

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

RALPH CHRISTOPHER APA
License No. 21-01-200698

File No. 21-15-327786

Respondent.

CONSENT ORDER

On August 4, 2016, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

Respondent has admitted the facts and allegations in the Complaint with respect to Count I and denies the allegations with respect to Counts II, III, and IV, which shall be dismissed. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors 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 constitute violation(s) of Mich Admin Code, R 338.1533(3) and MCL 339.604(c).

IT IS ORDERED that Counts II, III, and IV of the Complaint are DISMISSED.

IT IS FURTHER ORDERED that for the cited violation(s) of the Occupational Code, Respondent is FINED \$750.00 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, Legal Affairs/Enforcement Division, 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 **21-15-327786**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in 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 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: 9/12/17

STIPULATION

1. Respondent and the Department agree that Counts II, III, and IV of the Complaint shall be dismissed by the Board.


2. Respondent admits the facts and allegations with respect to Count I, which constitute violation(s) of Mich Admin Code, R 338.1533(3) and MCL 339.604(c).

3. Respondent understands and intends that by signing this Stipulation Respondent is 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 Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

4. 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 24.231 *et seq.*

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.

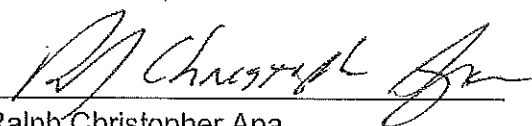
AGREED TO BY:



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

Dated: 06/08/2017

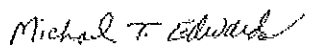
AGREED TO BY:



Ralph Christopher Apa
Respondent

Dated: 5/30/17

APPROVED AS TO FORM:



Michael T. Edwards (P54834)
Attorney for Respondent

Dated: 05-16-17

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS AND
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In the Matter of

RALPH CHRISTOPHER APA
License Number: 21-01-200698

File Number: 21-15-327786

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Ralph Christopher Apa (Respondent), owner of Apa Construction of Northern Michigan, LLC 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 licensees for violations of the Occupational Code.
2. Respondent is licensed as a residential builder in the state of Michigan.
3. On June 11, 2012, Respondent entered into a contract with Catharine (Homeowner) to rebuild her home after a fire. The \$272,877.00 contract was not signed or dated by either party. A copy of the unsigned contract marked Exhibit A, is attached and incorporated.

4. On September 18, 2012, a building permit was issued to Respondent by Grayling Township for construction repairs and restoration.

5. Several inspections of the Homeowner's home were conducted by a local building inspector over the course of a two-year period. A January 25, 2013, insulation inspection was not approved, and an October 30, 2014 inspection was not approved.

6. On July 15, 2015, a local building inspector conducted a final inspection and verified the following violations of the 2009 Michigan Residential Building Code, adopted pursuant to the Stille-DeRossett-Hale Single Construction Code Act, effective March 9, 2011:

- a) Improper installation (gaps and not sealed properly) of garage entry door (R612); and
- b) Not enough airflow in attic; poor airflow in attic area over bedroom causing mold accumulation and problems (R806).

A copy of the building inspection report, marked Exhibit B, is attached and incorporated.

7. Respondent failed to correct the deficiencies noted by the local building inspector.

8. On September 21, 2015, Homeowner filed a Statement of Complaint alleging that Respondent failed to complete work on her home, causing mold issues to occur; failed to reimburse Homeowner for items taken out of the contract; and failed to have changes to contract approved and signed by Homeowner.

COUNT I

Respondent's conduct, as described above, evidences a failure to reduce all agreements and changes to the agreements between a builder, or contractor, and customer to writing and have the agreement signed by all parties, contrary to Mich Admin Code, R 338.1533(1), in violation of section 604(c) of the Occupational Code, supra.

COUNT II

Respondent's conduct, as described above, evidences a failure or refusal to correct deficiencies that are the subject of a justified complaint within a reasonable period of time, contrary to Mich Admin Code, R 338.1551(4), in violation of section 604(c) of the Occupational Code, supra

COUNT III

Respondent's 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.

COUNT IV

Respondent's conduct, as described above, evidences abandonment without legal excuse of a contract, in violation of section 2411(2)(a) of the Occupational Code, supra.


CONTINUED ON THE NEXT PAGE

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 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, MCL 24.201 et seq.

Pursuant to section 508 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: _____

8/4/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

This is the final page of a Formal Complaint in the matter of Ralph Christopher Apa, File Numbers 21-15-327786, before the Michigan Board Residential Builders and Maintenance and Alteration Contractors, consisting of five pages, this page included.

BCW