



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
DIRECTOR

CONSTRUCTION CODE COMMISSION  
Conference Room 3, First Floor  
2501 Woodlake Circle  
Okemos, Michigan 48864

AGENDA  
April 3, 2013  
9:30 a.m.

1. Call to Order and Determination of Quorum
2. Approval of Agenda (Pages 1-2)
3. Approval of Minutes – January 9, 2013 (Pages 3-9)
4. Director’s Report I. Poke
5. Applications to Administer and Enforce I. Poke
  - a) Oshtemo Township, Kalamazoo – Document #13-20 (Pages 10-11)
  - b) City of Memphis, Macomb/St. Clair Counties – Document #13-28 (Pages 12-13)
  - c) City of St. Ignace, Mackinac County – Document #13-29 (Page 14-15)
6. Recommendation to Revoke Inspector Registration – Document #13-05 I. Poke  
(Pages 16-41)
7. Recommendation to Conduct Performance Evaluation – Document #13-21 M. Somers  
Village of Michiana/Berrien County – (Pages 42-60)
8. Performance Evaluation Summary Report – Document #13-23 M. Somers  
Charter Township of Royal Oak, Oakland County (Pages 61-66)
9. Performance Evaluation Report – Document #13-22 (Pages 67-77 ) M. Somers  
City of East Lansing, Ingham County
10. Report of Assistance Requests – Document #13-30 K. Lambert  
(Pages 78-79)

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Agenda - Construction Code Commission – April 3, 2013

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11. Applications for Program Approval – Document #13-26  
(Pages 80-87) L. Lehman
12. Applications for Instructor Approval – Document #13-25  
(Pages 88-90) L. Lehman
13. 1986, Act 54 Registration Applicants – Document #13-27 a-f  
(Pages 91-100) L. Lehman
14. Recommended Product Approvals
  - a) Hydroflo Systems Waterproofing. (Plumbing) – Document #13-24  
(Pages 101-103) A. Neuman
  - b) Gastight FlashShield CSST (Mechanical) – Document #13-19  
K. Kalakay  
(Pages 104-105) K. Kalakay
  - c) Viega MegaPress (Mechanical) – Document #13-18  
(Pages 106-107) K. Kalakay
15. Public Comment
16. Unfinished Business
17. New Business
18. 2013 Schedule –July 10, October 2
19. Adjournment

The meeting site and parking is accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Hillary Cushman at (517) 241-9302 at least 10 business days before the event.



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**CONSTRUCTION CODE COMMISSION**  
Conference Room 3, First Floor  
2501 Woodlake Circle  
Okemos, Michigan 48864

**MINUTES**  
January 9, 2013  
9:30 a.m.

**MEMBERS PRESENT**

Mr. William Benoit, Jr. (Chair)  
Mr. Thomas Baldwin  
Mr. Michael Boss  
Mr. Frederick Butters  
Mr. James Cash  
Mr. Roger Donaldson  
Mr. William Duffield  
Mr. Thomas Erdman  
Mr. David Jones  
Mr. Kenneth D. Misiewicz  
Mr. Roger Papineau  
Mr. Matthew Reno  
Mr. Brian Williams

**MEMBERS ABSENT**

Mr. James Cash  
Mr. Jack (Clifton Lewis)  
Mr. Nelson McMath  
Mr. Sean O'Neil  
Ms. Beth Yorke

**DEPARTMENT PERSONNEL PRESENT**

Mr. Irvin J. Poke, Director, BCC  
Mr. Keith Lambert, Deputy Director, BCC  
Ms. Hillary Cushman, Secretary, Office of Administrative Services  
Ms. Deb Young, Director, Office of Administrative Services  
Mr. Michael Somers, Analyst, Office of Administrative Services  
Ms. Dianne Barmes, Analyst, Office of Administrative Services  
Mr. David Vigas, Director, Office of Management Services  
Ms. LeeAnn Allaire, Analyst, Office of Management Services  
Mr. Larry Lehman, Chief, Building Division  
Mr. Charles Curtis, Assistant Chief, Building Division  
Mr. Dan O'Donnell, Chief, Electrical Division  
Mr. Jim Hennesey, Assistant Chief, Electrical Division  
Mr. Kevin Kalakay, Chief, Mechanical Division  
Construction Code Commission

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Mr. Jon Paradine, Assistant Chief, Mechanical Division  
Mr. Todd Cordill, Chief, Plan Review Division  
Mr. George Herrity, Assistant Chief, Plan Review Division  
Mr. Robert Konyndyk, Chief, Plumbing Division  
Mr. Andy Neuman, Assistant Chief, Plumbing Division

**OTHERS IN ATTENDANCE**

Mr. James Porter, Oshtemo Township  
Mr. Edward R. Hellweg, Kalamazoo Area Building Authority  
Mr. Thomas Yeadon, City of East Lansing  
Mr. Tim Dempsey, City of East Lansing  
Mr. George Lahanas, City of East Lansing  
Ms. Cindy Maher, MPMCA  
Mr. Tim Dewitt, MMHA  
Mr. Lee Schwartz, HBAM  
Mr. Jeffrey Bowdell, City of Pontiac

1. **CALL TO ORDER AND DETERMINATION OF QUORUM**

Chairperson Benoit called the meeting to order at approximately 9:30 a.m. A quorum was determined present at that time.

2. **APPROVAL OF AGENDA**

Mr. Poke presented a request of adjournment from Ms. Eleanor Catron Smith, the attorney representing Mr. Mohamad Mazen Al-Halabi (document #13-05). Mr. Poke stated that he supports the adjournment.

The agenda was presented as amended to remove item number 7, Recommendation to Revoke Inspector Registration (document #13-05).

Commissioner Baldwin moved to approve the amended agenda. Commissioner Reno seconded the motion. **MOTION CARRIED.**

3. **APPROVAL OF MINUTES**

Commissioner Donaldson moved to approve the minutes of the October 3, 2012 meeting. Commissioner Jones seconded the motion. **MOTION CARRIED.**

4. **DIRECTOR'S REPORT**

Mr. Poke introduced Mr. Frank Waters, Legislative Liaison for the department. Mr. Poke also introduced Mr. Ken Misiewicz as the new Board of Mechanical Rules Chair.

Mr. Poke asked the Electrical, Mechanical, and Plumbing chairs to remain after the Commission meeting for a discussion of HB 4561 which passed and is now PA 504 of

2012. The Legislation requires that the Residential code review start within ninety days of enactment of the legislation. Residential code review process to start with the first committee meeting some time mid-March. The process will start in February with the submission of the request for rule making.

Mr. Poke reported that the fourth annual BCC/COCM joint training will be held January 29<sup>th</sup> and 30<sup>th</sup>. COCM sponsors the conference and the bureau will provide the necessary educational programs for all of the inspectors in Michigan. It has been a very successful program.

Mr. Poke reported that the Building code rules are in the final segment of the process. The committee work has been completed. The rules are being drafted, the Regulatory Impact Statement will be submitted for review upon completion to the department. Once department approval is received, it will be submitted to ORR.

Mr. Poke reported that the Electrical, Mechanical and State Boundary Commission rules will have a public hearing on February 28, 2013. Anyone interested should send their comments in or attend the hearing for comments to be put on the record.

Mr. Poke reported that after three years, the bureau has signed a contract with Accela to upgrade the bureau's technology. The goal of this upgrade is to include features that are much more customer accessible through the web, including registration programs and hours for building officials, more options for processing licenses and permits online, as well as being able to receive construction documents electronically.

Mr. Poke announced the promotion of Jocelyn Krueger to the executive office and the return of Hillary Cushman to the bureau.

5. **APPLICATIONS TO ADMINISTER AND ENFORCE**

**a) City of St. Ignace, Mackinac County - Document #13-03**

Mr. Somers presented an Application to Administer and Enforce for the City of St. Ignace, Mackinac County. It is the recommendation of staff to deny this Application to Administer and Enforce.

Commissioner Reno moved to deny the City of St. Ignace's Application to Administer and Enforce. Commissioner Duffield seconded the motion. **MOTION CARRIED.**

**a) Oshtemo Township, Kalamazoo County - Document #13-04**

Mr. Somers presented an Application to Administer and Enforce for the Oshtemo Township, Kalamazoo County. It is the recommendation of staff to deny this Application to Administer and Enforce.

Mr. James Porter, of Oshtemo Township, spoke to request submission of updated documents from the township and asked that the application be tabled until the April commission meeting.

After discussion, Commissioner Jones moved to deny the Oshtemo Township's Application to Administer and Enforce. Commissioner Erdman seconded the motion. **MOTION CARRIED.**

6. **REPORT OF RESCINDING ORDINANCE**  
**Almena Township, Van Buren County - Document #13-16**

Mr. Somers presented the rescinding ordinance from Almena Township transferring plumbing code enforcement authority to the Bureau of Construction Codes.

Mr. Somers also presented a late submission not listed on the agenda. Wee Saw Township, Berrien County is rescinding their building code authority to the bureau.

This information was presented for information purposes only.

8. **RECOMMENDATION TO CONDUCT PERFORMANCE EVALUATION**  
**City of East Lansing, Ingham County – Document #13-17**

The bureau received a complaint regarding the St. Anne's Lofts Project. The bureau has investigated the complaint and the investigation shows that for the most part their inspection program is good. The concerns are within the administrative processes. The bureau is asking the commission to approve a performance evaluation for the administrative processes. Mr. Poke gave a brief description of the performance evaluation process for the new commission members. Mr. Poke gave a brief justification of some of the infractions determined during the complaint investigation.

Mr. George Lahanas, City Manager, Mr. Tim Dempsey, Planning, Building & Development Director and Mr. Thomas Yeadon, City Attorney for the City of East Lansing spoke on behalf of the city. They stated that the City of East Lansing disagrees with the need for a performance evaluation. They advised the commission that they have taken the issues very seriously and have taken steps to correct previous deficiencies. They asked the commission to deny the recommendation for performance evaluation.

Brief discussion continued between the commissioners and representatives from the City of East Lansing.

Commissioner Baldwin moved to approve the recommendation to conduct performance evaluation. Commissioner Jones seconded the motion. **MOTION CARRIED.**

9. **Report of Assistance Requests**  
**Document #13-14**

Mr. Lambert provided the Report of Assistance Requests to the commission for informational purposes.

10. **APPLICATIONS FOR PROGRAM APPROVAL**  
**Document #13-08**

Mr. Lehman presented a list of continuing education program applications for approval. The programs were reviewed and found to be in compliance with the registration rules and it is the recommendation of staff that the programs be approved.

Commissioner Reno moved to approve the applications as submitted. Commissioner Erdman seconded the motion. **MOTION CARRIED.**

11. **APPLICATIONS FOR INSTRUCTOR APPROVAL**  
**Document #13-07**

Mr. Lehman presented a list of Instructors of Continuing Education Programs for approval. The applications were reviewed and found to be in compliance with the registration rules and it is the recommendation of staff that the applications be approved.

After discussion, Commissioner Duffield moved to approve the instructors. Commissioner Reno seconded the motion. **MOTION CARRIED.**

12. **1986, ACT 54 REGISTRATION APPLICANTS**  
**Document #13-06 a-f**

Mr. Lehman presented a list of applications for registration as building officials, building inspectors, plan reviewers, electrical inspectors, and plumbing inspectors. It is the recommendation of staff that the individuals listed be approved.

Brief discussion ensued based on a question from Commissioner Reno.

Commissioner Boss moved to approve the applications as submitted. Commissioner Donaldson seconded the motion. **MOTION CARRIED.**

13. **RECOMMENDED PRODUCT APPROVALS**

**a) ProSet Systems, Inc. (Plumbing) – Document #13-01**

Mr. Konyndyk presented the Barrier Type Floor Drain Trap Seal Protection Device for installation and use in the State of Michigan. It is the recommendation of staff and the State Plumbing Board that this product be approved.

After discussion, Commissioner Jones moved to approve this product for installation and use in the State of Michigan subject to the conditions of use and installation. Commissioner Donaldson seconded the motion. **MOTION CARRIED.**

**b) Jay R. Smith MFG. Co. (Plumbing) – Document #13-02**

Mr. Konyndyk presented the Barrier Type Floor Drain Trap Seal Protection Device for installation and use in the State of Michigan. It is the recommendation of staff and the State Plumbing Board that this product be approved.

After discussion, Commissioner Baldwin moved to approve this product for installation and use in the State of Michigan subject to the conditions of use and installation. Commissioner Jones seconded the motion. **MOTION CARRIED.**

**c) Apollo Corporation (Plumbing) – Document #13-09**

Mr. Konyndyk presented the Essence Bathing System for installation and use in the State of Michigan. It is the recommendation of staff and the State Plumbing Board that this product be approved.

After discussion, Commissioner Jones moved to approve this product for installation and use in the State of Michigan subject to the conditions of use and installation. Commissioner Donaldson seconded the motion. **MOTION CARRIED.**

**d) Apollo Corporation (Plumbing) – Document #13-10**

Mr. Konyndyk presented the Advantage Bathing System for installation and use in the State of Michigan. It is the recommendation of staff and the State Plumbing Board that this product be approved.

After discussion, Commissioner Baldwin moved to approve this product for installation and use in the State of Michigan subject to the conditions of use and installation. Commissioner Jones seconded the motion. **MOTION CARRIED.**

**e) Huber Engineered Woods LLC (Plan Review) – Document #13-11**

Mr. Cordill presented the Zip System Roof and Wall Sheathing for installation and use in the State of Michigan. It is the recommendation of staff that this product be approved.

After discussion, Commissioner Baldwin moved to approve this product for installation and use in the State of Michigan subject to the conditions of use and installation. Commissioner Donaldson seconded the motion. **MOTION CARRIED.**

**14. CERTIFICATE OF ACCEPTABILITY**

**a) CXT, Inc. – CA #541 – Document #13-15**

Mr. Cordill presented a Certificate of Acceptability for approval of CXT, Inc. as a Premanufactured Units Manufacturer.

After discussion, Commissioner Reno moved to approve the Certificate of Acceptability. Commissioner Erdman seconded the motion. **MOTION CARRIED.**

**15. PUBLIC COMMENT**

NONE

16. UNFINISHED BUSINESS

NONE

17. NEW BUSINESS

a) Special meeting of the Construction Code Commission will be held February 13, 2013 for plan review and permit fee increases.

18. 2013 MEETING SCHEDULE – April 3, July 10, October 2

19. ADJOURNMENT

Commissioner Reno moved to adjourn the meeting at approximately 10:42 a.m. Commissioner Erdman seconded the motion. **MOTION CARRIED.**

APPROVED:

\_\_\_\_\_  
Chairman, Construction Code Commission

\_\_\_\_\_  
Date

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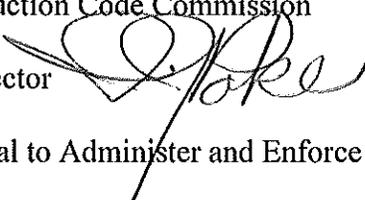
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DOCUMENT #13-20

February 28, 2013

TO: Members of the Construction Code Commission  
FROM: Irvin J. Poke, AIA, Director   
SUBJECT: Application for Approval to Administer and Enforce a Code

The following unit of government has submitted an application for approval to administer and enforce the Michigan code, along with an ordinance:

1. **P-13-03 Oshtemo Township/Kalamazoo County**  
Michigan Plumbing Code  
Inspector/Plan Reviewer: John Dobberteen (Registration No. 004925)  
Currently state enforced

### FINDINGS

1. There is no cost analysis provided to establish the fee charged for an hour of plan review.
2. There is no cost analysis provided to establish the fee charged for an hour of inspection.
3. The information provided regarding the method and analysis utilized to establish the fees charged by the Township for plumbing code services utilizes a comparison of the permits fees charged by (3) surrounding communities and the state's permit fees. There is no information providing a financial analysis of the cost to the Township to provide plumbing code services and the justification of the fees established to recover the cost of providing the service.
4. There was no information provided relating to the Township's building department recordkeeping procedures.

