the caption of this Stipulation and Order. If Respondent intends to practice under any other name, then, prior to practicing under any other name, Respondent shall inform the Division in writing, and Respondent and the Division shall enter into an Amended Stipulation and Order, which consists of the new name Respondent intends to practice under, along with all the same terms and conditions in the original Stipulation and Order.

16. The parties hereto have read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &  
PROFESSIONAL LICENSING

BY:   
CHRIS ROGERS  
Bureau Manager


DATE: 3/5/2019

RESPONDENT

BY:   
BENJAMIN RIVERA

DATE: 2.27.19

SEAN D. REYES  
ATTORNEY GENERAL

BY:   
STERLING K. CORBETT  
Counsel for the Division

DATE: 3-4-19

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
Heber M. Wells Building  
160 East 300 South  
P O 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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<p>IN THE MATTER OF THE LICENSE OF <b>JEFFREY RICHARD BEHM</b> LICENSE No.10981117-5505 TO OPERATE AS AN APPRENTICE ELECTRICIAN IN THE STATE OF UTAH</p>	<p><b>DEFAULT ORDER</b></p>
	<p>Case No. DOPL-2018-517</p>

**FINDINGS OF FACT**

1. The Division of Occupational and Professional Licensing (the "Division") filed a Notice of Agency Action ("Notice") in this matter on the 23rd day of January, 2019.
2. This action is based upon Division records as reflected in the Notice filed herein which show that JEFFREY RICHARD BEHM ("Respondent"), failed to comply with an order issued on the 28th day of November, 2018. As a result, Respondent engaged in unprofessional conduct, in violation of Utah Code Ann. Subsection 58-1-501(2)(o).
3. Respondent has failed to respond to the Notice and, according to Division records, has engaged in unprofessional conduct as outlined above. This conduct constitutes a basis to revoke Respondent's license pursuant to Utah Code Ann. Subsections 58-1-401(1) and (2).

**CONCLUSIONS OF LAW**

4. Respondent's failure to respond to the Notice constitutes a sufficient basis for entry of default against Respondent.

5. The Notice and documents attached thereto provide a basis to conclude that Respondent failed to comply with an order, in violation of Utah Code Ann. Subsection 58-1-501(2)(o). Based on these violations, Respondent has engaged in unprofessional conduct as defined by Utah Code Ann. Subsection 58-1-501(2)(o).

6. The Division is authorized to discipline Respondent's license to operate as an apprentice electrician in the State of Utah pursuant to Utah Code Ann. Subsection 58-1-401(1) because Respondent did not comply with the terms of probation.

7. The Division is authorized to revoke Respondent's license to operate as an apprentice electrician in the State of Utah in accordance pursuant to Utah Code Ann. Subsection 58-1-401(2)(a), for engaging in unprofessional conduct as defined by Utah Code Ann. Subsection 58-1-501(2)(o), for failing to comply with Division's Order issued on the 28th day of November, 2018.

### **ORDER**

**WHEREFORE, IT IS ORDERED** Respondent's default is hereby entered.

**IT IS FURTHER ORDERED** Respondent's license to operate as an apprentice electrician in this state shall be revoked, effective on the date this order is signed, and Respondent is hereby assessed an administrative fine in the amount of \$1,000 due 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 DEFAULT ORDER was submitted to the Construction Service Commission and the Division on the 27th day of March, 2019, for their review and action.

  
**CHRISTOPHER J. ROGERS**  
Bureau Manager

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
Heber M. Wells Building  
160 East 300 South  
P O Box 146741  
Salt Lake City UT 84114-6741  
Telephone: (801) 530-6628

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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
OF THE STATE OF UTAH**

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IN THE MATTER OF THE LICENSE OF  
**LION'S HANDYMAN, LLC**  
**LICENSE NO. 9413957-5500**  
TO PRACTICE AS A REGISTERED  
HANDYMAN IN THE STATE OF UTAH

**DEFAULT ORDER**

Case No. DOPL-2019-

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FINDINGS OF FACT

1. The Division of Occupational and Professional Licensing ("the Division") filed a Notice of Agency Action in this matter on the 29<sup>th</sup> day of January, 2019.
2. This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that Lion's Handyman, LLC, (the "Respondent"), failed to replace the general liability certificate, which indicates that Respondent has failed to maintain general liability insurance as required under Utah Code § 58-55-302(2)(b)(ii) and Utah Admin. Code R156-55a-302d.
3. Respondent has failed to respond to the Notice of Agency Action and, according to Division records, has failed to continuously maintain insurance and registration as outlined above, which constitutes a basis to sanction Respondent's license pursuant to Utah Code § 58-1-401(1) and (2).

CONCLUSIONS OF LAW

4. Respondent's failure to respond to the Notice of Agency Action constitutes a sufficient basis for entry of default against Respondent.
5. The Notice of Agency Action and documents attached thereto provide a basis to conclude that Respondent has failed to continuously maintain insurance and registration as



required by Utah Code § 58-55-302(2)(b)(ii) and Utah Admin. Code R156-55a-302d. Based on this violation, Respondent has engaged in unprofessional conduct as defined by Utah Code § 58-1-501(2)(a), and Respondent no longer meets the qualification for a handyman registration as provided by Utah Code § 58-55-302(2)(b)(ii).

6. The Division is authorized to revoke Respondent's handyman registration as provided by Utah Code § 58-1-401(1) because Respondent no longer meets the qualifications for a handyman registration as required by Utah Code § 58-55-302(2)(b)(ii).

7. The Division is authorized to revoke Respondent's handyman registration as provided by Utah Code § 58-1-401(2)(a), for engaging in unprofessional conduct, and as provided by Utah Code § 58-1-501(2)(a), for failure to continuously maintain insurance and registration as required by Utah Code § 58-55-305(1)(H)(h)(I) and Utah Admin. Code R156-55a-305a.(1)(b)(i)

#### ORDER

WHEREFORE, IT IS ORDERED Respondent's default is hereby entered.

WHEREFORE, IT IS ORDERED Respondent's registration to practice as a handyman 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 that the foregoing Default Order has been submitted to the Construction Services Commission and the Division on the 27 day of MARCH 2019, for their review and action.

  
Chris Rogers, Bureau Manager

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) 5306628

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

**IN THE MATTER OF  
FREELANCE BUILDERS, INC.  
LICENSE NO. 5213893-5501**

**TO PRACTICE AS A CONTRACTOR IN  
THE STATE OF UTAH**

**DEFAULT ORDER**

Case No. DOPL-2018-51

**FINDINGS OF FACT**

1. The Division of Occupational and Professional Licensing (“the Division”) filed a Notice of Agency Action in this matter on the 11<sup>th</sup> day of February 2019.
2. This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that FREELANCE BUILDERS, INC. (the “Respondent”), has engaged in unlawful conduct by hiring unlicensed contractors, in violation of Utah Code § 58-55-501(3).
3. Respondent has failed to respond to the Notice of Agency Action and, according to Division records, has engaged in unlawful conduct as outlined above, and this conduct constitutes a basis to revoke Respondent’s license pursuant to Utah Code § 58-1-401(2)(b). In addition, as outlined above, Respondent should be assessed a fine in the amount of \$2,000 (Two-Thousand Dollars) as provided by Utah Code §§ 58-55-503(4)(a)(i) and (h)(i).

**CONCLUSIONS OF LAW**

4. Respondent’s failure to respond to the Notice of Agency Action constitutes a sufficient basis for entry of default against Respondent.
5. The Notice of Agency Action and documents attached thereto provide a basis to conclude that Respondent has engaged in unlawful conduct in violation of Utah Code § 58-55-501(3).
6. The Division is authorized to revoke Respondent’s license as provided by Utah Code § 58-1-401(2)(b) for engaging in unlawful conduct in violation of Utah Code § 58-55-501(3).

**ORDER**

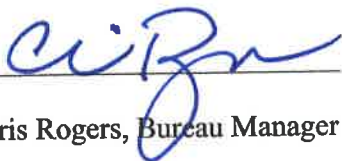
WHEREFORE, IT IS ORDERED Respondent's default is hereby entered.

WHEREFORE, IT IS ORDERED Respondent's Contractor's License No. 5213893-5501 is revoked.

WHEREFORE, IT IS ORDERED Respondent shall be assessed a fine in the amount of \$2,000.00, which must be paid to the Division within 30 days of the date this order is signed.

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On behalf of the Construction Services Commission and the Division of Occupational and Professional Licensing, I hereby certify the foregoing Default Order was submitted to the Construction Services Commission and the Division on the 27 day of MARCH 2019 for their review and action.

  
Chris Rogers, Bureau Manager

DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
Heber M. Wells Building  
160 East 300 South  
P O Box 146741  
Salt Lake City UT 84114-6741  
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  
**DALE CURTIS CONSTRUCTION, INC.**  
**LICENSE NO. 7071916-5501**  
TO PRACTICE AS A CONTRACTOR  
IN THE STATE OF UTAH

**DEFAULT ORDER**

Case No. DOPL-2019-

**FINDINGS OF FACT**

1. The Division of Occupational and Professional Licensing (“the Division”) filed a Notice of Agency Action in this matter on the 20<sup>th</sup> day of February, 2019.
2. This action is based upon Division records as reflected in the Notice of Agency Action filed herein which show that Dale Curtis Construction, Inc., (the “Respondent”), failed to demonstrate and maintain financial responsibility as required by Utah Code § 58-55-306 and 58-55-502(1), and Utah Admin. Code R156-55a-306.
3. Respondent has failed to respond to the Notice of Agency Action and, according to Division records, has failed to demonstrate and maintain financial responsibility as outlined above, which constitutes a basis to sanction Respondent’s license pursuant to Utah Code § 58-1-401(1) and (2).

**CONCLUSIONS OF LAW**

4. Respondent’s failure to respond to the Notice of Agency Action constitutes a sufficient basis for entry of default against Respondent.

5. The Notice of Agency Action and documents attached thereto provide a basis to conclude that Respondent has failed to demonstrate and maintain financial responsibility as required by Utah Code § 58-55-306 and 58-55-502(1), and Utah Admin. Code R156-55a-306. Based on this violation, Respondent has engaged in unprofessional conduct as defined by Utah Code § 58-1-501(2)(a), and Respondent no longer meets the qualification for licensure as provided by Utah Code § 58-55-306.

6. The Division is authorized to revoke Respondent's contractor license as provided by Utah Code § 58-1-401(1) because Respondent no longer meets the qualifications for licensure as required by Utah Code § 58-55-102(19).

7. The Division is authorized to revoke Respondent's contractor license as provided by Utah Code § 58-1-401(2)(a), for engaging in unprofessional conduct, and as provided by Utah Code § 58-1-501(2)(a), for failure to demonstrate and maintain financial responsibility as required by Utah Code § 58-55-306.

#### 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 that the foregoing Default Order has been submitted to the Construction Services Commission and the Division on the 27 day of MARCH 2019, for their review and action.

