

APPRENTICE ELECTRICIAN License #10486461-5505; :
 :
JOHN J LEHMANN TO PRACTICE AS AN :
 APPRENTICE ELECTRICIAN License #11463465-5509; :
 :
KENNETH GUADALUPE MALDONADO SANDOVAL :
 TO PRACTICE AS AN APPRENTICE ELECTRICAN :
 License #10453862-5505; :
 :
LUCIANO PONCE TO PRACTICE AS AN :
 APPRENTICE ELECTRICIAN License #13569673-5505; :
 AND :
ALEXANDER CHRISTIANSEN TORRES :
 TO PRACTICE AS AN APPRENTICE ELECTRICIAN :
 License #9587966-5505 :
 :
 IN THE STATE OF UTAH :

THE DIVISION OF PROFESSIONAL LICENSING TO THE ABOVE-NAMED
 RESPONDENTS:

You are hereby notified that agency action in the form of an adjudicative proceeding has been commenced against you by the Utah Division of Professional Licensing (the "Division"). This action is based on the Division's verified petition, a copy of which is attached hereto and incorporated herein by reference.

This adjudicative proceeding is under the Division's jurisdiction and authority in Utah Code § 58-1-401(2). This adjudicative proceeding shall be conducted on a **formal basis** according to the Utah Administrative Procedures Act ("UAPA"), Utah Code §§ 63G-4-204 through 63G-4-209, and the Department of Commerce's Administrative Procedures Act Rule ("UAPA Rule"), Utah Admin. Code R151-4-101 et seq. Subject to the UAPA Rule, this formal adjudicative proceeding must be completed within 180 calendar days from the date of issuance of this notice.

You may represent yourself or be represented by counsel in this proceeding. If you choose to be represented by counsel, your legal counsel shall file an entry of appearance with the Division after being retained to represent you in this proceeding. Until that entry of appearance is filed, the Division, its counsel, and the presiding officer will communicate directly with you.

Within thirty (30) days of the mailing date of this notice, you are required to file with the Division a written response to the attached verified petition. Your response must be signed by you or your representative, and include: (1) your current contact information; (2) the docket number and name of the adjudicative proceeding as identified above; (3) your version of the facts; (4) a statement of what relief you seek; and (5) a statement summarizing why the relief

you seek should be granted. See Utah Code § 63G-4-204(1). (6) In addition, pursuant to Utah Code §63G-4-204(3), the presiding officer requires that your response:

- (a) admit or deny the allegations in each numbered paragraph of the Petition, including a detailed explanation for any response other than an unqualified admission; note that the allegations in the Petition not specifically denied are deemed admitted;
- (b) identify any additional facts or documents that you assert are relevant in light of the allegations made; and
- (c) state in short and plain terms your defenses to each allegation in the Petition, including affirmative defenses, that were applicable at the time of the conduct.

Your response, and any future pleadings or filings that should be part of the official files in this matter, must be emailed, mailed, or hand-delivered to the following:

Signed originals to:

Division of Professional Licensing
Attn: Disciplinary Files
(by email): cinglesby@utah.gov
(by mail): PO Box 146741
Salt Lake City, UT 84114-6741
(by hand-delivery)
160 East 300 South, 4th Floor
Salt Lake City, Utah

Send a copy to:

ALEXANDRA BUTLER and
STEVENSON SMITH
Assistant Attorney General
Commercial Enforcement Division
160 East 300 South, 5th Floor
Salt Lake City, UT 84114-0872
email: alexandrabutler@agutah.gov
email: scsmith@agutah.gov

Amy Gowan/Michael Scott
Administrative Law Judge
Department of Commerce
P.O. Box 146701
Salt Lake City, UT 84114-6701
email: CommerceALJs@utah.gov

The presiding officer for conducting this proceeding will be Amy Gowan/Michael Scott, Administrative Law Judge, Department of Commerce, who will preside over any evidentiary issues and matters of law or procedure. If you or your attorney have procedural questions, Judge Gowan/Judge Scott may be contacted in writing at P. O. Box 146701, Salt Lake City, UT 84114-6701; by telephone at (801) 801-530-6164 (Gowan/Scott); or by electronic mail at CommerceALJs@utah.gov¹.

Counsel for the Division in this proceeding is Alexandra Butler and Stevenson Smith, Assistant Attorney General, State of Utah. Ms. Butler & Mr. Smith may be contacted in writing at P.O. Box 140872, Salt Lake City, UT 84114-0872, by telephone at (801) 366-0310, or by email at alexandrabutler@agutah.gov and scsmith@agutah.gov.

You may, subject to the deadlines established herein, attempt to negotiate a settlement of this proceeding by contacting counsel for the Division. Any stipulation in lieu of a response must be jointly signed by yourself and the Division and filed within the time that a response would otherwise be due. Alternatively, any stipulation to resolve this case in lieu of the hearing must be jointly signed by the parties and filed no later than one (1) week prior to the scheduled hearing.

Unless this case is resolved by a stipulation between the parties in lieu of the filing of a response, a **pre-hearing scheduling conference will be conducted as follows:**

Virtually on March 11, 2025 at 10:30 am Utah Time
<https://utah-gov.zoom.us/j/83005821474>

The purpose of the **pre-hearing scheduling conference** is to enter a scheduling order addressing discovery, disclosures, and other deadlines, including pre-hearing motions. **To participate in the pre-hearing scheduling conference, it is important that you email your telephone number and current email address to Judge Gowan/Judge Scott at CommerceALJs@utah.gov at least one business day prior to the date of the scheduling conference.**

You are entitled by law to an evidentiary hearing to determine whether your license to practice as a contractor, apprentice plumber, apprentice electrician, master electrician, residential master electrician, and/or residential master plumber, in Utah should be revoked, suspended, or subjected to other disciplinary action. Unless otherwise specified by the Director of the Division, the Construction Services Commission will serve as fact finder in the hearing. **The evidentiary hearing will be conducted as follows:**

¹ Administrative Law Judges are overseen by the Division of Human Resource Management. Information regarding the Administrative Law Judge Code of Conduct and the grievance process may be found in Utah Admin. Code R477-101 *et seq.* and is available online at <https://rules.utah.gov/wp-content/uploads/r477-101.pdf>.

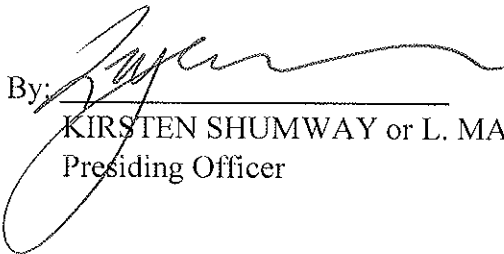
To be determined

During the evidentiary hearing, you will have the opportunity to present an opening statement, submit evidence, conduct cross-examination, submit rebuttal evidence and offer a closing statement to the fact finder. After the close of the hearing, the Construction Services Commission will take the matter under advisement and then submit its Findings of Fact, Conclusions of Law and a Recommended Order to the Division for its review and action.

If you fail to file a response to the verified petition within the 30 days allowed, or fail to attend or participate in the pre-hearing scheduling conference or the scheduled hearing, Judge Gowan/Judge Scott may enter a default order against you without any further notice to you. After the issuance of a default order, Judge Gowan/Judge Scott will cancel any scheduled hearings and will conduct any further proceedings necessary to complete the adjudicative proceeding without your participation and determine all issues in the proceeding. **If you are held in default, the maximum administrative sanction consistent with the attached verified petition may be imposed against you. That sanction in this case is revocation of licensure and possible administrative fines.**

Dated this 16th day of January 2025.

DIVISION OF PROFESSIONAL LICENSING

By: 

KIRSTEN SHUMWAY or L. MATTHEW JOHNSON
Presiding Officer



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

IN THE MATTER of the licenses of

CONNECTIONZ ACQUISITION, LLC
(dba 24 HOUR ROOTER CONNECTIONZ
PLUMBING & DRAIN CLEANING,
24 HR ROOTER CONNECTIONZ,
ACTION ELECTRIC, ACTION MAN
ROOTER, 24 HOUR ROOTERMAN,
CONNECTIONZ PLUMBING, ACTION
PLUMBING & HEATING, CONNECTIONZ
PLUMBING HEATING AND AIR LLC, and
AAA-ACTION ROOTER) to practice as a
Contractor (License No. 9603990-5501);

BEN RICH JORDAN to practice as an
Apprentice Electrician (License
No. 12192285-5505) and Apprentice Plumber
(License No. 9263619-5509);

**VERIFIED PETITION TO REVOKE
LICENSES**

CASE NO. DOPL 2025- 22

MARK E. ROBERTSON to practice as a
Master Electrician (License
No. 167754-5502);

TRAVIS JOHNSON to practice as a
Residential Master Electrician (License
No. 9280362-5503);

NATHAN MARK RASMUSSEN to practice
as a Master Plumber (License No. 316678-
5518);

STEPHEN M. ANDERSON, JR. to practice
as a Residential Master Plumber (License
No. 268375-5519);

JACOB MICHAEL WESTPHAL to
practice as a Master Electrician (License
No. 379734-5502);

AUSTIN SHANE AVELLAR to practice as
an Apprentice Electrician (License
No. 13775487-5505);

BRYNN HEPWORTH to practice as an
Apprentice Electrician (License
No. 10486461-5505);

JOHN J. LEHMANN to practice as an
Apprentice Plumber (License
No. 11463465-5509);

**KENNETH GUADALUPE MALDONADO
SANDOVAL** to practice as an Apprentice
Electrician (License No. 10453862-5505);

LUCIANO PONCE to practice as an
Apprentice Electrician (License
No. 13569673-5505);

ALEXANDER CHRISTIANSEN TORRES
to practice as an Apprentice Electrician
(License No. 9587966-5505).

The Division of Professional Licensing (“Division”), after investigating complaints from the public, alleges and brings the following claims seeking to revoke the licenses of Respondents: Connectionz Acquisition, LLC, Ben Rich Jordan, Mark E. Robertson, Travis Johnson, Nathan Mark Rasmussen, Stephen M. Anderson Jr., Jacob Michael Westphal, Austin Shane Avellar, Brynn Hepworth, John J. Lehmann, Kenneth Guadalupe Maldonado Sandoval, Luciano Ponce, and Alexander Christiansen Torres. Respondents have engaged in acts and practices which violate the Division of Professional Licensing Act, Utah Code §§ 58-1-102 through 58-1-604; the General Rule of the Division of Professional Licensing, Utah Administrative Code R156-1-101 through 602; the Utah Construction Trades Licensing Act, Utah Code §§ 58-55-101 through 58-55-704; the Electricians Licensing Act Rule, Utah Administrative Code R156-55b-101 through R156-55b-502; and the Plumber Licensing Act Rule, Utah Administrative Code R156-55c-101 through R156-55c-502.

INTRODUCTION

1. Connectionz Acquisition, LLC (“Connectionz”), is a licensed contractor providing HVAC, electrical, and plumbing services across Utah.
2. Connectionz performs contracting work under multiple fictitious business names, or “DBAs,” including Action Plumbing, Heating, Air & Electric. Connectionz and its various DBAs will hereinafter be referred to collectively as “Action.”
3. Action’s business has grown significantly over the last five years. It employs hundreds of people, including over fifty licensed electricians and plumbers, and generates tens of millions in revenue each year.
4. Action’s business growth was accomplished by prioritizing profits, utilizing high-pressure sales, and skirting Utah’s professional licensing and construction trades laws and rules.

5. After receiving concerning complaints from elderly Utahns and other consumers, the Division’s investigation uncovered an alarming pattern of unlicensed practice, inadequate supervision, and fraudulently aggressive sales tactics.

6. In particular, Action’s business operations rely on a recklessly leveraged practice of hiring untrained apprentice licensees and unlicensed laborers to perform nearly all of the company’s electrical and plumbing work.

7. Of its over 120 employees, only 51 are licensed electricians or plumbers. Of those licensees, 46 are apprentices, none are journeymen, and only five are masters.

8. Action’s public recruitment advertisements state that new plumber and electrician hires “don’t have to have any experience. You don’t have to have a license. *You don’t have to know anything. As a matter of fact, we almost prefer it.*” (Emphasis added).

