

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

In the Matter of

MICHAEL JOHN YOUNG
License Number: 21-01-202029

File Number: 21-14-324300
Docket Number: 16-018610
CONSENT ORDER AND STIPULATION

CONSENT ORDER

A Formal Complaint was executed on May 18, 2015, charging Michael John Young (Respondent) with violating the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq; and

Respondent admits that the facts alleged in the Formal Complaint are true and constitute a violation of sections 2411(2)(e) and (j) of the Occupational Code supra; administrative rules 51(4)-(5) of the Michigan Administrative Code, R 338.1551(4)-(5), and section 604 (c) of the Occupational Code supra.

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) has reviewed the Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Formal Complaint; therefore,

IT IS FOUND that the facts alleged in the Formal Complaint are true and constitute a violation of sections 2411(2)(e) and (j) of the Occupational Code supra; administrative rules 51(4)-(5) of the Michigan Administrative Code, supra, and section 604 (c) of the Occupational Code supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, supra, Respondent is FINED \$1,000.00, to be paid to the State of Michigan within 60 days of the effective date of this Order.

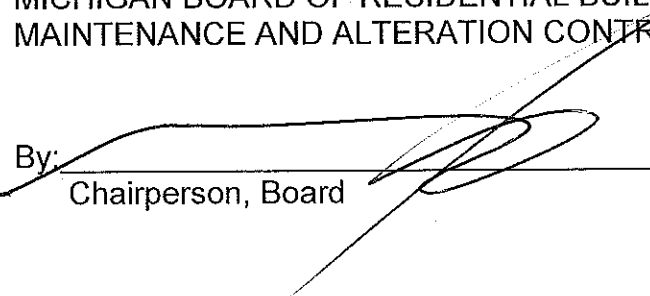
IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Legal Affairs Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by bank cashier check (check) or money order, made payable to the State of Michigan, and the check or money order shall clearly display file number **21-14-324300**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in the SUSPENSION of all licenses held by Respondent under Article 24 of the Occupational Code, supra, and in the denial of any license or registration application or renewal under the Occupational Code, supra.

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Board, as set forth below.

Dated: 6-13-17

MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

By: 
Chairperson, Board

STIPULATION

1. Respondent was issued an individual builder license on March 29, 2012 (expires May 31, 2018) and there is no record of prior disciplinary action against the license.

2. Northtown Construction, Inc. was formed on October 5, 2011 and Northtown Construction, Inc., Michael John Young, Qualifying Officer, was issued a company builder license on July 6, 2015 (expires May 31, 2018), and there is no record of prior disciplinary action against the license.

3. On or about August 20, 2013, Respondent executed a contract on behalf of Northtown Construction, Inc., with Nicholas Ellington (Homeowner) to replace a shingle roof on the house and garage, install gutters and downspouts, replace a concrete porch, level interior floor in foyer, dining area, bedroom, level kitchen counter tops, and replace four entry doors, for the cost of \$14,900.

4. Respondent completed the work on or before August 30, 2013. At the time of the contract and the completion of the work, Northtown Construction, Inc. did not possess a company builder license (obtained July 6, 2015).

5. On or about July 18, 2014, the Homeowner filed a Statement of Complaint.

6. On or about July 11, 2014, a City of Lansing Building Inspector conducted a complaint inspection of the subject home and issued a Building Inspection Report, signed July 14, 2014 that cited the following violations of the 2009 Michigan Residential Code:

- a) R105.1 – fail to obtain building permit prior to commencing work
- b) R109.1.4 – fail to call for framing inspection
- c) R109.1.16 – fail to call for final inspection
- d) R905.2.2 – garage roof less than 2:12 pitch, asphalt shingles not allowed

7. Respondent obtained a building permit on December 11, 2013 after the project was completed.

8. Respondent did not return to the property and correct the building code violations.

9. Respondent agrees that the facts alleged in the Formal Complaint are true and constitute a violation of sections 2411(2)(e) and (j) of the Occupational Code supra; administrative rules 51(4)-(5) of the Michigan Administrative Code, supra, and section 604 (c) of the Occupational Code supra.

