

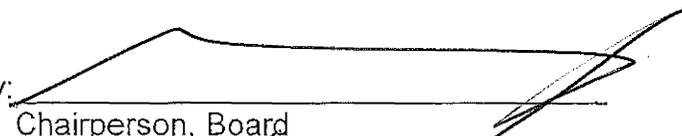
Accordingly, IT IS ORDERED that for the cited violations of the Occupational Code, Respondents are FINED \$1,500.00 to be paid to the State of Michigan within 60 days of the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, 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 **21-14-325441 and 21-14-325442**.

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 license or registration renewal 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, Board

Dated: 9/13/16

CONTINUED ON NEXT PAGE

STIPULATION

1. The facts alleged in the Complaint are true and constitute violations of sections 604(c) and 2411(2)(e) of the Occupational Code, supra.

2. Respondents understand and intend that by signing this Stipulation Respondents are waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq, to require the Department of Licensing and Regulatory Affairs (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.

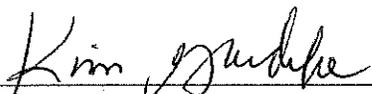
3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act. MCL 15.231 et seq.

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

CONTINUED ON NEXT PAGE

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

AGREED TO BY:

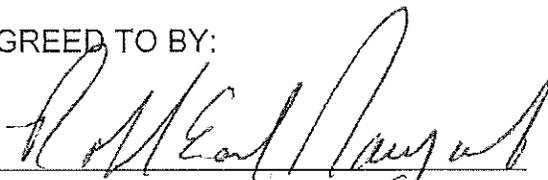


Kim Gaedeke, Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

Dated:

06/23/2016

AGREED TO BY:



Lunar Garages & Modernization, Inc.
Robert Earl Naeyaert, Qualifying Officer
Respondents

Dated:

6-7-16

This is the final page of a Consent Order and Stipulation in the matter of Lunar Garages & Modernization, Inc., File Number 21-14-325441 and Robert Earl Naeyaert, Qualifying Officer, File Number 21-14-325442, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

PJB

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

LUNAR GARAGES & MODERNIZATION, INC.

License Number: 21-02-021980

and

ROBERT EARL NAEYAERT,
QUALIFYING OFFICER

License Number: 21-01-092331

File Numbers: 21-14-325441

21-14-325442

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Lunar Garages & Modernization, Inc. and Robert Earl Naeyaert (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 June 18, 2013, Respondents entered into a contract with Shaun and Elizabeth Cooper (Homeowners) to pour a concrete garage floor and driveway and perform other related tasks. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On November 4, 2014, Homeowners filed a Statement of Complaint with Complainant.

5. On November 21, 2014, a building inspector verified violations of the 2009 Michigan Residential Code (building code), adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011. The report indicated Respondents failed to:

- a. Obtain the necessary permit, contrary to R105.1.
- b. Submit required construction documentation, contrary to R106.1.
- c. Obtain a foundation inspection, contrary to R109.1.1.
- d. Anchor the foundation as required, contrary to R403.1.6.
- e. Construct walls capable of accommodating all loads, contrary to R601.2.

A copy of the inspection report, marked Exhibit B, is attached and incorporated.

6. On February 17, 2015, Complainant mailed Respondents a notice of Homeowners' complaint.

7. On March 2, 2015, Respondents replied to the notice indicating Respondents would reinvestigate the issue after April 7, 2015 when concrete repairs could be completed. Respondents also indicated they would contact the City of Detroit to discuss permitting.

8. Respondents failed to correct the construction defects.

COUNT I

Respondents' conduct, as described above, evidences a failure to correct construction defects that are the subject of a justified complaint within a reasonable time, contrary to Mich Admin Code, R 338.1551(4), 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 Mich Admin 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 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:

1/4/10



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of Lunar Garages & Modernization, Inc. and Robert Naeyaert, File Numbers 21-14-325441 and 21-14-325442, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

PJB