

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

CCLA BUILDING & DEVELOPMENT, LLC
License No. 21-02-203251,

Complaint No. 21-17-332138

and

MATTHEW MICHAEL FIGURSKI
License No. 21-01-166647

Complaint No. 21-17-332139

Respondents.

_____/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

Formal Complaints (numbers 21-17-332138 and 21-17-332139) were filed on October 5, 2017 charging CCLA Building & Development, LLC and Matthew Michael Figurski (Respondents) with having violated sections 604(c), (e), (g), (h) and 2409 of the Occupational Code, as amended, MCL 339.101 *et seq.*; Mich Admin Code, R 338.1551(4) and (5).

The parties have stipulated that the Board may enter this consent order and that the facts alleged in paragraphs 12, 13 (except there are only 40 condominium units), 14, 19-21 of the Formal Complaints are true and constitute a violation of section 604(h) and 2409 of the Occupational 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 complaints.

Accordingly, for these violations, IT IS ORDERED:

Respondents are FINED FIVE HUNDRED AND 00/100 DOLLARS (\$500.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint numbers 21-17-332138 and 21-17-332139 clearly indicated on the check or money order), and shall be payable within sixty (60) days of the effective date of this order. Respondents are jointly and severally liable for paying the fine. The total fine owed on complaint numbers 21-17-332138 and 21-17-332139 is \$500.00. The timely payment of the fine shall be Respondents' responsibility. If Respondents fail to timely pay fine, their licenses shall be suspended. 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.

If Respondents petition for reinstatement of their licenses as a result of their failure to timely pay the above fine, the petition shall be in accordance with section 411(5) of the Occupational Code. Under this provision, Respondents shall file an application on a form provided by the department, pay the application processing fee, and file a petition to the department and the appropriate board stating reasons for reinstatement and including evidence that the person can and is likely to serve the public in the regulated activity with competence and in conformance with all other requirements prescribed by law, rule, or an order of the department or board.

Counts I-IV of each complaint (complaint numbers 21-17-332138 and 21-17-332139), alleging violations of sections 604(c), (e) and (g) of the Occupational Code, and Mich Admin Code, R 338.1551(4) and (5), are DISMISSED.

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 violate 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 thirty (30) days from the date signed by the Chairperson or the Chairperson's designee, as set forth below.

Signed on _____

MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION CONTRACTORS

By _____

3/13/14

Chairperson

STIPULATION

The parties stipulate as follows:

1. The facts alleged in paragraphs 12, 13 (except there are only 40 condominium units), 14, 19-21 of the complaints (numbers 21-17-332138 and 21-17-332139) are true and constitute a violation of section 604(h) and 2409 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 understand and intend 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, as amended, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the complaints 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 parties considered the following factors in reaching this agreement:

A. Each condominium unit in the development was initially issued a temporary certificate of occupancy.

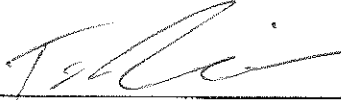
B. The building inspector noted that the steps on the condominium units conformed to the stair-rise requirements of the Residential Code at issuance of those temporary certificates of occupancy.

C. Respondent acknowledged that the building inspector took stair-rise measurements in February and March of 2017, showing that on those dates some steps were out of compliance with the Residential Code.

D. The steps at issue were placed on top of poured concrete sidewalks, which are subjected to heaving with the weather conditions in Michigan. The weather conditions likely caused the changes in stair-rise measurements.

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

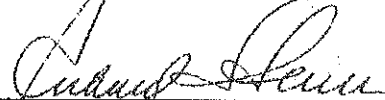
AGREED TO BY:



Timothy C. Erickson (P72071)
Assistant Attorney General
Attorney for Complainant

Dated: 2/6/2018

AGREED TO BY:



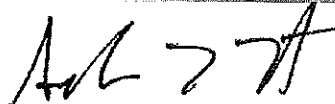
OCLA Building
and Development, LLC
By: Richard L. Levin
Respondent

Dated: 2/5/2018



Matthew Michael Figurski
Respondent

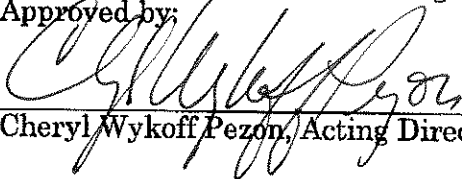
Dated: 2/5/2018



Adam T. Frost (P55894)
Attorney for Respondent

Dated: 2/5/2018

Bureau of Professional Licensing
Approved by:



Cheryl Wykoff Pezon, Acting Director

2/7/18
Date

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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In the Matter of

CCLA BUILDING & DEVELOPMENT, LLC

License No. 21-02-203251,

Complaint No. 21-17-332138

Respondent.

FORMAL COMPLAINT

NOW COMES Attorney General Bill Schuette, through Timothy C. Erickson, Assistant Attorney General, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Complainant, pursuant to the Occupational Code, as amended, MCL 339.101 *et seq*, and its rules promulgated thereunder, and files this Formal Complaint against CCLA Building & Development, LLC, Respondent, upon information and belief alleges as follows:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 339.2401 *et seq*.
2. Beginning on July 20, 2012, Respondent was licensed as a Residential Builder and/or Maintenance and Alteration Contractor pursuant to Article 24 of the Code and has been continuously licensed.
3. Section 604(c) of the Code subjects a licensee to sanction for violating a rule of conduct of an occupation.

