

**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

**THE LEGACY BUILDERS, INC.
License Number: 21-02-197665**

**Complaint Number: 21-15-326043
Docket Number: 15-061334**

**DAMOND D. PARKER
License Number: 21-01-173587**

**Complaint Number: 21-15-326044
Docket Number: 15-061335**

FINAL ORDER

On August 28, 2015, a Formal Complaint (Complaint) was executed that charged The Legacy Builders, Inc. and Damond D. Parker (Respondents) with violating section(s) 2144(2)(a) and 2411(2)(c) 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 March 9, 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) 2411(2)(a) and 2411(2)(c) of the Occupational Code, supra, Respondents are collectively 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 complaint numbers **21-15-326043** and **21-15-326044**.

IT IS FURTHER ORDERED that if the \$2,000.00 fine is not paid within 60 days from the effective date of this Order the fine will increase to \$5,000.00, to be paid within 120 days from the effective date of this Order.

IT IS FURTHER ORDERED that for the cited violation(s) of the Occupational Code Respondents shall collectively pay RESTITUTION to Earline Tobert in the amount of \$7,000.00, within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondents shall submit proof of payment of the restitution 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**. The proof shall clearly display complaint numbers **21-15-326043** and **21-15-326044**.

IT IS FURTHER ORDERED that failure to pay the restitution and fine within 120 days from the effective date of this Order shall result in **SUSPENSION** of Respondents' licenses to practice as residential builders in the state of Michigan.

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

IT IS FURTHER ORDERED that in the event Respondents violate 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: 8/3/2016

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

By: *Kim Gaedeke for*
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of The Legacy Builders, Inc. and Damond D. Parker, Qualifying Officer, Complaint Numbers 21-15-326043 and 21-15-326044, Docket Numbers 15-061334 and 15-061335, 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

THE LEGACY BUILDERS INC.

License Number: 21-02-197665

DAMOND D. PARKER, QUALIFYING OFFICER

Complaint Numbers: 21-15-326043

License Number: 21-01-173587

21-15-326044

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against The Legacy Builders Inc. and Damond D. Parker (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 or about on November 18, 2014, Respondents entered into a contract with Earline Tolbert (Homeowner) to perform garage repairs. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. Respondents failed to perform the garage repairs, ceased contact with Homeowner, and failed to return Homeowner's \$7,000.00 deposit.

COUNT I

Respondents' conduct, as described above, evidences the abandonment without legal excuse of a contract or construction project, contrary to section 2411(2)(a) of the Occupational Code, supra.

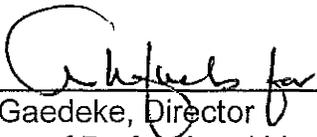
COUNT II

Respondents' conduct, as described above, evidences failure to account for or remit money coming into Respondents possession that belongs to others, contrary to section 2411(2)(c) of the Occupation Health 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 licenses. 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 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 Respondent's 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 Respondent fails to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

DATED: 8/28/2015



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of The Legacy Builders, Complaint Number 21-15-326043 and Damond D. Parker, Complaint Number 21-15-326044, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

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