

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

CLASSIC CRAFTSMEN LLC
License No. 21-02-154488,
Respondent.

and

BYRON STANLEY SAWER
License No. 21-01-140101,
Respondent.

File Nos. 21-17-331574
21-17-331576

CONSENT ORDER

On June 8, 2017, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondents with violating the Occupational Code, MCL 339.101 *et seq.*

Respondents have admitted that the facts alleged in the Complaint, with the exception of Counts I and II, alleging violation(s) of MCL 339.601(1) and 339.2411(1)(h), are true and constitute violation(s) of MCL 339.604(h). 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, are true and constitute violation(s) of MCL 339.604(h).

IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondents are FINED \$500.00, jointly and severally, 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, 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 **21-17-331574 and 21-17-331576**.

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 Counts I and II of the Complaint, alleging violation(s) of MCL 339.601(1) and 339.2411(h), are **DISMISSED**.

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 and the Department agree that Counts I and II of the Complaint, which charged Respondents with violating MCL 339.601(1) and 339.2411(1)(h), are DISMISSED by the Board.
2. The facts alleged in the Complaint are true and constitute violation(s) of MCL 339.604(h).
3. 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.

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 15.231 *et seq.*

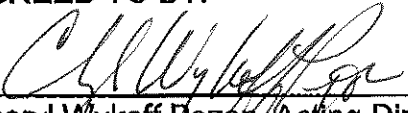
5. Factors taken into consideration in the formulation of this order include the following:

- a. Respondent Classic Craftsmen LLC's license was active when the parties entered into the contract.
- b. There were no building code violations with the project.
- c. Respondent Byron Stanley Sawyer provided documentation of a fully executed contract, and that he was undergoing serious health issues from September 2016 through January 2017, that prevented him from completing the contract.
- d. The homeowners completed the project themselves for approximately the remainder of the unpaid contract price.

6. 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.


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

AGREED TO BY:


Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

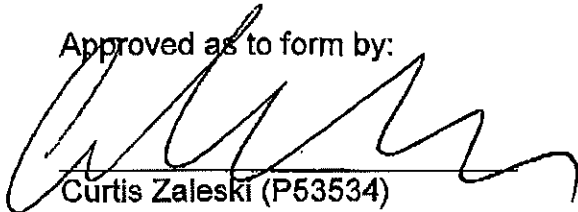
Dated: 2/12/18

AGREED TO BY:


Classic Craftsmen LLC and
Byron Stanley Sawyer,
Respondents

Dated: 2/7/18

Approved as to form by:


Curtis Zaleski (P53534)
Attorney for Respondents

Dated: 2/7/18

MFV

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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File Numbers: 21-17-331574
21-17-331576

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Classic Craftsmen LLC and Byron Stanley Sawyer (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, 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 Classic Craftsmen LLC's residential builder company license entered section 2405 suspension status on December 20, 2016. Respondent Byron Stanley Sawyer's individual residential builder license lapsed on May 31, 2016. Respondent Byron Stanley Sawyer is the owner and designated qualifying officer of

Classic Craftsmen LLC, and, therefore, pursuant to section 2405(1) of the Occupational Code, supra, is responsible for exercising the supervision or control of the building or construction operations necessary to secure full compliance with Article 24 of the Occupational Code and the rules promulgated thereunder. A Verification of Licensure for both Respondents, marked Exhibit A, is attached and incorporated.

3. On May 31, 2016, Respondents entered into a contract with (Homeowners) to construct a pole barn for \$23,866.79. The contract is only signed by Respondent Byron Stanley Sawyer, on behalf of Respondent Classic Craftsmen LLC. A copy of the contract, marked Exhibit B, is attached and incorporated.

4. After entering into the contract, Respondents performed some work on the pole barn after their licenses were no longer valid, as mentioned above. Additionally, after entering into the contract, two loft windows were verbally added to the contract without a written change order signed by both parties.

5. On January 13, 2017, the Homeowners filed a Statement of Complaint, alleging that Respondents failed to complete the construction project, as promised, and have failed to respond to the Homeowners' numerous attempts to inquire about when the pole barn would actually be completed.

6. On February 9, 2017, the Department sent Respondents a Notice To Respondent. Respondents failed to respond, as required.

COUNT I

Respondents' conduct, as described above, evidences engaging in or attempting to engage in the practice of an occupation regulated under the Occupational Code, without possessing a license issued by the Department, contrary to section 601(1) of the Occupational Code, supra.

COUNT II

Respondents' conduct, as described above, evidences a failure to deliver to the purchase the entire agreement of the parties, in violation of section 2411(1)(h) of the Occupational Code, supra.

COUNT III

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

COUNT IV

Respondents' conduct, as described above, evidences a failure to respond to a complaint within 15 days from receipt of the complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(h) of the Occupational Code, supra.

The Department 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 licenses. If compliance is not shown, the Department further requests that formal proceedings be commenced pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, MCL 24.201 et seq.

Pursuant to section 508(2) of the Occupational Code, supra, Respondents have 15 days from the date of receipt of this Complaint to notify the Department 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 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: 06/08/2017



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachment

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