4. Section 604(e) of the Code subjects a licensee to sanction who commits an act of gross negligence.
5. Section 604(g) of the Code subjects a licensee to sanction who demonstrates incompetence.
6. Section 604(h) of the Code subjects a licensee to sanction who “[v]iolates a provision of this act or a rule promulgated under this act for which a penalty is not otherwise prescribed.”
7. Section 2409 of the Code requires a licensee to “report to the department a change of name or address or a change of members or addresses of the partnership, association, or corporation holding a license under this article within 30 days after the change occurs.”
8. Mich Admin Code, R 338.1551(4) requires that a licensee correct complaints justified by a local building inspector within a reasonable time.
9. Mich Admin Code, R 338.1551(5) requires that a licensee adhere to the standards of construction of the local building code or the building code of the nearest political subdivision having a building code.
10. Section 514 of the Code authorizes the Board to sanction licensees based on an administrative law hearing examiner’s hearing report.
11. Section 602 of the Code requires the Board to sanction licensees who have violated the Code.

FACTUAL ALLEGATIONS

12. Respondent is a residential builder company. Matthew Michael Figurski, license number 21-01-166647, is the qualifying officer.

13. Respondent agreed to build a residential building development called Rivers Residence Club that would include a total of approximately 50 condominium units in approximately 12 buildings. Rivers Residence Club is located in Grosse Pointe Woods, Michigan.

14. Respondent commenced construction in or around 2012. Before construction had been completed, Mr. Figurski became the qualifying officer. Construction on the final building was completed with Mr. Figurski as the qualifying officer on or about March 8, 2017.

15. The construction included pouring concrete patio slabs appurtenant to the residential structures. Many of the porches pitch towards the foundation, causing puddling. Spalling and scaling has also occurred.

16. Homeowners made multiple requests for Respondent to fix the problems with the patios, but Respondent failed to fix the problem.

17. Respondent agreed to install shutters and perform stone work on the buildings.

18. Homeowners made multiple requests for Respondent to install the agreed-upon shutters and complete the stone work. Respondent failed to complete the work.

19. Grosse Pointe Woods Building Official Gene Tutag performed inspections on the condominiums on or about February 14, 16, and March 8, 2017.

20. Mr. Tutag verified multiple violations of R311.7.4.1 of the 2009 Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, effective March 9, 2011. Respondent failed to fix the violations noted by the building official.

21. On or about June 1, 2017, Respondent moved its business location to 31000 Telegraph Road, Suite 250, Bingham Farms, Michigan. Respondent and its qualifying officer failed to notify the Department of the change in address within 30 days.

COUNT I

22. Respondent's conduct, as described above, is contrary to Mich Admin Code, R 338.1551(4), in violation of section 604(c) of the Code.

COUNT II

23. Respondent's conduct, as described above, is contrary to Mich Admin Code, R 338.1551(5), in violation of section 604(c) of the Code.

COUNT III

24. Respondent's conduct, as described above, constitutes gross negligence in violation of section 604(e) of the Code.

COUNT IV

25. Respondent's conduct, as described above, constitutes incompetence in violation of section 604(g) of the Code.

COUNT V

26. Respondent's conduct, as described above, constitutes a failure to report a change of address, contrary to section 2409 of the Code, in violation of section 604(h) of the Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, 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.

Respectfully submitted,

BILL SCHUETTE
Attorney General

By 

Timothy C. Erickson (P72071)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30758
Lansing, MI 48909
Phone (517) 373-1146; Fax (517) 241-1997

Dated: October 5, 2017

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS AND
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Complaint No. 21-17-332139

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FORMAL COMPLAINT

NOW COMES Attorney General Bill Schuette, through Timothy C. Erickson, Assistant Attorney General, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Complainant, pursuant to the Occupational Code, as amended, MCL 339.101 *et seq*, and its rules promulgated thereunder, and files this Formal Complaint against Matthew Michael Figurski, Respondent, upon information and belief alleges as follows:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 339.2401 *et seq*.
2. Beginning on May 1, 2003, Respondent was licensed as a Residential Builder and/or Maintenance and Alteration Contractor pursuant to Article 24 of the Code and has been continuously licensed.
3. Section 604(c) of the Code subjects a licensee to sanction for violating a rule of conduct of an occupation.

4. Section 604(e) of the Code subjects a licensee to sanction who commits an act of gross negligence.

5. Section 604(g) of the Code subjects a licensee to sanction who demonstrates incompetence.

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7. Section 2409 of the Code requires a licensee to "report to the department a change of name or address or a change of members or addresses of the partnership, association, or corporation holding a license under this article within 30 days after the change occurs."

8. Mich Admin Code, R 338.1551(4) requires that a licensee correct complaints justified by a local building inspector within a reasonable time.

9. Mich Admin Code, R 338.1551(5) requires that a licensee adhere to the standards of construction of the local building code or the building code of the nearest political subdivision having a building code.

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12. CCLA Building & Development LLC ("CCLA") is a residential builder company, license number 21-02-203251. Respondent is the qualifying officer.

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