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5. The Township did not provide an ordinance containing the proper references to the Michigan Residential Code, the Michigan Energy Code and the Michigan Rehabilitation Code and other applicable laws and ordinances to be administered by the enforcing agency.
6. The Township did not provide assurance that a complete library of code standards is available for use by the inspectors and plan reviewers as identified in Chapter 13 of the 2009 Michigan Plumbing Code.
7. In Section 2 (B) of the Township's plan review procedures, it is indicated that complex residential, plumbing, electrical and mechanical plan reviews will be sent to the Bureau of Construction Codes and complex multi-family, commercial and industrial project plan reviews will be performed by Fire Safety Specialist Ed deVarona. However, a review of the bureau's inspector registration database reveals that Mr. deVarona is not registered in the plan review category.
8. In Section 2 (D) (4) of the township's field inspection procedures, it is indicated that violations of the code are referred to the permit holder. However, it is not indicated how and by what method the violations are referred. Although the Township provided copies of screen prints from its computer software program, a field inspection report form was not provided for review.
9. In Section 2 (E) (1) of the township's code violation/correction notice procedures, it is indicated that the inspector notifies the permit holder of the violation and verbally gives a timetable for corrections. However, it is not specifically indicated how and by what method the inspector provides notice to the permit holder of violations. Although copies of inspection approval and re-inspection required stickers were provided, the Township did not provide a correction notice form for review.

**RECOMMENDATION:** Due to concerns listed above regarding the Township's Application to Administer and Enforce, staff recommends that the unit of government listed not be approved to administer and enforce the code.

IJP/ms



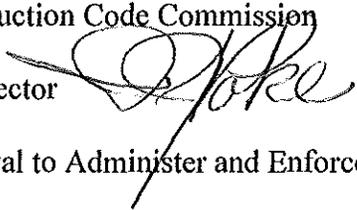
RICK SNYDER  
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IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
DIRECTOR

DOCUMENT #13-28

February 20, 2013

TO: Members of the Construction Code Commission  
FROM: Irvin J. Poke, AIA, Director   
SUBJECT: Application for Approval to Administer and Enforce a Code

The following unit of government has submitted an application for approval to administer and enforce the Michigan code, along with an ordinance:

1. **M-13-02** **City of Memphis/Macomb-St. Clair Counties**  
Michigan Mechanical Code  
Inspector/Plan Reviewer: William J. Karas (Registration No. 005523)  
Currently state enforced

### FINDINGS

1. The City did not provide information regarding a budget for its Department of Building Safety.
2. The City did not provide information regarding account management for Department of Building Safety funds.
3. The City did not provide a cost analysis to establish the fee charged for an hour of mechanical plan review services.
4. The City did not provide a cost analysis to establish the fee charged for an hour of mechanical inspection services.
5. There was no information regarding the method and analysis utilized by the City to establish the level of fees charged to the public for mechanical code enforcement services.

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6. The City did not provide proof that they possess the code and a complete library of code standards as identified in Chapter 15 of the 2009 Michigan Mechanical Code available for use by the public and its inspector/plan reviewer.
7. The City did not provide written sets of procedures regarding permit application review, plan review, permit issuance, field inspection, code violation/correction notices and certificates of use and occupancy.
8. There was no information provided relating to the City's building department recordkeeping procedures.
9. The City's proposed application for a mechanical permit form references the bureau of construction codes in Sections IV (Plan Review Required) and VI (Homeowner Affidavit).
10. The City did not provide a copy of its proposed mechanical permit form for review.
11. The City's mechanical plan review checklist form is based upon the 2006 International Mechanical Code and the 2006 International Fuel Gas Code.

**RECOMMENDATION:** Due to concerns listed above regarding the City's Application to Administer and Enforce, staff recommends that the unit of government listed not be approved to administer and enforce the code.

IJP/ms



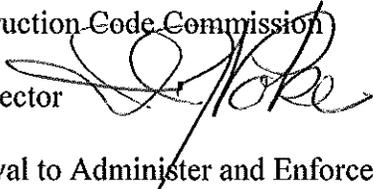
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DOCUMENT #13-29

March 29, 2013

TO: Members of the Construction Code Commission  
FROM: Irvin J. Poke, AIA, Director   
SUBJECT: Application for Approval to Administer and Enforce a Code

The following unit of government has submitted an application for approval to administer and enforce the Michigan code, along with an ordinance:

- 1. B-13-03 City of St. Ignace/Mackinac County**  
Michigan Building Code  
Inspector: Brian P. Olsen (Application Pending)  
Currently state enforced

### FINDINGS

1. There is no cost analysis provided to establish the fee charged for an hour of plan review.
2. There is no cost analysis provided to establish the fee charged for an hour of inspection.
3. There was no information regarding the method and analysis utilized to establish the fees charged for building code enforcement services provided to the public.
4. The City did not submit sufficient written sets of procedures or forms for the conduct of plan reviews, issuance of building permits, the documenting of field inspections, the issuance of code violation and correction notices, and the issuance of certificates of use and occupancy.
5. The City did not provide any information relating to the establishment, procedures, fees, forms or the names and qualifications of the members of its Construction Board of Appeals as required by the application and Section 14 of the Act.

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6. The City's proposed application for a building permit form does not provide contact information for applicants to contact the City of St. Ignace as the enforcing agency for building code enforcement.
7. The City did not provide sufficient building department budget or staffing information for review.
8. The City provided an unsigned and undated employment agreement document.
9. The City did not identify or provide the name and registration number of a plan reviewer registered in accordance with 1986 PA 54 upon the application form.
10. The City did not provide a written procedure, certified copy of an ordinance or registration form for the registration of contractor's licenses.
11. The City did not provide a written set of procedures addressing the management of floodplains and wetlands.
12. The City did not provide a form or a written set of local complaint processing and resolution procedures. The City did provide a copy of the Statement of Complaint Form utilized by Bureau of Corporations, Securities and Commercial Licensing for initiating a complaint action against individuals and entities licensed by the agency.
13. The City did not provide verifiable documentation that the code and a complete library of code standards is in its possession and is available for use by the inspector, plan reviewer and public as identified in Chapter 35 of the 2009 Michigan Building Code.

**RECOMMENDATION: Due to concerns listed above regarding the City's Application to Administer and Enforce, staff recommends that the unit of government listed not be approved to administer and enforce the code.**

IJP/ms



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STEVE ARWOOD  
ACTING DIRECTOR

Document # 13-05

December 21, 2012

TO: Members of the State Construction Code Commission

FROM: Irvin J. Poke, AIA  
Director, Bureau of Construction Codes 

SUBJECT: Recommendation for Revocation of Inspector Registration  
Mohamad Mazen Al-Halabi  
Mechanical Inspector – Plan Reviewer  
(Registration No. 004918)

**Background:**

Mohamad Mazen Al-Halabi, licensed Mechanical Contractor No. 7111925 and registered Mechanical Inspector No. 004918, allegedly entered into an agreement with Bahjet Merhi to install new HVAC equipment and related ductwork and gas piping at Mr. Merhi's residence, 7319-21 Pinehurst, Dearborn, MI 48126. Ahmad A. Dbouk, mechanical contractor no. 7112539, obtained permit no. 11-5096 from the city of Dearborn for the mechanical work at 7319-21 Pinehurst. It is alleged that it was Mr. Al-Halabi who actually performed the mechanical work at 7319-21 Pinehurst and that he subsequently conducted the rough and final inspections on the mechanical work he had performed.

Following a complaint from the homeowner, the city of Dearborn investigated the allegations. The city forwarded its investigation findings to the bureau due to concerns that Mr. Al-Halabi had violated Section 10 (2) of the Building Official and Inspection Registration Act, 1986 PA 54, MCL 338.2310 (2), which states "an inspector shall not be permitted to inspect his or her own work in a governmental subdivision. . . ."

**Chronology of Events:**

On September 19, 2012, Rob Creamer, Building Official and Chief Inspector, City of Dearborn, provided the bureau with the results of an investigation he had completed into allegations of misconduct by the City's mechanical inspector, Mohamad Mazen Al-Halabi. Mr. Creamer's investigation was initiated as a result of a complaint filed by Mr. Bahjet Merhi, a homeowner,

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against Mohamad Mazen Al-Halabi, a registered mechanical code official employed at that time by the City of Dearborn and holder of a mechanical contractor license issued by the bureau.

Mr. Merhi provided the City of Dearborn with information and testimony that indicated Mr. Al-Halabi contracted for and physically performed work at his residence that he did not properly complete, performed work without proper permits and licensure, and performed and approved rough and final mechanical inspections on work that he, himself, had performed. Upon receiving Mr. Merhi's complaint, Mr. Creamer conducted his investigation and provided the information that follows.

On September 4, 2011, Mr. Bahjet Merhi accepted a proposal for installation of new HVAC equipment and related ductwork and gas piping at his residence located at 7321 Pinehurst, Dearborn, Michigan for \$11,000.00 from In & Out Energy Management Inc, a domestic profit corporation (ID No. 04048X) whose resident agent is recorded as Mazen Halabi [sic]. Mr. Merhi paid Mr. Al-Halabi \$11,000.00 in full prior to the start of work.

On September 16, 2011, Ahmad A. Dbouk, a mechanical contractor licensed by the Bureau of Construction Codes (License No. 7112539) applied for and was issued Mechanical Permit No. 11-5096 authorizing work to be performed at 7321 Pinehurst for Mr. Bahjet Merhi.

On November 18, 2011, the City of Dearborn's daily inspection log shows that Mr. Al-Halabi performed and approved a rough inspection at 7321 Pinehurst.

On November 21, 2011, the City of Dearborn's daily inspection log shows that Mr. Al-Halabi performed and approved a final inspection at 7321 Pinehurst.

On September 6, 2012, upon receiving the complaint from Mr. Merhi, the City of Dearborn conducted a mechanical complaint inspection at 7321 Pinehurst, Dearborn, Michigan. The City's inspection report details (7) separate violations of the mechanical code and (1) violation of the electrical code.

On September 19, 2012, Building Official Creamer terminated Mr. Al-Halabi's employment with the City of Dearborn because Mr. Al-Halabi contracted to perform work within the city in violation of his employment agreement with the city. Mr. Al-Halabi had previously received a written warning on November 12, 2002, regarding contracting for work within the governmental subdivision.

On September 24, 2012, the City of Dearborn provided the results of its investigation to the Bureau of Construction Codes for review and appropriate enforcement action.

**Conclusion:**

Based upon the results of the inspector misconduct investigation conducted by the City of Dearborn, the bureau has been provided information that a code official registered by the bureau conducted inspections upon work he had performed. The information, documents, and inspection reports contained within the investigation materials substantiate the allegations against Mohamad Mazen Al-Halabi of creating a violation of Section 10 (2) of the Building Official and Inspector Registration Act 1986 PA 54 MCL 338.2310(2).

**Recommendation:**

Section 9, 1986 PA 54, MCL 338.2309, states that the commission "may revoke or suspend the registration of any building official, plan reviewer, or inspector if there is sufficient evidence showing that the registered person has violated this act or rules promulgated pursuant to this act, in the performance of his or her duties. . . ." The bureau recommends that the Construction Code Commission revoke the inspector registration granted to Mohamad Mazen Al-Halabi for violating Section 10 (2) of 1986 PA 54, for conducting inspections upon work he himself has performed.

IJP/ms

cc: Rob Creamer, Building Official, City of Dearborn  
Mohamad Mazen Al-Halabi



# CITY OF DEARBORN

*Home Town of Henry Ford*

RECEIVED

SEP 24 2012

JOHN B. "JACK" O'REILLY, JR.  
MAYOR

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT  
COMMERCIAL SERVICES DIVISION  
BARRY S. MURRAY, DIRECTOR

OFFICE OF  
ADMINISTRATIVE SERVICES

The following report was a result of a resident complaint about an inspector who performed work for him and did not complete his job properly.

Complainant:

Bahjet Merhi owner of 7319-21 Pinehurst (Duplex ) Phone # 313-445-5525

Inspector in Question:

Mazen Al-Halabi Mechanical Inspector STATE REG.# 004918

### Irregularities and Non-conformities:

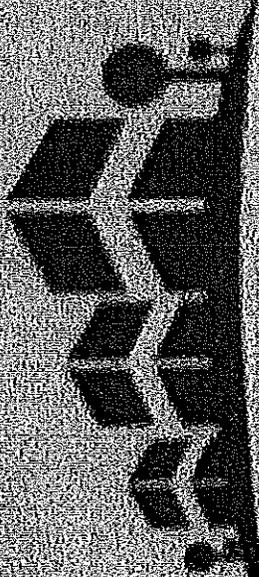
- When asked who physically completed the work, the above noted owner replied "Mazen Al-Halabi, I thought he would do a good job cause he is a city inspector" I asked this question 3 times , with the same answer. Mazen is not allowed to work within the jurisdiction he inspects (Dearborn Policy)
- Mazen physically inspected his own work on 11-18-11 and 11-21-11. This violates State Act 54 Law, Rules and Regulations and must be reported to the State of Michigan.
- Mazen scheduled the inspections he performed on the AS 400 computer system by asking Herman McMillan to insert them into his day in the computer system. Mazen's day was already set up by Robert Bowers previously and those inspections were not on the daily log set up for him.
- The owner is filing an official State Complaint about Mazen and his company.
- Mazen worked under another contractor's permit, which was issued as a single family home, but the property was a duplex. Also 1 duct work system was indicated and 2 duct work systems were installed, inspected and approved by Mazen. More permit fees is owed on this permit.
- The mechanical company In & Out Energy Management Inc. is owned by Mazen and not a Licensed HVAC Contractor with the City of Dearborn Clerk's Office. This work was completed by a company that was not licensed per our City Ordinance.
- There was electrical work and gas line work performed by Mazen illegally with out a permit. This is a violation of State & Local Laws and Ordinances.
- There is a report completed by the mechanical inspectors (Attached) which outlines the repairs required to complete the work noted above.

Each of the above constitutes a separate and independent grounds for discharge. A review of Mazen Al-Halabi's records reveals no grounds for clemency.

Rob Creamer, Chief Inspector/Building Official  
ECD Commercial Services  
City of Dearborn

S. R. # 002552





# In & Out

ENERGY MANAGEMENT, INC.