  
Chris Rogers, Bureau Manager

Construction Trades Bureaus - Statistics FY2018-2019

FY Total Applications Processed	26,177
FY Total Audit Cases Opened	249
FY Total Audit Cases Closed	307
FY Total Disciplinary Actions	168
FY Total Fines Assessed	\$ 90,850.00

Prior Fiscal Year 2017-2018	
FY Total Applications Processed	37,428
FY Total Audit Cases Opened	396
FY Total Audit Cases Closed	407
FY Total Disciplinary Actions	221
FY Total Fines Assessed	\$ 149,750.00

Disciplinary Action	2018						2019					
	July	August	September	October	November	December	January	February	March	April	May	June
	Count	Amount	Count	Amount	Count	Amount	Count	Amount	Count	Amount	Count	Amount
<b>Undisputed</b>												
<b>Default Sanctions</b>												
<b>Default with Revocation</b>												
<b>Defaults with Fines</b>												
<b>Total Undisputed Fines</b>												
<b>Consented</b>												
<b>Stipulations</b>												
<b>Stipulations with Fines</b>												
<b>Total Consented Fines</b>												
<b>Disputed</b>												
<b>FOF / COL Order</b>												
<b>Order with Fines</b>												
<b>Order with Revocation</b>												
<b>Total Disputed Fines</b>												
<b>Total Disciplinary Actions</b>	\$ -	57	7	22	26	\$ -	39	17	0	0	-	0
<b>Total Fines</b>	\$ -	\$ 10,250.00	\$ 1,000.00	\$ 4,300.00	\$ 9,000.00	\$ -	\$ 26,050.00	\$ 40,250.00	\$ -	\$ -	\$ -	\$ -
<b>Dismissals</b>												
<b>Dismissal Order</b>		16	4	8	6	-	4	2				
<b>Orders Ending Probation</b>		7	2	4	5	-	4	3				
<b>Order Reinstating License</b>		7	2	5	5	-	4	3				
<b>Audit Cases Opened</b>	30	30	31	37	27	42	28	24				
<b>Audit Cases Closed</b>	19	79	21	49	50	12	54	23				
<b>Applications Processed</b>	1,553	1,772	1,876	4,722	7,619	3,418	2,190	3,027				





Commissioners

EDWARD AXLEY  
ROSS S. HOLIDAY  
DALE E. THOMPSON  
RUSSELL LAMOREAUX  
ROB ALLEN  
MERLIN TAYLOR  
JOSEPH JENSEN  
JASON PETERSON  
MICHAEL J. HOWE

## State of Utah Construction Services Commission

EDWARD AXLEY  
*Chair*

ROSS S. HOLIDAY  
*Vice-Chair*

March 19, 2019

ROSS FORD  
UTAH HOME BUILDERS ASSOCIATION  
9069 S 1300 W  
WEST JORDAN UT 84088

RICHARD J. THORN  
ASSOCIATED GENERAL CONTRACTORS OF UTAH  
2207 SOUTH 1070 WEST  
SALT LAKE CITY UT 84119

ASSOCIATES BUILDERS AND CONTRACTORS, INC  
UTAH CHAPTER  
660 WEST 900 NORTH SUITE B  
NORTH SALT LAKE CITY UT 84054

RE: CONTRACTOR INSURANCE

To AGC of Utah, UHBA, and ABC of Utah:

The Construction Services Commission is tasked under Utah law with overseeing the standards of conduct for licensees and to assist and advise the trade associations concerning industry education.

In Utah, all contractors are required to obtain and maintain general liability insurance that covers their scope of work. However, in practice, we are aware that certain insurance companies may provide policy exclusions that may reduce the cost of the insurance to the contractor but that do not properly cover the entire scope of work for the contractor, in violation of Utah law.



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As the three authorized contractor pre-licensure course providers, we would encourage each of you to include education about proper insurance coverage for contractors as required by Utah law and, specifically, educate about the problems concerning insurance exclusions for contractor's general liability insurance policies that do not cover the scope of work performed by the contractor. We strongly encourage each of you to institute this education as part of the curriculum in every pre-licensure course that you teach as this class is required for all contractors.

Proper insurance coverage of licensed contractors is an essential component to protecting the public health, safety, and welfare. We appreciate your continued efforts to promote education and "best practices" for our Utah contractors.

Sincerely,

Edward Axley  
Chair

Ross S. Holiday  
Vice - Chair

At the same time, the Commission has been asked to consider the possibility of a more comprehensive approach to the problem of the environment. It is not clear from the information available that the Commission has been asked to consider the possibility of a more comprehensive approach to the problem of the environment. It is not clear from the information available that the Commission has been asked to consider the possibility of a more comprehensive approach to the problem of the environment.

The Commission has been asked to consider the possibility of a more comprehensive approach to the problem of the environment. It is not clear from the information available that the Commission has been asked to consider the possibility of a more comprehensive approach to the problem of the environment.

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**R156. Commerce, Occupational and Professional Licensing.**

**R156-55a. Utah Construction Trades Licensing Act Rule.**

**R156-55a-101. Title.**

This rule shall be known as the "Utah Construction Trades Licensing Act Rule".

**R156-55a-101. Title.**

This rule shall be known as the "Utah Construction Trades Licensing Act Rule".

**R156-55a-102. Definitions.**

In addition to the definitions in Title 58, Chapters 1 and 55, as defined or used in this rule:

(1) "AARST-NRPP" means the National Radon Proficiency Program.

(2) "Construction trades instructor", as used in Subsection 58-55-301(2)(t) is clarified to mean the education facility which is issued the license as a construction trades instructor. It does not mean individuals employed by the facility who may teach classes.

(3) "Construction trades instruction facility" means the facility which is granted the license as a construction trades instructor as specified in Subsection 58-55-301(2)(t) and as clarified in R156-55a-102(2).

(4) "Employee", as used in Subsections 58-55-102(13) and 58-55-102(18), means a person providing labor services in the construction trades who works for a licensed contractor, or the substantial equivalent of a licensed contractor as determined by the Division, for compensation who has federal and state taxes withheld and workers' compensation and unemployment insurance provided by the person's employer.

(5) "Incidental", as used in Subsection 58-55-102(45), means work which:

(a) can be safely and competently performed by a specialty contractor;

(b) arises from, and is directly related to, work performed in the licensed specialty classification;

(c) does not exceed 10 percent of the overall contract; and

(d) does not include performance of any electrical or plumbing work.

(6) "Maintenance" means the repair, replacement and refinishing of any component of an existing structure; but, does not include alteration or modification to the existing weight-bearing structural components.

(7) "Mechanical", as used in Subsections 58-55-102(22) and 58-55-102(35), means the work which may be performed by a S350 HVAC Contractor under Section R156-55a-301.

(8) "NABCEP" means the North American Board of Certified Energy Practitioners.

(9) "NASCLA" means the National Association of State Contractors Licensing Agencies.

(10) "NRSB" means the National Radon Safety Board.

(11) "Personal property" means, as it relates to Title 58, Chapter 56, factory built housing and modular construction, a structure which is titled by the Motor Vehicles Division, state of Utah, and taxed as personal property.

(12) "Qualifier", as used in Title 58, Chapter 55 and this rule, means the individual who demonstrates competence for a contractor or construction trades instruction facility license by satisfying the requirements to obtain the contractor or construction trades instruction facility license.

(13) "RMGA" means the Rocky Mountain Gas Association.

(14) "School" means a Utah school district, technical college, or accredited college.

**R156-55a-103. Authority.**

This rule is adopted by the Division under the authority of Subsections 58-1-106(1)(a) and 58-55-103(1)(b)(i) to enable the Division to administer Title 58, Chapter 55.

**R156-55a-104. Organization - Relationship to Rule R156-1.**

The organization of this rule and its relationship to Rule R156-1 is as described in Section R156-1-107.

**R156-55a-301. License Classifications - Scope of Practice.**

(1) In accordance with Subsection 58-55-301(2), the classifications of licensure are listed and described in this section.

The contractor classifications listed are those determined to significantly impact the public health, safety, and welfare. A person engaged in work included in Subsections R156-55a-301(7) and (8) is exempt from licensure in accordance with Subsection 58-55-305(1)(i).

(2) Licenses shall be issued in the following primary classifications and subclassifications:

E100 - General Engineering Contractor. A contractor licensed to perform work as defined in Subsection 58-55-102(24).

B100 - General Building Contractor. A contractor licensed to perform work as defined in Subsection 58-55-102(22). The scope of practice includes the scope of practice of every specialty contractor in Subsection R156-55a-301(2) except:

(a) activities described in this Subsection under specialty classification ~~SE~~202 - Solar Photovoltaic Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NABCEP; and

(b) activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor, unless:

(i) the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the AARST-NRPP; or

(ii) the work is limited to installation of passive radon gas controls on new construction in accordance with Appendix F of the International Residential Code.

B200 - Modular Unit Installation Contractor. Set up or installation of modular units as defined in Subsection 15A-1-302(8) and constructed in accordance with Section 15A-1-304. The scope of practice:

(a) includes construction of the permanent or temporary foundations, placement of the modular unit on a permanent or temporary foundation, securing the units together, if required, and securing the modular units to the foundations; and

(b) excludes installation of factory built housing and connection of required utilities.

R100 - Residential and Small Commercial Contractor. A contractor licensed to perform work as defined in Subsection 58-55-102(35). The scope of practice does not include:

(a) activities described in this Subsection under specialty classification SE202 - Solar Photovoltaic Contractor, unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NABCEP; and

(b) activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor, unless:

(i) the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the AARST-NRPP; or

(ii) the work is limited to installation of passive radon gas controls on new construction in accordance with Appendix F of the International Residential Code.

R101 - Residential and Small Commercial Non Structural Remodeling and Repair. Remodeling and repair to any existing structure built for support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind with the restriction that:

(a) no change is made to the bearing portions of the existing structure, including footings, foundation, and weight bearing walls; and

(b) the entire project is less than \$50,000 in total cost, including materials and labor.

R200 - Factory Built Housing Contractor. Disconnection, setup, installation, or removal of manufactured housing on a temporary or permanent basis. The scope of work:

(a) includes placing the manufactured housing on a permanent or temporary foundation, securing the units together if required, securing the manufactured housing to the foundation, and connecting the utilities from the near proximity, such as a meter, to the manufactured housing unit, and construction of foundations of less than four feet six inches in height;

(b) excludes preparation or finishing, excavation of the ground in the area where a foundation is to be constructed, back filling, and grading around the foundation, construction of foundations of more than four feet six inches in height, and construction of utility services from the utility source to and including the meter or meters if required or if not required to the near proximity of the manufactured housing unit from which they are connected to the unit.

~~I101 - General Engineering Trades Instruction Facility. A construction trades instruction facility authorized to teach the construction trades and subject to the scope of practice defined in Subsection 58-55-102(24).~~

~~I102 - General Building Trades Instruction Facility. A construction trades instruction facility authorized to teach the construction trades and subject to the scope of practice defined in Subsections 58-55-102(22) or 58-55-102(35).~~

~~I103 - Electrical Trades Instruction Facility. A construction trades instruction facility authorized to teach the electrical trades and subject to the scope of practice defined in Subsection R156-55a-301(E200).~~

~~I104 Plumbing Trades Instruction Facility. A construction trades instruction facility authorized to teach the plumbing trades and subject to the scope of practice defined in Subsection R156-55a-301(P200).~~

~~I105 Mechanical Trades Instruction Facility. A construction trades instruction facility authorized to teach the mechanical trades and subject to the scope of practice defined in Subsection R156-55a-301(S350).~~

E200 - General Electrical Contractor. A contractor licensed to perform work as defined in Subsection 58-55-102(23). The scope of practice does not include activities described in this Subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the AARST-NRPP.

E201 - Residential Electrical Contractor. A contractor licensed to perform work as defined in Subsection 58-55-102(37). The scope of practice does not include activities described in this subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the AARST-NRPP.

SE202 - Solar Photovoltaic Contractor. Fabrication, construction, installation, and replacement of photovoltaic modules and related components, subject to the following:

(a) ~~An~~ SE202 Solar Photovoltaic Contractor shall hold a current certificate issued by NRSB or AARST-NRPP.

(b) Wiring, connections and wire methods as governed in the National Electrical Code and Subsection R156-55b-102(1) shall only be performed by an E200 General Electrical Contractor or E201 Residential Electrical Contractor.