9. And while Action claims it can train inexperienced and unlicensed employees, it lacks adequate supervisory practices—or even a sufficient number of licensed and qualified supervisors—to do so. Action’s electrical department head, electrical installation manager, plumbing installation manager, and plumbing sales manager are all themselves apprentices, categorically unqualified to supervise other apprentice licensees.

10. Meanwhile, many employees are compensated exclusively on commission—a compensation structure that rewards high-dollar sales over competent work. And Action’s training program encourages its employees to “upsell” services to customers.

11. This inadequate supervision and emphasis on sales skills over trade skills has fostered a series of injurious sales tactics and allowed inadequately supervised apprentices’ workmanship to go unchecked.

12. Action's employees have repeatedly made false, misleading, deceptive, and fraudulent statements to convince homeowners to purchase increasingly expensive and unnecessary services.

13. Action's employees have mentally abused and exploited vulnerable elderly people, taking advantage of consumers with dementia for their own increased sales profits.

14. And Action's employees are too often grossly incompetent and negligent, causing flooding, electrical fire risk, and carbon monoxide exposure risk in people's homes.

15. Action has also repeatedly failed to apply for required building permits, leaving its jobsites uninspected by the localities it works in.

16. Action has failed to address these concerning patterns and practices even after consumers and the Division raised concerns. The company has taken no measures to stop or prevent further occurrences.

17. Action, its qualifiers, and its employees (the Respondents) have violated the Division of Professional Licensing Act, the Utah Construction Trades Licensing Act, the Electricians Licensing Act Rule, and the Plumber Licensing Act Rule.

18. The Division brings this action to protect the public and seeks an order (1) declaring that Respondents' conduct violates the Division of Professional Licensing Act, the Utah Construction Trades Licensing Act, the Electricians Licensing Act Rule, and the Plumber Licensing Act Rule; (2) revoking Respondents' licenses to practice as a contractor, electrician, or plumber in Utah; and (3) restricting Respondents from reapplying for licensure or serving as qualifiers in Utah for five years.

PARTIES

19. The Division is a state agency within the Utah Department of Commerce, as established by Utah Code section 13-1-2. The Division enforces professional licensing laws in

Utah, including the Division of Professional Licensing Act, Utah Code §§ 58-1-102 through 58-1-604, and the Utah Construction Trades Licensing Act, *id.* §§ 58-55-101 through 58-55-704.

20. Connectionz is a domestic limited liability company registered in the state of Utah.

21. Connectionz obtained a license from the Division to practice as a contractor under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about December 3, 2015 (Utah License No. 9603990-5501).

22. Connectionz provides plumbing, electrical, and HVAC services through a network of different fictitious business names and websites. The following fictitious business names, or “DBAs” are registered to Connectionz’ contractor license: 24 Hour Rooter Connectionz Plumbing & Drain Cleaning, Action Electric, 24 HR Rooter Connectionz, Action Man Rooter, 24 Hour Rooterman, Connectionz Plumbing, Action Plumbing & Heating, Connectionz Plumbing Heating and Air LLC, and AAA-Action Rooter.

23. Connectionz also maintains active websites and provides electrical, plumbing, and contracting services under the names Action Plumbing, Heating, Air & Electric and ReScope Drain Aid, neither of which are themselves licensed or registered to Connectionz’ contractor license with the Division.

24. As a legal entity, Connectionz is owned by a holding company named Connectionz Funnel, LLC.

25. Connectionz Funnel, LLC is, in turn, a member-managed company, owned by Respondent Ben Jordan, Respondent Alexander Torres, Matthew Jordan, and Theron Leany.

26. These owners all share responsibility for making operations decisions for Connectionz’ contracting business.

27. In addition to being a member manager, Respondent Ben Jordan has been the S350 HVAC qualifier; S260 asphalt and concrete qualifier; and S410 boiler, pipeline, waste-water, and water-conditioner qualifier for Connectionz' contractor license since May 31, 2018.

28. Mr. Ben Jordan obtained a license from the Division to practice as an apprentice electrician under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about May 26, 2021 (Utah License No. 12192285-5505).

29. Mr. Ben Jordan obtained a license from the Division to practice as an apprentice plumber under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about January 5, 2015 (Utah License No. 9263619-5509).

30. Respondent Mark E. Robertson has been an E200 general electrical qualifier for Connectionz' contractor license since November 15, 2022.

31. Mr. Robertson obtained a license from the Division to practice as a master electrician under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about March 19, 1999 (Utah license No. 167754-5502).

32. Respondent Travis Johnson has been the E201 residential electrical qualifier for Connectionz' contractor license since June 25, 2024.

33. Mr. Johnson obtained a license from the Division to practice as a residential master electrician under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about February 7, 2023 (Utah license No. 9280362-5503).

34. Respondent Nathan Mark Rasmussen has been a P200 general plumbing qualifier and B100 general building qualifier for Connectionz' contractor license since June 29, 2023.

35. Mr. Rasmussen obtained a license from the Division to practice as a master plumber under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about May 5, 2008 (Utah license No. 316678-5518).

36. Respondent Stephen M. Anderson, Jr. has been a P201 residential plumbing qualifier for Connectionz' contractor license since November 22, 2016.

37. Mr. Anderson obtained a license from the Division to practice as a residential master plumber under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about May 5, 2008 (Utah license No. 268375-5519).

38. Respondent Jacob Michael Westphal has been an E200 general electric qualifier for Connectionz' contractor license since April 19, 2021.

39. Mr. Westphal obtained a license from the Division to practice as a master electrician under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about October 31, 2011 (Utah license No. 379734-5502).

40. Mr. Westphal's electrician license expired on November 30, 2024, and has not been renewed.

41. Respondent Austin Shane Avellar is employed by Action and obtained a license from the Division to practice as an apprentice electrician under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about January 11, 2024 (Utah license No. 13775487-5505).

42. Respondent Brynn Hepworth is employed by Action and obtained a license from the Division to practice as an apprentice electrician under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about August 15, 2017 (Utah license No. 10486461-5505).

43. Respondent John J. Lehmann is employed by Action and obtained a license from the Division to practice as an apprentice plumber under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about September 18, 2019 (Utah license No. 11463465-5509).

44. Respondent Kenneth Guadalupe Maldonado Sandoval (“Kenneth Maldonado”) is employed by Action and obtained a license from the Division to practice as an apprentice electrician under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about July 18, 2017 (Utah license No. 10453862-5505).

45. Mr. Maldonado’s license expired on November 30, 2024, and has not been renewed.

46. Respondent Luciano Ponce is employed by Action and obtained a license from the Division to practice as an apprentice electrician under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about August 30, 2023 (Utah license No. 13569673-5505).

47. Respondent Alexander Christiansen Torres is a member manager of Connectionz Funnel, LLC and is employed by Action. He obtained a license from the Division to practice as an apprentice electrician under the Utah Construction Trades Licensing Act, *id.* §§ 58-55-301 through 58-55-312, on or about May 26, 2021 (Utah license No. 9587966-5505).

FACTUAL ALLEGATIONS

I. Action employs unlicensed people to perform trade work requiring licensure.

48. Action offers HVAC, electrical, and plumbing repair services to Utah customers over a service range extending from Logan to Nephi.

49. Action employs over 120 people.

50. Of Action’s employees, approximately 75 are unlicensed.

51. Action has a history of employing unlicensed people to perform work requiring licensure on construction projects.

52. Action has received three citations for this unlawful conduct: on January 12, 2021, in Division case number 124374; on September 20, 2022, in Division case number 137784; and on March 15, 2023, in Division case number 142745.

53. Even after receiving these citations, many of Action's electrical and plumbing service visits are still being conducted wholly or partially by unlicensed employees.

54. On multiple occasions, customers complained about Action sending unlicensed people to perform electrical and plumbing work.

55. Likewise, Action's internal electrical records show unlicensed employees were dispatched on electrical installation projects. These records, which cover a sample of twenty electrical projects—all invoiced at over \$10,000—show Action dispatched unlicensed employees to perform electrical trade work on eight (40%) of the projects.

II. Action inadequately supervises its apprentice licensees and employs apprentices to perform work beyond the scope of their license.

56. In most instances, Action's plumbing and electrical service calls are made by apprentice licensees, who are dispatched to consumers' residences alone or with an unlicensed technician.

57. Of Action's over 120 employees, approximately 25 are licensed electricians, with approximately 22 licensed as apprentices and only three licensed as masters: Respondents Mark Robertson, Travis Johnson, and Jacob Westphal.

58. Action employs no licensed journeymen electricians.

59. Of Action's employees, approximately 26 are licensed plumbers, with approximately 24 licensed as apprentices and only two licensed as masters: Respondents Nathan Rasmussen and Stephen Anderson.

60. Action employs no licensed journeymen plumbers.

61. While some of Action's service calls are made by multiple apprentices, rarely is a licensed master present at a jobsite.

62. Dispatched apprentice electricians and plumbers quote work for consumers and perform residential work without direction, oversight, inspection, or evaluation from a supervising licensee.

63. Action lacks documented procedures to ensure that a supervising licensee is available or that apprentice licensees' resulting work complies with the applicable electrical or plumbing standards.

64. Action has failed to present the Division with evidence that it maintains any system for assigning supervising licensees to jobsites where apprentices are working, including apprentices with less than four years of experience.

65. Instead, Action uses apprentices to supervise apprentices.

66. Action's business operations are managed and led by its four owners: Respondent Ben Jordan, Respondent Alexander Torres, Matthew Jordan, and Theron Leany—none of whom are licensed as masters or journeymen capable of supervising apprentice licensees. Matthew Jordan and Theron Leany do not hold any license in the electrical or plumbing trade.

67. All electrical operations at Action are overseen by Respondent Alexander Torres, an apprentice electrician. Mr. Torres has had his apprentice electrician license for less than four years and is not a licensed journeyman, residential journeyman, master, or residential master

electrician. Nevertheless, Mr. Torres has been employed by Action to supervise the work of other apprentice electricians.

68. Electrical installations are managed by Respondent Brynn Hepworth, also an apprentice electrician, who in turn reports to Mr. Torres. Mr. Hepworth inspects and provides quality assurance on electrical installation jobs, and he supervises numerous other apprentice electricians and unlicensed technicians.

69. Mr. Hepworth has had his apprentice electrician license for more than four years, but he is not a licensed journeyman, residential journeyman, master, or residential master electrician. Nonetheless, Mr. Hepworth acts as a supervisor, directing and overseeing other licensed apprentice electricians.

70. Apprentice electrician Respondent Kenneth Maldonado has also been employed by Action to supervise the work of other apprentice electricians. Mr. Maldonado, like Mr. Hepworth, has had his apprentice license for more than four years, but he is not a licensed journeyman, residential journeyman, master, or residential master electrician.

71. For plumbing, installations are managed by apprentice plumber Respondent John Lehmann. Mr. Lehmann has had his apprentice plumber license for more than four years, but he is not a licensed journeyman, residential journeyman, master, or residential master plumber.

72. Plumbing sales are overseen and managed by apprentice plumber Respondent Ben Jordan. Mr. Ben Jordan too has had his apprentice plumber license for more than four years, but he is not a licensed journeyman, residential journeyman, master, or residential master plumber.

73. Action has over 120 employees, but it employs only three electricians: Respondents Mark Robertson, Travis Johnson, and Jacob Westphal, and only two plumbers:

Respondents Nathan Rasmussen and Stephen Anderson with license qualifications to supervise the work of apprentice electricians and plumbers.

74. The role these qualified supervisors play in Action's operations is amorphous and limited.

75. For example, Respondent Jacob Westphal testified that he has stepped back from regular involvement with Action since mid-2023, and in May 2024 he communicated to Action that he would like to step down from his role as a qualifier. But Mr. Westphal still receives a salary from Action and has not disassociated his electrician license from Connectionz' contractor license.

76. Mr. Westphal testified that he has not been involved in supervising Action's apprentice electricians since mid-2023 and admitted he has never had a role in training Action's apprentice electricians. Mr. Westphal stated he "regrets" not having more involvement in these aspects of Action's business. Mr. Westphal testified to the Division that he worries Action's electricians "are not getting the same training [he] did" in his apprenticeship when he worked on jobsites with the same qualified supervisor every day.

