

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

JOSEPH ANTHONY KETTLEWELL
License Number: 21-01-108049

File Number: 21-14-323007
Docket Number: 15-044993

FINAL ORDER

On May 18, 2015, a Formal Complaint (Complaint) was executed that charged Joseph Anthony Kettlewell (Respondent) with violating sections 604(c), 2411(2)(a), 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 January 25, 2016, 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 June 14, 2016, 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 section(s) 604(c) of the Occupational Code, supra, Respondent is FINED \$2,000.00 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, 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 number **21-14-323007**.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code, Respondent shall pay RESTITUTION in the amount of \$16,200.00 to Carrie and Bill Chadwick, within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall submit evidence of payment of the restitution to the Department of Licensing and Regulatory Affairs as required by this Order to the **Department of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909**.

IT IS FURTHER ORDERED that failure to pay the fine and restitution, as set forth, above shall result in **SUSPENSION** of Respondent's license to practice as a builder in the state of Michigan.

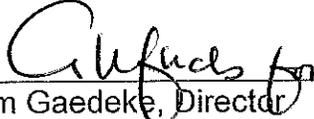
IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to section 604(k) of the Occupational Code, supra.

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: 8/3/2016

**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 Joseph Anthony Kettlewell, File Number 21-14-323007, Docket Number 15-044993, 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. 323007

Complainant,

v

JOSEPH ANTHONY KETTLEWELL
License No. 21-01-108049

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. Joseph Anthony Kettlewell (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. 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 James and Carrie Chadwick and is attached hereto as Exhibit 1.

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 2.

4. Respondent entered into a contract to perform services regulated by 1980 PA 299, as amended, with James and Carrie Chadwick on or about April 24, 2013, pursuant to attached Exhibit 3.

5. Respondent has, without legal excuse, failed to perform all terms of the contract, contrary to MCL 339.2411(2)(a).

6. Respondent, in performance of the contract, failed to comply with §§ R104.9, R106.2, R310, R311.7.4.1, R311.7.7 and R312 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 AACCS, R 338.1551(5).

7. Respondent failed to correct those items as justified by Exhibit 2 within a reasonable time, contrary to 2006 AACCS, R 338.1551(4).

8. Respondent failed to satisfy a lien filed on October 3, 2013, by Michigan Timber & Truss in the County of St. Clair, Michigan, contrary to MCL 339.2411(2)(1). A certified copy of the lien is attached hereto as Exhibit 4.

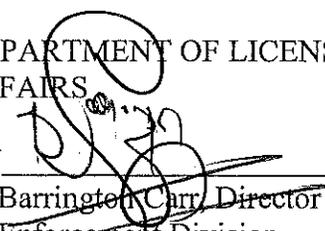
9. Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

Based upon the conduct as aforesaid, Respondent has acted contrary to §§ 604(c) and 2411(2)(a) & (1) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and to MCL 339.2411(2)(a) & (1) and rule 51(4) & (5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACCS, R 338.1551(4) & (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: 5 - 18 - 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