

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

ECOSTAR RESTORATION & RENOVATIONS, LLC
License No. 21-02-200560

File No. 21-16-329294

and

JOSEPH ROBERT SILAGY
License No. 21-01-199755,

File No. 21-16-329295

Respondents.

CONSENT ORDER

On October 21, 2016, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondents with violating the Occupational Code, MCL 339.101 *et seq.*

Respondents admit that the facts alleged in the Complaint are true and constitute violations of MCL 339.604(h) and MCL 339.2411(2)(a). The Michigan Board of Residential Builders and Maintenance and Alteration Contractors has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint constitute violation(s) of MCL 339.604(h) and MCL 339.2411(2)(a).

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

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Legal Affairs/Enforcement Division, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by check or money order, made payable to the State of Michigan, and the check or money order shall clearly display file numbers **21-16-329294** and **21-16-329295**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in a SUSPENSION of all licenses or registrations held by Respondents under Article 24 of the Occupational Code and in the denial of any license or registration renewal until compliance with this Order.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Board, as set forth below.

MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

By: _____

Chairperson

Dated: 6-13-12

STIPULATION

1. The facts alleged in the Complaint constitute violation(s) of MCL 339.604(h) and MCL 339.2411(2)(a).

2. Respondents understand and intend that by signing this Stipulation Respondents are waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondents are waiving the right to appear with an attorney and such witnesses as Respondents may desire to present a defense to the charges.

3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 24.231 *et seq.*

4. Factors taken into consideration in the formulation of this Order are as follows:

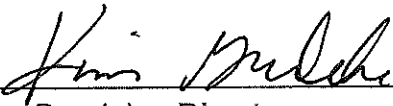
Respondents substantially completed renovations contracted for totaling \$57,505. No permits were required for the work, which consisted primarily of drywall, flooring, and painting to fix damage from a water leak. No building code violations were identified with any of the work performed.

Respondents failed to complete a punch list of workmanship-related items and ceased communicating with homeowner. As a result, Homeowner withheld the final draw payment of \$18,256.

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

6. This proposal is conditioned upon acceptance by the Board. Respondents and the Department expressly reserve the right to further proceedings should this Order be rejected.

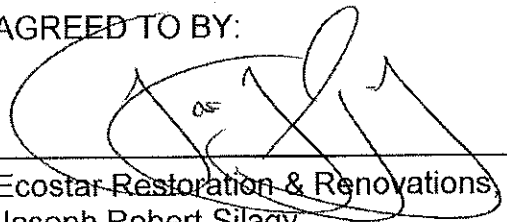
AGREED TO BY:



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

Dated: 03/27/2017

AGREED TO BY:



Ecostar Restoration & Renovations, LLC
Joseph Robert Silagy
Respondents

Dated: 3/21/17

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

ECOSTAR RESTORATION & RENOVATIONS LLC
License Number: 21-02-200560

and

JOSEPH ROBERT SILAGY,
QUALIFYING OFFICER
License Number: 21-01-199755

File Numbers: 21-16-329294
21-16-329295

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Ecostar Restoration & Renovations LLC and Joseph Robert Silagy (Respondents) as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) is an administrative agency established by the Occupational Code, MCL 339.101 et seq. Pursuant to section 602 of the Occupational Code, supra, the Board is empowered to penalize licensees for violations of the Occupational Code.

2. Respondent Ecostar Restoration & Renovations LLC is licensed as a residential builder company.

3. Respondent Joseph Robert Silagy is licensed as an individual residential builder and is designated as the qualifying officer of Ecostar Restoration & Renovations LLC and, pursuant to section 2405(1) the Occupational Code, supra, is responsible for exercising supervision and control over the building and construction operations necessary to secure full compliance with the Occupational Code and the rules promulgated thereunder.

4. On January 20, 2015, Respondents entered into a contract with Theodore Roberts (Homeowner) to perform restoration work on Homeowner's home for the sum of \$57,505.22.

5. On April 26, 2016, after Homeowner contacted Respondents several times concerning various unfinished aspects of the project and Respondents failed to respond or to return to finish the project, Homeowner filed a Statement of Complaint with Complainant.

6. On June 6, 2016, Complainant mailed a Notice to Respondent with a copy of Homeowners' complaint to Respondents' address of record. Respondents failed to respond to the Notice.

COUNT I

Respondents' conduct, as described above, evidences a failure to respond to a complaint within 15 days from receipt of the complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(h) of the Occupational Code, supra.

COUNT II

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

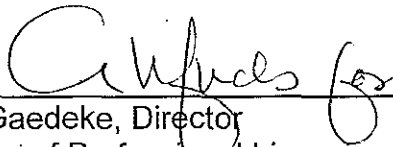
Complainant requests that this Complaint be served upon Respondents and that Respondents be offered an opportunity to show compliance with all lawful requirements for retention of the licenses. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq.

Pursuant to section 508 of the Occupational Code, supra, Respondent has 15 days from the date of receipt of this Complaint to notify Complainant of Respondents' decision to either negotiate a settlement of this matter, to demonstrate compliance with the Occupational Code, or to request an administrative hearing. Written notification of Respondent's selection shall be submitted to Complainant, Kim Gaedeke, Director,

Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O.
Box 30670, Lansing, MI 48909. If Respondent fails to submit written notification within
15 days, this matter shall proceed to an administrative hearing.

DATED:

10/21/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

SDM