

BEFORE THE
UTAH AIR QUALITY BOARD

In the Matter of:	*	
	*	
	*	
Jack M. McIntyre	*	Order
Re: Tax Credit Certification	*	
1996 Chevrolet Tahoe	*	
	*	

Jack M. McIntyre filed a Request for Agency Action dated January 27, 2009, appealing to the Utah Air Quality Board (“Board”) that he be granted the certification of eligibility for a Utah State tax credit pursuant to Utah Code Ann. Section 59-10-1009 for his conversion of a 1996 Chevrolet Tahoe to operate on both gasoline and compressed natural gas. The Executive Secretary of the Utah Air Quality Board had denied the certification by letter dated January 14, 2009. Pursuant to UCA Section 19-1-202(f), the Executive Director of the Department of Environmental Quality appointed Denise Chancellor to act as an administrative law judge for the Utah Air Quality Board to conduct an adjudicative proceeding in accordance with UCA Section 19-1-301, and to submit to the Board a proposed dispositive action, including any necessary findings of fact, conclusions of law and a recommended order. After hearing, by letter dated December 8, 2009, the Administrative Law Judge submitted to the Board a “Recommended Memorandum Decision and Order.”


On Wednesday, January 6, 2010, at a regularly scheduled meeting, the Board considered the Recommended Memorandum Decision and Order. Mr. Richard R. Golden represented Mr. McIntyre. Mr. Christian Stephens represented the Executive Secretary. Fred G Nelson acted as

Counsel for the Board. Board members present were Brent Bradford, Nan Bunker, Joel E. Elstein, Kerry Kelly, Robert Paine III, H. Craig Petersen, Stephen C. Sands II, Darrell H. Smith, Kathy Van Dame, and Ernest E. Wessman. After review of the Recommended Memorandum Decision and Order and accompanying hearing record, and after hearing oral argument from both Mr. Golden and Mr. Stephens, and after questioning the parties, the Board approved the Recommended Memorandum Decision and Order by a vote of seven in favor (Bunker, Elstein, Kelly, Paine, Sands, Van Dame, and Wessman) and three opposed (Bradford, Peterson, and Smith).

ORDER

The Recommended Memorandum Decision and Order is hereby accepted, approved and adopted by the Board and constitutes the order of the Board in the above-entitled matter and therefore, the Executive Secretary's decision to reject Mr. McIntyre's tax credit application as eligible for a tax credit pursuant to Utah Code Ann. Section 59-10-1009 is upheld.

Dated this 11th day of January, 2010.


Ernest E. Wessman, Chair
Utah Air Quality Board

Notice of the Right to Apply for Reconsideration or Review

Within 20 days after the date this final order is signed in this matter by the Utah Air Quality Board, any party shall have the right to apply for reconsideration with the Board, pursuant to Utah Code Ann. § 63G-4-302. The request for reconsideration should state the specific grounds upon which relief is requested and should be submitted in writing to the Board at 168 North 1950 West, Salt Lake City, Utah, 84114. A copy of the request must be mailed to each party by the person making the request. The filing of a request for reconsideration is not a prerequisite for seeking judicial review of this Order.

Notice of the Right to Petition for Judicial Review

Judicial review of this Order may be sought in the Utah Court of Appeals under Utah Code Ann. § 63G-4-403 and the Utah Rules of Appellate Procedure by the filing of a proper petition within thirty days after the date of this Order.

CERTIFICATE OF SERVICE

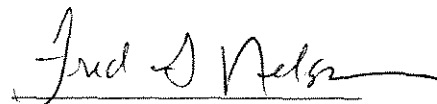
I hereby certify that on this 11th day of January 2010, I caused a copy of the forgoing Order to be mailed by United States Mail, postage prepaid, to the following:

Cheryl Heying, Executive Secretary
Utah Division of Air Quality
150 North 1950 West
Salt Lake City, Utah 84114

Chris Stephens
Assistant Attorney General
Utah Division of Air Quality
150 North 1950 West
Salt Lake City, Utah 84114

Paul McConkie
Assistant Attorney General
160 E 300 S
Salt Lake City, Utah 84114

Richard R. Golden
Kristin Jacobs
McIntyre and Golden, P.C.
3838 South West Temple, Suite 3
Salt Lake City, Utah 84115



Fred G Nelson

Counsel, Utah Air Quality Board
160 East 300 South 5th Floor
Salt Lake City, Utah 84114-0873