HEATING & COOLING

Commercial & Residential

Refrigeration

Duct Fabrication

Restaurant Ventilation

PROPOSAL SUBMITTED TO

NAME	ADDRESS	CITY	STATE	ZIP
BALHOUT MERILL				
7321 PINEHURST				
WILMINGTON			VT	05810



all work made by 60322

All material is guaranteed to be as specified and the above work to be performed in accordance with specifications submitted for above work and completed in a substantial workmanlike manner.

Steven Thomas (Della D)

Payment to be made as follows: Original \$5500 Remaining B

I have the authority to enter into this contract and to bind myself in the manner above stated and the work and materials to be furnished in accordance with the specifications and conditions hereof and to accept the same on behalf of the contractor and to certify that the work and materials have been furnished in accordance with the specifications and conditions hereof and to accept the same on behalf of the contractor.

Authorized Signature

John T. [unclear]

2:00  
LAD

withdrawn by [unclear]

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are mutually agreed and are hereby accepted and the work is to be performed in accordance with the same.

DATE OF ACCEPTANCE 9.4.47

Signature [unclear]



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**CORPORATE ENTITY DETAILS**

Searched for: IN AND OUT ENERGY MANAGEMENT INC.

ID Num: 04048X

Entity Name: IN AND OUT ENERGY MANAGEMENT INC.

Type of Entity: Domestic Profit Corporation

Resident Agent: MAZEN HALABI

Registered Office Address: 20507 WILLIAMSBURG RD DEARBORN HEIGHTS MI 48127

Mailing Address: MI

Formed Under Act Number(s): 284-1972

Incorporation/Qualification Date: 7-26-2011

Jurisdiction of Origin: MICHIGAN

Number of Shares: 60,000

Year of Most Recent Annual Report:

Year of Most Recent Annual Report With Officers & Directors:

Status: ACTIVE Date: Present

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**CORPORATION DIVISION BUSINESS ENTITY SEARCH RESULTS**

Entity Name	ID Number	Type
IN AND OUT CONSTRUCTION L.C.	B12935	Limited Liability Company
IN AND OUT ENERGY MANAGEMENT INC.	04048X	Corporation
IN AND OUT EXPRESS LUBE INC.	464348	Corporation
IN AND OUT INC.	228335	Corporation
IN AND OUT OIL CHANGE	336202	Assumed Name
IN AND OUT REMODELING, INC.	26020A	Corporation
IN AND OUT TRASH OUT, LLC	E34234	Limited Liability Company
IN AND OUT TRASH REMOVAL, LLC	E34234	Prior Name

[Previous Page](#)

Total Records: 48

[New Search](#)

Search results will contain corporations which were active in 1978 or filed after 1/1/1979; limited partnerships transferred to this agency from the county clerks on 1/1/1983 and limited partnerships filed with this office after 1/1/1983; limited liability companies filed with this office after 6/1/1993; railroad records transferred to this agency on 1/14/1994; name reservations and name registrations.

The new dynamic website is updated within minutes so Mich-Elf filings can be viewed after document is filed within 1 hour. Paper submitted documents that have been filed can be viewed within 48 hours after they are filed.

You will be able to view these records to determine agent, agent address, date of formation or qualification, and other general information about each entity.

Two or more corporations, limited partnerships, limited liability companies or other entities may assume the same name if in a joint venture or partnership, if the name is permissible for the entities involved. The assumed name certificate must list all entities which are using the same assumed name.

A type of 'Filing Pending' indicates a document was submitted with that name. Pending records remain on the system until two weeks after the document is filed or the file is closed. There is no detail to review for name reservations, name registrations or pending records.

Name reservations hold the name for a limited time for possible use by an entity. Name registrations are foreign profit corporations that are not doing business in Michigan and wish to register their name only. These registrations expire yearly unless renewed.

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[Privacy Policy](#) | [Link Policy](#) | [Accessibility Policy](#) | [Security Policy](#)  
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**CITY OF DEARBORN**  
 Permit & Plan Review Office  
 Operator 313-943-2150/ Inspector 313-943-2416

FOR OFFICE USE ONLY

Permit Number 11-5096  
 Date 9-16-11  
 Permit Clerk [Signature]

**MECHANICAL (HVAC) PERMIT/ APPLICATION**

*2 Family Home*

Permit Site Address: 7321 PINEHURST

Business Name of Permit Site Address: \_\_\_\_\_

Have plans been submitted? (See reverse side for plan review requirements.)  
 Yes  No  Not Required

Has a building permit been obtained for this project?  
 Yes Master Building Permit #: \_\_\_\_\_  No  N/A

Property Owner Name / Telephone Number: Bahjet Merhi 445-5523

Property Owner Address (if different from Site Address): \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Description of Work: Replacement

**\*This permit includes one (1) Rough Inspection and one (1) Final Inspection. Any additional inspections are subject to additional fees.**

**\*MINIMUM PERMIT FEE IS \$80 & ADMINISTRATIVE FEE IS \$40**

HEATING			REFRIGERATION		
FEES	No.	TOTAL	FEES	No.	TOTAL
Heating System			Air Conditioning (incl. Split system)		
Up to 75,000 BTU			Under 5 Tons (hp)		
75,001 - 500,000 BTU			5 hp to 50 hp		
Over 500,000 BTU			50 hp to 100 hp		
			Over 100 hp		
Boiler			Compressor (each)		
Under 75,000			Under 5 tons		
Over 75,000			5 hp to 50 hp		
Water Heater			50 hp to 100 hp		
Humidifier			Over 100 hp		
Chimney (Factory built-Installed separately)			Evaporator Coils		
			Under 5 tons		
Gas Piping with pressure test each opening (up to 1")			5 hp to 50 hp		
			50 hp to 100 hp		
Solid Fuel Equipment (Includes chimney)			Over 100 hp		
			Stand Alone Duct Detector		
Prefab Fireplace			<b>FIRE PROTECTION (Separate Fire Protection System Permit Required)</b>		
			FPS Permit #		
Chimney Liner Alone			Fire Suppression/ Protection HVAC Inspection (Hangers, rods, & piping)		
Commercial- All Piping with pressure test included - over 1"			Infrared Heaters		
Commercial- Duct			Under 75,000		
Residential New Duct System			Over 75,000		
Residential Duct Alteration			Unit Heaters		
Additional Inspection			Under 75,000		
Special/Safety Inspection (Includes Certification Fee)			Over 75,000		
			Other Item(s):		
			Checks are made payable to "City of Dearborn"		
<b>TOTAL FEES \$ 241.00</b>					

Applicant- Contractor/ Homeowner: Name A. GENAD. A. DEBOK

Address 7423 Amboy St

City, State, Zip Code Dearborn MI 48127

State License # 7112539 Expiration Date 08-31-2013

City of Dearborn Registration # 10-95859 Expiration Date 8/31/13

WORKER'S DISABILITY COMPENSATION INSURANCE CARRIER (or reason for exemption) \_\_\_\_\_

EMPLOYER IDENTIFICATION NUMBER (or reason for exemption) \_\_\_\_\_ MESC EMPLOYER NUMBER (or reason for exemption) \_\_\_\_\_

AUTHORITY: P.A. 230 OF 1972, AS AMENDED  
 COMPLETION: MANDATORY TO OBTAIN PERMIT  
 PENALTY: PERMIT CANNOT BE ISSUED

I affirm that the information provided in this application and any accompanying drawings, which are a part of this application, is accurate. The acceptance of the permit shall constitute an agreement to abide by all codes and ordinances enforced by the City of Dearborn. Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of section 23a are subjected to civil fines.

Authorized signature [Signature] Date 09-16-2011  
 Office/White Inspector/Canary Engineering-Assessor/Gold Applicant/Pink

Business control nbr . . : 48451  
License number . . . . : 10 00095859  
Pin number . . . . . : 3842

Last activity:  
Created: 07/26/10 by ORLEANS  
Mailing address

Business name & address

7423 AMBOY ST  
DEARBORN HEIGHTS MI 48127

AHMAD A DBOUK  
1 OUT OF AREA  
DEARBORN MI 48126

Classification . . . . . : 98 MECHANICAL CONTRAC TOR REGISTRATION  
Exemption applied . . . . . :  
License status, date . . . : ACTIVE 7/26/10  
Appl, issue date . . . . . : 7/26/10 7/26/10  
Expiration, valid thru . . : 8/31/13 8/31/13

Date renewal printed . . . :  
Date printed, reprinted . . : 7/26/10  
Prior license . . . . . : 08 00095859  
Municipal code reference :

Press Enter to continue. More...  
F3=Exit F5=Additional charges F6=Charges F7=Miscellaneous information  
F9=Additional requirements F24=More keys

*Contractor WHO  
PULLED PERMIT*

CITY of DEARBORN ~ BUILDING & SAFETY DEPT.

DAILY INSPECTION LOG

313-2186452

NAME: Mazen Halabi

PHONE # 320-7110

DATE: 11-18-11

ADDRESS	PERMIT & TYPE	COMMENTS
8 A.M. Answer phone calls, e-mails and	schedule inspections/meetings till	9 A.M.
6119 Kendall	11-6314 TIR	710
7442 Anthony	11-6247 TIR	705
15033 - WARREN	11-5726 TIR	810
16601 Ford RD	11-6339 TIR	805
P.M.		
1520 Wyoming	11-5623 TIR	710
15		
1424 Ferney	11-6357 TIR	705
23201 Mich Ave	11-4739 TIR	810
7321 Pinckherst	11-5096 TIR	705 ?
SCHEDULED BY MAZEN THAW HERMAN		
4 P.M. Answer phone calls, e-mails and	schedule inspections/meetings till	5 P.M.

# OF INSPECTIONS :

INSPECTION TYPES:

RES. BLDGS.

COM./IND. BLDGS.

TOTAL NUMBER OF INSPECTIONS FOR THE DAY \_\_\_\_\_

Parcel Number . . . . . : 82-10-054-33-023  
Property address . . . . . : 7321 PINEHURST  
Appl, structure nbr . . . . . : 11 00005096 000 000  
Permit type, seq nbr . . . . . : HC R 00 RESIDENTIAL HVAC PERMIT  
Inspection type, seq nbr . . . . . : 705 0001 HV ROUGH RESIDENTIAL  
Inspection status, date . . . . . : INSPECTION COMPLETED 11/18/11  
Requested date, time, by . . . . . : 11/18/11 HM  
Override date, time, by . . . . . :  
User ID to request, result : MCMILLEN  
Phone interface number . . . . . : 2868776  
Inspector assigned . . . . . : ~~MB~~ ALHALABI MAZEN  
Results status, date . . . . . : APPROVED 11/18/11  
Final inspection flag . . . . . : N  
Penalty amount . . . . . : .00  
Inspection request comments

Press Enter to continue.

F3=Exit F5=Land inq F7=Insp result comments F12=Cancel

CITY of DEARBORN ~ BUILDING & SAFETY DEPT.

DAILY INSPECTION LOG

313-2186452

NAME: Mazen Halabi

PHONE # 320-7110

DATE: 11-21-11

ADDRESS	PERMIT & TYPE	COMMENTS
8 A.M. Answer phone calls, e-mails and	schedule inspections/meetings till	9 A.M.
5832 schepfer	Re occ Comm	
5200 Curtis	11-6397 TIR	705
7311 Terdes	11-6195 TIR	712
6119 Kendal	11-6314 CI	712
18900 Mich AVE	11-6400	805
P.M.		
23729 Mich AVE	11-6337 TIR	810
7321 Pinehurst	11-5096 ZVR	810 ?
		SCHEDULED BY MAZEN THAW
13112 Ford RD	11-1338 PR	Heenan
4650 Greenfield	11-6277 PR	
6		
4 P.M. Answer phone calls, e-mails and	schedule inspections/meetings till	5 P.M.

# OF INSPECTIONS :

INSPECTION TYPES:

RES. BLDGS. \_\_\_\_\_

COM./IND. BLDGS. \_\_\_\_\_

TOTAL NUMBER OF INSPECTIONS FOR THE DAY \_\_\_\_\_

BP502I01

CITY OF DEARBORN  
Inspection Inquiry

9/06/12  
12:05:58

Parcel Number . . . . . : 82-10-054-33-023  
Property address . . . . . : 7321 PINEHURST  
Appl, structure nbr . . . . . : 11 00005096 000 000  
Permit type, seq nbr . . . . . : HC R 00 RESIDENTIAL HVAC PERMIT  
Inspection type, seq nbr . . . . . : 710 0001 HV FINAL RESIDENTIAL  
Inspection status, date . . . . . : INSPECTION COMPLETED 11/21/11  
Requested date, time, by . . . . . : 11/21/11 HM  
Override date, time, by . . . . . :  
User ID to request, result . . . . . : MCMILLEN  
Phone interface number . . . . . : 2869626  
Inspector assigned . . . . . : MH ALHALABI MAZEN  
Results status, date . . . . . : APPROVED 11/21/11  
Final inspection flag . . . . . : Y  
Penalty amount . . . . . : .00  
Inspection request comments

Press Enter to continue.  
F3=Exit F5=Land inq F7=Insp result comments F12=Cancel

Inspection Inquiry - Inspection Section

9/06/12  
12:03:01

Property address . . . . . : 7321 PINEHURST  
Parcel Number . . . . . : 82-10-054-33-023  
Application number . . . . . : 11 00005096  
Application type . . . . . : ELEC/HVAC/PLUMB - RESIDENTIAL

Type options, press Enter.  
1=Select

Opt	Str/Seq	Pmt/Seq	Inspection Type
-	000 000	HC R 00	HV ROUGH RESIDENTIAL
-	000 000	HC R 00	HV FINAL RESIDENTIAL

Seq	Insp	Result/Date
0001	MH	AP 11/18/11
0001	MH	AP 11/21/11

F3=Exit    F11=View 2    F12=Cancel

*Rough  
Final*

Bottom

*Inst. by Mazet*

01200101

CITY OF DEARBORN

9/06/12

Global Location Inquiry - Building Permi Applications

12:03:07

Property address . . . . . : 7321 PINEHURST  
Parcel Number . . . . . : 82-10-054-33-023

Type options, press Enter.

