

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

CONCIERGE CONTRACTORS, INC.

JAMES BARRY ABRAMSON, QUALIFYING OFFICER

License Number: 21-02-200649

File Number: 21-14-325499

Docket Number: 15-042852-CSCCLB

AND

JAMES BARRY ABRAMSON

License Number: 21-01-054957

File Number: 21-14-325500

Docket Number: 15-042851-CSCCLB

FINAL ORDER

On May 12, 2015, a Formal Complaint (Complaint) was executed that charged Concierge Contractors, Inc. and James Barry Abramson (Respondents) with violating sections 604(c) and 2411(2)(l) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

An Administrative hearing was held in this matter before an administrative law judge who, on September 24, 2015, issued a Hearing Report setting forth Findings of Fact and Conclusions of Law.

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board), having reviewed the administrative records, considered these matters at a regularly scheduled meeting held in Lansing, Michigan on November

10, 2015, and received the administrative law judges' Findings of Fact and Conclusions of Law in the Hearing Reports. Therefore,

IT IS ORDERED that for violating section 604(c) and 2411(2)(l) of the Occupational Code, supra, Respondents are FINED \$5,000.00 to be paid to the State of Michigan within 90 days from the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30189, Lansing, MI 48909. The fine shall be paid by check or money order made payable to the State of Michigan, and the check or money order shall clearly display file numbers 21-14-325499 and 21-14-325500.

IT IS FURTHER ORDERED that for the cited violations Respondents shall pay RESTITUTION in the amount of \$5,000.00 to _____ and submit evience of payment, acceptable to the Department of Licensing and Regulatory Affairs (Department), within 90 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondents shall send evidence of payment of restitution to the Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **SUSPENSION** of Respondents' licenses to practice as builders in the state of Michigan. Respondent, James Barry Abramson, may not serve as the

qualifying officer of any licensed corporation or business entity while any Article 24 license held by Respondent in suspended or revoked status.

IT IS FURTHER ORDERED that Respondents' licenses shall be automatically reinstated upon payment of the fine and providing proof of satisfied restitution in a form acceptable to the Department of Licensing and Regulatory Affairs, as set forth above.

IT IS FURTHER ORDERED that it is the intent of the Board that the fine and restitution be joint and several and assessed one time in order to satisfy the requirements of the Final Order for both file numbers 21-14-325499 and 21-14-325500.

IT IS FURTHER ORDERED that in the event Respondents violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to section 604(k) of the Occupational Code, supra.

This Final Order is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended; MCL 15.241(1)(a).

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IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Chairperson of the Board or authorized representative, as set forth below.

Dated: 1/8/15

**MICHIGAN BOARD OF
RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION
CONTRACTORS**

By:



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Concierge Contractors, Inc., and James Barry Abramson, Qualifying Officer, File Numbers 21-14-325499 and 21-14-325500 and Docket Numbers 15-042851-CSCLB and 15-042852-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

KD

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
CORPORATIONS, SECURITIES &
COMMERCIAL LICENSING BUREAU

Complaint Nos. 325499 and 325500

Complainant,

v

CONCIERGE CONTRACTORS, INC.
JAMES BARRY ABRAMSON, QUALIFYING OFFICER
License No. 21-02-200649

Respondent,

and

JAMES BARRY ABRAMSON
License No. 21-01-054957

Respondent.

FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Complainant, pursuant to MCL 339.101-605, and its rules promulgated thereunder, upon information and belief alleges as follows:

1. Concierge Contractors, Inc., James Barry Abramson, Qualifying Officer, (Respondent), has, at all times relevant to this Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412.
2. James Barry Abramson, (Respondent), has, at all times relevant to this Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412.

3. A Complaint against Respondents, conforming to the requirements of § 2411 of 1980 PA 299, as amended; MCL 339.2411 has been filed with the Department of Licensing and Regulatory Affairs by Perie Lerias and is attached hereto as Exhibit 1.

4. Respondent Concierge Contractors, Inc. entered into a contract to perform services regulated by 1980 PA 299, as amended, with Perie Lerias on or about June 4, 2013, pursuant to attached Exhibit 2.

5. Respondent Concierge Contractors, Inc. was unable to meet its obligations as they became due in the ordinary course of business, contrary to MCL 339.2411(2)(1).

6. Respondents failed to respond to the complaint attached as Exhibit 1 in a timely manner, contrary to 2006 AACS, R 338.1551(2).

7. Respondent James Barry Abramson was a party to the acts and omissions alleged hereinabove and was in a position to ensure compliance with the Occupational Code or otherwise prevent the violations that are the subject of this complaint but failed to do so.

Based upon the conduct as aforesaid, Respondent Concierge Contractors, Inc. has acted contrary to §§ 604(c) and 2411(2)(1) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and MCL 339.2411(2)(1) and rule 51(2) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACS, R 338.1551(2), constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

Based upon the conduct as aforesaid, Respondent James Barry Abramson has acted contrary to § 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and rule 51(2) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACS, R 338.1551(2), constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, PA 306, as amended, MCL 24.201-328 and the Occupational Code, *supra*, to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs, pursuant to the Occupational Code, for the reasons set forth herein.

DEPARTMENT OF LICENSING AND REGULATORY
AFFAIRS

BY


Barrington Cain, Director
Enforcement Division

Dated: 5-12-15

Responsive Pleadings Should Be Filed With:

Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau
Regulatory Compliance Division
P.O. Box 30018
Lansing, MI 48909