(c) SE202 -Solar Photovoltaic Contractor licensure is not required to install standalone solar systems that do not tie into premises wiring or into the electrical utility, such as signage or street or parking lighting.

(d) An SE202 Solar Photovoltaic Contractor may subcontract with an E200 General Electrical Contractor or E201 Residential Electrical Contractor for their projects.

P200 - General Plumbing Contractor. A contractor licensed to perform work as defined in Subsection 58-55-102(25). The scope of practice:

(a) includes the furnishing of materials, fixtures, and labor to extend service from a building out to the main water, sewer, or gas pipeline; and

(b) does not include activities described under specialty classification S354-Radon Mitigation Contractor, unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the AARST-NRPP.

P201 - Residential Plumbing Contractor. A contractor licensed to perform work as defined in Subsection 58-55-102(42). The Residential Plumbing Contractor scope of practice does not include activities described in this subsection under specialty classification S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the AARST-NRPP.

~~P202 — Boiler Installation Contractor. — Fabrication and/or installation of fire tube and water tube power boilers and hot water heating boilers, including all fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and all other devices, apparatus, and equipment related thereto in a closed system not connected to the culinary water system. — If water delivery for the closed system is connected to the culinary water system and separated from the culinary water system by a backflow prevention device, a P202 Boiler Installation Contractor may connect the closed system to the backflow prevention device, but the device must be installed by an actively licensed plumber. P203 — Irrigation Sprinkling Contractor. — Layout, fabrication, and/or installation of water distribution systems for artificial watering or irrigation.~~

~~P204 — Industrial Piping Contractor. — Fabrication and/or installation of pipes and piping for the conveyance or transmission of steam, gases, chemicals, and other substances including excavating, trenching, and back-filling related to such work. — This classification includes the above work for geo thermal systems.~~

~~P205 — Water Conditioning Equipment Contractor. — Fabrication and/or installation of water conditioning equipment and only such pipe and fittings as are necessary for connecting the water conditioning equipment to the water supply system within the premises.~~

~~P206 — Solar Thermal Systems Contractor. — Construction, repair and/or installation of solar thermal systems up to the system shut off valve or where the system interfaces with any other plumbing system.~~

~~P207 — Residential Sewer Connection and Septic Tank Contractor. — Construction of residential sewer lines including connection to the public sewer line, and excavation and grading related thereto. — Excavation, installation and grading of residential septic tanks and their drainage.~~

S220 - Carpentry & Flooring Contractor. The scope of practice includes the construction, fabrication, installation, placing, tying, welding, or repair:

(a) Fabrication for structural and finish purposes in a structure or building using wood, wood products, metal, metal products, metal studs, vinyl materials, plastic, fiberglass, countertops, cabinets, millwork, garage doors, doors, or other wood/plastic/metal composites as is by custom and usage accepted in the building industry as carpentry for structural and finish purposes in a structure or building;

(b) — Incidental work includes the installation of tub liners, and wall systems, or partitions;

(c) metal or steel structures and sheet metal, including metal cornices, marquees, metal soffits, flashings, skylights, and skydomes;

(d) studs, metal bearing walls, reinforcing bars, or erecting metal shapes, plates of any profile, perimeter or cross-section that are used in or structures, including riveting, welding, and rigging;

(e) incidental concrete work and footings, grading, and surface preparation related to any Carpentry and Flooring Contractor scope of work;

(f) laminate, tile, cement, wood, synthetic wood, or similar flooring product, including prefinished and unfinished material, sanding, staining and finishing of new and existing flooring, the underlayment, and non-structural subfloors;



(g) mechanical insulation of pipes, ducts, or conduits.  
~~— S221 Cabinet, Millwork and Countertop Installation Contractor. — On site construction and/or installation of milled wood products or countertops.~~

~~— S222 Overhead and Garage Door Contractor. — Installation of overhead and garage doors and door openers.~~

S230 -- Masonry, Siding, Stucco, Glass, and Rain Gutter Contractor. The scope of practice includes the construction fabrication, and installation of:

(a) Fabrication, construction, and/or installation of siding, stucco, stucco to lathe, plaster, glass, glass substitutes, glass-holding members, or rain gutters, drains, roof flashings, gravel stops, and metal ridges;

(b) natural or synthetic stone, onyx, ceramic, granite, onice, corian, brick, block, forms, brick substitutes, clay, concrete blocks, terra-cotta, marble, tile, gypsum tile, glass block, clay tile, copings, plastic refractories, and castables;

(c) shower pans.

~~— S231 Rain Gutter Installation Contractor. — On site fabrication and/or installation of rain gutters and drains, roof flashings, gravel stops and metal ridges.~~

~~S240 Glass and Glazing Contractor. — Fabrication, construction, installation, and/or removal of all types and sizes of glass, glass substitutes, glass holding members, frames, and hardware.~~

~~— S250 Insulation Contractor. — Installation of any insulating media in buildings and structures for the sole purpose of temperature control, sound control, or fireproofing, but shall not include mechanical insulation of pipes, ducts, or conduits.~~

S260 - General Asphalt and Concrete Contractor. Fabrication, construction, mixing, batching, injecting, spraying, resurfacing, sealing, and/or installation of asphalt, asphalt overlay, chip seal, fog seal, slurry seal, concrete, gunnite, grouting, coatings, sealant, and related concrete products along with the placing and setting of screeds for pavement for flatwork, the construction of forms, shoring material, placing and erection of bars for reinforcing and application of plaster and other cement-related products. The scope of practice includes:

(a) excavation, grading, compacting, and laying of fill or base-related thereto;

(b) painting or coating the surfaces, including striping, directional, and other types of symbols or letters;

(c) fabrication, construction, and/or installation of forms and shoring material.

~~— S261 Concrete Form Setting and Shoring Contractor. — Fabrication, construction, and/or installation of forms and shoring material; but does not include the placement of concrete, finishing of concrete, or embedded items such as metal reinforcement bars or mesh.~~

~~S262 Gunnite and Pressure Grouting Contractor. — Installation of a concrete product either injected or sprayed under pressure.~~

~~— S263 Cementitious Coating Systems Resurfacing and Sealing Contractor. — Fabrication, construction, mixing, batching and installation of cementitious coating systems or sealants limited to the resurfacing or sealing of existing surfaces, including the~~

~~preparation or patching of the surface to be covered or sealed.~~

~~S270 - General Drywall, Paint, and Plastering Contractor. The scope of practice includes the construction, installation, fabrication, and application of:~~

~~(a) Fabrication, construction, and installation of drywall, gypsum, wallboard panels and assemblies, metal and other wall partitions, ceiling tile and panels, and the grid system required for placement. Preparation of drywall or plaster surfaces for suitable painting or finishing. Application to surfaces of coatings made of plaster, including the preparation of the surface and the provision of a base; and-~~

~~(b) insulating media in buildings and structures for the purpose of temperature control, sound control, fireproofing, mechanical insulation of pipes, ducts, or conduits; and~~

~~(c) This does not include applying stucco, stucco to lathe, plaster, and other surfaces. Exempted is the plastering of foundations; and~~

~~(d) paints, varnishes, shellacs, stains, waxes and other coatings or pigments.-~~

~~S272 - Ceiling Grid Systems, Ceiling Tile, and Panel Systems Contractor. Fabrication and/or installation of wood, mineral, fiber, and other types of ceiling tile and panels and the grid systems required for placement.~~

~~S273 - Light weight Metal and Non bearing Wall Partitions Contractor. Fabrication and/or installation of light weight metal and other non bearing wall partitions.~~

~~S280 - General Roofing Contractor. Application and/or installation of asphalt, pitch, tar, felt, flax, shakes, shingles, roof tile, slate, and any other material or materials, or any combination of the above which use and custom has established as usable for, or which are now used as, water-proof, weatherproof, or watertight seal or membranes for roofs and surfaces; and roof conversion; non-electrical skylights; and electrical skylights provided that the electrical connection is performed by a licensed electrical contractor. The scope of practice includes installation of any insulating media in buildings and structures for the sole purpose of temperature control, sound control, fireproofing, and mechanical insulation of pipes, ducts, or conduits. Incidental work includes the installation of roof clamp ring to the roof drain.~~

~~S290 - General Masonry Contractor. Construction by cutting, and/or laying of all of the following brick, block, or forms: architectural, industrial, and refractory brick, all brick substitutes, clay and concrete blocks, terra cotta, thin set or structural quarry tile, glazed structural tile, gypsum tile, glass block, clay tile, copings, natural stone, plastic refractories, and castables and any incidental works, including the installation of shower pans, as required in construction of the masonry work. S291 - Stone Masonry Contractor. Construction using natural or artificial stone, either rough or cut and dressed, laid at random, with or without mortar. Incidental work includes the installation of shower pans.~~

~~S292 - Terrazzo Contractor. Construction by fabrication, grinding, and polishing of terrazzo by the setting of chips of marble, stone, or other material in an irregular pattern with the use of cement, polyester, epoxy or other common binders. Incidental work includes~~

the installation of shower pans.

~~S293 Marble, Tile and Ceramic Contractor. Preparation, fabrication, construction, and installation of artificial marble, burned clay tile, ceramic, encaustic, falence, quarry, semi vitreous, and other tile, excluding hollow or structural partition tile. Incidental work includes the installation of shower pans.~~

~~S294 Cultured Marble Contractor. Preparation, fabrication and installation of slab and sheet manmade synthetic products including cultured marble, onyx, granite, onice, corian, and corian type products. Incidental work includes the installation of shower pans.~~

~~S300 General Painting Contractor. Preparation of surface and/or the application of all paints, varnishes, shellacs, stains, waxes and other coatings or pigments.~~

~~S310 -- Foundation, --Excavation, and Demolition and Grading Contractor. The scope of practice includes:~~

~~(a) mMoving of the earth's surface or placing earthen materials on the earth's surface, by use of hand or power machinery and tools, including explosives, in any operation of cut, fill, excavation, grading, trenching, backfilling, or combination thereof as they are generally practiced in the construction trade; and~~

~~(b) eExcavation, drilling, compacting, pumping, sealing and other work necessary to construct, alter, or repair piers, piles, footings, and foundations placed in the earth's subsurface to prevent structural settling and to provide an adequate capacity to sustain or transmit the structural load to the soil or rock below; and~~

~~(c) raising, cribbing, underpinning, moving, and removal of a building, structure, or matter appurtenant or incidental to any building or structure.~~

~~S320 Steel Erection Contractor. Construction by fabrication, placing, and tying or welding of steel reinforcing bars or erecting structural steel shapes, plates of any profile, perimeter or cross section that are used to reinforce concrete or as structural members, including riveting, welding, and rigging.~~

~~S321 Steel Reinforcing Contractor. Fabricating, placing, tying, or mechanically welding of reinforcing bars of any profile that are used to reinforce concrete buildings or structures.~~

~~S322 Metal Building Erection Contractor. Erection of pre fabricated metal structures including concrete foundation and footings, grading, and surface preparation.~~

~~S323 Structural Stud Erection Contractor. Fabrication and installation of metal structural studs and bearing walls.~~

~~S330 -- Landscaping & Recreation --Contractor: This scope of practice includes the construction, fabrication, and installation of the following:~~

~~(a) --grading and preparing land for architectural, horticultural, or decorative treatment;~~

~~(b) arrangement, and planting of gardens, lawns, shrubs, vines, bushes, trees, or other decorative vegetation;~~

~~(c) construction, fabrication, and installation of swimming pools, prefabricated pools, spas, small decorative pools, tanks, fountains, sprinkler systems, water distribution systems for artificial watering or irrigation, for closed systems not connected to the culinary water system, or, if water delivery for the closed system is connected to the culinary water system and separated from~~

the culinary water system by a backflow prevention device, the contractor may connect the closed system to the backflow prevention device, if the backflow prevention device is installed by an actively licensed plumber;