2=Application inq 3=Structure inq 4=Permit inq 5=Inspection inq

Opt	Appl Nbr	Type	Stat	Date	Tenant Nbr/Name
11	00005096	EHPR	CL	9/16/11	HVAC
09	00001393	R HV	CL	4/27/09	
03	00003025	PLBG	CL	5/01/03	
98	00009705	CONC	CL	8/17/98	
98	00009704	O/S	CL	8/17/98	

*No Electrical  
Permit  
Applied For*

F3=Exit F12=Cancel



CITY OF DEARBORN  
Commercial/Residential Services Inspections

Permit No. 11-5096  
Date 9/6/12

NOTICE OF VIOLATION

At. No. \_\_\_\_\_

By \_\_\_\_\_ Address 7321 PINEHURST

The Commercial/Residential Inspection Division has inspected the above address as required by law and find the following violations of the MICHIGAN MECHANICAL Code. Section \_\_\_\_\_

The following orders are issued for the corrections of these violations and must be complied with not later than 9/21/12 (14 DAYS)

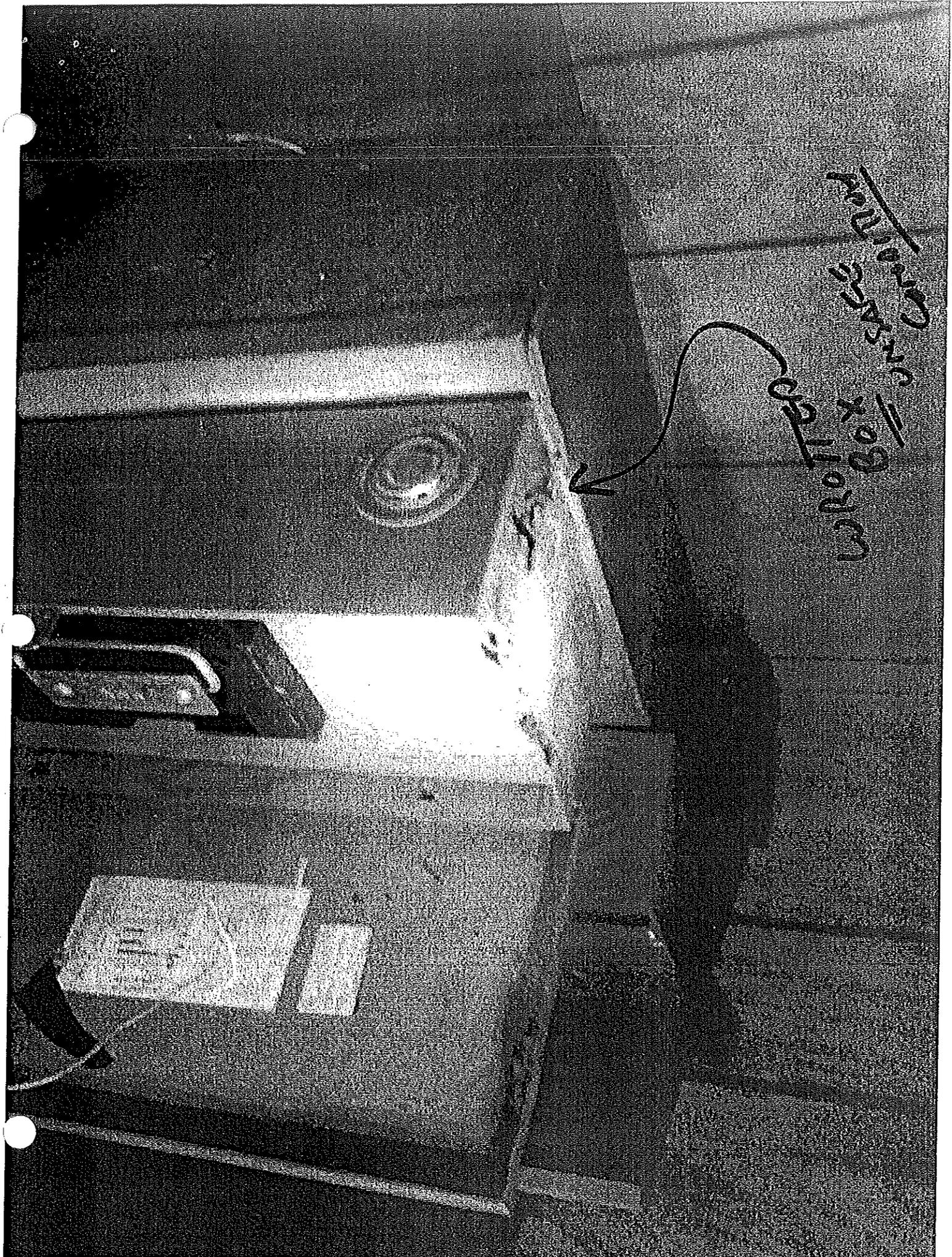
- 1.) POST ABANDON CHIMNEY NOW USED FOR GAS/ELEC/DRAIN LINES
- 2.) INSTALL CONDENSATE PUMP ON BASEMENT FURNACE (TRIP HAZARD)
- 3.) PROPERLY GROUND FLEX-GAS LINE PER MANUFACTURERS INSTRUCTIONS
- 4.) INSTALL A WET SWITCH IN DRAIN PAN IN ATTIC
- 5.) PULL ADDITIONAL DUCT PERMIT! ONLY PULLED 1
- 6.) GAS PIPE PERMIT! REQUIRED WITH TEST!
- 7.) REMOVE DOOR TO DINING ROOM/KITCHEN ROOM OR INSTALL LID RETURN AIR IN UPSTAIRS APARTMENT!
8. PERMIT REQUIRED FOR 2 AC'S (ELECTRICAL)
  - a. NOTE AC'S ONLY PARTIALLY WIRED

Robert Bowers / Al Parsons  
Inspector

Phone \_\_\_\_\_

Electrical       Plumbing       HVAC       Building       Part 91 Soil Erosion

WARNING: Damage or injury resulting from delay or failure to comply with this notice will be attributed to negligence on the part of the responsible party or parties.



WROTE TO BOY = JAMES M. M.

PROFESSOR WORK  
ELECTRICAL  
A.C. FOR HOOKUP

# Memo

**To:** Mazen Al-Halabi, Part Time HVAC Inspector  
**From:** Rob Creamer, Chief Building Inspector, City of Dearborn   
**CC:** Dave Norwood, Director, Building & Safety  
Anna Stoll, Human Resource Administrator  
**Date:** 11/13/2002  
**Re:** Working in the City of Dearborn while employed by the City of Dearborn

---

One of our field personnel has informed me that during an inspection, a business owner told him that you were to perform a heat cert. inspection on his property. I have discussed with you in the past that you could not work within the City limits during your off time, once you were employed here as a HVAC Inspector. This was a condition of your employment with our department. Sam Bouhanna has also reiterated this fact with you in just the past few weeks. Public perception of our department is a big issue with our new administration and conflicts of interest will not be tolerated.

After discussing this incident with you this morning and re-informing you of our rules and obligations, I do not feel that it is necessary to investigate this incident any further. Once again, I must inform you that all ties to any HVAC jobs in Dearborn whether past or present must be discontinued at once. Violating the above noted requirement may result in your termination of employment from the City of Dearborn Building and Safety Department as a Part Time HVAC Inspector.

*Michigan Department of Licensing and Regulatory Affairs*

*Filing Endorsement*

*This is to Certify that the ARTICLES OF INCORPORATION - PROFIT  
for  
IN AND OUT ENERGY MANAGEMENT INC.*

*ID NUMBER: 04048X*

*received by facsimile transmission on July 25, 2011 is hereby endorsed  
Filed on July 26, 2011 by the Administrator.*

*The document is effective on the date filed, unless a  
subsequent effective date within 90 days after  
received date is stated in the document.*



*In testimony whereof, I have hereunto set my  
hand and affixed the Seal of the Department,  
in the City of Lansing, this 26TH day  
of July, 2011.*

A handwritten signature in black ink, appearing to read "A. Schaffer", written in a cursive style.

*Director*

*Bureau of Commercial Services*

BCS/CD-500 (Rev. 05/10)

MICHIGAN DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH BUREAU OF COMMERCIAL SERVICES	
Date Received	(FOR BUREAU USE ONLY)
	This document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.
Name IN AND OUT ENERGY MANAGEMENT INC	
Address 20507 WILLIAMSBURG RD	
City DEARBORN HEIGHTS	State MI
	ZIP Code 48127
Effective Date:	

Document will be returned to the name and address you enter above.  
If left blank document will be mailed to the registered office.

**ARTICLES OF INCORPORATION**  
For use by Domestic Profit Corporations  
(Please read information and instructions on the last page)

Pursuant to the provisions of Act 284, Public Acts of 1972, the undersigned corporation executes the following Articles:

**ARTICLE I**

The name of the corporation is:

IN AND OUT ENERGY MANAGEMENT INC

**ARTICLE II**

The purpose or purposes for which the corporation is formed is to engage in any activity within the purposes for which corporations may be formed under the Business Corporation Act of Michigan.

**ARTICLE III**

The total authorized shares:

1. Common Shares 60000

Preferred Shares

2. A statement of all or any of the relative rights, preferences and limitations of the shares of each class is as follows:

**ARTICLE IV**

1. The name of the resident agent at the registered office is: MAZEN HALABI

2. The address of the registered office is:

20507 WILLIAMSBURG RD

(Street Address)

DEARBORN HEIGHTS

(City)

, Michigan 48127-

(ZIP Code)

3. The mailing address of the registered office, if different than above:

(Street Address or P.O. Box)

(City)

, Michigan

(ZIP Code)

**ARTICLE V**

The name(s) and address(es) of the incorporator(s) is(are) as follows:

Name	Residence or Business Address
MAZEN HALABI	20507 WILLIAMSBURG RD, DEARBORN HGTS, MI 48127

**ARTICLE VI (Optional, Delete if not applicable)**

When a compromise or arrangement or plan of reorganization of this corporation is proposed between this corporation and its creditors or any class of them or between this corporation and its shareholders or any class of them, a court of equity jurisdiction within the state, on application of this corporation or of a creditor or shareholder thereof, or an application of a receiver appointed for the corporation, may order a meeting of the creditors or class of creditors or of the shareholders or class of shareholders to be affected by the proposed compromise or arrangement or reorganization, to be sanctioned in such manner as the court directs, a majority in number representing 3/4 in value of the creditors or class of creditors, or of the shareholders or class of shareholders to be affected by the proposed compromise or arrangement or reorganization, agree to a compromise or arrangement or reorganization of this corporation as a consequence of the compromise or arrangement, the compromise or arrangement or the reorganization, if sanctioned by the court to which the application has been made, shall be binding on all the creditors or class of creditors, or on all the shareholders or class of shareholders and also on this corporation.

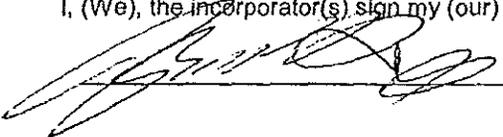
**ARTICLE VII (Optional, Delete if not applicable)**

Any action required or permitted by the Act to be taken at an annual or special meeting of shareholders may be taken without a meeting, without prior notice, and without a vote, if consents in writing, setting forth the action so taken, are signed by the holders of outstanding shares having not less than the minimum number of votes that would be necessary to authorize or take the action at a meeting at which all shares entitled to vote on the action were present and voted. A written consent shall bear the date of signature of the shareholder who signs the consent. Written consents are not effective to take corporate action unless within 60 days after the record date for determining shareholders entitled to express consent or to dissent from a proposal without a meeting, written consents, dated not more than 10 days before the record date and signed by a sufficient number of shareholders to take the action are delivered to the corporation. Delivery shall be to the corporation's registered office, its principal place of business, or to an officer or agent of the corporation having custody of the minutes of the proceedings of its shareholders. Delivery made to the corporation's registered office shall be by hand or by certified or registered mail, return receipt requested.

Prompt notice of taking of the corporate action without a meeting by less than unanimous written consent shall be given to shareholders who would have been entitled to notice of the shareholder meeting if the action had been taken at a meeting and who have not consented to the action in writing. An electronic transmission consenting to an action must comply with Section 407(3).

Use space below for additional Articles or for continuation of previous Articles. Please identify any Article being continued or added. Attach additional pages if needed.

I, (We), the incorporator(s) sign my (our) name(s) this 25th \_\_\_\_\_ day of JULY \_\_\_\_\_, 2011 .





RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
ACTING DIRECTOR

**Document # 13-21**

February 20, 2013

TO: Members of the State Construction Code Commission

FROM: Irvin J. Poke, AIA  
Director, Bureau of Construction Codes

A handwritten signature in black ink, appearing to read 'I. Poke', written over the printed name of the sender.

SUBJECT: Recommendation to Conduct Performance Evaluation  
Village of Michiana/Berrien County

**Enforcement Concerns:**

The bureau has concerns regarding the Village of Michiana's ability to properly administer and enforce the codes and the Act due to the inadequate nature of the response to the bureau's inquiries regarding the village's building permit fee schedule. The concerns include the village's building permit fee formula and the setting of building permit fees that have been determined to exceed the cost of providing building code enforcement services to the public.

**Chronology of Events:**

February 8, 2012, the bureau received a written complaint from Lee Schwartz on behalf of the Michigan Association of Home Builders alleging that the Village of Michiana had set fees for building permits that exceeded the cost of providing building code enforcement services to the public. Mr. Schwartz also alleged that the level of fees were set at an artificially high level in order to prevent applicants from distorting project cost estimates to receive lower permit costs. It was further alleged that the village did not adopt an ordinance authorizing the level of building permit fees being charged and could not produce a record of official actions that increased building permit fees in 2003, 2005, and 2012.

February 24, 2012, the bureau sent a letter to the Village of Michiana that contained the written complaint and requested that the village review the complaint and provide a written response to the allegations within a 10 day time period as provided by Section 9 b(1) of the Act.

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March 9, 2012, the village provided a written response. Within its response the village indicated that building permit fees were calculated based upon \$3.00 per habitable square foot for a new construction project. There was no indication how the village calculated permit fees for renovation or remodeling work. The village indicated they had been unable to locate a written or posted fee schedule within the village offices prior to February 2012. The village also indicated that it could not find any record of building permit fees being increased in 2003 and 2005. The village provided a copy of Resolution No. 2012-001 titled "To Adopt Fees for Administration of the Zoning Ordinance" adopted on February 10, 2012. The resolution only made reference to the village's Zoning Ordinance and did not contain a reference to Section 22 of the Stille-DeRossett Hale Single State Construction Code Act 1972 PA 230. Among other requirements, Section 22 of the Act provides local units of government with the authority to set reasonable fees to recover the costs of providing construction code enforcement services to the public.

March 20, 2012, the bureau sent a letter to the village indicating that upon review of its response, it had been determined that the village should take immediate action to conduct a financial analysis and establish reasonable fees for providing construction code services to the public. The village was requested to provide the bureau with status updates every 30 days detailing the efforts to properly develop and adopt a Schedule of Fees until an acceptable ordinance and fee schedule is provided to the bureau.

April 16, 2012, the bureau received the village's update indicating that an assessment of the costs of the building department to village revealed that other than the salary of the building inspector, all other costs had been absorbed by the village's general fund. The village also provided budget projections based upon building permit fees received from the previous year. Within the update, the village proposed setting building permit fees based upon a three tier fee schedule based upon 1% to 1.25% of project cost with no additional fee charged for plan review service.

May 9, 2012, the bureau sent a letter to the village requesting additional information detailing the village's process to determine the level of the proposed building permit fee. The bureau requested that the village provide its response within 30 days from the mailing date of the letter.

May 30, 2012, the bureau received a response from the village indicating that building permit fees were calculated using \$3.00 per square foot for new construction and 2% of project costs for all other projects. The Village also indicated that their building inspector was compensated at a rate of 50% of the fee charged for each building permit.

August 14, 2012, the bureau sent a letter to the village indicating that the basis to determining the level of building permit fees would produce fees substantially higher than the cost of providing the service to the public. The bureau requested that the village reevaluate its method for calculating building permit fees and provide the bureau with a revised fee schedule within 30 days from the mailing date of the letter. As of January 25, 2013, the bureau has not received the village's revised fee schedule.

