

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

YOU NIQUE CONSTRUCTION LLC
License No. 21-02-196155

File No. 21-17-331966

and

ROBERT L. KOTMAN
License No. 21-01-159346,

File No. 21-17-331967

Respondents.

CONSENT ORDER

On July 10, 2017, the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

Respondent neither admits nor denies the allegations in the Complaint but agrees that for purposes of this Order the allegations shall be accepted as true and constitute violation(s) of MCL 339.2411(2)(a), MCL 339.2411(2)(c), and MCL 339.604(h). 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 339.2411(2)(a), MCL 339.2411(2)(c), and MCL 339.604(h).

IT IS ORDERED that Respondent shall pay RESTITUTION of \$2,000.00 by bank cashier's check to B B of Holland, MI 49423 within 60 days of the effective date of this Order. Respondent shall submit acceptable written proof of having complied with this requirement to **Michigan Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909**. Forms of acceptable proof include a copy of the front and back of the cancelled check that was made payable to the person(s) ordered to receive restitution or a receipt signed by the person(s) to whom restitution was payable, stating restitution was paid, the amount paid, and the date payment was received.

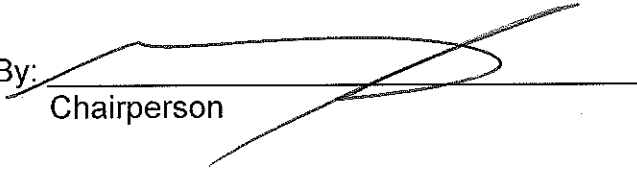
IT IS FURTHER ORDERED that for the cited violation(s) of the Occupational Code, Respondent is FINED \$250.00 to be paid to the State of Michigan within 60 days of the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, 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 number **21-15-321163**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in SUSPENSION of all licenses or registrations held by Respondent 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: 

STIPULATION

1. Respondent neither admits nor denies the alleged violations but, pursuant to the principle of settlement and compromise, agrees that the alleged violations shall be accepted as true for purposes of this Order.

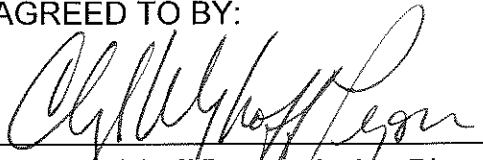
2. The facts alleged in the Complaint constitute violation(s) of MCL 339.2411(2)(a), MCL 339.2411(2)(c), and MCL 339.604(h).

3. Respondent understands and intends that by signing this Stipulation Respondent is 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 Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

4. 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.*

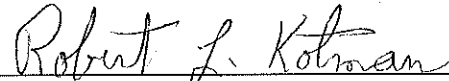
5. This proposal is conditioned upon acceptance by the Board. Respondent and the Department expressly reserve the right to further proceedings should this Order be rejected.

AGREED TO BY:


Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

Dated: 1/16/2018

AGREED TO BY:


Robert L. Kotman
Respondent

Dated: 1-11-18

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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YOU NIQUE CONSTRUCTION LLC
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And

ROBERT L. KOTMAN,
QUALIFYING OFFICER
License No. 21-01-159346,
Respondent.

File Nos. 21-17-331966
21-17-331967

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Kim Gaedeke, Director, Bureau of Professional Licensing, complains against Respondents as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established by the Occupational Code, MCL 339.101 *et seq.* Pursuant to MCL 339.602 of the Occupational Code, the Board is empowered to penalize persons for violations of the Occupational Code.

2. Respondent You nique Construction LLC is currently licensed as a residential builder company in the state of Michigan. Respondent Robert L. Kotman is currently licensed as an individual residential builder and is the owner and designated

qualifying officer of You nique Construction LLC, and, therefore, pursuant to MCL 339.2405(1), is responsible for exercising the supervision or control of the building or construction operations necessary to secure full compliance with Article 24 of the Occupational Code, and the rules promulgated thereunder.

3. On March 1, 2016, Respondents entered into a contract with B B (Homeowner) to remove and replace a fence, and build a storage shed. The Homeowner paid Respondents \$3,400.00 of the \$6,800.00 contract estimate. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On February 21, 2017, the Homeowner filed a Statement of Complaint with the Department, alleging, in part, abandonment of the project and failure to refund money.

5. On March 14, 2017, the Department sent Respondents a Notice To Respondent. Respondents failed to respond, as required.

COUNT I

Respondents' conduct, as described above, evidences abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee, in violation of MCL 339.2411(2)(a).

COUNT II

Respondent's conduct, as described above, evidences the failure to account for or remit money coming into the person's possession that belongs to others, in violation of MCL 339.2411(2)(c).

COUNT III

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 MCL 339.604(h).

RESPONDENTS ARE NOTIFIED that, pursuant to MCL 339.508(2), Respondents have 15 days from the date of receipt of this Complaint to notify the Department 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 Respondents' selection shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondents fail to notify the Department of their decision within 15 days, the Department shall proceed to an administrative hearing.

Date: 07/10, 2017


Kim Gaedeke, Director
Bureau of Professional Licensing

Attachment

BB