~~(d) layout, fabrication, and/or installation of water distribution systems for artificial watering or irrigation connected to a non-culinary water system;~~

~~(e) fabrication, construction, and installation of metal fireboxes, fireplaces, and wood or coal-burning stoves, including the installation of venting and exhaust systems, provided the individual performing the installation is RMGA-certified;~~

~~(fd) construction of retaining walls except retaining walls which are intended to hold vehicles, structures, equipment or other non-natural fill materials within the area located within a 45 degree angle from the base of the retaining wall to the level of where the additional weight bearing vehicles, structures, equipment or other non-natural fill materials are located;~~

~~(ge) construction of patios, patio areas, and decking, including the deck structure and substructure;~~

~~(hf) construction of hothouses, greenhouses, fences, walks, and garden lighting of class two or class three power-limited circuits as defined in the National Electrical Code of 49 volts or less; and~~

~~(i) fabrication, construction, and installation of fences, guardrails, handrails, and barriers;~~

~~(j) installation of sports and athletic courts and fields including football fields, tennis courts, racquetball courts, handball courts, basketball courts, running tracks, playgrounds, or any similar court or field. This includes poles, standards, surface painting or coatings, floors, floor subsurface, wall surface, perimeter walls, perimeter fencing, or other equipment.~~

~~(kg) performing incidental concrete or asphalt work related to any Landscaping & Recreational Contractor scope of practice.~~

~~(lh) This classification does not include any electrical or plumbing trade work-, but an S330 Landscape- & Recreation Contractor may subcontract with a plumbing and electrical contractor for their projects;~~

~~S340 Sheet Metal Contractor. Layout, fabrication, and installation of air handling and ventilating systems. All architectural sheet metal such as cornices, marquees, metal soffits, flashings, and skylights and skydomes including both plastic and fiberglass.~~

S350 - HVAC Contractor. Fabrication and installation of complete warm air heating, air conditioning and ventilating systems. This scope of practice includes installation of refrigeration equipment, including built-in refrigerators, refrigerated rooms, insulated refrigerated spaces and equipment related thereto.— The scope of practice does not include activities described under S354-Radon Mitigation Contractor unless the work is performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the AARST-NRPP. —An HVAC Contractor may hire or subcontract an RMGA-certified licensed contractor for any gas-related work. The scope of practice does not include electrical trade work.

~~S351 Refrigerated Air Conditioning Contractor. Fabrication and installation of air conditioning ventilating systems to control air temperatures below 50 degrees. The scope of practice does not include electrical trade work.~~

~~S352 Evaporative Cooling Contractor. Fabrication and installation of devices, machinery, and units to cool the air temperature employing evaporation of liquid. The scope of practice does not include electrical trade work.~~

~~S353 Warm Air Heating Contractor. Layout, fabrication, and installation of such sheet metal, gas piping, and furnace equipment as necessary for a complete warm air heating and ventilating system. The scope of permitted work does not include electrical trade work.~~

S354 - Radon Mitigation Contractor. Layout, fabrication, and installation of a radon mitigation system. Work performed under this classification shall be performed under the immediate supervision of an employee who holds a current certificate issued by the NRSB or the AARST-NRPP. The scope of practice does not include:

(a) work on heat recovery ventilation or makeup air components that must be performed by an HVAC Contractor; or

(b) electrical trade work that must be performed by an Electrical Contractor.

~~S360 Refrigeration Contractor. Construction and/or installation of refrigeration equipment, including built in refrigerators, refrigerated rooms, insulated refrigerated spaces and equipment related thereto. The scope of practice does not include the installation of gas fuel or electrical trade work.~~

S370 - Fire Suppression Systems Contractor. Layout, fabrication, and installation of fire protection systems using water, steam, gas, or chemicals. When a potable sanitary water supply system is used as the source of supply, connection to the water system must be accomplished by a licensed plumbing contractor. Excluded from this classification are persons engaged in the installation of fire suppression systems in hoods above cooking appliances.

S380 Swimming Pool and Spa Contractor. Fabrication, construction, and installation of swimming pools, prefabricated pools, spas, and tubs. The scope of practice:

~~(a) does not include plumbing or electrical trade work, but an S380 Swimming Pool and Spa Contractor may subcontract with a plumbing and electrical contractor for their projects;~~

~~(b) includes a closed system not connected to a culinary water system; and~~

~~(c) includes, if water delivery for a closed system is connected to a culinary water system and separated from the culinary water system by a backflow prevention device, connection of the closed system to the backflow prevention device (however, the backflow prevention device must be installed by an actively licensed plumber).~~

S390 Sewer and Waste Water Pipeline Contractor. Construction of sewer lines, sewage disposal and sewage drain facilities including excavation and grading with respect thereto, and the construction of sewage disposal plants and appurtenances thereto.

S400 Asphalt Paving Contractor. Construction of asphalt highways, roadways, driveways, parking lots or other asphalt surfaces, including asphalt overlay, chip seal, fog seal and rejuvenation, micro

surfacing, plant mix sealcoat, slurry seal, and the removal of asphalt surfaces by milling. The scope of practice includes:

~~(a) excavation, grading, compacting, and laying of fill or base related thereto; and~~

~~(b) painting on asphalt surfaces, including striping, directional, and other types of symbols or words.~~

S410 - Boiler, Pipeline, Waste Water, and Water Conditioner Conduit Contractor. The scope of practice includes the fabrication, construction, and installation of:

(a) pipes, conduit, or cables for the conveyance and transmission from one station to another of such products as water, steam, gases, chemicals, slurries, other substances, data or communications, geo-thermal systems, or solar thermal systems up to where the system interfaces with any other plumbing system. The scope of practice includes; and

(b) installation of above and below ground petroleum and petro-chemical storage tanks, piping, dispensing equipment, monitoring equipment, and associated petroleum and petro-chemical equipment including excavation, backfilling, concrete and asphalt; and

(c) the insulation of pipes, ducts, and conduits; and

(d) the excavation, cabling, horizontal boring, grading, trenching, and backfilling necessary for construction of any work related to the Boiler, Pipeline, Waste Water, and Water Conditioner Contractor scope of practice the system; and

(e) fire-tube and water-tube power boilers and hot water heating boilers, including all fittings and piping, valves, gauges, pumps, radiators, converters, fuel oil tanks, fuel lines, chimney flues, heat insulation and all other devices, apparatus, and equipment related thereto in a closed system not connected to the culinary water system.

If water delivery for the closed system is connected to the culinary water system and separated from the culinary water system by a backflow prevention device, a S410 Boiler, Pipeline, Waste Water, and Water Conditioner Contractor may connect the closed system to the backflow prevention device, but the device must be installed by an actively licensed plumber; and

(f) water conditioning equipment and only such pipe and fittings as are necessary for connecting the water conditioning equipment to the water supply system within the premises; and

(g) sewer, sewer lines, sewage disposal, septic tank, and drainage including excavation and grading with respect thereto, and the construction of sewage disposal plants and appurtenances thereto; and

(h) incidental cement or asphalt work related to the Boiler, Pipeline, Waste Water, and Water Conditioner Contractor scope of practice.

~~S420 General Fencing, Ornamental Iron and Guardrail Contractor. Fabrication, construction, and installation of fences, guardrails, handrails, and barriers.~~

~~S421 Residential Fencing Contractor. Fabrication and installation of residential fencing up to and including a height of six feet.~~

~~S430 Metal Firebox and Fuel Burning Stove Installer. Fabrication, construction, and installation of metal fireboxes,~~

~~fireplaces, and wood or coal burning stoves, including the installation of venting and exhaust systems, provided the individual performing the installation is RMCA-certified.~~

S440 - Sign Installation Contractor. Installation of electrical or non-electrical signs and graphic displays which require installation permits or permission as issued by state or local governmental jurisdictions, subject to the following:

(a) "Signs and graphic displays" includes signs of all types, both lighted and unlighted, permanent highway marker signs, illuminated awnings, electronic message centers, sculptures or graphic representations including logos and trademarks intended to identify or advertise the user or product, building trim or lighting with neon or decorative fixtures, and any other animated, moving or stationary device used for advertising or identification purposes.

(b) "Non-electrical signs and graphics displays" means outdoor advertising signs that do not have electrical lighting or other electrical requirements, and that are fabricated, installed, and erected in accordance with professionally engineered specifications.

(cb) Signs and graphic displays must be fabricated, installed and erected in accordance with professionally engineered specifications and wiring in accordance with the National Electrical Code;

(de) The scope of practice does not include electrical trade work-, but an S440 Sign Installation Contractor may subcontract with an electrical contractor for their projects.

~~S441 Non Electrical Outdoor Advertising Sign Contractor. Installation of non electric signs and graphic displays which require installation permits or permission as issued by state and local governmental jurisdictions. "Non electrical signs and graphics displays" means outdoor advertising signs that do not have electrical lighting or other electrical requirements, and that are fabricated, installed, and erected in accordance with professionally engineered specifications.~~

~~S450 Mechanical Insulation Contractor. Fabrication, application, and installation of insulation materials to pipes, ducts and conduits.~~

~~S460 Wrecking and Demolition Contractor. Raising, cribbing, underpinning, moving, and removal of a building, structure, or matter appurtenant or incidental to any building or structure.~~

~~S470 Petroleum Systems Contractor. Installation of above and below ground petroleum and petro chemical storage tanks, piping, dispensing equipment, monitoring equipment, and associated petroleum and petro chemical equipment including excavation, backfilling, concrete and asphalt.~~

~~S480 Piers and Foundations Contractor. Excavation, drilling, compacting, pumping, sealing and other work necessary to construct, alter, or repair piers, piles, footings, and foundations placed in the earth's subsurface to prevent structural settling and to provide an adequate capacity to sustain or transmit the structural load to the soil or rock below.~~

~~S490 Flooring Contractor. Installation of laminate, tile, wood or wood product flooring, including prefinished and unfinished~~

~~material, sanding, staining and finishing of new and existing flooring, the underlayment, and non structural subfloors.~~

~~S491 — Laminate Floor Installation Contractor. Installation of laminate floors including the underlayment, non structural subfloors, and other incidental related work, but does not include the installation of solid wood flooring.~~

~~S500 — Sports and Athletic Courts, Running Tracks, and Playground Installation Contractor. Installation of sports and athletic courts including tennis courts, racquetball courts, handball courts, basketball courts, running tracks, playgrounds, or any combination. Includes non structural floor subsurface, nonstructural wall surface, perimeter walls, and perimeter fencing. Includes installation and attachment of equipment such as poles, basketball standards, or other equipment.~~

~~S510 — Elevator Contractor. Erecting, constructing, installing, altering, servicing, repairing or maintaining an elevator.~~

~~S600 — General Stucco Contractor. Applying stucco to lathe, plaster, and other surfaces.~~

~~S700 - Limited Scope License Contractor.~~

~~(a) A limited scope license is a license that confines the scope of the allowable contracting work to a specialized area of construction, which the Division grants on a case-by-case basis.~~

~~(b) When applying for a limited scope license, an applicant, if requested, shall submit to the Division the following:~~

~~(i) a detailed statement of the type and scope of contracting work that the applicant proposes to perform and an explanation why the scope of practice is not included in any other current classification; and~~

~~(ii) any brochures, catalogs, photographs, diagrams, or other material to further clarify the scope of the work that the applicant proposes to perform.~~

~~(3)(a) A specialty license contractor, as defined in Subsection 58-55-102(45), shall be confined to the field and scope of work as outlined by the Division.~~