Members of the Construction Code Commission

Page 3

February 20, 2013

Conclusion:

The bureau has determined that the village's method for calculating building permit fees will result in fees that are substantially higher than the cost of providing the service to the public. Additionally, the village has improperly placed the authorization for fees charged for construction code service within the village's zoning ordinance. The lack of adequate responses to the bureau's inquiries causes concerns that the village is not properly executing the duty of enforcing the Act and the code.

Recommendation:

In accordance with 1972 PA 230, Section 9b (1) MCL 125.1509b (1), the bureau recommends that the Construction Code Commission grant permission to conduct a performance evaluation of the subject enforcing agency.

IJP/ms

cc: Beverly Bruesch, Village President, Village of Michiana  
Kim Dabbert, Clerk, Village of Michiana  
Lee Schwartz, MAHB



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVEN H. HILFINGER  
DIRECTOR

August 14, 2012

**MAILED**  
8/14/12 HC  
Wence.

Ms. Beverly Bruesch, Village President  
Village of Michiana  
4000 Cherokee Drive  
Michiana, MI 49117

RE: BCC Complaint No. LG-12-0603

Dear Ms. Bruesch:

Our agency has reviewed the Village's proposed building permit fee formula and additional information provided by the Village of Michiana within its response dated May 30, 2012.

The Village's proposed building permit fee schedule proposes a fee based upon 1% of the construction value for projects valued from \$0.00 to \$25,000, 1.25% for projects valued from \$25,001.00 to \$100,000.00, and 1.25% plus an additional \$3.00 per \$1,000.00 for projects valued \$100,001.00 and above. The Village also states that the permit fee includes a plan review.

The Village's proposed building permit fee formula for a new single family residence with a construction value of \$300,000.00 results in a building permit fee of \$1850.00. In contrast, the bureau's building permit fee for the same project would result in a fee of \$737.00. Additionally, the Village's proposed building permit fee formula would not address differences in project use groups and would set a fee for a commercial project at the same rate as an alteration or remodeling project.

Further, based upon the Village's method to compensate its inspector at a rate of 50% of the building permit fee, the Village's proposed building permit fee for the example project would result in a payment of \$925.00 to the inspector. Considering that (4) building inspections at a minimum would be required for the project example, this would result in a \$231.25 per inspection cost to the public.

Therefore, based upon our review, we find that the method to calculate a building permit fee under the Village's proposed formula would produce fees that are substantially higher than the cost to provide the service to the public. This is not acceptable to the bureau and will require the Village to reevaluate its method for calculating building permit fees.

*Providing for Michigan's Safety in the Built Environment*



May 30, 2012

Dear Mr. Somers,

The building permit fees charged in 2011 were 2% of construction for all projects except for new homes. That permit fee was based upon square footage - \$3 per square foot. Both of these permit fees included the plan review. As for the time the inspector spent on each review for each project, it would be very difficult to average. The same is true for the inspector's visits to the sites. One 2011 project in the Village was probably visited a couple of dozen times by the inspector. Most of the issues were not building problems, but Mr. Owens was required to respond none the less. Our new inspector informed me that he visits each site at least four times during the construction; however there are projects which require more of his attention. We have never broken down exactly what each project costs in time and money for each inspection and project plan review.

In 2011, our building inspector was paid 50% of the fee charged for each building permit.

Our action taken to establish a new schedule of fees remains the same as we previously submitted to you. We are not making any changes until you approve what we are proposing. We have not received any feed-back on what we submitted in the previous two reports.

Sincerely,

  
Beverly Bruesch

sub.

**2012 BUDGET PROJECTIONS BASED ON BUILDING PERMITS AND CERTIFICATES ISSUED IN 2011**  
 (These figures are based on the 20 building permits issued in 2011 and the projected 50 additional projects which did not require permits in 2011.)

Office space for Building Inspector	1,200
Copies	20
Clerical assistance – forms, phone calls, walk-ins 2 hours per week @ \$25 per hour	2,600

**Building Inspector Compensation:**

Plan Review: 20 permits  
 Building Permit Inspections: 20 projects  
 \*Additional projects requiring permits in 2012: 50

}

6,151

307.55  
mi-

Course study/seminars for Building Inspector 500

**Total Projected Expenses** **10,471**

**2011 Revenue from building permits** **19,851**

**2012 Proposed fees:**

0 to \$ 25,000	@ 1%	477
\$ 25,001 to \$100,000	@ 1.25%	3,760
\$100,001 and up	@ 1.25% plus additional \$3 for each \$1000 over \$100,000	6,065
Project for which no fee or permit was required in 2011*	50 @ 1%	2,000

**2012 Projected Revenue from building permits** **12,302**

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✓ \* Projects previously requiring only a certificate at no charge will now require a permit – most at 1% of project cost as they will be lower end projects. As no records were recorded on the certificates issued in 2011, it is difficult to project the number of these projects.

**2011 VILLAGE OF MICHIANA CONSTRUCTION PERMITS ISSUED:**

PROJECT COST	BUILDING PERMIT FEE
\$150,000	3,000
14,500	290
5,000	100
66,763	1,335
7,660	153
6,000	120
36,939	798
3,040	60
2,600	52
8,800	176
40,000	800
250,000	5,460
180,000	3,600
175,000	3,500
94,700	1,894
62,360	1,247

22,585

**2012 PROJECTED REVENUE – BASED ON SAME PROJECTS AS 2011**

PROJECT COST	FEE ON 3 TIER SCALE*
\$150,000	\$ 1,400
14,500	145
5,000	50
66,763	836
7,660	76
6,000	60
36,939	462
3,040	30
2,600	26
8,800	88
40,000	500
250,000	1,700
180,000	1,490
175,000	1,475
94,700	1,184
62,360	780

Plus 50 projects for which permits were not required in 2011\*\*

2,000

12,302

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\*Three tier permit fee schedule:

- Under \$25,000 @ 1%
- \$25,001 to \$100,000 @ 1.25%
- \$100,001 and over @ 1.25% plus \$3 for each additional \$1000 over \$100,000.

BUREAU OF CONSTRUCTION CODES  
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\*\* Previously, no fee was charged for projects like roofs, decks, window replacements. Certificates were issued for these projects; permits will now be required.



# VILLAGE OF MICHIANA

4000 CHEROKEE DRIVE \* MICHIANA, MI 49117

## FACSIMILE TRANSMITTAL SHEET

TO: 1

FROM:

*Mr. Michael Somers*

*Severly Bruce*

COMPANY:

DATE:

*Bureau of Construction Codes  
Dept. of Licensing and Regulatory Affairs*

*4/20/2012*

FAX NUMBER:

FAX NUMBER:

*517 241-9570*

*269.469.3611*

PHONE NUMBER:

TOTAL NO. OF PAGES, INCLUDING COVER:

*517-241-9302*

RE:

*Complaint against Village of Michiana*

URGENT    FOR REVIEW    PLEASE COMMENT    PLEASE REPLY    PLEASE RECYCLE

NOTES/COMMENTS:

*Mr. Somers,*

*I may have typed incorrect numbers in my fax on 4/17/2012.*

*If so, these are the pages I intended to send to you.*

*Thank you,*

*Severly Bruce*

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APR 20 2012

*incl sub.*

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Course study/seminars for Building Inspector	500
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**2012 Projected Revenue from building permits**                      **12,302**

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Plus 50 projects for which permits were not required in 2011\*\*

2,000

12,302

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\*Three tier permit fee schedule:

- Under \$25,000 @ 1%
- \$25,001 to \$100,000 @ 1.25%
- \$100,001 and over @ 1.25% plus \$3 for each additional \$1000 over \$100,000.

\*\* Previously, no fee was charged for projects like roofs, decks, window replacements. Certificates were issued for these projects; permits will now be required.





April 16, 2012

Dear Mr. Somers,

In an attempt to bring the Village of Michiana into compliance with the Bureau of Construction Codes in the State of Michigan Department of Licensing and Regulatory Affairs, we have taken what I hope you will view as positive steps. Our first decision was to hire a consultant to help us through this process. Our choice was Ed Carpenter who is a highly respected building inspector and department head in New Buffalo, Three Oaks, and Galien Township. He agreed to assist us.

After meeting with Ed, I tried to assess the cost of the Building Department to the Village of Michiana. As far as our treasurer has researched, no expenses have been paid from our Building Fund for four years other than the salary to our building inspector. In error, the general fund of the Village has absorbed all other costs. I have presented on one of the attachments what I feel is a fair accounting of the cost to our office of accommodating the building department.

Mr. Carpenter suggested a graduated scale for permit charges, and one of the attachments is our proposal for such a fee schedule. We propose no additional fee for the Plan Check; it is part of the building permit fee. On the other attachment I have recorded the projects from 2011 and fees charged for permits. I used the number and construction costs from 2011 as our projected 2012 construction.

Please advise me as to the other steps I need to take to move the Village into compliance.

Sincerely

Beverly Bruesch  
President, Village of Michiana

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APR 17 2012

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OFFICE OF ADMINISTRATIVE SERVICES



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVEN H. HILFINGER  
DIRECTOR

May 9, 2012

**MAILED**  
5/9/12 (HJ)

Ms. Beverly Bruesch, Village President  
Village of Michiana  
4000 Cherokee Drive  
Michiana, MI 49117

RE: Code Enforcement Complaint No. LG-12-0603

Dear Ms. Bruesch:

Our agency has reviewed the response provided by the Village of Michiana in regard to the above-captioned matter, received in this office on April 20, 2012.

Within its response, the Village has provided information stating that no expenses for other township services are being paid from building department funds, and the township has provided an accounting of fees received from issuing (16) building permits in 2011. The township has also provided financial details for building department expenses in 2011 and a proposed building permit fee schedule based upon a graduated level of project costs.

Based upon our review of the township's response, answers to the following questions will assist in our understanding of the Township's process to determine the level of the proposed building permit fees.

- How was the 2011 building permit fees determined for each project? Was the fee based upon square footage of a structure or the project cost? How was the building permit fee determined for renovation and alteration work? ✓
- Did the township charge an applicant for conducting a plan review in 2011? ✓
- By what method does the township compensate its building inspector? It is based upon a percentage of the permit fee, an hourly rate, an annual salary, or other means? ✓
- How much does it cost the township to perform an inspection? How much does it cost the township to conduct a plan review? No ✓

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RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVEN H. HILFINGER  
DIRECTOR

March 20, 2012

Ms. Beverly Bruesch, Village President  
Village of Michiana  
4000 Cherokee Drive  
Michiana, MI 49117

**MAILED**  
3/20/12 JFC  
w/enclosures

RE: Code Enforcement Complaint No. LG-12-0603

Dear Ms. Bruesch:

Our agency has reviewed the response provided by the Village of Michiana in regard to the above-captioned matter, received in this office on March 9, 2012. A copy of the Village's response is being provided to the complainant for informational purposes. Based upon our review of the Village's information, it has been determined that changes to the Village's construction code program are necessary.

Section 22 of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230 MCL 125.1522 requires that governmental subdivisions establish reasonable fees for acts and services performed by the enforcing agency. The fees established must bear a reasonable relation to the cost, including overhead of providing the services to the public. Fees collected shall only be used for the operation of the enforcing agency or the construction board of appeals, or both, and shall not be used for any other purpose. Fees charged and collected by the Village for construction code services must not be used to supplement other Village services such as police, public works or zoning purposes.

The Village must conduct a deliberate examination of the costs associated with the operation of its enforcing agency. The Village must establish a reasonable fee for conducting a plan review, issuing a building permit, for performing a building inspection, and other building code enforcement services. Copies of sample worksheets are enclosed to aid your analysis. Upon completion of the financial analysis, the Village must authorize by ordinance a schedule of fees for construction code services. A resolution cannot be used to authorize fees. The adopted fee schedule must be posted and available upon a request from the public.

Based upon the information within the Village's written response, it is necessary that the Village take immediate action to undertake a financial analysis and develop reasonable fees for providing construction code services to the public. It is requested that the Village provide our

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March 9, 2012

Dear Mr. Somers,

In response to the complaint filed against the Village of Michiana by Lee Schwartz on February 8, 2012, I would like to provide you with the information I have been able to locate. Prior to the February 10, 2012 meeting referenced by Mr. Schwartz, the Village had no written or posted fee schedule that we could locate. At that meeting we passed the enclosed resolution which set the fees and is now available. We felt that if we did not adopt what we had been charging since as far back as we can remember, we would have an even more serious problem. I am quite sure a previous fee schedule lives somewhere in our office, but I have not been able to locate the form. As I explained to you on the phone, we are on our fifth clerk in the last six years and several were unqualified and one was convicted of fraud and theft against the Village. That kind of turnover makes it very difficult to run an organized office.

I do not know when the \$3.00 per square foot of new construction began, but our previous building inspector, Bill Owens, assured me that it goes back perhaps ten years. We can find no resolution covering it. I have included a resolution from June 19, 2001 which sets the 2% figure. Our Zoning Ordinance adopted on December 4, 2006, states the following in Section 3.8, A. Application Fees Required, line 3:

The amount of such fees shall be determined by the habitable square footage of the building or structure by the Village Council by resolution and may be revised from time to time.

We feel that this gives us the authority to do as we did on February 10, 2012 when we set the fees by resolution. I can find no record of fees being increased in 2003 or 2005. If Mr. Schwartz has such information as his letter indicates, I would like for him to provide it to us. Perhaps any documentation he has will assist us in locating records in our office. As to the charge of creating a square foot fee to prevent lying, perhaps that was true, but I would prefer to think that it was done to levy a fee that would be equitable regardless of an applicant's personal moral code.

We intend to look at the amounts we charge to determine if they are necessary. However, I feel that we will not find that we want to lower them. The fund has about \$76,000 in it. There are several projects for which our building inspector has not been paid. In addition, no monies have been expensed from the account for the costs to our other departments in at least three years. That was pointed out by our new auditor last year. It is something that still has to be done. That will result in transfers to police, public works, and office staff funds. Further, one very troublesome construction project in 2010 would have wiped out any balance in the account had any of the neighbors decided to take us to court (which we were all relieved did not happen).

I thank you for your time in addressing this situation. I wish I could provide more concrete data for you.

Yours truly,

Beverly Bruesch  
President

RECEIVED  
DEPT. OF LABOR &  
ECONOMIC GROWTH

MAR 09 2012

4000 Cherokee Dr., New Buffalo, MI 49117  
Office: 269.469.4600 Fax: 269.469.3611 Police: 269.469.1884

BUREAU OF CONSTRUCTION CODES  
OFFICE OF ADMINISTRATIVE SERVICES

VILLAGE OF MICHIANA  
COUNTY OF BERRIEN- STATE OF MICHIGAN

TO ADOPT FEES FOR ADMINISTRATION  
OF THE ZONING ORDINANCE

RESOLUTION NO. 2012-001

At a Regular Meeting of the Village Council, of the Village of Michiana, County of Berrien, State of Michigan, held in the Village Hall, 4000 Cherokee, Michiana, Michigan on the 10th day of February, A.D. 2012, at 1:00 o'clock p.m. Eastern Standard Time.

**PRESENT:** Council Members, Beverly Bruesch, President, Tim Iverson, President pro tem, Linda Stein, Phil Bonello

**ABSENT:** Council Members, Hillary Herbst

The following preamble and resolution was offered by Council Member Phil Bonello and supported by Council Member, Beverly Bruesch.

