

IT IS FOUND that the facts are true, for purposes of this Order, and constitute violation(s) of section(s) 604(c), 2411(2)(e) and 2411(j) of the Occupational Code, supra.

Accordingly, IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondents are FINED \$1,000.00 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 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 file numbers **21-16-328846 and 21-16-328847**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in a **SUSPENSION** of all licenses or registrations held by Respondents under Article 24 of the Occupational Code and in the denial of any application for or renewal of a license or registration 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: 1-26-17

STIPULATION

1. Respondents neither admit nor deny the facts alleged in the Complaint, but agree that the Board shall treat the allegations as true, for purposes of this Order, which finding shall have the same force and effect as if evidence and argument were presented in support of them.

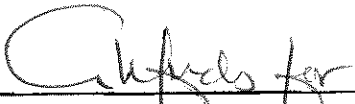
2. Respondents understand and intend that by signing this Stipulation Respondents are waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq., to require the Department to prove the charges set forth in the Complaint 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.

3. 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.

4. 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.

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.

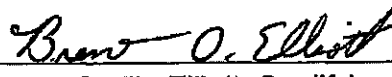
AGREED TO BY:



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

Dated: 10/21/2016

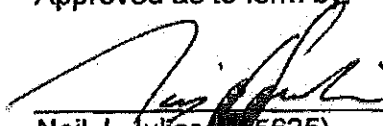
AGREED TO BY:



Brent Orville Elliott, Qualifying Officer
CLI-Concrete Leveling, Inc.
Respondents

Dated: 10-10-16

Approved as to form by:



Neil J. Juliar (PA 5625)
Attorney for Respondent

Dated: 10/18/16

SDM

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

CLI-CONCRETE LEVELING INC.
License Number: 21-02-175947

BRENT ORVILLE ELLIOTT,
QUALIFYING OFFICER
License Number: 21-01-156274

File Numbers: 21-16-328846
21-16-328847

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against CLI-Concrete Leveling, Inc. and Brent Orville Elliott (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. Respondents are licensed as residential builders in the state of Michigan.

3. On July 7, 2015, Brandon Mutchler, an unlicensed salesperson acting on behalf of Respondents, entered into a contract with [REDACTED] (Homeowner) to raise the walkway and the porch steps of her home for \$400.00. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On July 31, 2015, Mike Groves, an unlicensed salesperson acting on behalf of Respondents, entered into a contract with Homeowner to raise the addition on Homeowner's home back to its original elevation for \$14, 400.00. A copy of the contract marked Exhibit B, is attached and incorporated.

5. On August 23, 2015, Homeowner paid Respondents a \$7,000.00 down payment.

6. In September 2015, Respondents completed the repairs to Homeowner's home, however, Homeowner failed to pay the balance on the contract.

7. On April 22, 2016, a building inspector for the County of Wayne, inspected Homeowner's home and verified that Respondents performed the repairs to Homeowner's home without obtaining a building permit, contrary to R105.1 of the 2009 Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code act, effective March 9, 2011. A copy of the inspection report, marked Exhibit C, is attached and incorporated.

COUNT I

Respondents' conduct, as described above, evidences a failure to ensure that standards of construction are 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 II

Respondents' conduct, as described above, evidences a willful violation of the building laws of this state or of a political subdivision of this state, in violation of 2411(2)(e) of the Occupational Code, supra.

COUNT III

Respondents' conduct, as described above, evidences aiding or abetting an unlicensed person to evade this article, or knowingly combining or conspiring with, or acting as agent, partner, or associate for an unlicensed person, in violation of section 2411(j) of the Occupational Code, supra.

Complainant 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, Complainant further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act, 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 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 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

This is the final page of a Formal Complaint in the matter of CLI-Concrete Leveling Inc., File Number 21-16-328846 and Brent Orville Elliott, File Number 21-16-328847, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

SDM