~~(b) A specialty license contractor may subcontract with a specialty license contractor that holds the same classification as the hiring contractor.~~

~~(4)(a) A licensee may hold up to three specialty license classifications, in addition to any general contractor classifications, except that an R101 Residential and Small Commercial Non-Structural Remodeling and Repair contractor may not have any other specialty classifications.~~

~~(b) A licensee may change classifications at any time by surrendering a license, and by applying for any license for which the licensee is qualified and as permitted by law.~~

~~(c) To qualify for licensure, an applicant for renewal or reinstatement shall surrender or replace the applicant's contractor classifications as needed to comply with Subsection (4)(a).~~

~~(5) Effective November 7, 2017:~~

~~(a) Contractor licenses shall only be issued to applicants or licensees in:~~

~~(i) primary classification listed in Subsection(5); or~~

~~(ii) primary or subclassifications of B200, R101, R200, E201,~~



E202, P201, P202, P203, P204, P205, P206, P207, S240, S250, S280, S300, S310, S330, S340, S354, S360, S370, S380, S390, S400, S410, S430, S450, S460, S470, S480, S500, S510, S600, S700; or

~~(iii) a general contractor or facility classification listed in Subsection R156-55a-302a(2).~~

~~(b) Except for subclassifications listed in Subsection (5)(a)(ii), an application for renewal or reinstatement of a license with a subclassification listed in Subsection (6) shall be converted to the corresponding primary classification.~~

(5) Effective July 1, 2019:

(a) Contractor licenses that have the following contractor classifications shall be converted to the corresponding classifications in Table 1:

TABLE 1

<u>Current Classification</u>	<u>Converted To</u>
<u>P202</u>	<u>S410</u>
<u>P204</u>	<u>S410</u>
<u>P205</u>	<u>S410</u>
<u>P206</u>	<u>S410</u>
<u>P207</u>	<u>S410</u>
<u>P203</u>	<u>S330</u>
<u>E202</u>	<u>S202</u>
<u>S221, S222</u>	<u>S220</u>
<u>S231</u>	<u>S230</u>
<u>S240</u>	<u>S230</u>
<u>S250</u>	<u>S270</u>
<u>S261, S262, S263</u>	<u>S260</u>
<u>S272, S273</u>	<u>S270</u>
<u>S290, S291, S292, S293, S294</u>	<u>S230</u>
<u>S300</u>	<u>S270</u>
<u>S320, S321, S322, S323</u>	<u>S220</u>
<u>S340</u>	<u>S320</u>
<u>S351, S352, S353,</u>	<u>S350</u>
<u>S360</u>	<u>S350</u>
<u>S380</u>	<u>S330</u>
<u>S390</u>	<u>S410</u>
<u>S400</u>	<u>S260</u>
<u>S420, S421</u>	<u>S330</u>
<u>S430</u>	<u>S330</u>
<u>S441</u>	<u>S440</u>
<u>S450</u>	<u>S410</u>
<u>S460</u>	<u>S310</u>
<u>S470</u>	<u>S410</u>
<u>S480</u>	<u>S310</u>
<u>S490</u>	<u>S220</u>
<u>S491</u>	<u>S490</u>
<u>S600</u>	<u>S230</u>
<u>I101</u>	<u>E100</u>
<u>I102</u>	<u>B100</u>
<u>I103</u>	<u>E200</u>
<u>I104</u>	<u>P200</u>
<u>I105</u>	<u>S350</u>

(6) The scope of practice for the following primary classifications includes the scope of practice stated in the descriptions for the following subclassifications and a licensee with the following primary classification may subcontract with a licensee with an included subclassification:

TABLE I

Primary Classification	Included subclassifications
E200	E201, <del>SE202</del>
P200	P201, P202, <del>P203,</del> P204, P205, P206, P207
<del>S220</del>	<del>S221, S222</del>
<del>S230</del>	<del>S231</del>
<del>S260</del>	<del>S261, S262, S263</del>
<del>S270</del>	<del>S272, S273</del>
<del>S290</del>	<del>S291, S292, S293, S294</del>
<del>S320</del>	<del>S321, S322, S323</del>
<del>S350</del>	<del>S351, S352, S353, S354</del>
<del>S420</del>	<del>S421</del>
<del>S440</del>	<del>S441</del>
<del>S490</del>	<del>S491</del>

(7) The following activities are determined to not significantly impact the public health, safety and welfare and therefore do not require a contractors license:

- (a) sandblasting;
- (b) pumping services;
- (c) tree stump or tree removal;
- (d) installation within a building of communication cables including phone and cable television;
- (e) installation of low-voltage electrical that is 49-volts or less class two or class three power-limited circuits as defined in the National Electrical Code;
- (f) construction of utility sheds, gazebos, or other similar items which are personal property and not attached to:
  - (i) a residential or commercial building; or
  - (ii) a foundation;
- (g) building and window washing, including power washing;
- (h) central vacuum systems installation;
- (i) concrete cutting;
- (j) interior decorating;
- (k) wall paper hanging;
- (l) drapery and blind installation;
- (m) welding on personal property which is not attached;
- (n) chimney sweepers other than repairing masonry;
- (o) carpet and vinyl floor installation;
- (p) artificial turf installation;
- (q) general cleanup of a construction site which does not include demolition or excavation;
- (r) installation or removal of weather-stripping but does not include moisture vapor barriers;
- (s) fabrication, installation, or removal of mirrors; and

(t) construction, installation, or removal of awnings and canopies, including attached or detached;

(u) pallet racking or metal shelving, whether attached or detached to the structure; and

(v) seismic strapping for pipes, appliances, and water heaters.

(8) The following activities are those determined to not significantly impact the public health, safety and welfare beyond the regulations by other agencies and therefore do not require a contractors license:

(a) lead removal regulated by the Department of Environmental Quality;

(b) ~~\_\_\_~~asbestos removal regulated by the Department of Environmental Quality; and

(c) fire alarm installation regulated by the Fire Marshal.

#### **R156-55a-302a. Qualifications for Licensure - Examinations.**

(1) In accordance with Subsection 58-55-302(1)(c), no examination is required for the qualifier of an applicant for licensure as a contractor ~~or construction trades instruction facility except~~ ~~for~~

~~(a) an examination may be required as part of a 25 hour course described in Subsection 58-55-302(1)(e)(iii);~~

~~(b) an approved contractor classification examination required for the classifications listed in Subsection (2); and~~

~~(c) the Utah Contractor Business and Law Examination for the classifications listed Subsection 58-55-302(1)(c)(ii) in Subsection (2) and the P200, P201, E200, and E201 classifications.~~

~~(2) A contractor classification examination, given currently or in the past by the Division, or determined by the Division to be substantially equivalent, is required for the following contractor license classifications:~~

~~E100 General Engineering Contractor~~

~~B100 General Building Contractor~~

~~R100 Residential and Small Commercial Contractor~~

~~I101 General Engineering Trades Instruction Facility~~

~~I102 General Building Trades Instruction Facility~~

~~(3) For the B100 or R100 classifications, a passing score on the NASCLA Accredited Examination for Commercial General Building Contractors shall satisfy the examination requirement.~~

~~(4) Except for the NASCLA exam described in Subsection (3), the passing score for all examinations is 70%.~~

(25) An applicant who fails an examination may retake the failed examination as follows:

(a) no sooner than 30 days following any failure, up to three failures; and

(b) no sooner than six months following any failure thereafter.

#### **R156-55a-302b. Qualifications for Licensure - Experience Requirements.**

~~(1) "Experience in the construction industry" as defined in In accordance with Subsection 58-55-302(1)(e)(ii) is more broad in scope than the definition of "construction trades" and includes:~~ ~~the minimum experience requirements are established as follows:~~

~~(1a) Experience in the construction industry regardless if paid~~

as a W-2, 1099, or as an owner, and regardless of whether licensed or exempt. No experience is required for any contractor classification except those listed in Subsection R156-55a-302a(2).

~~(2) The experience requirements for all contractor license classifications listed in Subsection R156-55a-302a(2) are:~~

~~(a) Unless otherwise provided in this rule, two years of experience lawfully performed preceding the date of application under the general supervision of a contractor, and subject to the following:~~

~~(i) If the experience was completed in Utah, it shall be:~~

~~(A) completed while a W-2 employee of a licensed contractor; or~~

~~(B) completed while working as an owner of a licensed contractor, which has for all periods of experience claimed, employed a qualifier who performed the duties and served in the capacities specified in Subsection 58-55-304(4) and in Subsection R156-55a-304.~~

~~(ii) If the experience was completed outside of the state of Utah, it shall:~~

~~(A) be completed in compliance with the laws of the jurisdiction in which the experience is completed;~~

~~(B) not be considered qualifying experience if the construction activities in the other jurisdiction would be exempt from licensure in Utah; and~~

~~(C) be completed with supervision that is substantially equivalent to the supervision required in Utah.~~

~~(iii) Experience while performing construction activities in the military, regardless of licensure or Subsection (2)(a)(v), may be determined to be substantially equivalent if lawfully obtained in a setting which has supervision of qualified persons and an equivalent scope of work.~~

~~(iv) Experience obtained while incarcerated is not qualifying experience.~~

~~(v) Experience obtained while exempt from licensure under Subsection 58-55-305(1) is not qualifying experience.~~

~~(vi) Experience obtained under the supervision of a construction trades instructor as a part of an educational program is not qualifying experience for a contractor's license.~~

(2b)(a) "Two years of full-time paid employment," as defined in Subsection 58-55-302(1)(e)(ii)(A), shall be a total of 4,000 hours paid employment.

(b) A passing score on the NASCLA Accredited Examination for Commercial General Building Contractors shall satisfy the experience requirement in Subsection 58-55-302(1)(e)(ii)(A).

One year of work experience means 2,000 hours.

~~(c) No more than 2,000 hours of experience during any 12-month period may be claimed.~~

~~(d) If the applicant is unable to provide sufficient evidence of qualifying experience and the applicant's qualifying experience was previously approved in the state of Utah, a passing score on the contractor examination and the laws and rules examination obtained within the one-year period preceding the date of application will requalify the applicant's experience.~~

~~(3) Requirements for E100 General Engineering, B100 General Building, R100 Residential and Small Commercial Building license classifications:~~

~~\_\_\_\_\_ (a) One of the required two years of experience shall be in a supervisory or managerial position.~~

~~(cb) A person holding a four-year bachelors degree or a two-year associates degree in Construction Management may have shall satisfy the experience requirement in Subsection 58-55-302(1)(e)(ii)(A). ~~one year of experience credited towards the supervisory or managerial experience requirement.~~~~

~~(de) A person holding a Utah professional engineer license shall satisfy the experience requirement in Subsection 58-55-302(1)(e)(ii)(A). ~~may be credited with satisfying one year toward the supervisory or managerial experience required for E100 contractor license.~~~~

~~(24) Requirements for I101 General Engineering Trades Instruction Facility, I102 General Building Trades Instruction Facility, I103 Electrical Trades Instruction Facility, I104 Plumbing Trades Instruction Facility, I105 Mechanical Trades Instruction Facility license classifications:~~

~~An applicant for construction trades instruction facility license shall have the same experience that is required for the license classifications for the construction trade they will instruct.~~

~~(35) Requirements for SE202 Solar Photovoltaic Contractor. In addition to the requirements of Subsections (1)-(2), an applicant shall hold a current certificate by the NABCEP.~~

~~(46) Requirements for S354 Radon Mitigation Contractor. In addition to the requirements of Subsections (1)-(2), an applicant shall hold a current certificate issued by the NRSB or the AARST-NRPP.~~