77. At the time Mr. Westphal stopped supervising Action's apprentice electricians, the only qualified electrician supervisor working at Action was Respondent Mark Robertson. Action employed over 20 apprentice electricians.

78. Not one of the three master electricians employed by Action is mentioned in the sample of electrical job records Action produced to the Division.

79. To the extent qualified supervisors are assigned to jobsites, the small number of licensed masters and journeymen Action employs naturally means those few people are responsible for supervising an unrealistically large number of apprentice licensees at a given

time. Because of this, supervisors are not actually available to provide direction, oversight, inspection, and evaluation for the apprentices at jobsites and are unable to ensure the apprentices' work complies with the applicable plumbing or electrical standards.

80. Moreover, Action's three master electricians and two master plumbers are responsible for supervising over twenty apprentice electricians and twenty apprentice plumbers, respectively—far exceeding the three apprentices allowed to be working under a given master's or journeyman's supervision at any one time.

81. Respondent Jacob Westphal testified that he advised Action to hire more journeymen to “help keep their apprentice to journeymen ratios in line” and so the work crews could be journeyman-apprentice pairs. Action has not heeded his advice.

82. Additionally, many of Action's apprentice plumbers and electricians are paid wholly on a commission basis, with the percentage of commission an employee receives increasing with the value of the job performed.

83. This compensation structure strongly incentivizes employees to increase the value of the job bids they write.

84. Action's employee training reinforces this incentive structure by emphasizing sales aptitude over trade skills. Action equates “upselling” with “taking care of [their] customer right” and promises skills for “doubling,” “tripling,” or even “quadrupling” employees' sales.

85. Coupled with Action's inadequate supervision of its apprentice licensees, this incentive structure and emphasis on sales creates a ripe environment for violations of Utah's professional licensing and construction trades codes and rules.

III. Action's licensed employees make false, misleading, deceptive, or fraudulent statements to sell customers unnecessary services.

86. Through its investigation, the Division observed a pattern and practice of Action's employees using false, misleading, deceptive, and fraudulent communications to increase their sales of electrical, plumbing, and HVAC services.

87. Whether Action's team is called to a home to perform a basic repair or a free system inspection, once Action's employees have access to a homeowner's HVAC, electrical, or plumbing systems they often purport to discover a series of escalating concerns.

88. In this manner, across different homeowners,
- a. a call to install a new water heater turned into an attempted sale of a new electrical subpanel;
 - b. a call to repair a furnace turned into an attempted sale of a new electrical panel, service cable, surge protector, and grounding rod;
 - c. a call to restore a partial electrical outage turned into the sale of a new electrical panel, service cable, and home re-wire, and replacement of multiple outlets, switches, and receptacles;
 - d. a call to clear a clogged sewer main turned into an attempted sale of a full sewer main lining;
 - e. a call for a free electrical system inspection turned into the sale of a new electrical panel and service cable replacement;
 - f. a call for an HVAC repair turned into an attempted sale of a new AC system;
 - g. a call to clear a clogged sewer main turned into a full sewer line excavation and repair;
 - h. a call for HVAC, electrical, and plumbing system inspections turned into the sale of a new HVAC system and an attempted sale of a new water heater, water filtration system, and electrical panel;
 - i. a call for a furnace repair and free systems inspections turned into the sale of a new HVAC system, electrical panel, and service cable, and a sewer line excavation and replacement; and
 - j. a call to replace a garbage disposal turned into the sale of a new electrical panel, service cable, outlets, thermostat, furnace, and AC unit.

89. While some of Action's upsold services may have addressed legitimate concerns, in many instances second opinions have confirmed the quoted services were unnecessary.

90. In one instance, Action electrician Respondent Kenneth Maldonado quoted homeowner R.C. \$4,400 to install a new electrical panel accommodating a new switch, which he asserted was necessary to power the water heater Action had installed. R.C. sought a second opinion, and a second electrician charged R.C. \$200 to wire a new outlet for the water heater.

91. Mr. Maldonado quoted another homeowner, J.C., over \$5,300 to install a new electrical panel and service cable, claiming the old panel was overloaded, already overheating, and could not safely operate the furnace Action had repaired. Mr. Maldonado told J.C. the panel was dangerous, sending too much power to the furnace, and an immediate fire hazard. J.C. sought other opinions and was told by multiple electricians that nothing was wrong with the current electrical panel or wiring.

92. Another time, after replacing an electrical panel, Mr. Maldonado quoted homeowner J.O. over \$9,000 to repair supposedly burned wires caused by the previous, outdated panel. J.O. sought a second opinion. The other electrician told J.O. there were no signs of burned wiring or other malfunctions and opined that the quoted additional work would be "useless."

93. And again, Mr. Maldonado quoted homeowner S.G. \$8,500 to install a new electrical panel, service cable, and surge protector, which he claimed was necessary to address an immediate and severe fire risk to their home. After replacing the electrical panel, Mr. Maldonado quoted S.G. over \$12,000 to repair supposedly damaged wiring and melting cables. Mr. Maldonado told S.G. their home was still at a significant fire risk and additional repairs were needed. S.G. sought another opinion, and a different electrician inspected the home. The other

electrician told S.G. everything was fine, there were no melted or damaged cables, all the circuits were adequately grounded, and there was no electrical fire risk.

94. In another instance, Action employee “Ricardo” quoted homeowner B.L. \$8,000 to jet and line a sewer main, claiming it was not possible to unclog the drain otherwise. B.L. sought another opinion, and a different plumber snaked and unclogged the sewer line for \$350.

95. Another time, Action electricians Respondents Maldonado and Austin Avellar quoted new homeowner J.R. \$7,000 for a new electrical panel and service cable, which they asserted were necessary to remedy a serious and immediate fire risk discovered during Action’s free systems inspection. After replacing the electrical panel, J.R. was quoted an additional \$8,000 by Action electrician Respondent Brynn Hepworth to repair lights and outlets that were turning off and on. J.R. sought the opinion of their original home inspector and another electrician who confirmed the electrical panel replacement had been unnecessary, and the flickering lights and outlets only required replacing a few outlets and a switch. An outdoor light, which Action’s electricians asserted was a major fire hazard based on the buzzing noise it made, turned out to be an insect killing light bulb and was quiet once it was replaced with a standard bulb.

96. And again, Respondent Austin Avellar quoted homeowner H.P. \$13,000 to replace two electrical panels he claimed were overheating, overloaded, and arcing and to repair a third panel. Mr. Avellar told H.P. the panels were a safety concern and could start a fire burning down their home. H.P. sought a second opinion and another electrician confirmed the panels were fine, did not need to be replaced or updated, and were not a safety concern. Action plumbers “Will” and “Mike” also told H.P. the home’s water heater and water softener were more than eleven

years old and needed to be replaced. In fact, both systems had been replaced only four years earlier.

97. In yet another instance, Action HVAC technician “Tony” quoted homeowner J.B. \$11,000 for a new AC unit to replace one he asserted was beyond repairing and too small to cool J.B.’s home. J.B. sought another opinion, and a different HVAC repairman inspected the AC unit and fixed it for \$50.

98. In another incident, Action’s employees quoted homeowner C.M. over \$3,500 to service and repair a hot water heater that had stopped providing hot water and was leaking. C.M. contacted another plumber, who relit the pilot light and tightened some pipe fittings, restoring hot water services and stopping the leak, free of charge.

99. And again, Action’s employees quoted homeowner J.S. over \$10,000 to replace an iron sewer line they asserted was in extremely poor condition, sunken, and completely rotted away in places. J.S. sought a second opinion. Following a camera inspection, the second plumber advised J.S. that the line was not broken, had no holes, and was not rotted. The second plumber opined that the line did not need to be replaced, only descaled. This assessment was confirmed by a third plumber, who descaled the line and installed a clean out.

100. In many of these instances, Action’s electricians have told homeowners the supposed electrical problems they have quoted expensive repairs for are a fire safety concern. Action’s electricians have gone so far as telling homeowners the fire risk to their home was so immediate that an emergency shutoff was necessary, their home was unlivable, and there was not time to shop for a second opinion. Respondent Maldonado even told homeowner J.R. that he would not be willing to risk his family’s safety by staying in a home with the observed electrical concerns. And Mr. Maldonado told homeowner S.G. he was surprised their home had not

already burned down and that, in two out of three calls to address problems like theirs, the home was already on fire. Often, despite Action's employees' foreboding statements of fire risk, second opinions reveal the quoted work to be unnecessary and the homeowners' electrical systems entirely safe.

101. Through these aggressive fearmongering statements of fire risk, Action's electricians have deceived, or attempted to deceive, homeowners into purchasing unnecessary and expensive electrical services.

102. These deceitful acts cause material injury to Action's customers, who spend many times the actual cost of the services that would be required to remedy their problems or, in some instances, hundreds to thousands of dollars on wholly unnecessary services.

103. Action's employees have demonstrated a pattern of misleading customers to believe the plumbing and electrical work they have quoted is necessary for their systems to function safely. Through this practice of quoting homeowners expensive services to address problems which turn out not to exist, or which can be remedied through much more modest intervention and repair, Action's licensees inflate the value of their sales and the commissions they receive.

104. This pattern and practice of providing customers with false, misleading, and deceptive work quotes is incentivized by Action's compensation structure and encouraged by its emphasis on sales metrics over trade skills.

105. While many customers report they have complained to Action about their employees' misleading and aggressive sales tactics and inflated work quotes, Action's owner and qualifier Respondent Ben Jordan has failed to acknowledge and correct the problem—

maintaining to the Division that Action has “never had an employee . . . knowingly deceive a customer, ever.”

106. Action has provided the Division with no evidence that the company warned or disciplined employees for quoting unnecessary work or misleading customers to believe their systems’ condition posed an immediate safety risk. Nor has Action taken any other apparent ameliorative action to curb these practices and make its customers whole.

107. By maintaining incentive structures which reward higher value sales and emphasize sales skills over trade skills, turning a blind eye to customer complaints of misleading and deceptive sales tactics, and failing to take any measures to rectify its employees’ unprofessional practices, Action has caused or perpetuated these injurious sales tactics.

IV. Action’s licensed employees have mentally abused and exploited vulnerable adults by aggressively upselling services to people with dementia.

108. In addition to the observable pattern and practice of false, misleading, and deceptive sales tactics, Action’s employees have taken advantage of vulnerable adults.

109. The Division has documented two instances where Action’s employees have entered the home of a person suffering from dementia and contracted or attempted to contract with that individual for an escalating series of plumbing, electrical, or HVAC services.

A. Homeowner M.T.¹

110. On or about January 28, 2024, the Division received a complaint from R.B., stating that Action had performed unnecessary work for his mother, M.T. The complaint stated M.T. had been diagnosed with dementia in 2023 and Action had victimized her for money.

¹ In March 2024, the Division initiated an informal agency action against Respondent Kenneth Maldonado, alleging his unprofessional conduct based on his involvement in electrical sales and services with M.T. The Division’s informal action against Mr. Maldonado remains pending and has not yet been adjudicated. The Division is concurrently filing a motion to convert that action
(continued . . .)

111. M.T. had been Action's customer since 2018.

112. In 2019, M.T.'s cognitive functioning began to significantly decline, and by January 2024 she was diagnosed with dementia.

113. M.T.'s cognitive decline has been marked by multiple hospitalizations related to episodes of heightened confusion, including in September 2023 and January 2024.

114. M.T.'s impaired cognition was immediately recognized by the Division's Investigator Michael Smith in their first interaction. While M.T. has repeatedly met Investigator Smith, she has shown limited recognition of the investigator and no recall of their interactions.

115. M.T.'s cognitive lapses are also noted in Action's own records. Indication of M.T.'s confusion appears as early as February 2022, when an internal job note from Jim Smith stated, "Customer was having a hard time understanding what I was telling her," in relation to Action's furnace tune-up visit.

116. Notwithstanding this awareness, in the summer of 2023, Action began performing an escalating series of services at M.T.'s home, charging her tens of thousands of dollars for work she cannot recall requesting, does not know the justification for, and has no memory of paying for.

