

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

JAMES ALLEN
License Number: 21-01-091378

File Number: 21-14-322540
Docket Number: 15-032793-CSCLB

FINAL ORDER

On October 14, 2014, a Formal Complaint (Complaint) was executed that charged James Allen (Respondent) with violating section 604(c), 604(l) and 2411(2)(j) 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 17, 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 record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on November 10, 2015, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report. Therefore,

IT IS ORDERED that for violating sections 604(c), 604(l) and 2411(2)(j) of the Occupational Code, supra, Respondent is FINED \$5,000.00 to be paid to the State of Michigan within 60 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 number **21-14-322540**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **SUSPENSION** of Respondent's license to practice as a builder in the state of Michigan. Respondent 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 Respondent's license shall be automatically reinstated upon payment of the fine set forth above.

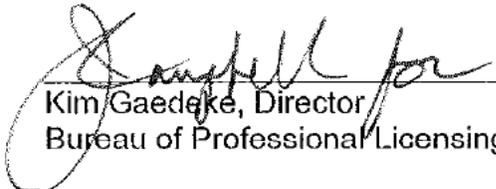
IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to section 604(k) of the Occupational Code, supra.

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).

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: 1/8/16

**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 James Allen, File Number 21-14-322540, Docket Number 15-032793-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

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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 No. 322540

Complainant,

v

JAMES ALLEN
License No. 21-01-091378

Respondent.

FORMAL COMPLAINT

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

1. James Allen, (Respondent), has, at 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. A certification of license status is attached hereto as Exhibit 1.

2. A Complaint against Respondent, 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 _____ and is attached hereto as Exhibit 2.

3. An authority charged with the enforcement of the laws governing construction of residential or residential and commercial buildings in the political subdivision in which the building is located has submitted an evaluation of the Complaint submitted. The evaluation is attached hereto as Exhibit 3.

4. On or about June 4, 2013, Three Brothers Construction Company entered into a contract with _____ to perform services regulated by 1980 PA 299, as amended. A copy of the contract is attached hereto as Exhibit 4.

5. Respondent acted as agent, partner, or associate with Three Brothers Construction Company, an entity not licensed under 1980 PA 299, as amended, although required to be licensed pursuant to 1980 PA 299, *supra*, contrary to MCL 339.2411(2)(i). A certification of license status is attached hereto as Exhibit 5.

6. Respondent aided and abetted a person in the unlicensed practice of an occupation, contrary to MCL 339.604(l).

7. Respondent accepted or performed a contract procured by Three Brothers Construction Company, an unlicensed entity, contrary to 2006 AACS, R 338.1536.

8. Respondent, in performance of the contract, failed to comply with §§ R502.6, R502.8, R502.10.5, R602.3(4), R602.3(4)a, R703.1.1, R802.1, R802.3.1, and R802.6 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to 2006 AACS, R 338.1551(5).

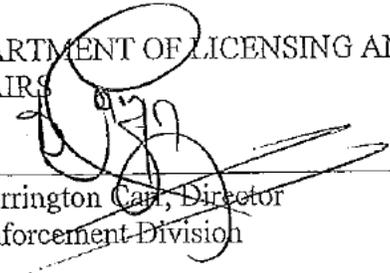
9. Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

Based upon the conduct as aforesaid, Respondent has acted contrary to §§ 604(c) & (l) and 2411(2)(j) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) & (l) and MCL 339.2411(2)(j) and rules 36 and 51(5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACS, R 338.1536 and 2006 AACS, R 338.1551(5), 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 Carr, Director
Enforcement Division

Dated: _____

10-14-14

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