**~~R156-55a-302c. Qualifications for Licensure Requiring Licensure in a Prerequisite Classification.~~**

~~(1) An applicant as a qualifier for licensure as a I103 Electrical Trades Instruction Facility shall also be licensed as a master electrician or a residential master electrician.~~

~~(2) An applicant as a qualifier for licensure as a I104 Plumbing Trades Instruction Facility shall also be licensed as a master plumber or a residential master plumber.~~

**~~R156-55a-302d. Qualifications for Licensure - Proof of Insurance and Registrations.~~**

~~In accordance with the provisions of Subsection 58-55-302(2)(b), an applicant who is approved for licensure shall submit proof of liability insurance which provides coverage for the scope of work performed, in force for the entire duration of active licensure, and in coverage amounts of at least \$100,000 for each incident and \$300,000 in total by means of a certificate of insurance naming the Division as a certificate holder.~~

**~~R156-55a-302e. Additional Requirements for Construction Trades Instructors, Schools and Colleges Classifications.~~**

~~In accordance with Subsection 58-55-302(1)(f), the following additional requirements for licensure are established:~~

~~(1) aAny school that provides instruction to students by building houses for sale engaging in the construction trade for the public as part of the instruction to the public is required to be become a Utah licensed contractor with the classification in the scope of~~

~~practice in which the students are being instructed. a Utah licensed contractor with a B100 General Building Contractor or R100 Residential and Small Commercial Building Contractor classification or both.~~

~~(2) Any school that provides instruction to students by building houses for sale to the public is also required to be licensed in the appropriate instructor classification.~~

~~(a) Before being licensed in a construction trades instruction facility classification, the school shall submit the name of an individual person who acts as the qualifier in each of the construction trades instructor classifications in accordance with Section R156 55a 304. The applicant for licensure as a construction trades instructor shall:~~

~~(i) provide evidence that the qualifier has passed the required examinations established in Section R156 55a 302a; and~~

~~(ii) provide evidence that the qualifier meets the experience requirement established in Subsection R156 55a 302b(4).~~

~~(3) Each individual employed by a school licensed as a construction trades instruction facility and working with students on a job site shall meet any teacher certification, or other teacher requirements imposed by the school district or college, and be qualified to teach the construction trades instruction facility classification as determined by the qualifier.~~

#### **R156-55a-302f. Pre-licensure Education - Standards.**

(1) Qualifier Education Requirement. The 25-hour pre-licensure course required by Subsection 58-55-302(1)(e)(iii) and the 5-hour pre-licensure course required by Subsection 58-55-302(1)(e)(iv) shall be completed by the qualifier for a contractor license applicant.

(a) Any approved 20-hour pre-licensure course completed by the applicant-qualifier before November 30, 2017 shall be accepted by the Division as satisfaction of the 25-hour and 5-hour pre-licensure course requirements in Subsection 58-55-302(1)(e)(iii) and (iv).

(b) Any approved 25-hour pre-licensure course completed by the qualifier before July 1, 2019 shall be accepted by the Division as satisfaction of the 25-hour and 5-hour pre-licensure course requirements in Subsection 58-55-302(1)(iii) and (iv).

(2) Program Pre Approval. A pre licensure course provider shall submit an application for approval as an approved pre licensure course provider on the form provided by the Division. The applicant shall demonstrate compliance with Section R156 55a 302f.

(3) Eligible Providers. The following may be approved to provide pre licensure courses:

(a) a nationally or regionally recognized accredited college or university having a physical campus located within the State of Utah; or

(b) a non profit Utah construction trades association involved in the construction trades in the State of Utah:

(i) representing multiple construction classifications;

(ii) with membership of:

(A) at least 250 contractors licensed in Utah; or

(B) less than 250 members, if the association is:

(I) competent, as determined by the Commission and the Director

according to their sole discretion; and

~~(II) compliant with all other standards of this rule; and~~  
~~(iii) having five years of experience providing education to contractors in Utah.~~

(24) Content of the 25-hour course. The 25-hour course may include an provider-administered exam at the end of the course for no additional fee, and shall include the following topics and hours of education relevant to the practice of the construction trades consistent with the laws and rules of this state:

(a) 15 hours of financial responsibility instruction that includes the following:

(i) record keeping and financial statements;

(ii) payroll, including:

(A) payroll taxes;

(B) worker compensation insurance requirements;

(C) unemployment insurance requirements;

(D) professional employer organization (employee leasing) alternatives;

(E) prohibitions regarding paying employees on 1099 forms as independent contractors, unless licensed or exempted;

(F) employee benefits; and

(G) Fair Labor Standard Act;

(iii) cash flow;

(iv) insurance requirements including auto, liability, and health; and

(v) independent contractor licensure and exemption requirements;

(b) six hours of construction business practices that includes the following:

(i) estimating and bidding;

(ii) contracts;

(iii) project management;

(iv) subcontractors; and

(v) suppliers;

(c) two hours of regulatory requirements that includes the following:

(i) licensing laws;

(ii) Occupational Safety and Health Administration (OSHA);

(iii) Environmental Protection Agency (EPA); and

(iv) consumer protection laws; and

(d) two hours of mechanic lien fundamentals that include the State Construction Registry.

(3) Content of the 5-hour course. The 5-hour course shall include 5 hours of training on test preparation for the topics covered in the Utah Contractors Business and Law examination. The 5-hour course may include a provider-administered exam at the end of the course for no additional fee.

(45) Program Schedule.

(a) An approved pre-licensure course provider shall offer the 25-hour and 5-hour course:

(i) at least 12 times per year; and

(ii) comply with Subsection 58-55-102(7)(b).

(b) An approved pre-licensure course provider is not obligated to provide a course if the provider determines the enrollment is not sufficient to reach breakeven on cost.

(56) Program Instruction Requirements: The pre-licensure course shall meet the following standards:

(a) Time. Each hour of pre-licensure course credit shall consist of 50 minutes of education in the form of live lectures or training sessions. Time allowed for lunches or breaks may not be counted as part of the course time for which course credit is issued.

(b) Learning Objectives. The learning objectives of the pre-licensure course shall be reasonably and clearly stated.

(c) Teaching Methods. The pre-licensure course shall be presented in a competent and well organized manner consistent with the stated purpose and objective of the program. The student must demonstrate knowledge of the course material.

(d) Faculty. The pre-licensure course shall be prepared and presented by individuals who are qualified by education, training or experience.

(e) Distance Learning. Distance learning, internet courses, and home study courses are not allowed to meet pre-licensure course requirements.

(f) Registration and Attendance. The provider shall have a competent method of registration and verification of attendance of individuals who complete the pre-licensure education.

(g) Education Curriculum and Study/Resource Guide. The provider shall be responsible to provide or develop pre-licensure course curriculum and study/resource guide for the pre-licensure course that must be pre-approved by the Commission and the Division prior to use by the provider.

(h) Live Broadcast. The pre-licensure education course may be taught by live broadcast if:

(i) the student and the instructor are able to see and hear each other; and

(ii) a representative of the provider is at any remote location to monitor registration and attendance at the course.

(67) Certificates of Completion. The pre-licensure course provider shall provide individuals completing the pre-licensure course a certificate that contains the following information:

(a) the date of the pre-licensure course;

(b) the name of the pre-licensure course provider;

(c) the attendee's name;

(d) verification of completion of the 25-hour requirement; and

(e) the signature of the pre-licensure course provider.

(78) Reporting of Program Completion. A pre-licensure course provider shall, within seven calendar days, submit directly to the Division verification of attendance and completion on behalf of persons attending and completing the program. This verification shall be submitted on forms provided by the Division.

(89) Program Monitoring. On a random basis, the Division or Commission may assign monitors at no charge to attend a pre-licensure course for the purpose of evaluating the course and the instructor(s).

(910) Documentation Retention. Each provider shall for a period of four years maintain adequate documentation as proof of



compliance with this section and shall, upon request, make such documentation available for review by the Division or the Commission.

Documentation shall include:

(a) the dates of all pre-licensure courses that have been completed;

(b) registration and attendance logs of individuals who completed the pre-licensure course;

(c) the name of instructors for each course provided as a part of the program; and

(d) pre-licensure course handouts and materials.

~~(1011)~~ Disciplinary Proceedings. As provided in Section 58-1-401 and Subsection 58-55-302(1)(e)(iii), the Division may refuse to renew or may revoke, suspend, restrict, place on probation, issue a public reprimand to, or otherwise act upon the approval of any pre-licensure course provider, if the pre-licensure course provider fails to meet any of the requirements of this section or the provider has engaged in other unlawful or unprofessional conduct.

~~(1112)~~ Exemptions. In accordance with Subsection 58-55-302(1)(e)(iii) and (iv), the following persons are not required to complete the pre-licensure course program requirements:

(a) —a person holding a four-year bachelor degree or a two-year associate degree in Construction Management from an accredited program;

(b) —a person holding an active and unrestricted Utah professional engineer license ~~who is applying for the E100 contractor license classification; or~~

(c) —a person who previously passed the Utah Contractors Business and Law examination;

~~(de) —a person who —~~

~~(i) —is a qualifier on an active and unrestricted contractor license;~~

(e) a person who is a qualifier that is not on an active license but has not been previously associated to a license that was revoked or suspended. —

~~(ii) became the qualifier on the license on or before October 9, 2014; and~~

~~(iii) is applying to:~~

~~(A) add additional contractor classifications to the license; or~~

~~(B) become a qualifier on a new entity that is applying for initial licensure.~~

#### **R156-55a-303a. Renewal Cycle - Procedures.**

(1) In accordance with Subsection 58-1-308(1), the renewal date for the two year renewal cycle applicable to licensees under Title 58, Chapter 55 is established by rule in Section R156-1-308a(1).

(2) Renewal procedures shall be in accordance with Section R156-1-308c.

(3) In accordance with Subsections 58-55-501(21) and 58-1-308(3)(b)(i), there is established a continuing education requirement for license renewal. Each licensee, or the licensee's qualifier, or an officer, director, or supervising individual, as designated by the licensee, shall comply with the continuing education requirements set forth in Section R156-55a-303b.

(4) All contractors shall renew their license in an online form approved by the Division, except as permitted by the Division in writing.

**R156-55a-303b. Continuing Education - Standards.**

(1) Required Hours. Pursuant to Subsection 58-55-302.5, each licensee shall complete six hours of continuing education during each two-year license term. A minimum of three hours shall be core education; the remaining three hours may be professional education or core education. A minimum of three hours shall consist of live in-class attendance; the remaining three hours may consist of distance learning courses.

(a) Regular attendance by a commission member on the Construction Services Commission shall satisfy the member's continuing education requirements under Section 58-55-302.5.

(b) For an HVAC contractor licensee, at least three of the six hours described in Subsection (1) shall include continuing education directly related to the installation, repair, or replacement of a heating, ventilation, or air conditioning system.

(c) For all contractors with a renewal cycle that ends after January 1, 2020, at least one of the six hours described in Subsection (1) shall include energy conservation.

(d) "Core continuing education" is defined as construction codes, construction laws, job site safety, OSHA 10 or OSHA 30 safety training, governmental regulations pertaining to the construction trades and employee verification and payment practices, finance, bookkeeping, and construction business practices.

(e) "Professional continuing education" is defined as substantive subjects dealing with the practice of the construction trades, including land development, land use, planning and zoning, energy conservation, professional development, arbitration practices, estimating, marketing techniques, servicing clients, personal and property protection for the licensee and the licensee's clients and similar topics.

(f) The following course subject matter is not acceptable as core education or professional education hours: mechanical office and business skills, such as typing, speed reading, memory improvement and report writing; physical well-being or personal development, such as personal and business motivation, stress management, time management, dress for success, or similar subjects; presentations by a supplier or a supplier representative to promote a particular product or line of products; and meetings held in conjunction with the general business of the licensee or employer.

