

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING  
BOARD OF RESIDENTIAL BUILDERS MAINTENANCE &  
ALTERATION CONTRACTORS

In the Matter of

BEECH RESTORATION LLC,  
Bert Allen Beech, Jr., Qualifying Officer  
License No. 21-02-204608

Complaint No. 24-16-329334

and

BERT ALLEN BEECH, JR.,  
License No. 21-01-203738

Complaint No. 24-16-329335

\_\_\_\_\_/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed on October 26, 2016 charging Beech Restoration LLC and Bert Allen Beech, Jr. (Respondents) with having violated section 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq.*; Mich Admin Code, R 338.1551(5); and R102.7.1, R105.1, and R109.1 of the 2009 Michigan Residential Code.

The parties have stipulated that the Board may enter this consent order and that the facts alleged in the Formal Complaint are true and constitute a violation of section 2411(2)(e) of the Occupational Code; Mich Admin Code, R 338.1551(5); and R102.7.1, R105.1, and R109.1 of the 2009 Michigan Residential Code. The Board

has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint.

Accordingly, for these violations, IT IS ORDERED:

Respondents, jointly and severally, are FINED One Thousand Five Hundred and 00/100 Dollars (\$1,500.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint numbers 24-16-329334 and 24-16-329335 clearly indicated on the check or money order), and shall be payable within thirty (30) days of the effective date of this order. The timely payment of the fine shall be Respondents' responsibility. Respondents shall mail the fine to: Sanction Monitoring, Bureau of Professional Licensing, Legal Affairs Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

Respondents shall direct any communications to the Department that are required by the terms of this order to: Sanction Monitoring Unit, Bureau of Professional Licensing, Legal Affairs Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909.

Respondents shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

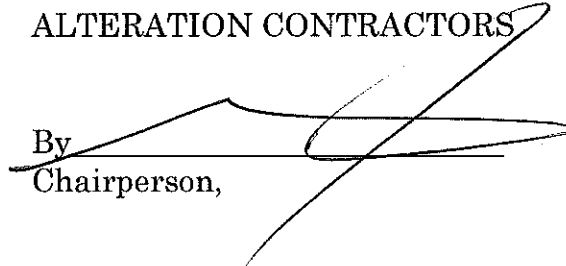
Respondents shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondents violates any term or condition set forth in this order, Respondents will be in violation of section 604(k) of the Occupational Code.

This order shall be effective on the date signed by the Chairperson or the Chairperson's designee, as set forth below.

Signed on 6/13/17

MICHIGAN BOARD OF RESIDENTIAL  
BUILDERS MAINTENANCE &  
ALTERATION CONTRACTORS

By   
Chairperson,

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Occupational Code.
2. The Director of the Bureau of Professional Licensing, or her designee, must approve this consent order and stipulation before it is submitted to the Board for final approval.
3. Respondents understands and intends that, by signing this stipulation, they are waiving the right under the Occupational Code, rules promulgated under the Occupational Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, 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 to present a defense to the charges. Should the Board reject the proposed consent order, the parties reserve the right to proceed to hearing.

4. This matter is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended.

5. The Board may enter the above Consent Order, supported by Board conferee Jeff J. Agnew. Mr. Agnew or an attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. Mr. Agnew and the parties considered the following factors in reaching this agreement:

A. During the compliance conference on November 29, 2016, Respondents agreed, as soon as weather permitted, to repair any and all damage that had been caused to the roof, and any damage to the interior of the house that had resulted from the damage to the roof. Respondents also agreed to take any provisional measures required to prevent further damage to the house before the full remedial work could be performed, to obtain any necessary building permits before performing the remedial work, and to submit to an inspection by the Building Inspector to ensure that the work had been properly completed in full compliance with all provisions of the Michigan Residential Code.

B. On December 15, 2016, it was determined through discussions between Respondents and the homeowner-complainant in this case that damage to the interior house of the work had not occurred and that provisional remedial work on the house was not required.


C. The roof repairs were completed by April 25, 2017, and on that date, the Building Inspector inspected the roof and determined that it was now in full compliance with all provisions of the Michigan Residential Code.


D. Respondent, Beech Restoration LLC has been licensed since March 4, 2013, and Respondent Bert Allen Beech, Jr. has been licensed since December 26, 2012, and neither has been previously disciplined.