117. In June 2023, Action HVAC technician Joel Swensen performed a "full system swap," installing a new furnace and AC unit at M.T.'s home for approximately \$17,000. According to Action's records, and as R.B. confirmed, M.T. had purchased a new furnace and AC unit in 2018. Despite these systems being only five years old, Action's internal technician

to a formal administrative action and consolidate it with this Petition. While that action remains separate, this Petition seeks disciplinary action against Mr. Maldonado's license only for the additional violations and conduct that are separate from the allegations of his unprofessional conduct associated with his electrical sales and services for M.T.

notes asserted the furnace needed to be replaced “because it [wa]s getting old and not working properly.” Action’s records also included photos, purportedly of M.T.’s old, dilapidated AC condenser operating next to a red brick wall. M.T.’s home is surfaced in stucco. Division investigators determined the photos Action provided were not of M.T.’s house.

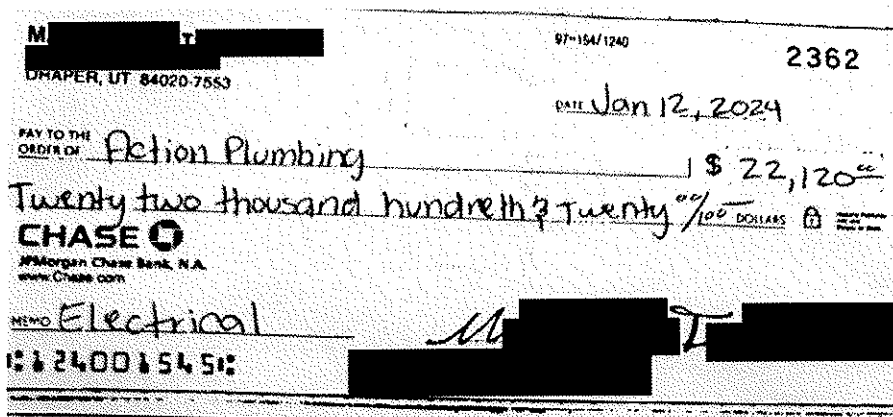
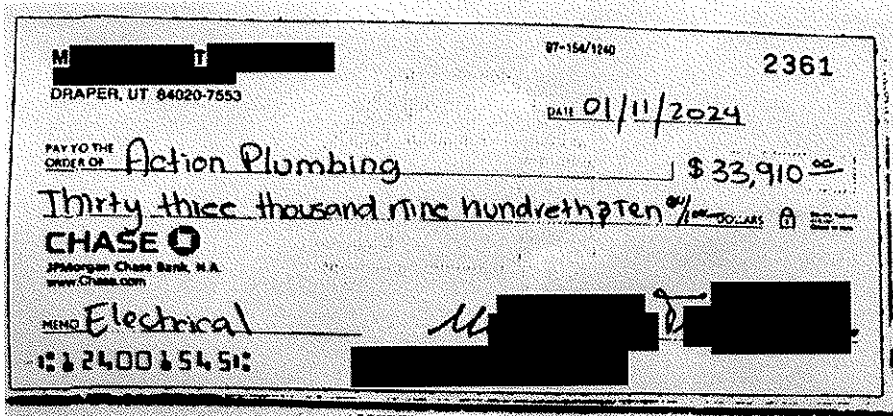
118. When asked about her furnace and AC unit, M.T. was not aware either system had recently been replaced.

119. When Action serviced the newly installed furnace in January 2024, the technician noted, “Customer is elderly and doesn’t understand how the thermostat works and thinks the furnace will run 24/7 all day long.”

120. Also in January 2024, R.B. received a call from his mother, stating that men were in her house, and she did not want them there. When R.B. arrived at M.T.’s home, he discovered an Action Plumbing van outside and two men at the home. One was in the basement looking at M.T.’s electrical panel. The other was outside at the main electrical panel, with the panel open and the inside cover removed. R.B. told the men to leave the residence and that his mother has dementia. The men left.

121. Action’s records reveal the men performing electrical work at M.T.’s home were Respondents Kenneth Maldonado and Luciano Ponce.

122. R.B. later learned Action had been at his mother’s home to perform over \$56,000 worth of electrical work. Looking at M.T.’s bank account records, R.B. saw two checks had been written to Action Plumbing: one on January 11, 2024, for \$33,910 and one on January 12, 2024, for \$22,120. R.B. obtained copies of the checks and noticed they had been written out by someone other than M.T., although M.T. has signed them, and they both indicated “electrical” in the memo field.



123. When Division investigators asked about the electrical work, M.T. was not aware she needed any electrical work done at her home. She did not remember the checks. When shown the checks, M.T. confirmed that, while they bore her signature, they were not filled out in her handwriting. M.T. has no memory of who filled out the checks and does not recall signing them.

124. Despite requesting documentation from Action, R.B. has received no information about why the work was needed. An Action representative told R.B. they had emailed the documentation to M.T.

125. But, as documented in Action's own customer records, M.T. does not have an email address.

126. Nonetheless, customer records show that on January 11, 2024, Action had invoiced M.T. \$56,030 for installing a new service cable, indoor and outdoor electrical panels, whole home surge protector, and bonding bridge, and replacing 14 switches. Action's invoice shows it received payment in the form of the two above checks: one dated January 11, 2024, for \$33,910 and another dated January 12, 2024, for \$22,120.



825 South Gladiola Street
Salt Lake City, UT 84104
Contractor # 9603990-5501

Invoice 80222944
Invoice Date 1/11/2024
Completed Date
Customer PO
Payment Term Due Upon Receipt
Job Address
M [REDACTED]
Draper, UT 84020 USA

Billing Address
M [REDACTED]
Draper, UT 84020 USA

Description of Work

Task #	Description	Quantity	Your Price	Your Total
3432543	Install/Replace Service cable 150a 220v (up to 20ft) Standard Difficulty	8.00	\$1,345.00	\$10,760.00
E1e100	Electrical panel upgrade Service	2.00	\$6,100.00	\$12,200.00
5u-098	Install/Replace Whole home surge protector (primary)	1.00	\$1,100.00	\$1,100.00
PU-01	upgrading outside panel	1.00	\$7,200.00	\$7,200.00
11544	install Grounding Rods for main Electrical Service	1.00	\$1,850.00	\$1,850.00
55588	Bonding Bridge	1.00	\$800.00	\$800.00
657788	Premium whole home re-device to replace up to 50 devices with Decora type switches, 4 dimmers or fan controls.	14.00	\$1,580.00	\$22,120.00

Paid On	Type	Memo	Amount
1/11/2024	Check (Bank Deposit)		\$33,910.00
1/12/2024	Check (Bank Deposit)		\$22,120.00
		Potential Savings	\$5,603.00
		Sub-Total	\$56,030.00
		Tax	\$0.00
		Total Due	\$56,030.00
		Payment	\$56,030.00
		Balance Due	\$0.00

Thank you for being a valued customer!

127. Respondent Maldonado admits to having filled out both checks for M.T. to sign. He recalled that, when he asked M.T. to pay for the invoiced electrical work, M.T. could not find her checkbook. Respondents Maldonado and Austin Avellar helped M.T. search for her checks. Upon finding the checks, Mr. Maldonado wrote the checks out, and M.T. signed them.

128. Action's records document that Respondents Maldonado and Ponce changed out two electrical panels and installed two grounding rods on January 11, 2024. Despite having only performed a fraction of the quoted project, Action invoiced the work and attempted to collect payment as though all the listed services were completed.

129. Upon reviewing the work performed at M.T.'s home, another contractor confirmed the only electrical work that had been completed was the installation of two new electrical panels and two grounding rods. The same contractor observed no reason for replacing the service cable and opined that M.T. should not have been charged \$1,580 each for 14 switches which retail for approximately \$50 apiece.

130. A few days after collecting the second check from M.T., on January 15, 2024, Action's records show a note from "David" acknowledging, "[t]he job is no[t] complete because the owner suffers from dementia and we were taken out of the house."

131. Despite knowing M.T.'s suffers from dementia, Action's records document a completed 3-hour appointment by Respondent Maldonado with M.T. noted as "collecting money" on January 23, 2024.

132. When Action had attempted to deposit the checks, M.T.'s bank denied them with an alert of non-sufficient funds because there was not enough cash in M.T.'s account to clear the checks.

133. Mr. Maldonado admits that he returned to M.T.'s home—even after knowing M.T. has dementia and being told to leave by R.B.—to see if he could close the sale with M.T.

134. The next day, on January 24, 2024, Action's records state:



Ashily Grainger said (pinned):

Customer son called in requesting to talk with Ben, since he's saying that we too advantage for a elderly lady, and would like for ben to call himi told him he's not in office much would be happy to but in a request for a manager to call him about the issue since he wouldn't tell me much beside wanting to talk to Ben about the sale attaches that he feels was used on his mother. stating she confused.

1/24/2024 9:29 AM

135. On March 29, 2024, the Division issued a Notice of Agency Action to Respondent Maldonado for an informal adjudication, alleging his unprofessional conduct based on his involvement in the electrical sales and services with M.T.

136. Action's owner and qualifier Respondent Ben Jordan acknowledges that he was aware of the allegations against Mr. Maldonado. Mr. Ben Jordan affirmed that he had spoken with Mr. Maldonado's supervisor, Respondent Alexander Torres, and that Action had looked into the allegations. But Mr. Ben Jordan admits that at no point has he or Mr. Torres issued any disciplinary action for what Mr. Maldonado has done to M.T.

137. Despite Action's knowledge of its employees' alleged unprofessional conduct regarding M.T., no disciplinary, corrective, or preventative action has been taken.

B. Homeowner S.Y.

138. Action mentally abused and exploited another adult with dementia over a period from July to September 2024.

139. Action's employees performed recent electrical jobs for homeowner S.Y. beginning in July 2024.

140. First, on July 22, 2024, Action's records list an "[e]lectrical safety inspection" for S.Y. and note that "[L.M.] (sister[]) lives there helps with decisions because [S.Y.] has dementia)."

141. Job notes from Respondent Maldonado state, “[m]eter inspection. Hopefully upsell.”

142. In a handwritten letter attached to the records, Mr. Maldonado attempts to clarify that, “[a]s an upsell I refer to talking to said customer after performing the install we were hire[d] to do, to go over any preventative work we as professionals recommend to avoid any type of inconveniences or emergencies in a near future.” This explanation reflects Action’s business strategy that “upselling” is equivalent to “taking care of [their] customer right.”

143. Action’s records show that, over the next month, Respondent Maldonado and Respondent Luciano Ponce, supervised by Respondent Brynn Hepworth, installed a new electrical panel, whole home surge protector, service cable, and five outlets for a total cost of \$12,463.60.

144. Despite Action’s knowledge of S.Y.’s dementia, the invoice was billed to and signed by S.Y.



825 South Gladia Street
Salt Lake City, UT 84104
Contractor # 9603990-5501

Invoice 86230563
Invoice Date 7/31/2024
Completed Date 8/29/2024
Customer PO
Payment Term Due Upon Receipt

Billing Address
S Y
West Jordan, UT 84081 USA

Job Address
S Y
West Jordan, UT 84081 USA

Description of work

Task #	Description	Quantity	Price	Total
Ele100	Electrical panel upgrade Service	1.00	\$6,100.00	\$6,100.00
Su-098	Install/Replace Whole home surge protector (primary)	1.00	\$980.00	\$980.00
3432543	Install/Replace Service cable 150a 220v (up to 20ft) Standard Difficulty	3.00	\$1,210.50	\$3,631.50
gtcc0	Install/Replace GFCI Outlet	5.00	\$350.42	\$1,752.10
Member Savings				\$1,384.87
Sub-Total				\$12,463.60
Tax				\$0.00
Total Due				\$12,463.60
Payment				\$0.00
Balance Due				\$12,463.60

Thank you for being a valued customer!

