

IT IS ORDERED that for violating sections 604(c), 2411(2)(e) and 2411(2)(j) of the Occupational Code, supra, Respondent's license to practice as a builder in the state of Michigan is REVOKED, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent must petition the Board for reinstatement. No application for licensure, relicensure, reinstatement or renewal shall be considered or granted by the Department until all final orders of the Board have been satisfied in full.

IT IS FURTHER ORDERED that Respondent may not serve as a Qualifying Officer of any licensed corporation or business entity while any Article 24 license held by Respondent is in suspended or revoked status.

IT IS FURTHER ORDERED that for the cited violations 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 21-13-321562.

IT IS FURTHER ORDERED that for the cited violations Respondent shall pay RESTITUTION in the amount of \$5,500.00 to within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall submit evidence of payment of restitution, in a form acceptable to the Department of Licensing and Regulatory Affairs, to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.**

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).

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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: 1/8/16

**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 Oscar Harold Frische, d/b/a Tri-City Roofing & Overhang's, File Number 21-13-321562, Docket Number 15-040611-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 No. 321562

Complainant,

v

OSCAR HAROLD FRISCH
D/B/A TRI-CITY ROOFING & OVERHANG'S
License No. 21-01-189032

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. Oscar Harold Frisch, doing business as Tri-City Roofing & Overhang's (Respondent), at times relevant to this Complaint, was 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 September 17, 2012, Tri-City Roofing and Overhangs LLC 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 Tri-City Roofing and Overhangs LLC, 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)(j). A certification of license status is attached hereto as Exhibit 5.

6. Respondent, in performance of the contract, failed to comply with § R105 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 MCL 339.2411(2)(e).

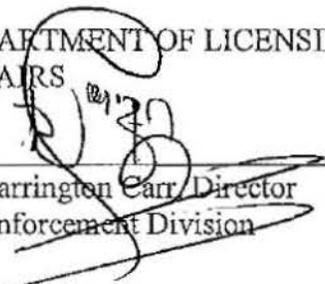
7. Respondent failed to respond to the Complaint attached as Exhibit 2 in a timely manner, contrary to 2006 AACCS, R 338.1551(2).

8. 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) and 2411(2)(e) & (j) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and MCL 339.2411(2)(e) & (j) and rule 51(2) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACCS, 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 Carr, Director
Enforcement Division

Dated: 3-29-15

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