

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

CONSTRUCTION MANPOWER SERVICES, L.L.C.
D/B/A RANGER CONSTRUCTION MANPOWER
SERVICES
License No. 21-02-199500

File No. 21-15-326020
Docket No.16-033521

PAWEL STEFAN MIKOLAJEWSKI,
QUALIFYING OFFICER
License No. 21-01-197109
Respondents.

File No. 21-15-324867
Docket No.16-033522

FINAL ORDER

On October 7, 2016, the Department of Licensing and Regulatory Affairs executed a First Superseding Formal Complaint charging Respondents with violating MCL 339.604(h) and 339.2411(2)(l).

An administrative hearing was held in this matter before an administrative law judge who, on February 14, 2017, issued a Hearing Report setting forth Findings of Fact and Conclusions of Law.

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board), having reviewed the administrative record, considered these matters at a regularly scheduled meeting held in Lansing, Michigan on June 13, 2017, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report. Therefore,

IT IS ORDERED that the complaint against Respondent Pawel Stefan Mikolajewski is dismissed.¹

IT IS FURTHER ORDERED that for violating MCL 339.604(h) and 339.2411(2)(l), Respondent Construction Manpower Services' license to practice as a residential builder company in the state of Michigan is REVOKED.

IT IS FURTHER ORDERED that reinstatement of a license which has been revoked is not automatic and, in the event Respondent applies for reinstatement of the license, application shall be in accordance with MCL 339.411(5).

IT IS FURTHER ORDERED that Respondent Construction Manpower Services is FINED \$1,000.00 to be paid to the State of Michigan within 90 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, 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 file number **21-15-326020**.

¹ In January 2017, Michigan Administrative Hearing System received a death certificate for Respondent Pawel Stefan Mikolajewski.

IT IS FURTHER ORDERED that Respondent Construction Manpower Services shall pay RESTITUTION to satisfy the judgement as ordered by the State of Michigan, 46th Judicial District Court, Southfield, Michigan, in case number GC-15-0342 within 90 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent Construction Manpower Services shall submit satisfactory written evidence of satisfying the judgement as set forth above to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909.**

IT IS FURTHER ORDERED that, in accordance with MCL 339.411(3)(c), 339.602(c) and 339.604(k), 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 in the event Respondent Construction Manpower Services violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to MCL 339.604(k).

This Final Order 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.*

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: 07/10/2017

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

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

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 Nos. 326020 and 324867

Complainant,

v

CONSTRUCTION MANPOWER SERVICES LLC
d/b/a/ RANGER CONSTRUCTION MANPOWER SERVICES
PAWEL STEFAN MIKOLAJEWSKI, QUALIFYING OFFICER
License No. 21-02-199500

Respondent,

and

PAWEL STEFAN MIKOLAJEWSKI
License No. 21-01-197109

Respondent.

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. Construction Manpower Services LLC, doing business as Ranger Construction Manpower Services, Pawel Stefan Mikolajewski, Qualifying Officer, (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. Pawel Stefan Mikolajewski, (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.

3. A Complaint against Respondents, 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 by [redacted] and is attached hereto as Exhibit 1.

4. An authority charged with the enforcement of the laws governing construction of residential or residential and commercial buildings in the political subdivision in which the building is located, has submitted an evaluation of the Complaint submitted. The evaluation is attached hereto as Exhibit 2.

5. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with [redacted] on or about October 31, 2013, pursuant to attached Exhibit 3.

6. Respondents, in performance of the contract, failed to comply with §§ R 311.3, R 314.3.1, R 401.3, R 501.2, R 612.1, R 703.11.1 and R 905 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to 2006 AACCS, R 338.1551(5).

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

8. Respondent Pawel Stefan Mikolajewski was a party to the acts and omissions alleged herein above and was in a position to ensure compliance with the Occupational Code or otherwise prevent the violations that are the subject of this complaint but failed to do so.

Based upon the conduct as aforesaid, Respondents have acted contrary to § 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and rules 51(5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACCS, R 338.1551(5), 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: _____

4-13-15

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