

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

DENNIS SCOTT GULIAN, JR.
License No. 21-01-203032
Respondent.

Docket No. 17-012167
File No. 21-14-325098

FINAL ORDER

On April 25, 2017, the Department of Licensing and Regulatory Affairs executed a First Superseding Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

An administrative hearing was held in this matter before an administrative law judge who, on October 16, 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 December 12, 2017, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report.

IT IS ORDERED that for violating MCL 339.2411(2)(l), Respondent is FINED \$2,000.00 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 **21-14-325098**.

IT IS FURTHER ORDERED that Respondent shall satisfy the judgement ordered by the State of Michigan, 41-A Judicial District Court, Shelby Township, Michigan, in case number US15-1102 GC.

IT IS FURTHER ORDERED that Respondent shall submit satisfactory written evidence of satisfying the judgement, as set forth above, within 60 days from the effective date of this Order 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 provide satisfactory written evidence of satisfying the judgement within 60 days as set forth above, the fine will increase to \$5,000.00.

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 to 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: _____

1/11/18

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

By: _____

Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

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FIRST SUPERSEDING FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Kim Gaedeke, Director, Bureau of Professional Licensing, complains against Respondent 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, the Board is empowered to penalize licensees for violations of the Occupational Code.

2. Respondent holds a lapsed and suspended license to practice as a residential builder in the state of Michigan.

3. Under Mich Admin Code, R 792.10802, the expiration, surrender, lapse, suspension, or revocation of a license or registration does not terminate the Bureau's authority to proceed against a person under the licensing law.

4. From June to September of 2014, on several occasions, Respondent obtained building materials from Wimsatt Building Materials for a construction project on which Respondent was engaged for (Homeowner). Respondent failed to pay the supplier for these materials, and the supplier filed a lien against Homeowner's property.

5. Homeowner paid the lien and subsequently filed suit against Respondent.

6. On August 14, 2015, in the 41-A District Court of Shelby Township, case number US15-1102-GC, a default judgment was entered against Respondent ordering Respondent to pay \$25,333 to Homeowner, plus statutory interest accruing from the date of March 6, 2015. A copy of the default judgment, marked Exhibit A, is attached and incorporated.

7. Respondent failed to pay the judgment.

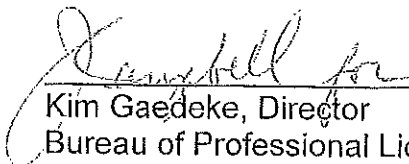
COUNT I

Respondent's conduct, as set forth above, evidences a failure to pay an obligation as it becomes due in the ordinary course of business and failure to satisfy a judgment in violation of MCL 339.2411(2)(l).

The Formal Complaint previously executed against Respondent on November 6, 2015, is WITHDRAWN and replaced in full by this First Superseding Formal Complaint.

RESPONDENT IS NOTIFIED that, pursuant to MCL 339.508(2), Respondent has 15 days from the date of receipt of this Complaint to notify Complainant in writing of Respondent's decision to 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 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 the required notification to the Department within 15 days, this matter shall proceed to an administrative hearing.

Dated: April 25, 2017


Kim Gaedeke, Director
Bureau of Professional Licensing