I, the undersigned, am owner/authorized agent/tenant of the premise at which the mentioned work is to be performed. I hereby authorize Connectionz Acquisition LLC its subsidiaries to use such labor and materials as deemed advisable. I agree to make payment in the full amount of \$12,463.60 upon completion of the work unless otherwise noted. A monthly service charge of 1.5% will be added on all unpaid balances after completion of service, (18% per annum). Should any dispute arise between the parties that results in legal action, I agree that the losing party will be required to pay the prevailing party's reasonable attorney's fees and court costs. I recognize that aged equipment and fixtures may no longer be serviceable and agree to hold Connectionz Acquisition LLC and its subsidiaries blameless for any damage or destruction to those items as a result of these conventional repair efforts or for any existing damage. I recognize that unforeseen problems may be discovered as work is being performed and may change the estimate to fully satisfy all repairs. Any cancellation or reschedule will result in a cancellation fee. Any cancellation will result in a cancellation fee. The amount of the fee will be 25% of the services. Cancellations made same day will not receive a refund. I understand that I will be charged for any work performed on the property if cancellation of the job. All installations come with a 1yr workmanship guarantee

7/23/2024

I, the undersigned, have inspected all work completed and verified that all agreed upon repairs and/or replacements are complete and in working order. I understand the warranty as it has been expressed. I understand that if problems arise, Connectionz Acquisition LLC and its subsidiaries will honor this warranty as long as it's terms are not violated. I understand the CMPP membership is a one year recurring monthly payment of \$17.95. All installations come with a 1yr workmanship guarantee

145. The final two entries in Action's job records indicate that the Customer "no longer wants to continue services, the estimate a tech gave her was unreasonable to her," and she "will not be paying us."

146. Following up with L.M. and S.Y., the Division learned that S.Y. had been diagnosed with dementia a little over a year ago, after she had gotten lost while driving. S.Y., age 75, lives at home with her sister L.M., age 64, who acts as S.Y.'s necessary in-home caregiver.

147. S.Y.'s cognitive decline is noticeable. Throughout her first interaction with Division Investigator Smith, she repeatedly asked who he was and why he was at her residence meeting with her and her sister.

148. According to L.M., she had originally reached out to Action about problems with their garbage disposal. After the disposal was replaced by "Aaron," Action started expanding the work and told L.M. there were problems with the home's electrical systems.

149. Action's employees began going through the home and replacing things without asking L.M.'s permission. L.M. does not recall ever receiving an estimate or giving approval for the work. She felt that she and her sister had been "taken advantage of."

150. L.M. told the Division that Action had replaced the thermostat and various outlets throughout the house. L.M. was never told why things needed to be replaced.

151. L.M. did not recall ever receiving any official estimates or a contract from Action.

152. L.M. remembers the services as "a blur," with Action's employees in and out of the home for two weeks, operating one continuous job.

153. L.M. recalls Action electrician "Austin" was there most of the time work was being done at the home.

154. In the Division's walk-through of the home with L.M., the investigator observed the basement electrical panel had an Action Plumbing sticker on it and had recently been replaced, the outside electrical panel had recently been worked on, the furnace had an Action Plumbing sticker on it and had recently been replaced, and the AC compressor had recently been replaced.

155. Despite both being there the entire time Action's employees were at the home, L.M. and S.Y. were not aware the furnace or AC compressor had been replaced. The sisters do not know why, how, or when these services happened.

156. When shown the electrical invoice, S.Y. confirmed it bore her signature, but she had no memory of signing it.

157. L.M. also told the Division investigator they had recently received a bill from Synchrony Bank, in S.Y.'s name, with a debit balance of over \$17,000. Presumably, somebody signed and submitted financial documents to this bank by or for S.Y. S.Y. has no memory of signing any financial documents.

158. S.Y. has no memory of reviewing or signing any documents at all regarding any of the work.

159. Through their work at S.Y.'s home, Action employees: Respondents Maldonado, Ponce, Hepworth, and Avellar, performed a series of increasingly expensive and uncalled-for services, without L.M.'s approval. Action knew S.Y. had dementia and continued trying to contract with her for the unneeded work and the financing for that work.

160. Respondent Ben Jordan testified that he did not have any concerns with S.Y. signing multi-thousand-dollar invoices for services from Action, even when Action's employees knew she had dementia.

161. Despite knowing about its employees' previous misconduct regarding M.T., Action took no action to prevent its employees from repeating the same conduct with S.Y..

162. Because of Action's inaction, lack of oversight, and inadequate supervision, its employees continued to mentally abuse and exploit another person with dementia to sell increasingly expensive services.

V. Action's licensed employees' work shows a pattern of incompetency or negligence.

163. Separate from its employees' deceptive sales tactics and repeated exploitation of adults with dementia, Action's employees have demonstrated incompetency and negligence in their electrical, plumbing, and HVAC work.

164. Many times, Action's employees entered a home to perform work and left the residence in a worse state than they found it. Action's employees have caused flooding, electrical-fire risk, and carbon-monoxide-exposure risk.

A. Flooding

165. First, on or about January 16, 2024, homeowner E.N. contacted Action to repair a water shut-off valve under the kitchen sink of his West Valley City condominium, Unit #21.

166. Action employee Omar Mayorga and an unidentified Action employee were dispatched to Unit #21. Mr. Mayorga is not licensed with the Division.

167. After reportedly completing the repair, Mr. Mayorga called E.N. to tell them the repair was finished and to request payment.

168. Action's employees then left Unit #21 without testing the repair and before the water was turned back on.

169. After the water was turned on, the condominium property management company was alerted to a severe water leak affecting Units #20 and #21. The property management company called a different plumbing company to address the leak.

170. Upon arriving, the second plumber discovered approximately four inches of standing water in the shared patio area, with water coming into Unit #20 through the wall shared with Unit #21.

171. When the second plumber was able to enter Unit #21, he discovered the leak was coming from under the kitchen sink, where a water shut-off valve had been installed with PEX

pipe modifications. The valve had been installed with a crimp ring, but the ring had not actually been crimped to secure the PEX pipe to the brass fitting.

172. Action's employees returned to Unit #21 and fixed the shut-off valve.

173. However, the resulting flooding caused extensive damage to Units #20 and #21. The flood damage to E.N.'s Unit #21 has cost over \$53,000 to remediate and repair. E.N. has received no compensation from Action for the flood damage to his property.

B. Electrical Fire Risk

174. Next, at the end of May 2024, homeowner B.B. and his wife J.B. contacted Action after half the power in their home went out.

175. Action's electricians advised B.B. that a subpanel should be added to reduce the main panel's electrical load. Action quoted B.B. \$9,800 to replace two switches and install a new electrical subpanel, grounding rods, a bonding bridge, and a whole-home surge protector.

176. B.B. agreed to the work quote, and Action installed a new subpanel on or around June 5, 2024.

177. However, B.B. and J.B. continued to have issues with their home's electrical system, with various lights flickering on and off.

178. B.B. and J.B. asked Action to fix these issues and address problems with the new subpanel. Instead, on or about August 16, 2024, Action gave B.B. an estimate to replace the main electrical panel, replace all the breakers, and add lubricants for a total of \$9,655.24.

179. B.B. did not agree to the work quote, and Action refused to address B.B.'s concerns with the new subpanel.

180. On or about September 27, 2024, some of the outlets in the home were arcing, and several lights were flickering on and off. Looking at the main electrical panel, B.B. found some

of the breakers showed signs of significant arcing and burnt areas. Afraid their home would catch fire, B.B. and J.B. called the fire department.

181. Unified Fire Authority (“UFA”) responded to the call and determined the home’s electrical system was unsafe.

182. Rocky Mountain Power put a red tag on B.B.’s and J.B.’s meter and shut off the electrical power.

183. The same day, a city inspection of the new subpanel failed all inspection checklist items. The inspection had been requested by Matthew Jordan and listed Respondent Brynn Hepworth as the field contact. The city inspector noted that the plans quoted by Action did not match the work that appeared to have been done and that he could not locate the grounding rods.

184. A second city inspection, requested by B.B. and J.B., was performed on October 2, 2024. Again, the new subpanel failed all checklist items.

185. B.B. and J.B. hired another contractor, who repaired their home’s electrical issues by the end of October 2024 for \$1,800—a small fraction of what Action had already received and had quoted.

186. B.B. and J.B. were out of their home for nearly a month while repairs were being made.

187. Action provided B.B. and J.B. with no refund or compensation for the work that caused this incredible disruption to their home and life.

C. Carbon Monoxide Exposure Risk

188. Additionally, on or about October 11, 2024, new homeowner H.P. met Action at a Home Show. Knowing her new home’s HVAC system was old, H.P. signed up for a free HVAC inspection and tune-up with Action.

189. On or about October 14, 2024, Action employees Joel Swensen and “Jake” arrived to perform the HVAC system inspection.

190. After reviewing the home’s two furnaces and AC units, Mr. Swensen and Jake told H.P. both furnaces had cracked heat exchangers and were leaking dangerous amounts of carbon monoxide into the home. They also informed H.P. that both AC systems were leaking freon, causing further issues. Mr. Swensen and Jake shut off both systems, citing these safety concerns.

191. Mr. Swensen and Jake told H.P. the systems were inoperable due to the safety concern of carbon monoxide entering her home and, with freezing temperatures forecast, should be replaced immediately. Action’s employees quoted H.P. between \$43,000 and \$50,400 to replace the home’s furnaces and AC units.

192. H.P. chose the \$50,400 systems replacement, and Action installed two new furnaces and AC units on October 15 and 16, 2024.

193. After speaking with her realtor and original home inspector, H.P. learned she had likely been overcharged by Action for the new HVAC systems. H.P. sought a second opinion of what the newly installed systems would have cost through a different HVAC contractor.

194. On or about October 24, 2024, a second HVAC contractor arrived to inspect H.P.’s newly installed systems. Upon inspecting the new furnaces and AC units, the second contractor noted major problems with Action’s work. Most significantly, neither the furnace exhaust nor the fresh air intake for the basement furnace had been terminated correctly, and the furnace exhaust had been run out within a few inches of the fresh air intake. This caused the furnace exhaust to vent into the fresh air intake and reenter the utility room, directly causing increased carbon monoxide levels in H.P.’s home. While the furnace would run on electricity at

temperatures over 40 degrees, this would cause a significant health and safety concern once temperatures dipped below freezing and the system switched to gas.

195. The second contractor also noted that the basement furnace's wiring was messy, run without conduit, and unsecured, and that the outdoor heat pumps were not level, had unsecured electrical conduit, and were not installed to code. He remarked that it was "one of the worst jobs [he had] ever seen."

196. The second contractor told H.P. his highest line quote for the systems would have been just over \$28,000.

197. On or about October 29, 2024, a second HVAC systems inspection, obtained by the Division during its investigation, confirmed the notable problems with the basement furnace exhaust and fresh air intake. The building inspector also documented additional problems with H.P.'s newly installed systems:

Upstairs Furnace

1. Protect NM wire to ceiling from switch.
2. Fix pan for edges that are bent down.
3. Condensation drain termination not terminated correctly right now goes into a vent line not drain line.

AC units Both

1. AC lines need to be wrapped in R7 insulations.
2. Power lines not supported need to be first 12" then every 36".

198. On or about November 5, 2024, H.P. met with another HVAC contractor who likewise affirmed the problem with the furnace exhaust reentering the home through the fresh air intake. The contractor told H.P. he would have quoted \$25,050 to install the same systems, and he quoted H.P. \$2,000 to correct the issues with the systems Action had installed.

199. Despite these notable flooding, fire hazard, and carbon monoxide issues cause by their employees, Action has taken no steps to remedy these customers' problems. Nor has Action

presented any evidence to the Division that it has required additional training for its employees to address these instances of gross incompetency or negligence.

200. Instead, Action allows its unlicensed and apprentice employees to continue practicing without adequate supervision to provide direction, oversight, inspection, and evaluation of their work.

VI. Action has repeatedly failed to obtain required building permits.

201. On top of its employees' demonstrated incompetency and negligence in these plumbing, HVAC, and electrical projects, Action has repeatedly failed to secure required building permits before starting work on a project.

202. The Division has discovered multiple instances where Action performed HVAC, electrical, or plumbing work without properly obtaining required building permits.

203. This lapse has not been limited to any one locality.

204. In Draper, on or about June 7, 2023, Action replaced a furnace for homeowner M.T. without obtaining the required building permit.

