

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE
AND ALTERATION CONTRACTORS

In the Matter of:

File No. 21-18-336667

BARCLY'S CONSTRUCTION,
Unlicensed

NOTICE AND ORDER TO CEASE AND DESIST

The Department of Licensing and Regulatory Affairs, by Keith Lambert, Director of the Bureau of Construction Codes, pursuant to authority under the Occupational Code, 1980 PA 299, as amended; MCL 339.101 *et seq.*, orders Barclly's Construction (Respondent) to cease and desist from engaging in or attempting to engage in providing residential building services without possessing a residential builder's license in violation of the Occupational Code.

The Department received a complaint and conducted an investigation in accordance with sections 501 through 504 of the Occupational Code. The investigation revealed that Respondent violated section 601(1) of the Occupational Code in that:

1. Respondent does not possess a residential builder's license under Article 24 of the Occupational Code.
2. On or about September, 2016, and thereafter, Respondent engaged in or attempted to engage in the practice of residential building by contracting with

Khaled Sabbagh to place a new concrete driveway and to reconstruct the front porch of Mr. Sabbagh's residential dwelling, and performing residential building services regulated by the Occupational Code with respect to 20362 Brookwood located in Dearborn Heights, Michigan.

3. Respondent engaged in or attempted to engage in the practice of an occupation regulated under the Occupational Code, without possessing a license issued by the Department of Licensing and Regulatory Affairs, contrary to section 601(1) of the Occupational Code.

Section 506 of the Occupational Code authorizes the Department to issue a cease and desist order as follows:

- (1) After an investigation has been conducted, the director may order a person to cease and desist from a violation of the Occupational Code or a rule promulgated or an order issued under the Occupational Code.
- (2) A person ordered to cease and desist shall be entitled to a hearing before the department if a written request for a hearing is filed within 30 days after the effective date of the order.
- (3) Upon a violation of a cease and desist order issued under the Occupational Code, the Department of Attorney General may apply in the circuit court of this state to restrain and enjoin, temporarily or permanently, or both, a person from further violating a cease and desist order.

ACCORDINGLY, IT IS ORDERED that Respondent shall immediately cease and desist from engaging in or attempting to engage in practicing of a residential builder without possessing a license issued by the Department of Licensing and Regulatory Affairs in violation of the Occupational Code.

RESPONDENT IS ADVISED that violations of the Occupational Code may lead to administrative, civil, and criminal sanctions.

RESPONDENT IS FURTHER ADVISED that under section 602(e) of the Occupational Code, a maximum fine in the amount of \$10,000 per violation may be imposed for violations of the Occupational Code.

RESPONDENT IS FURTHER ADVISED that under section 601(6) of the Occupational Code, a person not licensed under Article 24 of the Code as a residential builder or a residential maintenance and alteration contractor who violates 601(1) or (2) may be subject to the following criminal penalties:

- (a) In the case of a first offense, a misdemeanor punishable by a fine of not less than \$5,000.00 or more than \$25,000.00, or imprisonment for not more than 1 year, or both.
- (b) In the case of a second or subsequent offense, a misdemeanor punishable by a fine of not less than \$5,000.00 or more than \$25,000.00, or imprisonment for not more than 2 years, or both.
- (c) In the case of an offense that causes death or serious injury, a felony punishable by a fine of not less than \$5,000.00 or more than \$25,000.00, or imprisonment for not more than 4 years, or both.

RESPONDENT IS FURTHER ADVISED that the Department will refer this matter to the Michigan Department of Attorney General for review and possible action against Respondent, which may include criminal and administrative sanctions.

Pursuant to section 506(2) of the Code, Respondent is entitled to a hearing before a hearings examiner if Respondent files a written request for a hearing

within 30 days after the effective date of this order. The written request for a hearing shall be submitted to the Bureau of Construction Codes, Department of Licensing and Regulatory Affairs, P.O. Box 30254, Lansing, Michigan 48909. Failure to file a timely written request for hearing will waive Respondent's right to a hearing, and this order will become final.

This order shall take effect on the date signed as set forth below.

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS



By: Keith Lambert, Director
Bureau of Construction Codes

Date: 3-8-2019

LF: 2019-0240155-B/Barclay's Construction, 336667/Notice - and Order to Cease and Desist - 2019-03-04