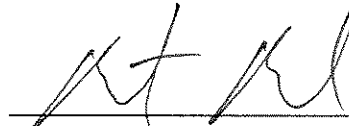
By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:

AGREED TO BY:

  
Bruce Charles Johnson (P62645)  
Assistant Attorney General  
Attorney for Complainant  
Dated: May 17, 2017

  
Beech Restoration LLC  
Bert Allen Beech, Jr., Qualifying Officer  
Respondent  
Dated: 5/15/17

  
Bert Allen Beech, Jr.  
Respondent  
Dated: 5/15/17

Bureau of Professional Licensing  
Approved by:

  
Kim Gaedeke, Director

05/19/2017  
Date

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING

DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS, BUREAU  
OF PROFESSIONAL LICENSING,

Complainant,

v

BEECH RESTORATION LLC,  
Bert Allen Beech, Jr., Qualifying Officer  
License No. 21-02-204608

Complaint No. 24-16-329334

and

BERT ALLEN BEECH, JR.,  
Residential Builder  
License No. 21-01-203738

Complaint No. 24-16-329335

Respondents

**BOARD: Residential Builders  
Maintenance & Alteration  
Contractors**

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FORMAL COMPLAINT

NOW COMES Attorney General Bill Schuette, through Assistant Attorney General Bruce Charles Johnson, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Complainant, pursuant to MCL 339.101-605 of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq.*, and its rules promulgated thereunder, and files this Formal Complaint against Beech Restoration LLC, and Bert Allen Beech, Jr., Respondents, alleging upon information and belief as follows:

1. Respondents have, at times relevant to the Complaint, been licensed as residential builders under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.240-2412. Respondent Bert Allen Beech, Jr. is also the Qualifying Officer of Beech Restoration LLC.

2. A Complaint against Respondents Beech Restoration LLC and Bert Allen Beech, Jr., conforming to the requirements of § 501 of 1980 PA 299, as amended; MCL 339.501 has been filed with the Michigan Department of Licensing and Regulatory Affairs.

3. R105.1 of the 2009 Michigan Residential Code and Section 2411(2)(e) of the Occupational Code require the Board to penalize a licensee for performing home repair work on a residence without first obtaining the proper permits.

4. R109.1 of the 2009 Michigan Residential Code and Section 2411(2)(e) of the Occupational Code require the Board to penalize a licensee for performing home repair work on a residence without having inspections performed.

5. R102.7.1 of the 2009 Michigan Residential Code states that additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

6. Section 2411(2)(e) of the Occupational Code requires the Board to penalize a licensee for a willful violation of the building laws of this state or of a political subdivision of this state.

7. Section 604(c) of the Occupational Code requires the Board to penalize a licensee for a violation of a rule of conduct of an occupation.

8. Mich Admin Code, R 338.1551(5) requires a licensee to comply with the local building code, or in the absence of a local building code, that of the nearest political subdivision having one.

### FACTUAL ALLEGATIONS

9. On or about October 29, 2014, Respondents contracted with the realtor and lender involved in the sale of a residence to \_\_\_\_\_ to replace the roof on the home being sold.

10. Respondents were paid \$13,338.82 to perform the roof repair work.

11. Respondents performed the roof repair work without obtaining a permit.

12. Respondents performed the roof repair work without having inspections performed.

13. Richard Bolger, Building Inspector for the Charter Township of Meridian, issued a Building Inspection Report on June 23, 2016, finding that Respondents had violated R105.1 of the Michigan Residential Code by failing to obtain a permit, R109.1 of the Michigan Residential Code by failing to have inspections performed, and R102.7.1 of the Michigan Residential Code by performing faulty roof sheathing replacement.

14. Respondents have to date to the best of Complainant's knowledge failed to provide full reimbursement on the sums they were paid for performing faulty roof sheathing replacement or to repair the faulty work.



COUNT I

15. Respondents conduct as described above constitutes performing home repair work on a residence without first obtaining a permit in violation of R105.1 of the 2009 Michigan Residential Code and section 2411(2)(e) of the Occupational Code.

COUNT II

16. Respondents conduct as described above constitutes performing home repair work without having inspections performed in violation of R109.1 of the 2009 Michigan Residential Code and section 2411(2)(e) of the Occupational Code.

COUNT III

17. Respondents conduct as described above constitutes a violation of R102.7.1 of the 2009 Michigan Residential Code in violation of Mich Admin Code, R 338.1551(5) and section 2411(2)(e) of the Occupational Code.

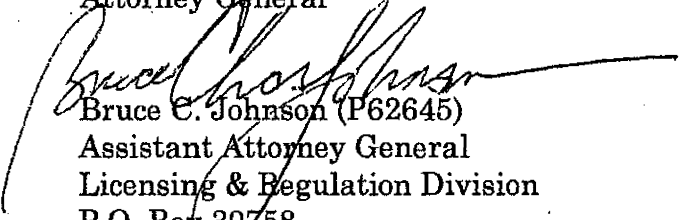
Based upon the conduct above, Respondents have acted contrary to the Occupational Code, 1980 PA 299, as amended, constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

WHEREFORE, Complainant, Michigan Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, 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. The written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and

Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general.

Respectfully submitted,

BILL SCHUETTE  
Attorney General



Bruce C. Johnson (P62645)  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, Michigan 48909  
(517) 373-1146

Dated: October 26, 2016

LF: 2016-0148543-B/Beech Restoration LLC, 329334 (Res Bldr)/Complaint - Formal - 2016-09-15