205. In Taylorsville, on or about March 27, 2024, Action installed a new electrical panel and performed other electrical work for homeowner J.R. without obtaining the required building permit.

206. In Salt Lake City, on or about June 5, 2024, Action installed a new electrical subpanel and performed other electrical work for homeowner B.B. without first obtaining the required building permit. A building permit was later applied for and issued on September 25, 2024—long after Action had completed its work.

207. In Herriman, on or about October 15, 2024, Action installed two new furnaces and two new AC units for homeowner H.P. without obtaining the required building permit.

208. And in Benjamin Utah, through October and November 2024, Action installed a new furnace, electrical panel, service cable, and main sewer line for homeowner D.S. without obtaining the required building permit.

209. As these examples demonstrate, Action has repeatedly failed to obtain required building permits before it begins work on a project. In many instances, Action has failed to even apply for a building permit. In others, Action has begun work before the permit was issued.

APPLICABLE LAW

VII. The Commission and Division may revoke licenses for unprofessional or unlawful conduct.

210. The Division “may revoke, suspend, restrict, place on probation, issue a public or private reprimand to, or otherwise act upon the license of a licensee” if: “(a) . . . the . . . licensee has engaged in unprofessional conduct, as defined by statute or rule under this title; (b) the . . . licensee has engaged in unlawful conduct as defined by statute under this title . . .” Utah Code § 58-1-401(2) (emphases added).

A. Unprofessional conduct

211. At all relevant times, “unprofessional conduct” includes

(vii) practicing or attempting to practice a . . . profession regulated under this title through gross incompetence, gross negligence, or a pattern of incompetency or negligence;

(viii) practicing or attempting to practice a profession requiring licensure under this title by any form of action or communication which is false, misleading, deceptive, or fraudulent;

...

(xi) verbally, physically, mentally, or sexually abusing or exploiting any person through conduct connected with the licensee’s practice under this title or otherwise facilitated by the licensee’s license;

(xii) acting as a supervisor without meeting the qualification requirements for that position that are defined by statute or rule

Id. § 58-1-501(2)(a) (emphases added).²

212. At all relevant times, “unprofessional conduct” includes “any willful, fraudulent, or deceitful act by a licensee, caused by a licensee, or at a licensee’s direction which causes material injury to another” *Id.* § 58-55-502(3) (emphases added).

213. At all relevant times, “unprofessional conduct” includes “failing to comply with the supervision requirements established by Subsection 58-55-302(3)(j)” Utah Admin. Code R156-55b-501.

214. At all relevant times, Subsection 58-55-302(3)(j) requires that:

(j) The conduct of licensed apprentice electricians and their licensed supervisors shall be in accordance with the following:

(i) a licensed apprentice electrician shall be under the immediate supervision of a licensed master, journeyman, residential master, or residential journeyman electrician;

(ii) beginning in a licensed apprentice electrician’s fourth year of training, a licensed apprentice electrician may work without supervision for a period not to exceed eight hours in any 24-hour period;

(iii) rules made by the commission . . . regarding the ratio of apprentices allowed under the immediate supervision of a licensed supervisor, including the ratio of apprentices in their fourth year of training or later that are allowed to be under the immediate supervision of a licensed supervisor; and

(iv) a licensed supervisor may have up to three licensed apprentice electricians on a residential project, or more if established by rules made by the commission

Utah Code § 58-55-302(3)(j) (emphases added).

² While the relevant content is unchanged, Utah Code section 58-1-501(2) was renumbered in May 2023. For consistency, the Division refers to the current numbering of the Code.

215. At all relevant times, “unprofessional conduct” includes “failing to comply with the supervision requirements in Subsection 58-55-302(3)(e) . . .” Utah Admin. Code R156-55c-501(1) (emphasis added).

216. At all relevant times, subsection 58-55-302(3)(e) requires that

(e) The conduct of licensed apprentice plumbers and their licensed supervisors shall be in accordance with the following:

(i) while engaging in the trade of plumbing, a licensed apprentice plumber shall be under the immediate supervision of a licensed master plumber, licensed residential master plumber, licensed journeyman plumber, or licensed residential journeyman plumber;

(ii) beginning in a licensed apprentice plumber’s fourth year of training, a licensed apprentice plumber may work without supervision for a period not to exceed eight hours in any 24-hour period; and

(iii) rules made by the commission . . . regarding the ratio of apprentices allowed under the immediate supervision of a licensed supervisor, including the ratio of apprentices in their fourth year of training or later that are allowed to be under the immediate supervision of a licensed supervisor.

Utah Code § 58-55-302(3)(e) (emphasis added).

217. At all relevant times, Utah Administrative Code R156-55c-401(2) mandates that licensed plumbing supervisors cannot have more than:

(a) three licensed apprentice plumbers under immediate supervision on non-residential projects; or

(b) three licensed apprentice plumbers under immediate supervision on residential projects.

218. At all relevant times, “immediate supervision” means

reasonable direction, oversight, inspection, and evaluation of the work of a person:

(a) as the division specifies by rule;

(b) by, as applicable, a qualified electrician or plumber;

(c) as part of a planned program of training; and

(d) to ensure that the end result complies with applicable standards.

Id. § 58-55-102(30) (emphases added).

219. At all relevant times, “immediate supervision” further requires that

(a) for non-residential electrical [or plumbing] work, the apprentice and the supervising electrician [or plumber] are physically present on the same project or jobsite, but [are] not required [to] maintain a direct line of sight; and

(b) for residential electrical [or plumbing] work, the supervising electrician [or plumber], when not physically present on the same project or jobsite as the apprentice, is available to provide direction, oversight, inspection, and evaluation of the apprentice’s work . . . to ensure that the end result complies with applicable standards.

Utah Admin. Code R156-55b-102(1); *id.* R156-55c-102(1).

220. At all relevant times, “unprofessional conduct” includes “practicing a regulated profession in, through, or with a business structure or name that . . . has not been properly licensed with the Division.” *Id.* R156-1-501(2).

B. Unlawful Conduct

221. At all relevant times, “unlawful conduct” includes

(3) hiring or employing a person who is not licensed under this chapter to perform work on a project, unless the person:

(a) is an employee of a person licensed under this chapter for wages; and

(b) is not required to be licensed under this chapter;

...

(7) failing to obtain a building permit when required by law or rule;

...

(12) if licensed as a contractor in the electrical trade or plumbing trade, journeyman plumber, residential journeyman plumber, journeyman electrician, master electrician, or residential electrician, failing to directly supervise an apprentice under one’s supervision or exceeding the number

of apprentices one is allowed to have under the contractor's supervision
.....

Utah Code § 58-55-501 (emphases added).

222. At all relevant times, "unlawful conduct" includes "aiding or abetting any other person to violate any statute, rule, or order regulating a profession under this title." *Id.* § 58-1-501(1)(g).

COUNT I
Unlawful Conduct under § 58-55-501(3)
Employing an unlicensed person to perform work on a construction project
Connectionz Acquisition, LLC

223. The Division realleges and incorporates all other allegations contained in this Petition.

224. Many times, Connectionz Acquisition, LLC has employed unlicensed people to perform work, requiring licensure, on electrical and plumbing projects.

225. Connectionz has therefore engaged in unlawful conduct as defined by Utah Code section 58-55-501(3), and there are grounds for sanctioning Connectionz' license in accordance with Utah Code section 58-1-401(2).

COUNT II
Unlawful Conduct under § 58-55-501(12)
Failing to directly supervise apprentices or exceeding the number of apprentices allowed
under supervision
Connectionz Acquisition, LLC

226. The Division realleges and incorporates all other allegations contained in this Petition.

227. Connectionz Acquisition, LLC is licensed as a contractor in the electrical and plumbing trades.

228. Connectionz employs over fifty apprentice electricians and plumbers with only three qualified electrician supervisors and two qualified plumber supervisors.

229. Connectionz fails to ensure that the apprentices it employs are immediately or directly supervised by a licensed journeyman, residential journeyman, master, or residential master, including through:

- (a) Dispatching apprentice electricians and plumbers to work on projects requiring licensure without direction, oversight, inspection, or evaluation from qualified supervisors;
- (b) Failing to provide apprentice electricians and plumbers with a sufficient planned training program from qualified supervisors; and
- (c) Failing to provide apprentice electricians and plumbers with immediate supervision from qualified supervisors to ensure that the end result of the apprentices' work complies with applicable standards.

230. Connectionz has also exceeded the number of apprentices each of the licensed masters it employs is allowed to have under their supervision.

231. By hiring over fifty apprentice electricians and plumbers without a single journeyman, and only three master electricians and two master plumbers, Connectionz has failed to comply with the required 3-to-1 ratio of apprentices under the immediate supervision of qualified supervisors on residential electrical and plumbing projects.

232. Connectionz has therefore engaged in unlawful conduct as defined by Utah Code section 58-55-501(12), and there are grounds for sanctioning Connectionz' license in accordance with Utah Code section 58-1-401(2).

COUNT III

Unlawful Conduct under § 58-55-501(12)

Failing to directly supervise apprentices or exceeding the number of apprentices allowed under supervision

**Mark E. Robertson; Travis Johnson; Nathan Mark Rasmussen;
Stephen M. Anderson, Jr.; Jacob Michael Westphal**

233. The Division realleges and incorporates all other allegations contained in this Petition.

234. Respondent Mark E. Robertson is an E200 General Electrical Qualifier for Connectionz' contractor license and a licensed master electrician with the Division.

235. Respondent Travis Johnson is an E201 Residential Electrical Qualifier for Connectionz' contractor license and a licensed residential master electrician with the Division.

236. Respondent Nathan Mark Rasmussen is a P200 General Plumbing Qualifier for Connectionz' contractor license and a licensed master plumber with the Division.

237. Respondent Stephen M. Anderson, Jr. is a P201 Residential Plumbing Qualifier for Connectionz' contractor license and a licensed residential master plumber with the Division.

238. Respondent Jacob Michael Westphal is an E200 General Electrical Qualifier for Connectionz' contractor license and a licensed master electrician with the Division.

Mr. Westphal's electrician license expired November 30, 2024.

239. Mr. Robertson, Mr. Johnson, Mr. Rasmussen, Mr. Anderson, and Mr. Westphal are the only licensees employed by Connectionz who are qualified to supervise apprentice plumbers or electricians.

240. Mr. Robertson, Mr. Johnson, Mr. Rasmussen, Mr. Anderson, and Mr. Westphal have failed to directly supervise the apprentice electricians and plumbers under each of their immediate supervision, including through their failure to:

- (a) Physically attend or otherwise be available to provide direction, oversight, inspection, or evaluation at their apprentices' jobsites;
- (b) Provide their apprentices with sufficient planned training programs; and
- (c) Ensure their apprentices' work complies with applicable standards.

241. Mr. Robertson, Mr. Johnson, Mr. Rasmussen, Mr. Anderson, and Mr. Westphal have also exceeded the number of apprentices they are each allowed to have under supervision, as they could not provide immediate supervision and availability to the over fifty apprentices

employed by Connectionz and comply with the required 3-to-1 ratio of apprentices to supervisors.

242. Mr. Robertson, Mr. Johnson, Mr. Rasmussen, Mr. Anderson, and Mr. Westphal have therefore engaged in unlawful conduct as defined by Utah Code section 58-55-501(12), and there are grounds for sanctioning their licenses in accordance with Utah Code section 58-1-401(2).

COUNT IV

Unprofessional Conduct under Utah Administrative Code R156-55b-501(1) **Failing to comply with electrician supervision requirements** **Mark E. Robertson; Travis Johnson; Jacob Michael Westphal**

243. The Division realleges and incorporates all other allegations contained in this Petition.

244. Respondent Mark E. Robertson is an E200 General Electrical Qualifier for Connectionz' contractor license and a licensed master electrician with the Division.

245. Respondent Travis Johnson is an E201 Residential Electrical Qualifier for Connectionz' contractor license and a licensed residential master electrician with the Division.

246. Respondent Jacob Michael Westphal is an E200 General Electrical Qualifier for Connectionz' contractor license and a licensed master electrician with the Division.

Mr. Westphal's electrician license expired November 30, 2024.

247. Mr. Robertson, Mr. Johnson, and Mr. Westphal are the only licensees employed by Connectionz who are qualified to supervise apprentice electricians.

