

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

**KENNETH ALLEN BIRD**  
**License Number: 21-01-193931**

**Complaint Number: 21-15-325855**  
**Docket Number: 15-046180**

**FINAL ORDER**

On June 24, 2015, a Formal Complaint (Complaint) was executed that charged Kenneth Allen Bird (Respondent) with violating sections 604(b), 604(c), and 604(d) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

An administrative hearing was held in this matter before an administrative law judge who, on November 19, 2015, issued a Hearing Report setting forth Findings of Fact and Conclusions of Law. Subsequently, on November 4, 2016, the administrative law judge issued an Errata to Hearing Report, which was made a part of and incorporated into the Hearing Report issued on November 19, 2015.

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on January 26, 2017, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report and Errata to Hearing Report. Therefore,

IT IS ORDERED that for violating sections 604(b), 604(c), and 604(d) of the Occupational Code, supra, Respondent's license to practice as a residential builder in the state of Michigan is REVOKED.

IT IS FURTHER ORDERED that Respondent may not serve as a Qualifying Officer of any licensed corporation or business entity while any Article 24 license held by Respondent is in revoked status.

IT IS FURTHER ORDERED that reinstatement of a license which has been revoked is not automatic and, in the event Respondents apply for reinstatement of the licenses, application shall be in accordance with section 411(5) of the Occupational Code, supra.

IT IS FURTHER ORDERED that, in accordance with sections 411(3)(c), 602(c), and 604(k) of the Occupational Code, supra, no application for licensure, renewal, relicensure, or reinstatement shall be granted until all final orders of the Board have been satisfied in full.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondent is FINED \$20,000.00 to be paid to the State of Michigan within 60 days from 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, Compliance Section, 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 complaint number **21-15-325855**.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondent shall pay RESTITUTION as ordered in case number 15-00235-FH, State of Michigan, 17<sup>th</sup> Judicial District Court.

IT IS FURTHER ORDERED that Respondent shall submit evidence of payment of restitution in full as ordered in case number 15-0235-FH to the **Department of Licensing and Regulatory Affairs, Legal Affairs/Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909**. The evidence shall clearly display complaint number **21-15-325855**.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to section 604(k) of the Occupational Code, supra.

This Final Order 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; MCL 15.241(1)(a).

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Chairperson of the Board or authorized representative, as set forth below.

Dated: 03/01/2017

**MICHIGAN BOARD OF  
RESIDENTIAL BUILDERS AND  
MAINTENANCE AND ALTERATION  
CONTRACTORS**

By: Kim Gaedeke  
Kim Gaedeke, Director  
Bureau of Professional Licensing

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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 No. 325855

Complainant,

v

KENNETH ALLEN BIRD  
License No. 21-01-193931

Respondent.

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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. Kenneth Allen Bird (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. A Complaint against Respondent, 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.

3. On or about February 3, 2015, Respondent was found guilty in the Seventeenth Circuit Court, Grand Rapids, Michigan, of "Contractor-Fraudulent Use of Building Contract Fund". A certified copy of the conviction record is attached hereto as Exhibit 1.

4. Respondent's conduct in committing the offense referred to in paragraph three above demonstrates his inability to serve the public as a residential builder in a fair, open and honest manner and his lack of good moral character, contrary to MCL 339.604(d).

5. Respondent's conduct in committing the offense referred to in paragraph three above was derived from his failure to perform residential building services or return monies received for the services which constitutes fraud, deceit, or dishonesty in the practice of an occupation, contrary to MCL 339.604(b).

6. Respondent failed to respond to the complaint referred to in paragraph two above in a timely manner, contrary to 2006 AACS, R 338.1551(2).

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

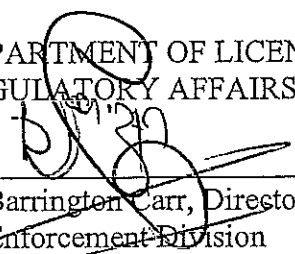
Based upon the conduct as aforesaid, Respondent has acted contrary to § 604(b), (c) & (d) and of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(b), (c) & (d) and rule 51(2) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACS, R 338.1551(2), 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: \_\_\_\_\_

U-24-15

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