

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

CS ROOFING CO, L.L.C.
License Number: 21-02-175944

and

CHRISTOPHER LEE SWEARENGIN,
QUALIFYING OFFICER
License Number: 21-01-189562

File Numbers: 21-14-323555
21-14-323556
CONSENT ORDER AND STIPULATION

CONSENT ORDER

On October 28, 2015, the Department of Licensing and Regulatory Affairs (Department) executed a Formal Complaint (Complaint) charging CS Roofing Co, L.L.C. and Christopher Lee Swearengin (Respondents) with violating section(s) 604(c) of the Occupational Code, MCL 339.101 et seq.

Respondents have admitted that the facts alleged in the Complaint are true and constitute violation(s) of the Occupational Code. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) has reviewed this Consent Order and Stipulation (Order), 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 are true, and constitute violation(s) of section(s) 604(c) of the Occupational Code, supra.

Accordingly, IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondents are FINED \$1,000.00 to be paid to the State of Michigan within 30 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 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 numbers 21-14-323555 and 21-14-323556.

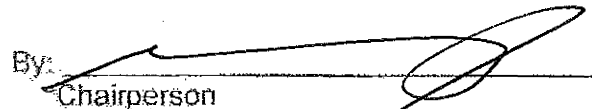
IT IS FURTHER ORDERED that for the cited violation(s) of the Occupational Code, Respondents shall reimburse Frank Schremser the sum of \$22,457.53 by cashier's check and shall provide proof of the same to the Department within 60 days of the effective date of this Order.

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 and in the denial of any application for or renewal of a license or registration until compliance with this Order.

CONTINUED ON THE NEXT PAGE

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: 9/13/16

STIPULATION

The facts alleged in the Complaint are true and constitute violation(s) of section(s) 604(c) of the Occupational Code, supra.

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 Respondent 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 15.231 et seq.

4. 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.

5. 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:

06/24/2016

AGREED TO BY:



Christopher Lee Swearengin
CS Roofing CO, L.L.C.
Respondents

Dated:

6/16/2016

Approved as to form:



Kristina M. Fisk (P64634)
Attorney for Respondent

This is the final page of a Consent Order and Stipulation in the matter of CS Roofing Co, L.L.C., and Christopher Lee Swearengin, File Numbers 21-14-323555 and 21-14-323556, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against CS Roofing Co, L.L.C. and Christopher Lee Swearengin (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, 1980 PA 299, as amended; 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. Respondents are licensed as residential builders in the state of Michigan.

3. On May 6, 2013, Respondents entered into a contract with Frank Schremser (Homeowner) to tear-off and re-roof the house and attached roofs. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On October 11, 2013, the building inspector verified that Respondents failed to install the roof and flashing, contrary to R 903 and R 905 of the 2009 Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale single state construction act, effective March 9, 2011. A copy of the inspection report, marked Exhibit B, is attached and incorporated.

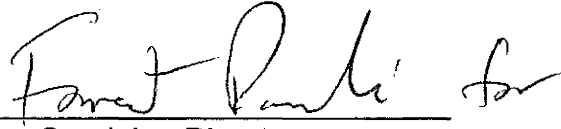
5. On May 12, 2014, Homeowners filed a Statement of Complaint with Complainant alleging defects in the construction work performed by Respondents.

COUNT I

Respondents' conduct, as described above, evidences a failure to maintain standards of construction in accordance with the local building code, contrary to Mich Admin Code, R 338.1551(5), in violation of section 604(c) 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 license. 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 of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

Pursuant to section 508 of the Occupational Code, supra, Respondents have 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 Respondents fail to submit written notification within 15 days, this matter shall proceed to an administrative hearing.



Kim Gaedeke, Director
Bureau of Professional Licensing

Dated: 10-28-15

Attachments

This is the final page of a Formal Complaint in the matter of CS Roofing Co, L.L.C., and Christopher Lee Swearengin, File Numbers 21-14-323556 and 21-14-323555, before the Michigan Board Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

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