**RESOLUTION**

**WHEREAS**, the Village of Michiana has adopted a Zoning Ordinance to regulate land use and promote orderly development; and

**WHEREAS**, the Village Council of the Village of Michiana wishes to establish fees for the orderly administration of said Ordinance; and

**NOW, THEREFORE, BE IT RESOLVED**, that the following fee schedule as submitted to the Village Council of the Village of Michiana shall be adopted as the fee schedule for administration of the Zoning Ordinance, and that all funds received by virtue of these fees shall be deposited in a separate account for the sole purpose of defraying the cost of administration and enforcement of the Zoning Ordinance within the corporate limits of the Village of Michiana.

**AYES:** Beverly Bruesch, Tim Iverson, Phil Bonello, Linda Stein.

**NAYS:** NONE

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TOWN OF BERRIEN  
ECONOMIC GROWTH

MAR 09 2012

BUREAU OF CONSTRUCTION CODE  
OFFICE OF ADMINISTRATIVE SERVICES



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVEN H. HILFINGER  
DIRECTOR

February 24, 2012

**MAILED**  
2/24/12 HC  
w/enclosures

Ms. Beverly Bruesch, Village President  
Village of Michiana  
4000 Cherokee Drive  
Michiana, MI 49117

RE: Code Enforcement Complaint No. LG-12-0603

Dear Ms. Bruesch:

Correspondence has been received in this office from Lee Schwartz on behalf of the Michigan Association of Home Builders regarding the administration and enforcement of construction codes within your governmental subdivision. A copy of the complaint is enclosed for your review.

Within its complaint the Association alleges that:

- The Village does not have a written or posted fee schedule.
- The Village has no ordinance on record allowing enforcement of the code.
- The Village has no record or ordinance for an increase in building permit fees in 2003.
- The Village has no record or ordinance for an increase in building permit fees in 2005.
- The Village has no analysis for the cost of operating its building department.
- The Village's mechanism used to establish building permit fees was intended to prevent applicants from lying to obtain lower fees and was not established to recover the cost of providing the service to the public.

It is requested that the Village review the complaint and provide a written response to our office that specifically addresses all the allegations. This matter is being referred to your pursuant to Section 9b (1) of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230 MCL 125.1509(b).

*Providing for Michigan's Safety in the Built Environment*

LG-12-0603

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DEPARTMENT OF  
LABOR & ECONOMIC GROWTH

FEB 13 2012

BUREAU OF CONSTRUCTION CODES  
ADMINISTRATION DIVISION

February 8, 2012

Mr. Irvin Poke  
Director Bureau of Construction Codes  
Michigan Department of Licensing and Regulatory Affairs  
2501 Woodlake Circle  
Okemos, MI 48864

Dear Director Poke,

The Michigan Association of Home Builders believes the Village of Michiana is failing to follow the Stille-DeRossett-Hale Single State Construction Code Act and is filing this formal complaint along with a request for the Bureau of Construction Codes to conduct a performance evaluation of the Village of Michiana Building Department to assure that the administration and enforcement of this act and the code is being done in accordance with the Stille-DeRossett-Hale Single State Construction Code Act (the Act).

Our concern began when an individual applied for a building permit in Michiana, Michigan. His building permit cost was to be based on a fee of \$3.00 per square foot. The building permit will be \$9,000 in Michiana. The same house building permit in New Buffalo township which surrounds Michiana on two sides would cost him somewhere between \$2,350 and \$3,000. In the remainder of the surrounding municipalities the permit cost would be about \$3,000.

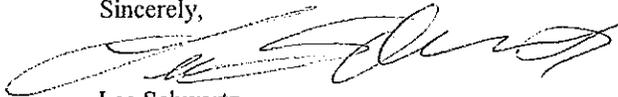
When challenged on these fees, the Village was unable to produce any ordinance authorizing this fee schedule which has been in effect since 2005. Additionally the Village had no written or posted fee schedule.

On Friday, February 10, 2012 the Michiana Village Council passed a motion to set building permit fees at \$3.00 per square foot for new construction and 2% of the value of the job for renovation. During the discussion the Council admitted:

1. They have no ordinance on record allowing them to enforce the code.
2. They have no record of any motion or any back-up paperwork for increasing building permits fee as they did in 2003.
3. They cannot produce a motion authorizing their 2005 fee increase.
4. They have no analysis for the cost of running the building department.
5. The mechanism used to establish fees (permit fee based on square footage) was intended not to cover the cost of running the department but to prevent permit applicants from lying to obtain lower fees.

Please feel free to contact me if you have any questions or if I may offer you any further information.

Sincerely,



Lee Schwartz  
Executive Vice President for Government Relations  
Michigan Association of Home Builders



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
DIRECTOR

March 19, 2013

**DOCUMENT NO. 13-23**

TO: Members of the Construction Code Commission

FROM: Irvin J. Poke, AIA  
Director, Bureau of Construction Codes

SUBJECT: Charter Township of Royal Oak  
Summary Report PE 11-002

The performance evaluation for the Charter Township of Royal Oak was conducted on September 29, 2011. The Township did not provide timely responses to address the recommendations within the performance evaluation report. On January 4, 2012, the Construction Code Commission issued a notice of intent to withdraw the township's code enforcement authority. On February 22, 2012, the Township transmitted an appeal of the Commission's notice of intent and submitted information to address the recommendations. The bureau's review of the information found the Township had not adequately addressed the recommendations.

The bureau submitted a request for hearing to the Michigan Administrative Hearings System on March 6, 2012. An initial pre-hearing conference was held on April 2, 2012, and subsequent pre-hearing conferences were held on May 16, June 7, August 9, and October 11, 2012. On June 7, 2012, the township submitted additional information. The bureau's review of the information found that three recommendations had not been adequately addressed. The Township submitted additional information on September 25, and October 11, 2012. The pre-hearing conference scheduled for January 2, 2013, was rescheduled for March 5, 2013. On March 1, 2013, the Township submitted materials that adequately addressed the three outstanding recommendations and the March 5 pre-hearing conference was adjourned.

The following summary report provides the recommendations from the performance evaluation report submitted to the Commission, the Township's responses to the recommendations, and the Bureau's analysis of the Township's responses.

*Providing for Michigan's Safety in the Built Environment*

### **Recommendation No. 1**

The Township shall prepare a written report listing the electrical permits issued and electrical inspections performed by the unregistered inspector, and shall conduct re-inspections of an initial batch of 25% of the permits to verify that the work completed under the selected permits complies with code. If the Township determines violations exist within the initial re-inspections, the Township shall re-inspect an additional 25% of the permits until compliance with the code has been achieved. The Township shall not charge for the re-inspections. The Township's electrical inspector must complete the additional training required in recommendation number six (6) below *before* conducting the re-inspections. The Township shall provide the inspection list report to the bureau within 30 days of approval of this report, and shall provide a status report to the bureau every 30 days detailing the Township's progress until all inspections have been completed. The Township's information was requested to be provided by November 7, 2011, and a subsequent report every 30 days.

### **Township Response**

On February 22, 2012, the Township provided a list of 78 electrical permits issued and electrical inspections performed by the unregistered inspector. The Township also provided information indicating 33 re-inspections (39.7%) had been performed with no violations of the code identified. The Township was also required to provide verification that its electrical inspector had completed (9) hours of educational training in the electrical, technical and specialty categories (which will include inspection techniques) in addition to the amount of hours required for re-registration within 60 days of approval of this report (see Recommendation No. 6). However, since the Township notified the bureau that the inspector is no longer employed by the Township, it has been determined that compliance with the recommendation has been achieved.

### **Recommendation No. 2**

The Township shall develop and maintain inspection procedures directing the Township's inspectors to cite code sections upon written inspection reports and correction notices that include the date the inspection was performed, the type of inspection performed, and shall bear the true signature of the inspector performing the inspection. The Township shall consistently utilize an inspection report form to document all inspections performed and that the inspection report form shall be placed within the corresponding master permit file to document the performance of inspections. The Township shall provide a copy of its inspection procedures and report form to the bureau within 60 days of approval of this report.

### **Township Response**

On February 22, 2012, the Township provided a copy of instructions to staff to operate the BS&A software program for the issuance of permits and other documents. The Township did not provide a copy of its inspection procedures and inspection report form as recommended. On June 7, 2012, the Township provided a Building Department Policies and Procedures Manual. On Page 8 of the manual, an inspection sequence is provided. On October 11, 2012, the

Township provided a copy of its inspection report form and additional inspection procedures for review. Upon review of the materials, it has been determined that the Township has achieved compliance with the recommendation.

### **Recommendation No. 3**

The Township shall document the performance of plan reviews and the approval of plans prior to permit issuance. The Township shall require plans of sufficient clarity to accompany all applications for building permits, except those that are minor in nature, and shall develop procedures to document the review of plans to determine compliance with the codes prior to the issuance of permits. The Township shall perform plan reviews as required by the code and shall maintain copies of the plan review reports in the permit file. The Township shall review plans during inspections to verify construction is being performed in accordance with approved plans, and the code. If construction deviates from the plans, approval must be obtained from the building inspector. The Township shall develop and consistently utilize proper plan review procedures and plan review record keeping procedures and shall provide the bureau with a copy of those procedures within 60 days of approval of this report.

### **Township Response**

On February 22, 2012, the Township provided copies of a plan review checklist for a commercial project, deck, and generator. The Township did not provide plan review and plan review recordkeeping procedures as recommended. On June 7, 2012, the Township provided a Building Department Policies and Procedures Manual. Page 1 Section B of the manual contains a plan review procedure outline. On October 11, 2012, the Township provided a copy of its plan review report form and additional plan review procedures for review. Upon review of the materials, it has been determined that the Township has achieved compliance with the recommendation.

### **Recommendation No. 4**

The Township shall establish and maintain a Construction Board of Appeals staffed with individuals qualified by experience and training, and shall develop procedures for processing and hearing appeals related to code decisions rendered by the Township inspectors in accordance with Section 14 of the Act, MCL 125.1514. The Township shall provide a written set of procedures governing its Construction Board of Appeals, and shall provide the names and qualifications of the members of its board of appeals to the bureau within 60 days of approval of this report.

### **Township Response**

On February 22, 2012, the Township provided a certified copy of its ordinance establishing its board of appeals, a written set of procedures governing its Construction Board of Appeals, and the names and qualifications of the members of its board of appeals as recommended. The Township has achieved compliance with the recommendation.

### **Recommendation No. 5**

The Township shall develop and maintain a written procedure to actively monitor the registration status of each inspector employed by the Township to assure that the code is being enforced by properly registered code officials in accordance with 1986 PA 54 and shall provide a copy of the procedure to the bureau within 60 days of approval of this report.

### **Township Response**

On February 22, 2012, the Township provided list of its current inspectors. However, the Township did not provide a procedure to monitor the registration status of the inspectors employed by the Township as recommended. On June 7, 2012, the Township provided a Building Department Policies and Procedures Manual. Page 6 of the manual contains the requested procedure. The Township has achieved compliance with the recommendation.

### **Recommendation No. 6**

a) The Township shall review the electrical and mechanical permit and inspection records for the structures located at 21056 and 21094 Woodside, Ferndale, Michigan, and shall prepare a report that addresses the violations listed in Exhibits 1 and 2. The Township's report should identify the party responsible for creating the violations and shall include copies of the electrical and mechanical permits, inspection reports, code violation/correction notices, and shall document all enforcement actions undertaken by the Township until compliance with the code has been achieved. The Township shall submit its report to the bureau within 60 days of approval of this report.

b) Due to the lack of proper inspection and violations described within this finding, the Township's mechanical inspector shall complete (9) hours of educational training in the mechanical technical and specialty categories (which will include inspection techniques) and the Township's electrical inspector shall complete (9) hours of educational training in the electrical technical and specialty categories (which will include inspection techniques) in addition to the amount of hours required for re-registration. This additional training must be completed within 60 days of approval of this report.

### **Township Response**

a) On February 22, 2012, the Township provided copies of final building and electrical inspection approvals for 21056 and 21094 Woodside, Ferndale, Michigan, that document code enforcement actions, and copies of its electrical inspector's registration certificate. The Township has achieved compliance with Section A of the recommendation.

b) The mechanical inspector involved during the evaluation has subsequently left the employ of the Township. The Township has indicated that it believes the requirement for its electrical inspector to complete (9) hours of continuing education is no longer applicable due to an

acknowledgment by the commission of an error of omission in its report (See Recommendation No. 1). Additionally, the electrical inspector is no longer employed by the Township. The Township has achieved compliance with Section B of the recommendation.

**Recommendation No. 7**

The Township shall conduct a review of its Schedule of Fees to determine if sufficient fees are being charged to recover the cost of providing construction code services to the public.

**Township Response**

On February 22, 2012, the Township provided information that indicated a review of its Schedule of Fees was underway and that the review would be completed within 30 days. On September 25, 2012, the Township provided a proposed schedule of fees. Upon review, corrections were required to delete references to the registration of contractor's licenses on an annual basis and to provide a cost analysis for inspector and plan reviewer services. On March 1, 2013, the Township submitted a revised Schedule of Fees containing the proper statutory registration time frame and the financial analysis of the cost of one hour of plan review and one hour of inspection services. The Township has achieved compliance with the recommendation.

**Recommendation No. 8**

The Township shall take the appropriate action to assure follow-up on active permits, pursue timely compliance on open and expired permits, organize and properly maintain permit files and file documentation to adequately discharge its code administration and enforcement responsibilities to provide for the public's safety in the built environment.

**Township Response**

The Township provided a general written statement indicating its willingness to continue to administer and enforce the code. On October 11, 2012, the Township submitted its procedures for the monitoring of open permits. Upon review of the material, it has been determined that the Township has achieved compliance with the recommendation.

**Conclusion:**

Upon review of all of the materials and information submitted by the Township, it has been determined that compliance has been achieved with the recommendations contained within the Performance Evaluation report.

**Recommendation:**

It is recommended that the bureau conduct a re-evaluation of the Township's construction code administration and enforcement program (180) days from the approval of this report. The Township is advised that, pursuant to Section 9b (3) of the Act, failure to comply may result in

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the issuance of a Notice of Intent to Withdraw Code Administration and Enforcement Responsibilities from the Township.

IJP/ms

# Performance Evaluation Report

## CITY OF EAST LANSING PE 13-001

*Prepared for  
State Construction Code Commission*

*March 19, 2013*

*Irvin J. Poke, AIA, Director  
Bureau of Construction Codes*

Steve Arwood, Director  
Department of Licensing and Regulatory Affairs

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

CITY OF EAST LANSING  
PERFORMANCE EVALUATION REPORT

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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
REPORT ON THE PERFORMANCE EVALUATION OF THE  
CITY OF EAST LANSING

**FOREWORD**

On February 6, 2013, Bureau of Construction Codes (BCC) staff conducted a performance evaluation of the City of East Lansing's code administration and enforcement program.

The authority for this action is found in Section 9b(1) of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230, MCL 125.1509b, which states, in part, that:

The director, as prescribed in this section, may conduct a performance evaluation of an enforcing agency to assure that the administration and enforcement of this act and the code is being done pursuant to either section 8a or 8b. A performance evaluation may only be conducted either at the request of the local enforcing agency or upon the receipt of a written complaint.

