

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. 21-15-326434
21-15-326435

CONSENT ORDER

On January 4, 2016, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondents with violating MCL 339. 2404a and MCL 339. 2411(2)(e).

Respondents have admitted that the facts alleged in the Complaint are true and constitute violation(s) of MCL 339. 2404a and MCL 339. 2411(2)(e). 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. 2404a and MCL 339. 2411(2)(e).

Accordingly, IT IS ORDERED that for the cited violations Respondents are FINED \$1,000.00, 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, 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.**

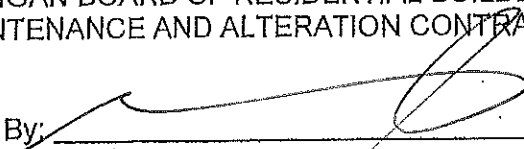
IT IS FURTHER ORDERED that Respondents shall pay RESTITUTION in the amount of \$1,044.60, to the City of Grand Rapids. The restitution shall be paid by bank cashier check (check) or money order within 60 days of the effective date of this Order and the check shall be made payable to the City of Grand Rapids and shall include the memo/reference: BR-REM-2016-0571. The mailing address is: Michael W. Brown, City of Grand Rapids, Design and Development, Building Inspections, 1120 Monroe Ave. NW, 3rd Floor, Grand Rapids, MI 49503-1038 (Telephone: 616-456-3084). Respondents shall submit written proof of having complied with this requirement, in a form acceptable to the Department, mailed to the Michigan Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909. Forms of acceptable proof of monetary restitution payment 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 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: 3/13/14

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. 16-006847, 16-006846), 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 March 10, 2014, Respondents executed a contract with
(Homeowner) to perform construction work, including tear off of the existing roof, install new roof decking, modify/reduce roof overhangs, installation of three roof solar panels, and installing a new roof, for the estimated cost of \$22,500. The Homeowner made three payments from March 11 through May 29, 2014, totaling \$22,500.00. The contract did not include Respondents' license numbers.

4. On or about October 31, 2014, the Homeowner contacted the City of Grand Rapids, Design and Development Services Department, Building Inspection Division (City of Grand Rapids) by telephone regarding the construction project and it was discovered that a building permit had not been applied for and obtained.

5. On or about November 4, 2014, a building inspector for the City of Grand Rapids conducted an inspection of the subject home and issued/posted a

"Warning-Stop Work Order" because construction work had been completed without obtaining a building permit. Respondents were not present at the time of inspection because the work was previously completed.

6. On or about January 13, 2015, the City of Grand Rapids mailed a "Correction Notice" to Respondents.

7. On or about March 23, 2015, the City of Grand Rapids filed a Statement of Complaint alleging that Respondents violated R105.1 of the 2009 Michigan Residential Code – failed to obtain building permit prior to commencing work.

8. Respondents subsequently applied for and obtained a building permit on April 5, 2016. In addition, to paying \$215.00 for the building permit, Respondents also paid a \$150.00 violation fee and a \$200.00 administrative departure fee regarding the placement of the solar panels. Respondents obtained final inspection approval.

9. The facts alleged in the Complaint are true and constitute violation(s) of MCL 339.2404a – failed to include license numbers on the contract; and MCL 339.2411(2)(e) – committed a willful violation of the building laws of the state associated with the failure to obtain a building permit.

10. 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

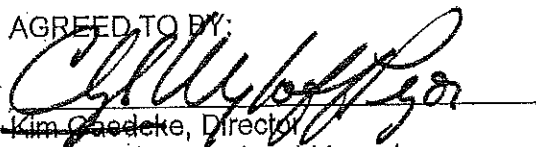
require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondents are waiving the right to appear with an attorney and such witnesses as Respondents may desire to present a defense to the charges.

11. 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.*

12. 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.


13. 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 Goedeke, 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: 7-13-17

Approved as to form


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

Dated: 7-13-17

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 Number: 21-02-202130

and

ERIC DAVID SNYDER,
QUALIFYING OFFICER
License Number: 21-01-199116

File Numbers: 21-15-326434
21-15-326435

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Formal Complaint (Complaint) against All American Remodeling, Inc. and Eric David Snyder (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 10, 2014, Respondents entered into a contract with (Homeowners) to perform construction work including tear off of the existing roof, haul away of debris, installation of solar panels, and reroofing. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. Respondents failed to include Respondents' licensing information as a part of the contract.

5. On November 4, 2014, the building inspector for Grand Rapids, Michigan ordered Respondents to stop work because Respondents began work without obtaining a building permit.

6. On March 18, 2015, the building inspector filed a Statement of Complaint with Complainant alleging that Respondents failed to obtain the required building permit.

COUNT I

Respondents' conduct, as described above, evidences Respondents' failure, as part of the contract, to provide information relating to his or her individual license, contrary to 2404a of the Occupational Code, supra.

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COUNT II

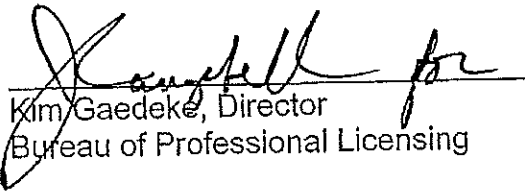
Respondents' conduct, as described above, evidences a willful violation of the building laws of this state or of a political subdivision of this state, contrary to 2411(2)(e) of the Occupational Code, supra.

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(s). 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.

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Pursuant to section 508(2) of the Occupational Code, supra, Respondents have 15 days from the date of receipt of this Complaint to notify Complainant 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 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.

Dated: 1/4/2014


Kim Gaedeke, Director
Bureau of Professional Licensing

Attachment

This is the final page of a Formal Complaint in the matter of All American Remodeling, Inc. and Eric David Snyder, File Numbers 21-15-326434 and 21-15-326435, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

LFM