10. On October 26, 2015, Nicholas Ellington (homeowner) obtained a Civil Default Judgment, in the amount of \$7,491.70, against Northtown Construction, Inc., in Case No. 15-03128GC, 54-A District Court, Lansing, Michigan.

11. Between February 16, 2016 and July 15, 2016, Respondent made ten (10) payments to the homeowner, totaling \$8,978.43. The civil judgment has been satisfied.

12. The prosecution of the Formal Complaint was previously scheduled for an administrative hearing and pursuant to Respondent's agreement to settle the Formal Complaint and to enter into this Consent Order and Stipulation, the Department's request for hearing submitted to the Michigan Administrative Hearing System (MAHS) was withdrawn from the hearing docket, without prejudice, and the hearing was cancelled.

13. Respondent understands and intends that by agreeing to the Consent Order and Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq, to require the Department to prove the allegations set forth in the Formal Complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and present such witnesses as Respondent may desire to present a defense to the allegations.

14. Respondent and the Department further agree that this matter is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended.

15. This Consent Order and Stipulation is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Board in this matter.

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

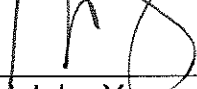
AGREED TO BY:



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

Dated: 4/25/17

AGREED TO BY:



Michael John Young

Dated: 4/20/17

WW

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
CORPORATIONS, SECURITIES &
COMMERCIAL LICENSING BUREAU

Complaint No. 324300

Complainant,

v

MICHAEL JOHN YOUNG
License No. 21-01-202029

Respondent.

FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Complainant, pursuant to MCL 339.101-605, and its rules promulgated thereunder, upon information and belief alleges as follows:

1. Michael John Young (Respondent), has, at all times relevant to this Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412.

2. A Complaint against Respondent, conforming to the requirements of § 2411 of 1980 PA 299, as amended; MCL 339.2411 has been filed with the Department of Licensing and Regulatory Affairs by Nicholas Ellington and is attached hereto as Exhibit 1.

3. An authority charged with the enforcement of the laws governing construction of residential or residential and commercial buildings in the political subdivision in which the building is located has submitted an evaluation of the Complaint submitted. The evaluation is attached hereto as Exhibit 2.

4. Respondent entered into a contract to perform services regulated by 1980 PA 299, as amended, with Nicholas Ellington on or about August 20, 2013, pursuant to attached Exhibit 3.

5. Respondent has acted as agent, partner, or associate with Northtown Construction, Inc., an entity not licensed under 1980 PA 299, as amended, although required to be licensed pursuant to 1980 PA 299, *supra*, contrary to MCL 339.2411(2)(j). A certification of license status is attached hereto as Exhibit 4.

6. Respondent, in performance of the contract, failed to comply with §§ R105.1, R109.1.4, R109.1.6 and R905.2.2 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to MCL 339.2411(2)(e) and 2006 AACCS, R 338.1551(5).

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

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

Based upon the conduct as aforesaid, Respondent has acted contrary to §§ 604(c) and 2411(2)(e) & (j) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and MCL 339.2411(2)(e) & (j) and rule 51(4) & (5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACCS, R 338.1551(4) & (5), constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, PA 306, as amended, MCL 24.201-328 and the Occupational Code, *supra*, to determine whether disciplinary

action should be taken by the Department of Licensing and Regulatory Affairs, pursuant to the Occupational Code, for the reasons set forth herein.

DEPARTMENT OF LICENSING AND REGULATORY
AFFAIRS

BY


Barrington Carr, Director
Enforcement Division

Dated: _____

5-18-15

Responsive Pleadings Should Be Filed With:

Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau
Regulatory Compliance Division
P.O. Box 30018
Lansing, MI 48909