

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

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

**IN THE MATTER OF THE LICENSE OF
COLARUSSO VENTURES, LLC dba
ELAN SOLAR
LICENSE No. 11666042-5501**

**FINDINGS OF FACT
CONCLUSIONS OF LAW AND
ORDER**

TO OPERATE AS A CONTRACTOR
IN THE STATE OF UTAH

Case No. DOPL-2023-129

On October 13, 2022, the Division of Professional Licensing (the “Division”) filed a Notice of Agency Action against Colarusso Ventures, LLC (the “Respondent”) based upon information and belief arising out of an investigation conducted by the Division under its authority as set forth in Utah Code § 58-55-402. The Respondent timely filed a response to the Notice of Agency Action. The allegations and defenses were reviewed in an informal proceeding to determine if Respondent engaged in Unprofessional conduct in violation of Utah Code § 58-55-502(4). The Commission now enters the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Respondent was first licensed as a contractor in the State of Utah since on or about April 27, 2020.
2. Kevin Leroy Colarusso (“Colarusso”) is the owner and Alex Joseph Petersen is the qualifier for Respondent.
3. Between July 2021 and June 2022, Respondent entered into contracts to install solar panels for four residences. The solar systems were never completed.
4. On May 9, 2023, the Division filed a Notice of Agency Action in this matter.
5. Multiple conversations took place between Colarusso and the Division where Respondent agreed to complete the projects.
6. An extension until August 1, 2023 was granted by the Division and Respondent was required to notify the Division that the projects were complete.
7. No response has been received by the Division.
8. On or about March 2022, Respondent hired Elite Solar Electric to perform the installation of solar panels in several homes throughout the state of Utah. To date, Respondent has failed to pay Elite Solar Electric \$59,705.40.

CONCLUSIONS OF LAW

9. Utah Code § 58-1-401(2) provides that the Division may initiate agency action against a contractor who has engaged in unprofessional conduct as that term is defined by statute and rule.
10. When such agency action is initiated by the Division, the Commission has authority pursuant to Utah Code § 58-55-103(1)(b)(iii-iv) to hear and decide the case and to order disciplinary action against a contractor license.
11. Respondent is subject to the jurisdiction of the Commission to take action against Respondent and its contractor license, including the revocation of that license as authorized by Utah Code § 58-1-401(2).

12. As detailed in the Findings of Fact above, Respondent has engaged in unprofessional conduct as defined in Utah Code § 58-55-502(4)(a), by engaging in contract violations that pose a threat or potential threat to the public health, safety and welfare including “willful, deliberate, or grossly negligent departure from or disregard for plans or specifications, or abandonment or failure to complete a project without the consent of the owner or the owner’s duly authorized representative or the consent of any other person entitled to have the particular project completed in accordance with the plans, specifications, and contract terms.”

13. As detailed in the Findings of Fact above, Respondent has engaged in unlawful conduct as defined in Utah Code § 58-55-501(13), by failing to pay subcontractors as follows:

[I]f licensed as a contractor or representing oneself to be a contractor, receiving any funds in payment for a specific project from an owner or any other person, which funds are to pay for work performed or materials and services furnished for that specific project, and after receiving the funds to exercise unauthorized control over the funds by failing to pay the full amounts due and payable to persons who performed work or furnished materials or services within a reasonable period of time.

14. The Commission concludes that Respondent’s conduct as described in the findings and conclusions set forth above, constituting unprofessional conduct under Utah Code § 58-55-502(4)(a) and unlawful conduct under Utah Code § 58-55-501(13), justifies the revocation of Respondent’s contractor license.

ORDER

Based on the above findings of fact and conclusions of law and for good cause appearing, the Commission orders that Respondent's contractor license is revoked, effective immediately as of the date this order is signed.

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On behalf of the Construction Services Commission and the Division of Professional Licensing, I hereby certify that the foregoing order was submitted to the Construction Services Commission and the Division on 08/30/2023 for their review and action.

Allyson Pettley

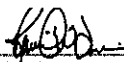
ALLYSON PETTLEY
Bureau Manager

ORDER

THE ABOVE ORDER in the matter of **COLARUSSO VENTURES, LLC dba ELAN SOLAR** is hereby adopted by the Construction Services Commission of the State of Utah.

DATED 08/30/2023

CONSTRUCTION SERVICES COMMISSION


Richard W. Lewis (Aug 30, 2023 17:09 MDT)

Representative

I concur with the foregoing Order.

DATED 08/30/2023

DIVISION OF PROFESSIONAL LICENSING


Deborah BLACKBURN (Aug 30, 2023 17:29 MDT)

MARK B. STEINAGEL
Division Director or
DEBORAH BLACKBURN
Assistant Division Director

NOTICE

Agency review of this order may be obtained by filing a written request for agency review with the Executive Director of the Department of Commerce within thirty (30) days after the issuance of this order. Any such request must comply with the requirements of Utah Code § 63G-4-301 and Utah Admin. Code R151-4-902.