

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

JOHN PAUL DUPREY
License No. 21-01-116298,
Respondent.

File No. 21-16-329989
Docket No. 17-004629

FINAL ORDER

On January 5, 2017, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondent with violating MCL 339.604(c), 339.2411(2)(a) and 339.2411(2)(c).

An administrative hearing was held in this matter before an administrative law judge who, on April 19, 2017, issued a Hearing Report setting forth Findings of Fact and Conclusions of Law.

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on June 13, 2017, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report. Therefore,

IT IS ORDERED that for violating MCL 339.604(c), 339.2411(2)(a) and 339.2411(2)(c), Respondent's license to practice as a residential builder in the state of Michigan is SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN 60 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine and provides proof of payment of the restitution, in a form acceptable to the Department of Licensing and Regulatory Affairs, as set forth below.

IT IS FURTHER ORDERED that Respondent is FINED \$2,500.00 to be paid to the State of Michigan within 60 days from 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, Compliance Section, 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 **21-16-329989**.

IT IS FURTHER ORDERED that Respondent shall pay RESTITUTION in the amount of \$590.00 to Richard S. Areddy within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall submit satisfactory written evidence of payment of the ordered restitution to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909.**

IT IS FURTHER ORDERED that in the event Respondent fails to pay the fine and restitution as set forth above within 60 days, Respondent's license to practice as a residential builder shall be REVOKED.

IT IS FURTHER ORDERED that reinstatement of a license which has been revoked is not automatic and, in the event Respondent applies for reinstatement of the license, application shall be in accordance with MCL 339.411(5).

IT IS FURTHER ORDERED that, in accordance with MCL 339.411(3)(c), 339.602(c) and 339.604(k), no application for licensure, renewal, relicensure, or reinstatement shall be granted until all final orders of the Board have been satisfied in full.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to MCL 339.604(k).

This Final Order is a public record required to be published and made available to the public pursuant the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

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

Dated: 07/10/2017

**MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS**

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

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

JOHN PAUL DUPREY
License Number: 21-01-116298

File Number: 21-16-329989

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against John Paul Duprey (Respondent), 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 licensee for violations of the Occupational Code.

2. Respondent is licensed as a residential builder.

3. Pursuant to section 2405(1) of the Occupational Code, supra, Respondent is responsible for exercising supervision and control over the building or construction operations necessary to secure full compliance with the Occupational Code and the rules promulgated thereunder.

4. On June 21, 2016, Respondent entered into a contract with (Homeowner) to install railings on the front porch down both sides of the steps. Homeowner provided a deposit of \$590.00 to Respondent. A copy of the contract and cancelled checks, marked Exhibit A, is attached and incorporated.

5. On June 26, 2016 and June 29, 2016, Respondent cashed all three of Homeowner's checks, but failed to perform any of the contracted work for Homeowner. Respondent failed to communicate to Homeowner regarding abandonment of contracted work and failure to return the deposit.

6. On July 24, 2016, Homeowner filed a Statement of Complaint with Complainant alleging abandonment of the contract and failure to remit money.

7. On September 30, 2016, Respondent responded to the Statement of Complaint stating that he had just recently gotten out of two different stays in residential substance abuse centers for heroin addiction.

8. Respondent admitted to cashing the checks without performing any work on the project and stated that it was his intention to repay the Homeowner whenever he is able.

COUNT I

Respondent's 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 section 2411(2)(a) of the Occupational Code, supra.

COUNT II

Respondent's conduct, as described above, evidences a failure to account for or remit money in Respondents' possession that belongs to others, in violation of section 2411(2)(c) of the Occupational Code, supra.

COUNT III

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

COUNT IV

Respondent confirmed complaint as justified but failed to correct within a reasonable time, in violation of Mich Admin Code, R 338.1551(2), in violation of section 604(c) of the Occupational Code, supra.

Complainant requests that this Complaint be served upon Respondent and that Respondent 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(2) of the Occupational Code, supra, Respondent has 15 days from the date of receipt of this Complaint to notify Complainant of Respondent's 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: _____

1/5/17



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachment

MFV