A performance evaluation of local code enforcement may be conducted by the BCC when authorized by the State Construction Code Commission (SCCC) or at the request of a local enforcing agency. This performance evaluation was authorized by the SCCC as a result of a written complaint submitted to the bureau.

The purpose of the evaluation was to examine certain administrative portions of the code enforcement program within the City of East Lansing as authorized by a final decision of the SCCC dated January 10, 2013. The evaluation consisted of an assessment of the administrative procedures and forms relating to orders to stop construction, certificates of use and occupancy, along with a review of department records, forms and code enforcement procedures utilized by

the City. The evaluation also included a review of randomly selected permit files and projects under construction.

This report contains a listing of the findings from the evaluation and recommendations for program compliance.

## **FINDINGS**

In accordance with the provisions of Section 8b of the Stille-DeRossett-Hale Single State Construction Code Act, 1972 PA 230; MCL 125.1501 et seq, (hereinafter referred to as the “Act”), the City of East Lansing (hereinafter referred to as the “City”), in accordance with Section 8b (4) of the Act, submitted a notice of intent within the required time frame which declared its intent to continue to assume the responsibility for administering and enforcing the Michigan Building, Residential, Electrical, Mechanical and Plumbing Codes.

City representatives assisting in the performance evaluation were Tim Dempsey, Director of the City’s Department of Planning, Building and Development, and Glen Dempsey, Building Official, Building Inspector, and Plan Reviewer (Registration No. 002868). Code officials employed by the City include James Hoffman, Building Official, Building Inspector and Plan Reviewer (Registration No. 005366); Scott Weaver, Building Official, Electrical Inspector and Plan Reviewer (Registration No. 004448); John Gross, Building Official, Mechanical Inspector, Plumbing Inspector and Plan Reviewer (Registration No. 004929) and Nate Foltz, Building Official, Plumbing Inspector, Mechanical Inspector and Plan Reviewer (Registration No. 004285). Lindsy Chapman and Denise Kemy function as administrative clerks within the building department and are directly employed by the City on a full time basis.

The City's Building Department is located at 410 Abbot Road, East Lansing, Michigan, and maintains regular weekday office hours of 8:00 a.m. to 5:00 p.m. (Eastern Standard Time) Monday through Friday. Building Official Glen Dempsey began his duties as the City's Building and Code Administrator on January 28, 2013, and is a full time City employee. All inspectors and plan reviewers directly employed and utilized by the City are properly registered as code officials in accordance with 1986 PA 54.

With the following exceptions, the bureau finds the construction code administration and enforcement program within the City of East Lansing in compliance with the Act and applicable laws and rules. The following list provides information on the exceptions and other findings from the evaluation.

1. A review of the City's permit files reveals that the City's Certificate of Use and Occupancy form lacks information relating to the design occupancy load and whether an automatic sprinkler system is required or provided as required by Section 111.2 of the Michigan Building Code and Section R110.3 of the Michigan Residential Code.

2. Based upon a review of (3) permit files containing orders to stop work, it was found that the City's form did not follow a consistent format and did not identify the party to whom the notice was issued. The forms were titled "Notice of Stop Work Order" and informed an unnamed entity to appear "within 24 hours of receipt of this letter to show cause why construction should not be stopped". The form combines the enforcement language of a notice to show cause and an order to stop construction and does not clearly communicate the action being taken by the enforcing agency. It was also found that the City's form did not sufficiently

document the violation by code section for which the notice was issued. Within the permit files reviewed during the evaluation, there were no documents found titled “Order to Stop Work.”

Additionally, there was no information contained within the files reviewed that documented instances where work was not stopped due to compliance with the notice of stop work order. Section 12 (3) of the Act states, in part:

“If construction is being undertaken contrary to a building permit, this act, or other applicable laws and ordinances, the enforcing agency shall give written notice...to appear and show cause why the construction should not be stopped. If the holder of the permit...fails to appear and show good cause within (1) full working day after the notice is delivered, the enforcing agency shall cause a written order to stop construction to be posted on the premises.”

3. It was found that the City’s building department records were very organized and detailed. All records were easily identifiable and accessible. The active hard copy permit file records were clearly labeled and were arranged alphabetically by street and numerically by street address. Permit numbers and street addresses were clearly identified on all (5) permit files reviewed. Permit application forms and permits, thorough and detailed inspection histories and inspection report forms containing inspectors notes and comments, code violation notices, completed energy code calculations and worksheets, Certificates of Use and Occupancy and other documentation relating to all work authorized at a specific address were found within each file reviewed. Closed inactive permit file records with corresponding construction plans and documents were stored separately from the active files and were located within clearly labeled file cabinets. The recordkeeping procedures utilized by the City appeared to be consistently applied, resulting in detailed and thorough building department records.

4. The City's plan review functions, field inspection procedures and documentation, inspection processes and staff administrative capabilities were previously reviewed during the investigative phase of the evaluation and were found to be in compliance with the Act and the codes. These program areas displayed technical, organizational and administrative strengths and appeared to be a solid segment of the City's program. There were no deficiencies identified within these program areas.

5. A review of a permit file for a mixed-use project (The Lofts) located at 213 Ann Street, revealed the file contained completed permit applications, a detailed plan review report, construction documents, copies of permits, thorough inspection records, temporary and final certificates of use and occupancy, and general correspondence along with reports issued from engineering firms (C2AE and JDH) that detailed specific findings from reviews of the project's structural drawings submitted by the design professional. The City commissioned the two engineering firms to review the project, the structural drawings and other related project information and submit reports of their findings subsequent to a collapse of overloaded building materials that occurred at the work site on June 18, 2012. The reports contained findings that revealed important structural tests and inspection test results thus far had not been submitted to the City. The file also contained copies of letters dated August 15, 2012, and September 14, 2012, issued from the City to the project's general contractor requiring the submission of specific project information regarding geotechnical investigations, auger cast pile calculations, special steel, concrete, masonry, wood fabrications, as well as soil tests and cast in place deep foundation inspection reports not previously submitted in order to show compliance with code requirements and meet the prescribed conditions for a Certificate of Occupancy to be issued.

The file also contained all the responses, tests and inspection results requested from the general contractor. Although it appears that delays in the submission of certain required project documentation was allowed by the City, the review of the permit file revealed that the City required the information to be submitted, evaluated and approved prior to the issuance of the project's final Certificate of Occupancy.

6. A review of a permit file for another mixed use project (The Residences) that is currently under construction located at 201-205 Ann Street, found that along with completed applications for permits, a detailed plan review report, copies of permits, thorough and detailed inspection records, that the City's file contained a very thorough set of construction documents containing many sufficient project details. The file also contained documentation of concrete tests, field masonry observations, structural steel reports, reinforced concrete tests, concrete field reports, geotechnical exploration and engineering reports, soils reports, and daily field reports. Based upon a review of the project documentation compiled thus far, it is apparent that the City is requiring the timely submission of all relevant information in regards to the project and is not allowing any delay of the required submissions from the project's design professional and contractor.

7. During the evaluation, the City indicated that Building Official Glen Dempsey began his employment with the City on January 28, 2013. When interviewed, Mr. Dempsey indicated that his initial task was to conduct a complete review of the City's procedures, forms, practices and policies for code enforcement. Mr. Dempsey reported that he had found that the City did not have an established and comprehensive written set of code administration and enforcement procedures for its building department and indicated that he had begun the

development of an operation and procedures manual to provide for the consistent application of the codes and the Act within the City.

## RECOMMENDATIONS

Based on the findings of this performance evaluation, the bureau finds that the construction code administration and enforcement program within the City of East Lansing is currently in compliance with the Act and all applicable laws and rules. However, in order to ensure the City's continued compliance with all applicable statutes, the following recommendations are set forth:

1. The City shall revise its Certificate of Use and Occupancy form to include information relating to the design occupancy load and whether an automatic sprinkler system is required or provided for compliance with MBC Section 111.2 and MRC Section R110.3. The City shall submit its revised Certificate of Use and Occupancy form to the bureau within 30 days of approval of this report.

2. The City shall develop, maintain and consistently utilize a written set of procedures including proper forms and notification formats regarding notices to show cause and orders to stop construction that comply with the code and the Act. The City shall provide the bureau with a copy of its written set of procedures including the revised notice to show cause and stop work order forms and notifications within 30 days of approval of this report.

3. The City shall develop, maintain, and consistently utilize a written set of code administration and enforcement procedures. The City shall develop a written outline of the chapters and sections to be included within the operation and procedures manual and shall submit the outline to the bureau for review within 60 days of approval of this report. Once the outline is approved, the City shall submit a completed written set of code administration and enforcement procedures to the bureau within 90 days of approval of the procedures outline.

The City shall comply in a timely manner with the recommendations set forth within this report. Due to the City's current level of compliance, no further corrective measures other than the recommendations contained within this report are required at this time. After 180 days subsequent to the approval of the procedures, a reevaluation will be conducted to assure that the City's procedures have been implemented, are being consistently utilized and properly applied.

The City is advised that, pursuant to Section 9b (3) of the Act, failure to comply with the recommendations may result in the issuance of a Notice of Intent to Withdraw Code Administration and Enforcement Responsibilities from the City.

  
Irvin J. Poke, AIA  
Director  
Bureau of Construction Codes

  
Date



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
DIRECTOR

DOCUMENT #13-30

March 28, 2013

TO: Members of the Construction Code Commission  
FROM: Keith Lambert, Deputy Director *KL*  
SUBJECT: Report of Assistance Requests

The bureau has **granted** assistance as follows:

- a) Dickinson County  
Services: Mechanical and plumbing plan review, permit and inspection  
Effective: 02/28/2013 until 04/28/2013
- b) Central Michigan University, Isabella County  
Project: Anspach Hall Renovation Project, Phase 2  
Services: Electrical plan review, permit and inspection  
Effective: 03/04/2013 until completion of project
- c) Mecosta County  
Project: Big Rapids Library  
Services: Plan review  
Effective: 02/22/2013 until completion of project
- d) Central Michigan University, Isabella County  
Project: Wightman Hall 126 Textile Lab  
Services: Electrical plan review, permit and inspection  
Effective: 02/19/2013 until completion of project

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- e) Wayne State University, Wayne County  
Project: New Tenant Retail Space, Half Time Cafe  
Services: Electrical, mechanical and plumbing plan review, permit and inspection  
Effective: 02/19/2013 until completion of project
  
- f) Western Michigan University, Kalamazoo County  
Project: Western View Apartments (Phase 2) – Fire Suppression System  
Services: Electrical and mechanical plan review and inspection  
Effective: 01/29/2013 until completion of project
  
- g) Central Michigan University, Isabella County  
Project: Health Professional Building Addition Project Bulletin 14  
Services: Building, electrical, plan review, permit and inspection  
Effective 01/17/2013 until completion of project



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
DIRECTOR

**DOCUMENT #13-25**

March 14, 2013

TO: Members of the Construction Code Commission

FROM: Larry Lehman, Chief  
Building Division

SUBJECT: Continuing Education Instructor Applications

Attached is a list of those individuals who have applied for approval as instructors of continuing education programs required of building officials, inspectors and plan reviewers. The instructors listed have been granted lifetime approval.

Each has documented training and experience in the topic which they propose to teach.

**It is the recommendation of Bureau staff that they be approved as instructors by the Commission.**

LL/kld

Attachments

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## Department of Licensing and Regulatory Affairs-Bureau of Construction Codes-2012/2015 New Instructors

Instructor Number	Last Name	First Name	MI	Affiliation/Experience
2052	Swanson	Steve	C	Uponor
2053	Bee	Robert		
2054	Carr	Barrington		LARA/Bureau of Commercial Services
2055	Brisbo	Andrew	D	LARA/Bureau of Commercial Services
2056	Dandy	Philip	C	
2057	Kortman	Michael		West Michigan Plumbing Inspectors Assoc
2058	Magro	Jessica	L	Michigan DEQ
2059	Griffin	Jason	D	MIOSHA
2060	Maynes	Bradford	L	Washtenaw Community College
2061	Kochan	Melvyn	J	IAEI-Michigan Chapter

## Department of Licensing and Regulatory Affairs-Bureau of Construction Codes-2012/2015 Renewal Instructors

Instructor Number	Last Name	First Name	MI	Affiliation/Experience
619	Edwards	Gyrome	L	
1221	Mello	Charles	F	

**BUILDING OFFICIALS RECOMMENDED FOR CCC APPROVAL**

BRIGGS, Kirk D.

Registered BI/PR (002927) since 10/1992 and 05/1994

Replacing Bob Logan (003659)

City of Muskegon – Muskegon County

BRYAN, Gene E.

Registered EI/MI/PR (004277) since 10/1999

Additional Building Official

Eaton County

DIMICHELE, Angelo

Registered Building Inspector (11/2005) and Plan Reviewer (03/2006) (005297)

Additional Building Official

City of Garden City – Wayne County

KEE, Alton R.

Registered BI (12/1995), EI and PR (002501) since 10/1990

Additional Building Official

City of Huntington Woods – Oakland County

MURAR, Kenneth S.

Registered EI/PR (005023) since 10/2003

Replacing Robert Logan (003659)

City of Muskegon – Muskegon County

OLMSTEAD, Paul

Registered Building Inspector and Plan Reviewer (005646) since 04/2010

Additional Building Official

Plainfield Township – Iosco County

POWERS, Kenneth D.

Registered Building Inspector (11/1999) and Plan Reviewer (05/2000) (004310)

Additional Building Official

Sandstone Charter Township – Jackson County

SCHLAUD, Lavern W.

