

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

APPLIED CLEANING TECHNOLOGY, INC.
License Number: 21-02-203004

and

STEPHEN ARTHUR ERPS
License Number: 21-01-190989

File Number: 21-15-327665
21-15-327666

CONSENT ORDER

On February 10, 2016, the Department of Licensing and Regulatory Affairs (Department) executed a Formal Complaint (Complaint) charging Applied Cleaning Technology, Inc. and Stephen Arthur Erps (Respondents) with violating section(s) 604(c) and 604(h) of the Occupational Code, MCL 339.101 et seq.

Respondents has admitted that the facts alleged in the Complaint are true and constitute violation(s) of the Occupational Code. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) has reviewed this Consent Order and Stipulation (Order), and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true, and constitute violation(s) of section(s) 604(c) and 604(h) of the Occupational Code, supra.

Accordingly, IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondent is FINED \$1,000.00 to be paid to the State of Michigan within 60 days of the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, 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 **21-15-327665 and 21-15-327666**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in a SUSPENSION of all licenses or registrations held by Respondents under Article 24 of the Occupational Code and in the denial of any application for or renewal of a license or registration until compliance with this Order.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Board, as set forth below.

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

By: 
Chairperson

Dated: 9/13/16

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STIPULATION

1. The facts alleged in the Complaint are true and constitute violation(s) of section 604(c) and 604(h) of the Occupational Code, supra.

2. Respondents understand and intend that by signing this Stipulation Respondent is waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq, to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondents are waiving the right to appear with an attorney and such witnesses as Respondents may desire to present a defense to the charges.

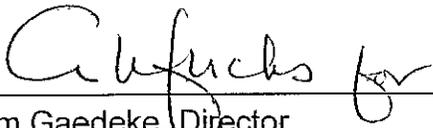
3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq.

4. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Board in this matter.

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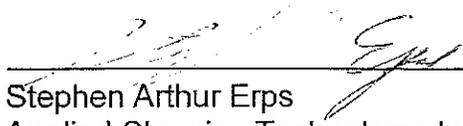
5. This proposal is conditioned upon acceptance by the Board. Respondent and the Department expressly reserve the right to further proceedings should this Order be rejected.

AGREED TO BY:



Kim Gaedeke, Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

AGREED TO BY:



Stephen Arthur Erps
Applied Cleaning Technology, Inc.
Respondents

Dated: 8/1/2016

Dated: 7-21-2016

This is the final page of a Consent Order and Stipulation in the matter of Applied Cleaning Technology, Inc., and Stephen A. Erps, File Numbers 21-15-327665 and 21-15-327666, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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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

APPLIED CLEANING TECHNOLOGY, INC.
License Number: 21-02-203004

and

STEPHEN ARTHUR ERPS
QUALIFYING OFFICER
License Number: 21-01-190989

File Numbers: 21-15-327665
21-15-327666

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Applied Cleaning Technology, Inc. and Stephen Arthur Erps (Respondents) as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) is an administrative agency established by the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq. Pursuant to section 602 of the Occupational Code, supra, the Board is empowered to penalize licensees for violations of the Occupational Code.

2. Respondents are licensed as residential builders in the state of Michigan.

3. On July 16, 2014, Respondents entered into a contract with Marvin Flowers (Homeowner) to renovate Homeowner's existing deck, including replacing the deck and railing with composite material and installing a deck drainage system. The estimated amount of the contract was \$9,000.00. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On August 26, 2015, Homeowner filed a Statement of Complaint with Complainant alleging Respondents built the deck without a permit, failed to install a deck drainage system, and billed Homeowner an additional \$5,000.00 above the estimated price, which was never agreed on.

5. On November 6, 2015, a local building inspector verified several violations of the 2009 Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, including failure to pull required permits (R502.3), failure to use proper fasteners to install the deck boards (R502.2.2.2.4), and failure to anchor the guard rail properly (R301.5). A copy of the Building Inspection Report, marked Exhibit B, is attached and incorporated.

COUNT I

Respondents' conduct, as described above, evidences a failure to reduce all agreements and changes to the agreements between a builder, or contractor, and customer to writing and have the agreement signed by all parties, contrary to Michigan Administrative Code, R 338.1533(1), in violation of section 604(c) of the Occupational Code, supra.

COUNT II

Respondents' conduct, as described above, evidences a failure to maintain standards of construction in accordance with the local building code, contrary to Michigan Administrative Code, R 338.1551(5), in violation of section 604(c) of the Occupational Code, supra.

COUNT III

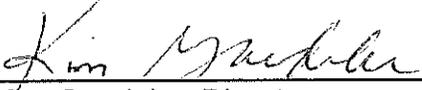
Respondents' conduct, as described above, evidences a willful violation of the building laws of this state or of a political subdivision of this state, contrary to section 2411(2)(e) of the Occupational Code, supra.

Complainant requests that this Complaint be served upon Respondents and that Respondents be offered an opportunity to show compliance with all lawful requirements for retention of the license(s). If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

Pursuant to section 508(2) of the Occupational Code, supra, Respondents have 15 days from the date of receipt of this Complaint to notify Complainant of Respondents' decision to either negotiate a settlement of this matter, to demonstrate compliance with the Occupational Code, or to request an administrative hearing. Written notification of Respondents' selection shall be submitted to Complainant, Kim Gaedeke,

Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondents fail to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

DATED: 02/10/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

This is the final page of a Formal Complaint in the matter of Applied Cleaning Technology, Inc. and Stephen Arthur Erps, File Numbers 21-15-327665 and 21-15-327666, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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