

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

ALL AMERICAN REMODELING INC.
License No. 21-02-202130,

and

ERIC DAVID SNYDER
License No. 21-01-199116,
Respondents.

File Nos. 21-14-324753
21-14-324752

CONSENT ORDER

On May 18, 2015, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondents with violating MCL 339.2411(2)(e), MCL 339.604(c), and Mich Admin Code, R 338.1551(5).

Respondents have admitted that the facts alleged in the Complaint are true and constitute violation(s) of MCL 339.604(c), and Mich Admin Code, R 338.1551(5). The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) 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 are true and constitute violation(s) of MCL 339.604(c), and Mich Admin Code, R 338.1551(5).

Accordingly, IT IS ORDERED that for the cited violations Respondents are FINED \$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, Bureau of Professional Licensing, Legal Affairs/Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by bank cashier check (check) or money order, made payable to the State of Michigan, and the check or money order shall clearly display file numbers **21-14-324753 and 21-14-324752**.

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 on the date SIGNED BY THE Board, as set forth below.

MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

By: 
Chairperson

Dated: 3/13/18

STIPULATION

1. Respondents are represented by attorney Jeshua T. Lauka, David & Wierenga PC. The prosecution of the Formal Complaint was previously scheduled for an administrative hearing and pursuant to Respondents' agreement to settle the Formal Complaint and to enter into this Consent Order and Stipulation, the Department's request for hearing submitted to the Michigan Administrative Hearing System (MAHS) was withdrawn from the hearing docket (Docket Nos. 15-044895, 15-044986), without prejudice, and the hearing was cancelled.

2. Department records indicate the following licensure history. All American Remodeling Inc., Eric David Snyder, Qualifying Officer, was issued a company builder license effective January 30, 2012 and the license is currently active through May 31, 2020. Eric David Snyder was issued an individual builder license effective January 4, 2011 and the license is currently active through May 31, 2019. There is no history of prior disciplinary action against the subject licenses.

3. On or about June 10, 2014, Respondents executed a contract with Kent and Cherie Skaggs (Homeowner) to tear off an existing shingle roof and install a metal roof for the estimated cost of \$15,000. The Homeowner made an initial payment of \$7,500 on June 25, 2014 and Respondents commenced the project on or about July 25, 2014.

4. On or about September 9, 2014, the Homeowner filed a Statement of Complaint.

5. On or about September 15, 2014, a building inspector for the City of Three Rivers conducted a complaint inspection of the subject home and issued a Building Inspection Report that cited three (3) violations of the 2009 Michigan Residential Code: R 105.1 – failed to obtain building permit prior to commencing work; R 905.1 – failure to install roof covering in accordance with manufacturer's installation instructions; and R 907.6 – flashing not installed in accordance with manufacturer's installation instructions.

6. Respondents subsequently applied for and obtained a building permit on October 7, 2014.

7. The Homeowners filed a civil court case against Respondents and the case was resolved pursuant to a Consent Judgment and Respondents satisfied the Judgment.

8. The facts alleged in the Complaint are true and constitute violation(s) of MCL 339.604(c), and Mich Admin Code, R 338.1551(5). The alleged violation of MCL 339.2411(2)(e) regarding the allegation that Respondents committed a willful violation of the building laws of the state associated with the failure to obtain a building permit was dismissed pursuant to the principle of settlement and compromise.

9. 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

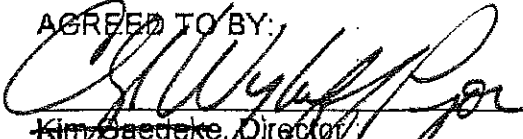
evidence and legal authority, and Respondents are waiving the right to appear with an attorney and such witnesses as Respondents may desire to present a defense to the charges.

10. 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.*

11. 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.

12. This proposal is conditioned upon acceptance by the Board, Respondents, and the Department, expressly reserving the right to further proceedings without prejudice should this Order be rejected.


AGREED TO BY:

Acting


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

Dated: 11/22/17

AGREED TO BY:



Eric David Snyder, on behalf of Respondents

Dated: 8-28-17

Approved as to form:



Jeshua T. Lauka (P71958)
David & Wierenga, PC
Attorney for Respondents

Dated: 8-29-17

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
CORPORATIONS, SECURITIES &
COMMERCIAL LICENSING BUREAU

Complaint Nos. 324753 and 324752

Complainant,

v

ALL AMERICAN REMODELING, INC.
ERIC DAVID SNYDER, QUALIFYING OFFICER
License No. 21-02-202130

Respondent.

and

ERIC DAVID SNYDER
License No. 21-01-199116

Respondent.

FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Complainant, pursuant to MCL 339.101-605, and its rules promulgated thereunder, upon information and belief alleges as follows:

1. All American Remodeling, Inc., Eric David Snyder, Qualifying Officer (Respondent), has, at all times relevant to this Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412.
2. Eric David Snyder (Respondent), has, at all times relevant to this Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412.

3. A Complaint against Respondents, conforming to the requirements of § 2411 of 1980 PA 299, as amended; MCL 339.2411 has been filed with the Department of Licensing and Regulatory Affairs by K and C and is attached hereto as Exhibit 1.

4. An authority charged with the enforcement of the laws governing construction of residential or residential and commercial buildings in the political subdivision in which the building is located has submitted an evaluation of the Complaint submitted. The evaluation is attached hereto as Exhibit 2.

5. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with on or about June 10, 2014, pursuant to attached Exhibit 3.

6. Respondents, in performance of the contract, failed to comply with §§ R105.1, R905.1 and R907.6 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to MCL 339.2411(2)(e) and 2006 AACCS, R 338.1551(5).

7. Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

8. Respondent Eric David Snyder was a party to the acts and omissions alleged hereinabove and was in a position to ensure compliance with the Occupational Code or otherwise prevent the violations that are the subject of this complaint but failed to do so.

Based upon the conduct as aforesaid, Respondent has acted contrary to §§ 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and MCL 339.2411(2)(e) and rule 51(5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACCS, R 338.1551(5),

constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, PA 306, as amended, MCL 24.201-328 and the Occupational Code, *supra*, to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs, pursuant to the Occupational Code, for the reasons set forth herein.

DEPARTMENT OF LICENSING AND REGULATORY
AFFAIRS

BY 

Barrington Carr, Director
Enforcement Division

Dated: 5-18-15

Responsive Pleadings Should Be Filed With:

Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau
Regulatory Compliance Division
P.O. Box 30018
Lansing, MI 48909