(g) The Division may defer or waive the continuing education requirements as provided in Section R156-1-308d.

(2) A continuing education course shall meet the following standards:

(a) Time. Each hour of continuing education course credit shall consist of 50 minutes of education in the form of seminars, lectures, conferences, training sessions or distance learning modules. The remaining ten minutes is to allow for breaks.

(b) Provider. The course provider shall be among those specified in Subsection 58-55-302.5(2).

(c) Content. The content of the course shall be relevant to the practice of the construction trades and consistent with the laws and rules of this state.

(d) Objectives. The learning objectives of the course shall be reasonably and clearly stated.

(e) Teaching Methods. The course shall be presented in a competent, well organized and sequential manner consistent with the stated purpose and objective of the program.

(f) Faculty. The course shall be prepared and presented by individuals who are qualified by education, training and experience.

(g) Distance learning. A course that is provided through Internet or home study may be recognized for continuing education if the course verifies registration and participation in the course by means of a test demonstrating that the participant has learned the material presented. Test questions shall be randomized for each participant. A home study course shall include no fewer than five variations of the final examination, distributed randomly to participants. Home study courses, including the five exam variations, shall be submitted in their entirety to the Division for review. Providers shall track the following:

- (i) the amount of time each student has spent in the course;
- (ii) what activities the student did or did not access; and
- (iii) all of the student's test scores.

(h) Documentation. The course provider shall have a competent method of registration of individuals who actually completed the course, shall maintain records of attendance that are available for review by the Division and shall provide individuals completing the course a certificate that contains the following information:

- (i) the date of the course;
- (ii) the name of the course provider;
- (iii) the name of the instructor;
- (iv) the course title;
- (v) the hours of continuing education credit and type of credit (core or professional);
- (vi) the attendee's name; and
- (v) the signature of the course provider.

(i) Live Broadcast. A course provided through live broadcast may be recognized for live in-class continuing education credit if the student and the instructor are able to see and hear each other.

(3) On a random basis, the Division may assign monitors at no charge to attend a course for the purpose of evaluating the course and the instructor.

(4) Each licensee shall maintain adequate documentation as proof of compliance with this section, such as certificates of completion, course handouts and materials. The licensee shall retain this proof for a period of three years from the end of the renewal period for which the continuing education is due. Each licensee shall assure that the course provider has submitted the verification of attendance to the continuing education registry on behalf of the licensee as specified in Subsection (8). Alternatively, the licensee may submit the course for approval and pay any course approval fees and attendance recording fees.

(5) Licensees who lecture in continuing education courses meeting these requirements shall receive two hours of continuing

education for each hour spent lecturing. However, no lecturing or teaching credit is available for participation in a panel discussion.

(6) The continuing education requirement for electricians, plumbers and elevator mechanics as established in Subsections 58-55-302.7, if offered by a provider specified in Subsection 58-55-302.5(2), shall satisfy the continuing education requirement for contractors as established in Subsection 58-55-302.5 and implemented herein. The contractor licensee shall assure that the course provider has submitted the verification of the electrician's, plumber's or elevator mechanic's attendance on behalf of the licensee to the continuing education registry as specified in Subsection (8).

(7) A course provider shall submit continuing education courses to the continuing education registry and shall submit verification of attendance and completion on behalf of licensees attending and completing the program directly to the continuing education registry in the format required by the continuing education registry.

(8) The Division shall review continuing education courses which have been submitted through the continuing education registry and approve only those courses which meet the standards set forth under this Section.

(9) As provided in Section 58-1-401 and Subsections 58-55-302.5(2) and 58-55-302.7(4)(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 approval of any course or provider, if the course or provider fails to meet any of the requirements of this section or the provider has engaged in unlawful or unprofessional conduct.

(10) Continuing Education Registry.

(a) The Division shall designate an entity to act as the Continuing Education Registry under this rule.

(b) The Continuing Education Registry, in consultation with the Division and the Commission, shall:

(i) through its internet site electronically receive applications from continuing education course providers and shall submit the application for course approval to the Division for review and approval of only those programs that meet the standards set forth under this Section;

(ii) publish on their website listings of continuing education programs that have been approved by the Division, and which meet the standards for continuing education credit under this rule;

(iii) maintain accurate records of qualified continuing education approved;

(iv) maintain accurate records of verification of attendance and completion, by individual licensee, which the licensee may review for compliance with this rule; and

(v) make records of approved continuing education programs and attendance and completion available for audit by representatives of the Division.

(c) Fees. A continuing education registry may charge a reasonable fee to continuing education providers or licensees for services provided for review and approval of continuing education programs.

**R156-55a-304. Contractor License Qualifiers.**

(1) The capacity and material authority specified in Subsection

58-55-304(4) is clarified as follows:

(a) Except as allowed in Subsection (b), the qualifier must receive remuneration for work performed for the contractor licensee for not less than 12 hours of work per week;

(i) If the qualifier is an owner of the business, the remuneration may be in the form of owner's profit distributions or dividends with a minimum ownership of 20 percent of the contractor licensee.

(ii) If the qualifier is an officer or manager of the contractor licensee, the remuneration must be in the form of W-2 wages.

(b) The 12 hour minimum in Subsection (a) may be reduced if the total of all hours worked by all owners and employees is less than 50 hours per week, in which case the minimum may not be less than 20 percent of the total hours of work performed by all owners and employees of the contractor.

(2)(a) A qualifier may hold up to three specialty classifications, in addition to any general contractor classifications, except that an R101 Residential and Small Commercial Non-Structural Remodeling and Repair qualifier may not have any other specialty classifications.

(b) A qualifier may change classifications at any time by surrendering a classification, and by applying for any classification for which the qualifier is permitted by law.

(c) A current qualifier shall surrender or replace the qualifier's classifications as needed to comply with Subsection (2) (a) at the time of any renewal or reinstatement involving the qualifier.

(3) A qualifier may not act as the qualifier for more than three licensees at any one time, unless:

(a) the qualifier demonstrates by sufficient evidence satisfactory to the Commission and the Division that the qualifier exercises material authority over the businesses; and

(b) written approval is granted by the Commission and the Division.

~~(4) Construction Trades Instruction Facility Qualifier. In accordance with Subsection 58-55-302(1)(f), the contractor license qualifier requirements in Section 58-55-304 shall also apply to construction trades instruction facilities.~~

**R156-55a-305. Compliance Agency Reporting of Sole Owner Building Permits Issued.**

In accordance with Subsection 58-55-305(2), a compliance agency that issues building permits to sole owners of property shall submit, within 30 days of issuance, the following information concerning each building permit issued in its jurisdiction, to a Division-designated fax number, email address, or written mailing address:

- (1) building permit number;
- (2) date issued;
- (3) issuing compliance agency's name, address, and phone number;
- (4) sole owner's full name, home address, and phone number;
- (5) building site subdivision and lot number.

**R156-55a-305a. Exempt Contractors Filing Affirmation of Liability and Workers Compensation Insurance.**

(1) Initial affirmation. In accordance with Subsection 58-55-305(1)(h)(ii)(H), any person claiming exemption under Subsection 58-55-305(1)(h) for projects with a value greater than \$1,000 but less than \$3,000 shall file a registration of exemption with the Division which includes:

(a) the identity and address of the person claiming the exemption; and

(b) a statement signed by the registrant verifying:

(i) that the person has liability insurance in force which includes the Division being named as a certificate holder, the policy number, the expiration date of the policy, the insurance company name and contact information, and coverage amounts of at least \$100,000 for each incident and \$300,000 in total; and

(ii) that the person has workers compensation insurance in force which names the Division as a certificate holder, includes the policy number, the expiration date of the policy, the insurance company name and contact information; or

(iii) that the person does not hire employees and is therefore exempt from the requirement to have workers compensation insurance.

(2) Periodic reaffirmations required. The affirmation required under Subsection (1) shall be reaffirmed on or before November 30 of each odd numbered year.

**R156-55a-306. Contractor Financial Responsibility - Division Audit.**

In accordance with Subsections 58-55-302(10)(c), 58-55-306, and 58-55-102(20), the Division may consider various relevant factors in conducting a financial responsibility audit of an applicant, licensee, qualifier, or any owner, including:

(1)(a) judgments, tax liens, collection actions, bankruptcy schedules and a history of late payments to creditors, including documentation showing the resolution of each of the above actions;

(b) financial statements and tax returns, including the ability to prepare or have prepared competent and current financial statements and tax returns;

(c) an acceptable current credit report that meets the following requirements:

(i) for individuals:

(A) a credit report from each of the three national reporting agencies, Trans Union, Experian, and Equifax; or

(B) a tri-merged credit report of the agencies identified in Subsection (A); or

(ii) for entities, a business credit report such as an Experian Business Credit Report or a Dun and Bradstreet Report;

(d) an explanation of the reasons for any financial difficulties and how the financial difficulties were resolved;

(e) any of the factors listed in Subsection R156-1-302 that may relate to failure to maintain financial responsibility;

(f) each of the factors listed in this Subsection regarding the financial history of the owners of the applicant or licensee;

(g) any guaranty agreements provided for the applicant or licensee and any owners; and

(h) any history of prior entities owned or operated by the applicant, licensee, qualifier, or any owner that have failed to maintain financial responsibility.

~~R156-55a-308a. Operating Standards for Schools or Colleges Licensed as Contractors.~~

~~(1) Each school licensed as a B100 General Building Contractor or a R100 Residential and Small Commercial Contractor or both shall obtain all required building permits for homes built for resale to the public as part of an educational training program.~~

~~(2) Each employee that works as a teacher for a school licensed as a construction trades instruction facility shall:~~

~~(a) have on their person a school photo ID card with the trade they are authorized to teach printed on the card; and~~

~~(b) if instructing in the plumbing or electrical trades, also carry on their person their Utah journeyman or residential journeyman plumber license or Utah journeyman, residential journeyman, master, or residential master electrician license.~~

~~(3) Each school licensed as a construction trades instruction facility shall not allow any teacher or student to work on any portion of the project subcontracted to a licensed contractor unless the teacher or student are lawful employees of the subcontractor.~~

**R156-55a-308b. Natural Gas Technician Certification.**

(1) In accordance with Subsection 58-55-308(1), the scope of practice defined in Subsection 58-55-308(2)(a) requiring certification is further defined as the installation, modification, maintenance, cleaning, repair or replacement of the gas piping, combustion air vents, exhaust venting system or derating of gas input for altitude of a residential or commercial gas appliance.

(2) An approved training program shall include the following course content:

- (a) general gas appliance installation codes;
- (b) venting requirements;
- (c) combustion air requirements;
- (d) gas line sizing codes;
- (e) gas line approved materials requirements;
- (f) gas line installation codes; and
- (g) methods of derating gas appliances for elevation.

(3) In accordance with Subsection 58-55-308(2)(c)(i), the following programs are approved to provide natural gas technician training, and to issue certificates or documentation of exemption from certification:

- (a) Federal Bureau of Apprenticeship Training;
- (b) Utah college apprenticeship program;
- (c) Trade union apprenticeship program;
- (d) Rocky Mountain Gas Association; and
- (e) Home Builders Association of Utah.

(4) In accordance with Subsection 58-55-308(3), the approved programs set forth in paragraphs (3)(b), (c), (d), and (e) herein shall require program participants to pass the RMGA Gas Appliance Installers Certification Exam, or equivalent exams approved by the Commission established or adopted by a training program, with a minimum passing score of 80%.