248. Mr. Robertson, Mr. Johnson, and Mr. Westphal have failed to provide immediate supervision to the apprentice electricians Connectionz employs, including through their failure to:

- (a) Physically attend or otherwise be available to provide direction, oversight, inspection, or evaluation at their apprentices' jobsites;

- (b) Provide their apprentices with sufficient planned training programs; and
- (c) Ensure their apprentices' work complies with applicable standards.

249. Mr. Robertson, Mr. Johnson, and Mr. Westphal have also exceeded the number of apprentices they are each allowed to have under supervision, as they could not provide immediate supervision and availability to the over twenty apprentice electricians employed by Connectionz and comply with the required 3-to-1 ratio of apprentices to supervisors.

250. Mr. Robertson, Mr. Johnson, and Mr. Westphal have therefore engaged in unprofessional conduct as defined by Utah Administrative Code R156-55b-501, and there are grounds for sanctioning their licenses in accordance with Utah Code section 58-1-401(2).

COUNT V

Unprofessional Conduct under Utah Administrative Code R156-55c-501(1)

Failing to comply with plumber supervision requirements

Nathan Mark Rasmussen; Stephen M. Anderson, Jr.

251. The Division realleges and incorporates all other allegations contained in this Petition.

252. Respondent Nathan Mark Rasmussen is a P200 General Plumbing Qualifier for Connectionz' contractor license and a licensed master plumber with the Division.

253. Respondent Stephen M. Anderson, Jr. is a P201 Residential Plumbing Qualifier for Connectionz' contractor license and a licensed residential master plumber with the Division.

254. Mr. Rasmussen and Mr. Anderson are the only licensees employed by Connectionz who are qualified to supervise apprentice plumbers.

255. Mr. Rasmussen and Mr. Anderson have failed to provide immediate supervision to the apprentice plumbers Connectionz employs, including through their failure to:

- (a) Physically attend or otherwise be available to provide direction, oversight, inspection, or evaluation at their apprentices' jobsites;
- (b) Provide their apprentices with sufficient planned training programs; and

(c) Ensure their apprentices' work complies with applicable standards.

256. Mr. Rasmussen and Mr. Anderson have also exceeded the number of apprentices they are each allowed to have under supervision, as they could not provide immediate supervision and availability to the over twenty apprentice plumbers employed by Connectionz and comply with the required 3-to-1 ratio of apprentices to supervisors.

257. Mr. Rasmussen and Mr. Anderson have therefore engaged in unprofessional conduct as defined by Utah Administrative Code R156-55c-501(1), and there are grounds for sanctioning their licenses in accordance with Utah Code section 58-1-401(2).

COUNT VI

Unprofessional Conduct under § 58-1-501(2)(a)(xii)

Acting as a supervisor without meeting the qualification requirements

Brynn Hepworth, Alexander Christiansen Torres, Kenneth Guadalupe Maldonado Sandoval, John J. Lehmann, Ben Rich Jordan

258. The Division realleges and incorporates all other allegations contained in this Petition.

259. Respondent Brynn Hepworth is licensed as an apprentice electrician with the Division.

260. Respondent Alexander Torres is licensed as an apprentice electrician with the Division.

261. Respondent Kenneth Maldonado is licensed as an apprentice electrician with the Division.

262. Respondent John Lehmann is licensed as an apprentice plumber with the Division.

263. Respondent Ben Jordan is licensed as an apprentice plumber and apprentice electrician with the Division.

264. To qualify as a supervisor, an electrician or plumber must be licensed by the Division as a master, journeyman, residential master, or residential journeyman electrician.

265. Mr. Hepworth, Mr. Torres, Mr. Maldonado, Mr. Lehmann, and Mr. Jordan have nonetheless acted as supervisors of other licensed apprentices in connection with plumbing and electrical trade work requiring licensure.

266. Mr. Hepworth, Mr. Torres, Mr. Maldonado, Mr. Lehmann, and Mr. Jordan therefore have engaged in unprofessional conduct as defined under Utah Code section 58-1-501(2)(a)(xii), and there are grounds for sanctioning their licenses in accordance with Utah Code section 58-4-401(2).

COUNT VII

Unprofessional Conduct under Utah Administrative Code R156-55b-501(1)

Failing to comply with electrician supervision requirements

Luciano Ponce, Austin Shane Avellar, Alexander Christiansen Torres

267. The Division realleges and incorporates all other allegations contained in this Petition.

268. Respondent Austin Shane Avellar was licensed as an apprentice electrician with the Division in January 2024.

269. Respondent Luciano Ponce was licensed as an apprentice electrician with the Division in August 2023.

270. Respondent Alexander Torres was licensed as an apprentice electrician with the Division in May 2021.

271. Despite having less than four years of training, Mr. Ponce, Mr. Avellar, and Mr. Torres have practiced the electrical trade without the immediate supervision of a licensed master, journeyman, residential master, or residential journeyman electrician.

272. Mr. Ponce, Mr. Avellar, and Mr. Torres have therefore engaged in unprofessional conduct as defined by Utah Administrative Code R156-55b-501, and there are grounds for sanctioning their licenses in accordance with Utah Code section 58-1-401(2).

COUNT VIII

Unprofessional Conduct under § 58-55-502(3)

Willful, fraudulent, or deceitful acts by a licensee which cause material injury

Connectionz Acquisition, LLC; Brynn Hepworth;

Kenneth Guadalupe Maldonado Sandoval; Austin Shane Avellar

273. The Division realleges and incorporates all other allegations contained in this Petition.

274. Connectionz maintains incentive structures and training programs that encourage and instruct its employees to aggressively upsell services to its customers.

275. On multiple occasions, Connectionz' employees, including Respondents Mr. Hepworth, Mr. Maldonado, and Mr. Avellar, have recommended and quoted customers expensive and unnecessary services.

276. Connectionz' employees have deceived customers into believing the quoted services were necessary to their home's function and safety.

277. These fraudulent or deceitful acts have caused homeowners to spend many times the actual cost of the services that would be required to address their problems and has caused others to spend hundreds to thousands of dollars on entirely unnecessary services.

278. Connectionz has known, or reasonably should have known, about its employees' pattern and practice of deceiving customers into purchasing expensive and unnecessary services.

279. Connectionz has failed to take any steps to prevent or deter this pattern and practice or to remedy the harm to its customers.

280. And Connectionz has maintained its incentive structures and training programs, incentivizing these sales tactics, and its inadequate supervision practices, enabling its employees' unprofessional conduct.

281. In doing so, Connectionz has caused and perpetuated its employees' willful, fraudulent, or deceitful acts.

282. Connectionz, Mr. Hepworth, Mr. Maldonado, and Mr. Avellar have therefore engaged in unprofessional conduct as defined by Utah Code section 58-55-502(3), and there are grounds for sanctioning their licenses in accordance with Utah Code section 58-1-401(2).

COUNT IX

Unprofessional Conduct under § 58-1-501(2)(a)(viii)

Practicing or attempting to practice a licensed profession by actions or communications which are false, misleading, deceptive, or fraudulent

**Connectionz Acquisition, LLC; Brynn Hepworth;
Kenneth Guadalupe Maldonado Sandoval; Austin Shane Avellar; Luciano Ponce**

283. The Division realleges and incorporates all other allegations contained in this Petition.

284. Connectionz maintains incentive structures and training programs that encourage its employees to aggressively upsell services to its customers.

285. On multiple occasions, Connectionz' employees, including Respondents Mr. Hepworth, Mr. Maldonado, Mr. Avellar, and Mr. Ponce have willfully, fraudulently, or deceptively quoted customers expensive and unnecessary services.

286. Connectionz' employees, including Respondents Mr. Hepworth, Mr. Maldonado, Mr. Avellar, and Mr. Ponce, have falsely told customers the quoted services were necessary or have misled or deceived customers into believing the quoted services were essential to their home's function and safety.

287. Connectionz has known, or reasonably should have known, about its employees' pattern and practice of using false, misleading, deceptive, and fraudulent communications in attempts to sell expensive and unnecessary services.

288. And yet Connectionz has failed to take any steps to prevent or deter this pattern and practice or otherwise address its employees' unprofessional conduct.

289. Instead, Connectionz has maintained incentive structures and training programs that encourage its employees to aggressively upsell services to its customers and has failed to remedy the inadequate supervision practices which enabled its employees' unprofessional conduct.

290. Connectionz has increased its service sales and attempted to maximize its own profits as an HVAC, electrical, and plumbing contractor, through its employees' pattern and practice of using false, misleading, deceptive, and fraudulent communications.

291. Connectionz, Mr. Hepworth, Mr. Maldonado, Mr. Avellar, and Mr. Ponce have therefore engaged in unprofessional conduct as defined by Utah Code section 58-1-501(2)(a)(viii), and there are grounds for sanctioning their licenses in accordance with Utah Code section 58-1-401(2).

COUNT X

Unprofessional Conduct under § 58-1-501(2)(a)(xi)

Mentally abusing or exploiting another person

through conduct connected with the licensee's practice

Connectionz Acquisition, LLC; Kenneth Guadalupe Maldonado Sandoval;

Luciano Ponce; Brynn Hepworth; Austin Shane Avellar

292. The Division realleges and incorporates all other allegations contained in this Petition.

293. Connectionz' employees perform HVAC, electrical, and plumbing services for its customers under Connectionz' multiple names and through its license as an HVAC, electrical, and plumbing contractor.

294. Connectionz maintains incentive structures and training programs that encourage its employees to aggressively upsell services to its customers.

295. Through their licensed practice, Connectionz' employees, including Respondents Mr. Maldonado, Mr. Ponce, Mr. Hepworth, and Mr. Avellar, have contracted with, or attempted to contract with, people with dementia.

296. Through their licensed practice, Mr. Maldonado, Mr. Ponce, Mr. Hepworth, and Mr. Avellar have sold, or attempted to sell, expensive and unnecessary services to these individuals with dementia.

297. In so doing, Mr. Maldonado, Mr. Ponce, Mr. Hepworth, and Mr. Avellar have mentally abused and exploited these individuals, taking advantage of their vulnerable condition and their decreased cognitive function to take their money.

298. Connectionz knew, or reasonably should have known, Mr. Maldonado, Mr. Ponce, Mr. Hepworth, and Mr. Avellar had mentally abused and exploited adults with dementia in connection with their licensed practice and work for Connectionz.

299. Connectionz nonetheless has failed to take any steps to prevent or deter this conduct or to address the harm to its customers.

300. Instead, Connectionz has maintained incentive structures and training programs that encourage its employees to aggressively upsell services to its customers and has failed to remedy the inadequate supervision practices which enabled its employees' unprofessional conduct.

301. Connectionz has thereby facilitated its employees' mental abuse and exploitation of others, in connection with its practice as a licensed contractor, and has profited from its employees' unprofessional conduct.

302. Connectionz, Mr. Maldonado, Mr. Ponce, Mr. Hepworth, and Mr. Avellar have therefore engaged in unprofessional conduct as defined by Utah Code section 58-1-501(2)(a)(xi) and there are grounds for sanctioning their licenses in accordance with Utah Code section 58-1-401(2).

COUNT XI

Unprofessional Conduct under § 58-1-501(2)(a)(vii)

**Practicing or attempting to practice a licensed profession through gross incompetence, gross negligence, or a pattern of incompetency or negligence
Connectionz Acquisition, LLC**

303. The Division realleges and incorporates all other allegations contained in this Petition.

304. On multiple occasions, Connectionz' employees have demonstrated gross incompetency or negligence in their licensed practice, causing flooding, electrical fire risk, and carbon monoxide exposure risk.

305. These incidences occurred within the scope of Connectionz' practice as a licensed plumbing, electrical, and HVAC contractor.

306. Although Connectionz knew, or reasonably should have known, of these incidents of gross negligence or incompetence, it has done nothing to remedy its customers' harms, to prevent such incidents from reoccurring, or to otherwise address these incidents.

307. Instead, Connectionz has continued to allow its unlicensed and apprentice employees to practice without adequate supervision.

