

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF CONSTRUCTION CODES,

Complainant,

Complaint No. 21-18-338837

v

BRUCE CHARLES HOLDER,
Builder Salesperson
License No. 21-05-216577,

Respondent.

ORDER OF SUMMARY SUSPENSION

A formal complaint has been issued against Respondent under the Occupational Code, 1980 PA 299, as amended, MCL 339.2401-2412, promulgated rules, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

After consideration of the documentation obtained in investigating this matter and after reviewing the attached affidavit from Director Keith E. Lambert, the Department concludes that the public health, safety and welfare requires emergency action, as allowed by section 505(1) of the Occupational Code and section 92 of the Administrative Procedures Act.

THEREFORE, IT IS ORDERED that Respondent's license as a builder salesperson in the State of Michigan shall be summarily suspended commencing on the date this order is served.

Under MCL 339.505(2), Respondent has the right to petition for the dissolution of this order of summary suspension. This petition shall clearly state that it is a Petition for Dissolution of Summary Suspension and shall be filed with the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance Division, P.O. Box 30254, Lansing, Michigan 48909, with a copy served upon the Department of Attorney General, Licensing & Regulation Division, P.O. Box 30758, Lansing, Michigan, 48909. Questions concerning the Order of Summary

Suspension may be directed to (517) 335-7569. Upon receipt of such a petition, an administrative hearing will immediately be scheduled before an administrative law judge, who shall dissolve the order of summary suspension unless sufficient evidence is produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the suspension order.

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF CONSTRUCTION CODES

By Keith E. Lambert
Keith E. Lambert, Director
Bureau of Construction Codes

Dated: February 21, 2019

LF: 2019-0240521-A\Holder, Bruce Charles, 338837 (Res Bldr)\Ploading ~ Order of Summary Suspension - 2019-02-07

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

BRUCE CHARLES HOLDER,
Builders Salesperson
License No. 21-05-216577

Complaint No. 21-18-338837

Respondent.

FORMAL COMPLAINT

NOW COMES Attorney General Dana Nessel, through Timothy C. Erickson, Assistant Attorney General, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Complainant, pursuant to the Occupational Code, as amended, MCL 339.101 *et seq.*, and its rules promulgated thereunder, and files this Formal Complaint against Bruce Charles Holder, Respondent, upon information and belief alleges as follows:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 339.2401 *et seq.*
2. Beginning on May 8, 2003, Respondent was licensed as a Residential Builder and/or Maintenance and Alteration Contractor pursuant to Article 24 of the Code. This license lapsed on May 31, 2017 and was revoked on May 15, 2018.

3. Beginning on October 18, 2017, Respondent was licensed as a builders salesperson under the residential builder company license of Empire Today LLC (license number 21-02-173646) and Respondent was continually licensed.

4. Section 604(d) of the Code subjects a licensee to sanction who demonstrates a lack of good moral character, meaning "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner," as defined by MCL 338.41.

5. Section 514 of the Code authorizes the Board to sanction licensees based on an administrative law hearing examiner's hearing report.

6. Section 602 of the Code requires the Board to sanction licensees who have violated the Code.

7. After conducting an investigation, the Department may issue an order summarily suspending a license or a certificate of registration issued pursuant to articles 8 to 25 based on an affidavit by a person familiar with the facts set forth in the affidavit, or, if appropriate, based upon an affidavit on information and belief, that an imminent threat to the public health, safety, and welfare exists. MCL 339.505(1).

FACTUAL ALLEGATIONS

8. In its May 15, 2018 final order, the board found Respondent violated sections 604(c), (e), (g), (h), 2411(2) (a), (b), (c), and (d) of the Occupational Code, MCL 339.101 *et seq.* and Mich Admin Code, R 338.1533(1) and 1551(2). The Board

sanctioned Respondent's individual builder license (number 21-01-166790) by revoking the license, a fine of \$35,000, and ordering restitution totaling \$33,500.

9. On August 3, 2018, the Bureau filed another formal complaint against Respondent's individual builder license in complaint number 21-17-334272. As of the date of filing the instant formal complaint, the board has not taken final action in complaint number 21-17-334272.

10. On December 19, 2018, Respondent brandished a handgun and pointed it at another motorist while driving down the expressway.

11. Respondent fired the handgun from his vehicle in the direction of the other motorist.

12. Respondent then sped off.

13. On December 21, 2018, based on the above conduct, Respondent was charged with five criminal offenses:

- a. Discharge of a firearm from a motor vehicle, a felony in violation of MCL 750.234a(1)(a);
- b. Possession of a firearm in the commission of a felony (discharge of a firearm from a motor vehicle), a felony in violation of MCL 750.227b;
- c. Carrying a concealed weapon, a felony in violation of MCL 750.227;
- d. Assault with a dangerous weapon, a felony, in violation of MCL 750.82; and
- e. Possession of a firearm in the commission of a felony (felonious assault), a felony in violation of MCL 750.227b.

COUNT I

14. Respondent's conduct, as described above, constitutes a lack of good moral character in violation of section 604(d) of the Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, as amended, MCL 24.201-328 and the Occupational Code, *supra*, to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs, pursuant to the Occupational Code, for the reasons set forth herein.

FURTHER, Complainant requests that pending the hearing and final determination Respondent's license to work as a builders salesperson in the State of Michigan continue to be summarily suspended pursuant to section 92 of the Administrative Procedures Act and § 505(1) of the Occupational Code for the reason that, based upon the allegations set forth herein, to permit Respondent to continue to practice the profession constitutes a danger to the public health, safety and welfare requiring emergency action.

Respectfully submitted,

By Keith E. Lambert
Keith E. Lambert, Director
Bureau of Construction Codes
Department of Licensing and Regulatory
Affairs
P.O. Box 30254
Lansing, MI 48909
Phone: (517) 241-9302

Dated: February 21, 2019

LF: 2019-0240621-A\Holdex, Bruce Charles, 338837 (Res Bldr)\Pleading - Complaint - 2019-02-07