(5) In accordance with Subsection 58-55-308(3), a person who has not completed an approved training program, but has passed the RMGA Gas Exam or approved equivalent exam established or adopted by

an approved training program, with a minimum passing score of 80%, or the Utah licensed Journeyman or Residential Journeyman Plumber Exam, with a minimum passing score of 70%, shall be exempt from the certification requirement set forth in Subsection 58-55-308(2)(c)(i).

(6) Content of certificates of completion. An approved program shall issue a certificate, including a wallet certificate, to persons who successfully complete their training program containing the following information:

- (a) name of the program provider;
- (b) name of the approved program;
- (c) name of the certificate holder;
- (d) the date the certification was completed; and
- (e) signature of an authorized representative of the program provider.

(7) Documentation of exemption from certification. The following shall constitute documentation of exemption from certification:

(a) certification of completion of training issued by the Federal Bureau of Apprenticeship Training;

(b) current Utah licensed Journeyman or Residential Journeyman plumber license; or

(c) certification from the RMGA or approved equivalent exam which shall include the following:

(i) name of the association, school, union, or other organization who administered the exam;

(ii) name of the person who passed the exam;

(iii) name of the exam;

(iv) the date the exam was passed; and

(v) signature of an authorized representative of the test administrator.

(8) Each person engaged in the scope of practice defined in Subsection 58-55-308(2)(a) and as further defined in Subsection (1) herein, shall carry in their possession documentation of certification or exemption.

#### **R156-55a-311. Reorganization - Conversion of Contractor Business Entity.**

(1) A conversion from one form of entity to another form where "Articles of Conversion" are filed with the Utah Division of Corporations and Commercial Code shall not require a new contractor application.

(2) Except as provided in Subsection (1), a reorganization of the business entity under which a licensed contractor is licensed shall require application for a new license under the new form of organization or business structure. The creation of a new legal entity constitutes a reorganization and includes a change to a new entity under the same form of business entity or a change of the form of business entity between proprietorship, partnership, whether limited or general, joint venture, corporation, or any other business form.

#### **R156-55a-312. Inactive License.**

(1) The requirements for inactive licensure specified in Subsection R156-1-305(3) shall also include certification that the licensee will not engage in the construction trade(s) for which the



license was issued while on inactive status except to identify that licensee as an inactive licensee.

(2) A license on inactive status will not be required to meet the requirements of licensure in Subsections 58-55-302(1)(e)(i), 58-55-302(2)(a) and 58-55-302(2)(b).

(3) The requirements for reactivation of an inactive license specified in Subsection R156-1-305(6) shall also include:

(a) documentation that the licensee meets the requirements of Subsections 58-55-302(1)(e)(i), 58-55-302(2)(a) and 58-55-302(2)(b); and

(b) documentation that the licensee has taken and passed the business and law examination and the contractor classification examination, if required, for the contractor classification for which activation is sought

(c) prior to a license being activated, a licensee shall meet the requirements of renewal.

**R156-55a-501. Unprofessional Conduct.**

"Unprofessional conduct" includes:

(1) failing to notify the Division with respect to any matter for which notification is required under this rule or Title 58, Chapter 55, the Construction Trades Licensing Act, including a change in qualifier. Such failure shall be considered by the Division and the Commission as grounds for immediate suspension of the contractor's license;

(2) failing to notify the Division within 10 days of any change of the name, address, phone number, or email address of the qualifier or owners of a licensee;

(3) failing to continuously maintain insurance and registration as required by Subsection 58-55-302(2) and Section R156-55a-302d;

(4) failing to provide within 30 days of a request from the Division or from any person that has a reasonable basis to make a claim on the licensee's insurance policy:

(a) proof of licensee's insurance coverage;

(b) the name of the licensee's insurance company, policy number, date of expiration, and insurance coverage limits;

(c) a copy of the licensee's insurance policy;

(d) a copy of the licensee's worker compensation policy, if required to maintain worker compensation insurance under Utah law; or

(e) any exclusions included in the licensee's insurance policy;

(5) failing to provide the Division, within 30 days of a request, documents and other requested information to determine compliance with any section under Title 58, Chapter 55 or Title 58, Chapter 1 of the Utah Code;

(6) refusing, as an electrical or plumbing contractor, to timely and accurately certify the hours of work experience when requested by an electrician or plumber who is or has been an employee;

(7) refusing, as a contractor, to timely and accurately certify the work experience for a contractor application when requested by a current or former employee;

(8) failure of a qualifier, owner, applicant, or licensee to be knowledgeable of the laws and rules applicable to their profession;

(9) failing to timely provide, upon request by any person, a

copy of a current license or license number when performing construction trades work;

(10) an owner, qualifier, or licensee advising or instructing any person or applicant, for a fee, concerning an examination required under Title 58, Chapter 55 for which that owner, qualifier, or licensee was a subject-matter expert of the examination, unless:

(a) the owner, qualifier, or licensee is an instructor for an accredited university, college, trade, or technical school; and

(b) the Construction Services Commission approves in writing of the owner, qualifier, or licensee providing that instruction;

(11) using, hiring, or contracting with a professional employer organization that is not licensed with the Utah Insurance Department.

**R156-55a-502. Penalty for Unlawful Conduct.**

The penalty for violating Subsection 58-55-501(1) while suspended from licensure shall include the maximum fine allowed by Subsection 58-55-503(4) (i).

**R156-55a-503. Administrative Penalties.**

(1) In accordance with Subsection 58-55-503, the following fine schedule shall apply to citations issued under Title 58, Chapter 55:

TABLE II

FINE SCHEDULE

FIRST OFFENSE

Violation	All Licenses Except Electrical or Plumbing	Electrical or Plumbing
58-55-308(2)	\$ 500.00	N/A
58-55-501(1)	\$ 500.00	\$ 500.00
58-55-501(2)	\$ 500.00	\$ 800.00
58-55-501(3)	\$ 800.00	\$1,000.00
58-55-501(9)	\$ 500.00	\$ 500.00
58-55-501(10)	\$ 800.00	\$1,000.00
58-55-501(12)	N/A	\$ 500.00
58-55-501(14)	\$ 500.00	N/A
58-55-501(19)	\$ 500.00	N/A
58-55-501(21)	\$ 500.00	\$ 500.00
58-55-501(22)	\$ 500.00	N/A
58-55-501(23)	\$ 500.00	N/A
58-55-501(24)	\$ 500.00	N/A
58-55-501(25)	\$ 500.00	N/A
58-55-501(26)	\$ 500.00	N/A
58-55-501(27)	\$ 500.00	N/A
58-55-501(28)	\$ 500.00	N/A
58-55-501(29)	\$ 500.00	N/A
58-55-504(2)	\$ 500.00	N/A

SECOND OFFENSE

58-55-308(2)	\$1,000.00	N/A
58-55-501(1)	\$1,000.00	\$1,500.00

58-55-501(2)	\$1,000.00	\$1,500.00
58-55-501(3)	\$1,600.00	\$2,000.00
58-55-501(9)	\$1,000.00	\$1,000.00
58-55-501(10)	\$1,600.00	\$2,000.00
58-55-501(12)	N/A	\$1,000.00
58-55-501(14)	\$1,000.00	N/A
58-55-501(19)	\$1,000.00	N/A
58-55-501(21)	\$1,000.00	\$1,000.00
58-55-501(22)	\$1,000.00	N/A
58-55-501(23)	\$1,000.00	N/A
58-55-501(24)	\$1,000.00	N/A
58-55-501(25)	\$1,000.00	N/A
58-55-501(26)	\$1,000.00	N/A
58-55-501(27)	\$1,000.00	N/A
58-55-501(28)	\$1,000.00	N/A
58-55-501(29)	\$1,000.00	N/A
58-55-504(2)	\$1,000.00	N/A

### THIRD OFFENSE

Double the amount for a second offense with a maximum amount not to exceed the maximum fine allowed under Subsection 58-55-503(4)(h).

(2) Citations shall not be issued for third offenses, except in extraordinary circumstances approved by the investigative supervisor.

(3) If multiple offenses are cited on the same citation, the fine shall be determined by evaluating the most serious offense.

(4) If multiple offenses are cited on separate citations, the fine shall be the maximum fine for each offense.

(5) An investigative supervisor may authorize a deviation from the fine schedule based upon the aggravating or mitigating circumstances.

(6) The presiding officer for a contested citation shall have the discretion, after a review of the aggravating and mitigating circumstances, to increase or decrease the fine amount imposed by an investigator based upon the evidence presented.

### **R156-55a-504. Crane Operator Certifications.**

In accordance with Subsection 58-55-504(2)(a) one of the following certifications is required to operate a crane on commercial construction projects:

(1) a certification issued by the National Commission for the Certification of Crane Operators;

(2) a certification issued by the Operating Engineers Certification Program; or

(3) a certification issued by the Crane Institute of America.

### **R156-55a-602. Contractor License Bonds.**

Pursuant to the provisions of Subsections 58-55-306(1)(b) and 58-55-306(5)(b)(iii), a contractor shall provide a license bond issued by a surety acceptable to the Division in the amount, form, and coverage as follows:

(1) An acceptable surety is one that is listed in the Department

of Treasury, Fiscal Service, Circular 570, entitled "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies" at the date of the bond.

(2) The coverage of the license bond shall include losses that may occur as the result of the contractor's violation of the unprofessional or unlawful provisions contained in Title 58, Chapters 1 and 55 and rules R156-1 and R156-55a including the failure to maintain financial responsibility, the failure of the licensee to pay its obligations, and the failure of the owners or a licensed unincorporated entity to pay income taxes or self-employment taxes on the gross distributions from the unincorporated entity to its owners.

(3) The financial history of the applicant, licensee, qualifier, or any owner, as outlined in Section R156-55a-306, may be reviewed in determining the bond amount required under this section.

(4) If the licensee is submitting a bond under Subsection 58-55-306(5)(b)(iii)(B), the amount of the bond shall be 20% of the annual gross distributions from the unincorporated entity to its owners. As provided in Subsection 58-55-302(10)(c), the Division, in determining if financial responsibility has been demonstrated, may consider the total number of owners, including new owners added as reported under the provisions of Subsection 58-55-302(10)(a)(i), in setting the amount of the bond required under this subsection.

(5) If the licensee is submitting a bond under any subsection other than Subsection 58-55-306(5)(b)(iii)(B), the minimum amount of the bond shall be \$50,000 for the E100 or B100 classification of licensure; \$25,000 for the R100 classification of licensure; or \$15,000 for other classifications. A higher amount may be determined by the Division and the Commission as provided in Subsection R156-55a-602(6).

(6) The amount of the bond specified under Subsection R156-55a-602(5) may be increased by an amount determined by the Commission and Division when the financial history of the applicant, licensee or any owner indicates the bond amount specified in Subsection R156-55a-602(1) is insufficient to reasonably cover risks to the public health, safety and welfare. The financial history of the applicant, qualifier, licensee or any owner, as outlined in Section R156-55a-306 may be reviewed in determining the bond amount required.

(7) A contractor may provide a license bond issued by a surety acceptable to the Division in an amount less than the bond amount specified in Subsection R156-55a-602(5) if:

(a) the contractor demonstrates by clear and convincing evidence that:

(i) the financial history of the applicant, licensee or any owner indicates the bond amount specified in Subsection R156-55a-602(1) is in excess of what is reasonably necessary to cover risks to the public health, safety and welfare;

(ii) the contractor's lack of financial responsibility is due to extraordinary circumstances that the contractor could not control as opposed to general financial challenges that all contractors experience; and

(iii) the contractor's scope of practice will be restricted commensurate with the degree of risk the contract presents to the public health, safety, and welfare; and

(b) the Commission and Division approve the amount.

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