308. Connectionz has therefore engaged in unprofessional conduct as defined by Utah Code section 58-1-501(2)(a)(vii), and there are grounds for sanctioning Connectionz' license in accordance with Utah Code section 58-1-401(2).

COUNT XII
Unlawful Conduct under § 58-55-501(7)
Failing to obtain a required building permit
Connectionz Acquisition, LLC

309. The Division realleges and incorporates all other allegations contained in this Petition.

310. Many times, Connectionz has not obtained a building permit before beginning to work on a project requiring a permit.

311. Connectionz has therefore engaged in unlawful conduct as defined by Utah Code section 58-55-501(7), and there are grounds for sanctioning Connectionz' license in accordance with Utah Code section 58-1-401(2).

COUNT XIII
Unlawful Conduct under § 58-1-501(1)(g)
Aiding or abetting the violation of a statute or rule regulating a licensed profession
Ben Rich Jordan, Alexander Christiansen Torres

312. The Division realleges and incorporates all other allegations contained in this Petition.

313. Respondents Ben Jordan and Alexander Torres are owners and managers of Connectionz and share in making the business's operations decisions.

314. Mr. Ben Jordan and Mr. Torres intentionally maintain incentive structures and training programs that encourage Connectionz' employees to aggressively upsell services to its customers.

315. Mr. Ben Jordan and Mr. Torres intentionally maintain a highly leveraged business structure, relying on unlicensed people and inadequately supervised apprentices to perform Connectionz' electrical and plumbing work.

316. Mr. Ben Jordan and Mr. Torres implemented and continued these practices despite knowing that Connectionz' incentive structures, training programs, and inadequate supervision encouraged and enabled its employees' unprofessional and unlawful conduct.

317. Mr. Ben Jordan and Mr. Torres did so for the purpose of maximizing Connectionz' growth and profits, despite the risk of harm to the public.

318. Mr. Ben Jordan and Mr. Torres have thereby aided and abetted in Connectionz' and its employees' violation of multiple statutes and rules regulating the construction trades.

319. Mr. Ben Jordan and Mr. Torres have therefore engaged in unlawful conduct as defined by Utah Code section 58-1-501(1)(g), and there are grounds for sanctioning their licenses in accordance with Utah Code section 58-1-401(2).

COUNT XIV

Unlawful Conduct under Utah Administrative Code R156-1-501(2)

Practicing a regulated profession through a name that is not licensed with the Division Connectionz Acquisition, LLC

320. The Division realleges and incorporates all other allegations contained in this Petition.

321. Connectionz does plumbing, electrical, and contracting business through the names Action Plumbing, Heating, Air & Electric and ReScope Drain Aid.

322. Neither Action Plumbing, Heating, Air & Electric nor ReScope Drain Aid are themselves licensed contractors with the Division.

323. And neither Action Plumbing, Heating, Air & Electric nor ReScope Drain Aid are registered DBAs associated with Connectionz' contractor license with the Division.

324. Connectionz has therefore engaged in unlawful conduct as defined by Utah Administrative Code R156-1-501(2), and there are grounds for sanctioning Connectionz' license in accordance with Utah Code section 58-1-401(2).

PRAYER FOR RELIEF

WHEREFORE, the Division requests relief against Respondents as follows:

1. Judge and decree that Respondents have engaged in the acts alleged above;

A. Connectionz Acquisition, LLC

2. Declare that, by engaging in the above acts and practices, Connectionz Acquisition, LLC has violated the Division of Professional Licensing Act, Utah Code §§ 58-1-501(2)(a)(vii), 501(2)(a)(viii), and 501(2)(a)(xi); the General Rule of the Division of Professional Licensing, Utah Admin. Code R156-1-501(2); and the Utah Construction Trades Licensing Act, Utah Code §§ 58-55-501(3), 501(7), 501(12), 502(3).

3. Revoke Connectionz' license to practice as a contractor in the State of Utah, along with all residual rights pertaining to said license.

4. Restrict Connectionz from reapplying for licensure of any type in the State of Utah for five years from the effective date of the revocation order.

B. Ben Rich Jordan

5. Declare that, by engaging in the above acts and practices, Ben Rich Jordan has violated the Division of Professional Licensing Act, *id.* §§ 58-1-501(1)(g) and 501(2)(a)(xii).

6. Revoke Ben Rich Jordan's licenses to practice as an apprentice electrician and apprentice plumber in the State of Utah, along with all residual rights pertaining to said licenses.

7. Restrict Ben Rich Jordan from reapplying for licensure of any type, or serving as a qualifier for a contractor licensee, in the State of Utah for five years from the effective date of the revocation order.

C. Mark E. Robertson

8. Declare that, by engaging in the above acts and practices, Mark E. Robertson has violated the Utah Construction Trades Licensing Act, *id.* § 58-55-501(12) and the Electricians Licensing Act Rule, Utah Administrative Code R156-55b-501(1).

9. Revoke Mark E. Robertson's license to practice as a master electrician in the State of Utah, along with all residual rights pertaining to said license.

10. Restrict Mark E. Robertson from reapplying for licensure of any type, or serving as a qualifier for a contractor licensee, in the State of Utah for five years from the effective date of the revocation order.

D. Travis Johnson

11. Declare that, by engaging in the above acts and practices, Travis Johnson has violated the Utah Construction Trades Licensing Act, Utah Code § 58-55-501(12) and the Electricians Licensing Act Rule, Utah Administrative Code R156-55b-501(1).

12. Revoke Travis Johnson's license to practice as a residential master electrician in the State of Utah, along with all residual rights pertaining to said license.

13. Restrict Travis Johnson from reapplying for licensure of any type, or serving as a qualifier for a contractor licensee, in the State of Utah for five years from the effective date of the revocation order.

E. Nathan Mark Rasmussen

14. Declare that, by engaging in the above acts and practices, Nathan Mark Rasmussen has violated the Utah Construction Trades Licensing Act, Utah Code § 58-55-501(12) and the Plumber Licensing Act Rule, Utah Administrative Code R156-55c-501(1).

15. Revoke Nathan Mark Rasmussen's license to practice as a master plumber in the State of Utah, along with all residual rights pertaining to said license.

16. Restrict Nathan Mark Rasmussen from reapplying for licensure of any type, or serving as a qualifier for a contractor licensee, in the State of Utah for five years from the effective date of the revocation order.

F. Stephen M. Anderson

17. Declare that, by engaging in the above acts and practices, Stephen M. Anderson, Jr. has violated the Utah Construction Trades Licensing Act, Utah Code § 58-55-501(12) and the Plumber Licensing Act Rule, Utah Administrative Code R156-55c-501(1).

18. Revoke Stephen M. Anderson, Jr.'s license to practice as a residential master plumber in the State of Utah, along with all residual rights pertaining to said license.

19. Restrict Stephen M. Anderson, Jr. from reapplying for licensure of any type, or serving as a qualifier for a contractor licensee, in the State of Utah for five years from the effective date of the revocation order.

G. Jacob Michael Westphal

20. Declare that, by engaging in the above acts and practices, Jacob Michael Westphal has violated the Utah Construction Trades Licensing Act, Utah Code § 58-55-501(12) and the Electricians Licensing Act Rule, Utah Administrative Code R156-55b-501(1).

21. Revoke Jacob Michael Westphal's license to practice as a master electrician in the State of Utah, along with all residual rights pertaining to said license.

22. Restrict Jacob Michael Westphal from reapplying for licensure of any type, or serving as a qualifier for a contractor licensee, in the State of Utah for five years from the effective date of the revocation order.

H. Austin Shane Avellar

23. Declare that, by engaging in the above acts and practices, Austin Shane Avellar has violated the Division of Professional Licensing Act, Utah Code §§ 58-1-501(2)(a)(viii) and 501(2)(a)(xi); the Utah Construction Trades Licensing Act, *id.* § 58-55-502(3); and the Electricians Licensing Act Rule, Utah Admin. Code R156-55b-501(1).

24. Revoke Austin Shane Avellar's license to practice as an apprentice electrician in the State of Utah, along with all residual rights pertaining to said license.

25. Restrict Austin Shane Avellar from reapplying for licensure of any type in the State of Utah for five years from the effective date of the revocation order.

I. Brynn Hepworth

26. Declare that, by engaging in the above acts and practices, Brynn Hepworth has violated the Division of Professional Licensing Act, Utah Code §§ 58-1-501(2)(a)(viii), 501(2)(a)(xi), and 501(2)(a)(xii), and the Utah Construction Trades Licensing Act, *id.* § 58-55-502(3).

27. Revoke Brynn Hepworth's license to practice as an apprentice electrician in the State of Utah, along with all residual rights pertaining to said license.

28. Restrict Brynn Hepworth from reapplying for licensure of any type in the State of Utah for five years from the effective date of the revocation order.

J. John J. Lehmann

29. Declare that, by engaging in the above acts and practices, John J. Lehmann has violated the Division of Professional Licensing Act, *id.* § 58-1-501(2)(a)(xii).

30. Revoke John J. Lehmann's license to practice as an apprentice plumber in the State of Utah, along with all residual rights pertaining to said license.

31. Restrict John J. Lehmann from reapplying for licensure of any type in the State of Utah for five years from the effective date of the revocation order.

K. Kenneth Guadalupe Maldonado Sandoval

32. Declare that, by engaging in the above acts and practices, Kenneth Guadalupe Maldonado Sandoval has violated the Division of Professional Licensing Act, *id.* §§ 58-1-501(2)(a)(viii), 501(2)(a)(xi), and 501(2)(a)(xii), and the Utah Construction Trades Licensing Act, *id.* § 58-55-502(3).

33. Revoke Kenneth Guadalupe Maldonado Sandoval's license to practice as an apprentice electrician in the State of Utah, along with all residual rights pertaining to said license.

34. Restrict Kenneth Guadalupe Maldonado Sandoval from reapplying for licensure of any type in the State of Utah for five years from the effective date of the revocation order.

L. Luciano Ponce

35. Declare that, by engaging in the above acts and practices, Luciano Ponce has violated the Division of Professional Licensing Act, *id.* §§ 58-1-501(2)(a)(viii) and 501(2)(a)(xi), and the Electricians Licensing Act Rule, Utah Admin. Code R156-55b-501(1).

36. Revoke Luciano Ponce's license to practice as an apprentice electrician in the State of Utah, along with all residual rights pertaining to said license.

37. Restrict Luciano Ponce from reapplying for licensure of any type in the State of Utah for five years from the effective date of the revocation order.

M. Alexander Christiansen Torres

38. Declare that, by engaging in the above acts and practices, Alexander Christiansen Torres has violated the Division of Professional Licensing Act, Utah Code §§ 58-1-501(1)(g) and 501(2)(a)(xii), and the Electricians Licensing Act Rule, Utah Admin. Code R156-55b-501(1).

39. Revoke Alexander Christiansen Torres’s license to practice as an apprentice electrician in the State of Utah, along with all residual rights pertaining to said license.

40. Restrict Alexander Christiansen Torres from reapplying for licensure of any type in the State of Utah for five years from the effective date of the revocation order.

N. All Respondents

41. Order administrative fines, as set forth by statute in accordance with Utah Code sections 58-1-502(1)(b), 58-55-503(5)(h)(i), and 58-55-503(7) for Respondents’ unlawful and unprofessional conduct.

42. Grant any further relief against Respondents’ licenses which the Commission deems just and proper.

43. The Division requests this matter be set for a ten (10) day hearing.

DATED this January 16th, 2025.

DEREK E. BROWN
ATTORNEY GENERAL



ALEXANDRA D. BUTLER
Stevenson C. Smith
Douglas Crapo
N. Michelle Phelps
Stephen Oler
Assistant Attorneys General
Counsel for Petitioner

STATE OF UTAH)
 :
COUNTY OF SALT LAKE)

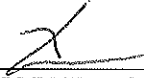
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I, **MICHAEL SMITH**, after being duly sworn, depose and state that I have read the foregoing Petition and know the contents thereof, that the same is true to the best of my knowledge except as to matters stated on information and belief and that, as to those matters, I believe them to be true.



Michael Smith
Investigator
Division of Professional Licensing

SWORN AND SUBSCRIBED to before me this 16 day of Jan, 2025.



NOTARY PUBLIC

My Commission Expires:

3/15/2027