Registered Building Inspector/Plan Reviewer (005611) since 05/2009

Replacing Joseph Ferrigan (003561)

Otsego County

TAYLOR, Timothy D.  
Registered EI/PR (004740) since 11/2001  
Replacing Ed Britton (003185)  
Mason County

WARD, Michael G.  
Registered BO/EI/PR (005563) since 09/2008 (and prior)  
Reapplication for non-renewal  
City of River Rouge – Wayne County

WILEY, Robert E.  
Registered BI/PR (004030) since 01/1998 and BO since 03/2005  
Reapplication for non-renewal  
Grant Township – St. Clair County

WILSON, Brian M.  
Registered Building Inspector/Plan Reviewer (005214) since 07/2005  
Replacing Kern Visser (000163)  
Cascade Township – Kent County

**BUILDING INSPECTORS RECOMMENDED FOR CCC APPROVAL**

BANIC, Mark R.  
10,095 hours experience in Building  
Additional Inspector  
City of Hartford – Van Buren County

DISANTO, Giuseppe  
Registered Building Inspector/Plan Reviewer (004133) since 04/2010  
Reapplication for non-renewal  
Brownstown Township – Wayne County

HENRY, Dean M.  
Registered Building Inspector/Plan Reviewer (005312) since 03/2006  
Reapplication for non-renewal  
Clayton Charter Township – Genesee County

HILL, John M.  
13,920 hours experience in Building  
Replacing Michael McPherson (005258)  
Kalkaska County

LOVELESS, Christopher D.  
14,454 hours experience in Building  
Additional Inspector  
City of Ferndale – Oakland County

MITCHELL, Jeffrey M.  
38,510 hours experience in Building  
Additional Inspector  
City of Southgate – Wayne County

PHILLIPS, Thomas A.  
Previously registered BI/PR (004764) since 01/2002  
Reapplication for non-renewal  
City of Orchard Lake Village – Oakland County

PUTNAM, Duane A.  
Registered BI/PR (005395) since 11/2009  
Reapplication for non-renewal  
Alaiedon Township – Ingham County

RICHEY, John W.  
8,320 hours experience in Building  
Replacing Lennel D. Smith (005091)  
Calvin Township – Cass County

SHAGENA, Marvin J.  
9,776 hours experience in Building  
Additional Inspector  
City of Ann Arbor – Washtenaw County

SLIZEWSKI, Brian M.  
Licensed Prof. Eng.#6201035654 (04/1990)  
Additional Inspector  
City of Ann Arbor – Washtenaw County

STARKEY, Peter G.  
Registered Building Inspector/Plan Reviewer (004885) since 01/2003  
Reapplication for non-renewal  
Spurr Township – Baraga County

STEPHAN, III, Lacey D.  
8,427 hours experience in building  
Replacing Phillip Wheaton (005349)  
Crawford County

STUYFZAND, John H.  
Registered BI/PR (005102) since 05/2004  
Reapplication for non-renewal  
Gaines Charter Township – Kent County

WILEY, Robert E.  
Registered BI/PR (004030) since 01/1998 and BO since 03/2005  
Reapplication for non-renewal  
Grant Township – St. Clair County

WYMER, Larry D.  
10,400 hours experience in Building  
Replacing Chad R. Doyle (003394)  
Gratiot County

**PLAN REVIEWERS RECOMMENDED FOR CCC APPROVAL**

ANDERSON, Stewart M.  
Master License#6210754 (01/2002)  
Additional Plan Reviewer  
City of Wayne – Wayne County

BANIC, Mark R.  
10,095 hours experience in Building  
Additional Plan Reviewer  
City of Hartford – Van Buren County

BUSHEE, Randy E.  
Master License #8111326  
Additional Inspector  
City of Springfield – Calhoun County

COLLINS, James W.  
Previously registered as PI/PR (005252) from 2005-2006  
Replacing Paul Stiles (003598)  
City of Novi – Oakland County

DISANTO, Giuseppe  
Registered Building Inspector/Plan Reviewer (004133) since 04/2010  
Reapplication for non-renewal  
Brownstown Township – Wayne County

DIXON, Walter M.  
Registered PI/PR (005424) since 01/2011  
Reapplication for non-renewal  
Village of Franklin – Oakland County

HENRY, Dean M.  
Registered Building Inspector/Plan Reviewer (005312) since 03/2006  
Reapplication for non-renewal  
Clayton Charter Township – Genesee County

HILL, John M.  
13,920 hours experience in Building  
Replacing Michael McPherson (005258)  
Kankaska County

KITTLE, Donald, R.  
Registered MI/PI/PR (004710) from 11/2001-09/2009  
Replacing Tim Basore (004491)  
City of Jackson – Jackson County

LANG, Mellisa M.  
27,144 hours experience in Plan Review  
Replacing Clark Streicher (005485)  
Chikaming Township – Berrien County

LEONARD, Timothy P.  
Master License#LIC2006-00350 (City of Detroit 2006)  
Additional Plan Reviewer  
City of Detroit – Wayne County

LOVELESS, Christopher D.  
14,454 hours experience in Building  
Additional Plan Reviewer  
City of Ferndale – Oakland County

MITCHELL, Jeffrey M.  
38,510 hours experience in Building  
Additional Plan Reviewer  
City of Southgate – Wayne County

PHILLIPS, Thomas A.  
Previously registered BI/PR (004764) since 01/2002  
Reapplication for non-renewal  
City of Orchard Lake Village – Oakland County

PUTNAM, Duane A.  
Registered BI/PR (005395) since 11/2009  
Reapplication for non-renewal  
Alaiedon Township – Ingham County

SHAGENA, Marvin J.  
9,776 hours experience in Building  
Additional Plan Reviewer  
City of Ann Arbor – Washtenaw County

SHEW, Bruce A.  
Master License#6214794 (11/2006)  
Additional Plan Reviewer  
Buena Vista Township – Saginaw County

SLIZEWSKI, Brian M.  
Licensed Prof. Eng.#6201035654 (04/1990)  
Additional Plan Reviewer  
City of Ann Arbor – Washtenaw County

STARKEY, Peter G.  
Registered Building Inspector/Plan Reviewer (004885) since 01/2003  
Reapplication for non-renewal  
Spurr Township – Baraga County

STEPHAN, III, Lacey D.  
8,427 hours experience in building  
Replacing Phillip Wheaton (005349)  
Crawford County

STUYFZAND, John H.  
Registered BI/PR (005102) since 05/2004  
Reapplication for non-renewal  
Gaines Charter Township – Kent County

ULRICH, Darrell R.  
Master License#6210677 (01/2002)  
Replacing Dave Strachan (004170)  
Macomb Township – Macomb County

WARD, Michael G.  
Registered BO/EI/PR (005563) since 09/2008 (and prior)  
Reapplication for non-renewal  
City of River Rouge – Wayne County

WILEY, Robert E.  
Registered BI/PR (004030) since 01/1998 and BO since 03/2005  
Reapplication for non-renewal  
Grant Township – St. Clair County

WYMER, Larry D.  
10,400 hours experience in Building  
Replacing Chad R. Doyle (003394)  
Gratiot County

**ELECTRICAL INSPECTORS RECOMMENDED FOR CCC APPROVAL**

ANDERSON, Stewart M.  
Master License#6210754 (01/2002)  
Additional Inspector  
City of Wayne – Wayne County

COOPER, Travis J.  
Journey License#6325692 (04/2002)  
Replacing John Zwerican (005212)  
Arbela Township – Tuscola County

KERY, David J.  
Master License #6211993 (01/2002)  
Additional Inspector  
City of Dearborn – Wayne County

LEONARD, Timothy P.  
Master License#LIC2006-00350 (City of Detroit 2006)  
Additional Inspector  
City of Detroit – Wayne County

SHEW, Bruce A.  
Master License#6214794 (11/2006)  
Additional Inspector  
Buena Vista Township – Saginaw County

ULRICH, Darrell R.  
Master License#6210677 (01/2002)  
Replacing Dave Strachan (004170)  
Macomb Township – Macomb County

WARD, Michael G.  
Registered BO/EI/PR (005563) since 09/2008 (and prior)  
Reapplication for non-renewal  
City of River Rouge – Wayne County

**MECHANICAL INSPECTORS RECOMMENDED FOR CCC APPROVAL**

COOK, Fredrick H.  
Registered MI/PR (005579) from 2008-2009  
Additional Inspector  
Leelanau County

KITTLE, Donald, R.  
Registered MI/PI/PR (004710) from 11/2001-09/2009  
Replacing Tim Basore (004491)  
City of Jackson – Jackson County

**PLUMBING INSPECTORS RECOMMENDED FOR CCC APPROVAL**

BUSHEE, Randy E.  
Master License #8111326  
Additional Inspector  
City of Springfield – Calhoun County

COLLINS, James W.  
Previously registered as PI/PR (005252) from 2005-2006  
Replacing Paul Stiles (003598)  
City of Novi – Oakland County

KITTLE, Donald, R.  
Registered MI/PI/PR (004710) from 11/2001-09/2009  
Replacing Tim Basore (004491)  
City of Jackson – Jackson County

VANDENBERG, James J.  
Master License#8107971 (01/1983)  
Replacing David Cooley (002053)  
Cascade Township – Kent County



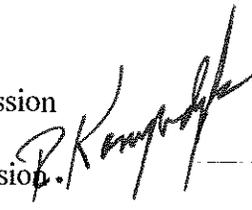
RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
DIRECTOR

Document # 13-24

March 11, 2013

TO: Members of the Construction Code Commission  
FROM: Robert G. Konyndyk, Chief, Plumbing Division   
SUBJECT: Approval of Hydroflo Systems Waterproofing Sub Soil Drain System, BCCP-12-001

The applicant has requested product approval to provide product acceptance through approval clarification. Previous actions by the commission are identified as 1369-PA and 1513-PA.

**APPLICANT REPRESENTATIVE:**

Mr. David Brown

**APPLICANT:**

Stay Dry Basement Water Proofing Inc.  
4600 N. Grand River  
Lansing, Michigan 48906

**AUTHORITY:**

Section 21 of Act 230, 1972 being section 125.1521 of the Michigan Compiled Laws.

**PRODUCT:**

Hydroflo Systems Waterproofing Sub Soil Drain System

**APPLICATION:**

Basement dewatering system.

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**APPLICABLE CODE SECTION:**

Section 1111 Subsoil Drains, Section 1112 Building Subdrains, and Section 1113 Sumps and Pumping Systems

**CONDITIONS OF USE AND INSTALLATION:**

1. All requirements of the Michigan Plumbing Code shall be applicable.
2. All requirements of the Michigan Residential Code shall be applicable.
3. Shall be installed in accordance with manufacturer's installation instructions.
4. This approval shall become void if and when the product no longer meets the requirements of the Michigan Plumbing Code or a change in design/designation occurs.

**RECOMMENDATION:**

The State Plumbing Board recommended the product to the commission for approval at the February 26, 2013 board meeting.

RGK/sjl



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
DIRECTOR

March 11, 2013

Mr. David Brown  
Stay Dry Basement Water Proofing Inc.  
4600 N. Grand River  
Lansing, MI 48906

Dear Mr. Brown:

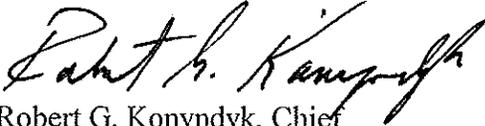
I am writing to notify your office of the status of your Certificate of Acceptance product request for the Hydroflo Systems Waterproofing Sub Soil Drain System.

The State Plumbing Board and this office will be forwarding the products recommendation decision to the Construction Code Commission. Their next meeting is Wednesday, April 3, 2013 at 9:30 a.m. EST, at the Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, 2501 Woodlake Circle, Okemos, Michigan, 1<sup>st</sup> Floor, Conference Room No. 3. A map is enclosed for your convenience.

It is not necessary that you or your representative attend the meeting. However, you are welcome to attend to provide additional information related to the product if necessary.

If you have any further questions. Please contact me at (517) 241-9330.

Sincerely,

  
Robert G. Konyndyk, Chief  
Plumbing Division

RGK/sjl

Enclosure

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RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
DIRECTOR

February 21, 2013

Document #13-19

TO: Members of the Board of Mechanical Rules  
FROM: Kevin Kalakay, Chief, Mechanical Division  
SUBJECT: Product Approval for Gastight FlashShield CSST

A handwritten signature in black ink, appearing to be "K. Kalakay", written over the "FROM" line of the memo.

The applicant has filed a petition application for approval of a product.

**APPLICANT REPRESENTATIVE:**

Mr. Edward Glende

**APPLICANT:**

Gastight  
1116 Vaughn Parkway  
Portland, Tennessee 37148

**AUTHORITY:**

MCL 125.1521 of 1972 PA 230.  
MCL 338.975 of 1984 PA 192

**PRODUCT:**

FlashShield CSST flexible fuel gas piping system in sizes 1/2", 3/4", 1" and 1 1/4".

**APPLICATION:**

FlashShield is a flexible gas piping system with an innovative layer of aluminum mesh surrounded by two layers of protective polymer to offer superior protection against the damaging effects of electrical energy. No additional bonding requirement is imposed by the manufacturer as long as the system is bonded in accordance with the NEC in the same manner as rigid metal piping.

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**TESTING / LISTING REPORTS:**

LC-1024- February 2010, revised February 2010

LT-12-3555-June 4, 2012

PMG-1066- January 1, 2012

**LICENSING AND INSTALLATION REQUIREMENTS:**

Shall be installed only by State of Michigan licensed Mechanical contractors with the proper license classification to perform gas piping installations. Additionally, the installation of FlashShield must be performed by qualified installers who have successfully completed the Gastight/ FlashShield Training Program.

**CONDITIONS OF USE AND INSTALLATION:**

1. All requirements of the Michigan Mechanical, Michigan Residential and International Fuel Gas Codes most current editions shall apply, except those code provisions requiring additional bonding of CSST.
2. Installation shall be in accordance with the Gastight Design and Installation Guide.
3. All installations must pass inspection by the authority having jurisdiction prior to being placed into service.
4. Not approved for pressure above 5 PSI.

**RECOMMENDATION:**

The Board of Mechanical Rules at their February 5, 2013 meeting recommended the product for approval to the Construction Code Commission with the above stipulations.

CC: Edward Glende



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
IRVIN J. POKE  
DIRECTOR

STEVE ARWOOD  
DIRECTOR

February 21, 2013

Document #13-18

TO: Members of the Construction Code Commission  
FROM: Kevin Kalakay, Chief, Mechanical Division  
SUBJECT: Product Approval for Viega MegaPress

The applicant has filed a petition application for approval of a product.

**APPLICANT REPRESENTATIVE:**

Mr. Matt Moros

**APPLICANT:**

Viega LLC  
301 N. Main, Fl 9  
Wichita, KS 67202-4806

**AUTHORITY:**

MCL 125.1521 of 1972 PA 230.  
MCL 338.975 of 1984 PA 192

**PRODUCT:**

MegaPress products #'s 4811, 4812, 4815, 4816, 4818, 4826, 4860, 48151, and 48172.  
Sizes ½", ¾", 1", 1 ¼", 1 ½" and 2"

**APPLICATION:**

The ability to connect black pipe in hydronic piping systems employing the Viega cold metal press system using carbon steel press fittings with corrosion resistant coating. The patented smart connect feature allows for easy identification of un-pressed connections. No flame, welding or cutting of threads. Ten year manufacturers warranty on fittings and a fifty year life expectancy on EPDM sealing element. System requires use of a RIGID crimp tool as part of the installation process.

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**CERTIFICATIONS:**

FM ID 3044100 Class 1920 – May 21, 2012  
TSSA-0A14541.15ADD2

**TESTING / LISTING REPORTS:**

ICC-ES LC1002 – February 2012, revised February 2012

**LICENSING AND INSTALLATION REQUIREMENTS:**

Shall be installed only by State of Michigan licensed Mechanical contractors with the proper license classification (s) to perform hydronic piping installations. The manufacturer shall provide training on proper installation to all installing contractors.

**CONDITIONS OF USE AND INSTALLATION:**

1. All requirements of the Michigan Mechanical, Michigan Residential most current editions shall apply.
2. Installation shall be in accordance with the manufacturer's installation instructions.
3. Not approved for underground installations
4. Not approved for embedding applications
5. Approved for schedule 40 pipe only.
6. Not approved for temperatures above 250 degrees F.
7. Not approved for pressures above 200 PSI
8. The fitting installation must be pressure-tested for leaks in the presence of the code official.
9. RIGID press tool shall be re-calibrated by RIGID after a period of 30,000 presses.
10. This approval shall become void if the product no longer conforms to the current Michigan Mechanical, Michigan Residential codes.

**RECOMMENDATION:**

The Board of Mechanical Rules at their February 5, 2013 meeting recommended the product for approval to the Construction Code Commission with the above stipulations.

CC: Matt Moros