

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

CLASSIC REMODELING
License No. 21-02-160157

File No. 21-16-329305

and

DANA LYNN WILDT
License No. 21-01-193099,

File No. 21-16-329307

Respondents.

CONSENT ORDER

On January 27, 2017, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondents with violating the Occupational Code, MCL 339.101 *et seq.*

Respondents admit the allegations in the Complaint, with the exception of Counts II and III, which Respondents deny and shall be dismissed. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint constitute violation(s) of MCL 339.604(h).

IT IS ORDERED that Counts II and III of the Complaint are DISMISSED.

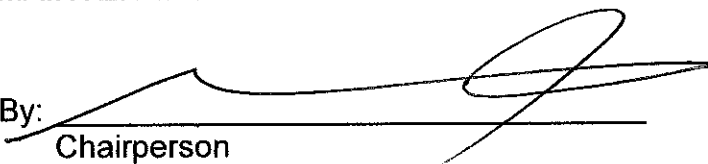
IT IS FURTHER ORDERED that for the cited violations of the Occupational Code, Respondents are FINED \$250.00 to be paid to the State of Michigan within 60 days of the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Legal Affairs/Enforcement Division, 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 **21-16-329305** and **21-16-329307**.

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 license or registration renewal 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: 6/13/17

STIPULATION

1. Respondent and the Department agree that Counts II and III of the Complaint shall be dismissed by the Board.

2. The facts alleged in the Complaint constitute violation(s) of MCL 339.604(h).

3. 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.

4. 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 24.231 *et seq.*

5. Factors taken into consideration in the formulation of this Order are as follows:

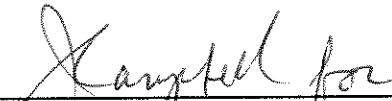
Respondents were retained to construct a deck for a homeowner who became dissatisfied, primarily with cosmetic details of the work, such as checks in the wood and visible stamps on the lumber. Respondents requested an inspection of the work in progress and four items were identified by the building inspector as needing correction before a final

inspection. The inspector stated that these items were not code violations because the inspection was not a final inspection of finished work. Respondents offered the homeowner the option of allowing Respondents to carry the project through to completion or letting the homeowner terminate the contract and hire another builder to finish the deck. However, the homeowner never responded to Respondents' offer and ceased communicating with Respondents.

6. 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.

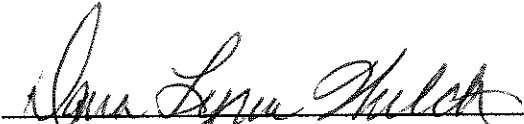
AGREED TO BY:



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

Dated: 4/25/17

AGREED TO BY:



Classic Remodeling and
Dana Lynn Wildt
Respondents

Dated: 4/17/17

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

CLASSIC REMODELING

License Number: 21-02-160157

and

DANA LYNN WILDT

License Number: 21-01-193099

File Numbers: 21-16-329305

21-16-329307

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Classic Remodeling and Dana Lynn Wildt (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. Pursuant to section 2405(1) of the Occupational Code, supra, Respondents are responsible for exercising supervision and control over the building or construction operations necessary to secure full compliance with the Occupational Code and the rules promulgated thereunder.

4. On May 5, 2015, Respondents and (Homeowner) approved an unsigned estimate to remove and construct a deck for \$11,750.00. Respondents failed to provide Homeowners with a written contract signed by all parties. A copy of the estimate, marked Exhibit A, is attached and incorporated.

5. On September 3, 2015, a building inspector for Holland Charter Township completed a "rough-in inspection" verifying the following violations of the 2009 Michigan Residential Code (building code), adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, effective March 9, 2011:

- a) The greatest riser height shall not exceed the smallest in a flight of stairs by more than 3/8 of an inch. (R311.7.4.1).
- b) The beams that support the joists need to be two ply or provide engineering to support the design. (R502.5 and R301.1.3).
- c) There needs to be a light at the top landing of the exterior deck stairs. (R311.7.8) and
- d) The sidewalk in front of the deck is dramatically sloped and has a rise in the middle that exceeds more than 8-1/4". (R311.7.6, R311.7.7 and R311.7.4.1).

A copy of the inspection report, marked Exhibit B, is attached and incorporated.

6. On May 4, 2016, Homeowner filed a Statement of Compliant with Department alleging Respondents built a deck and did not correct verified building codes violations.

COUNT I

Respondents' conduct, as described above, evidences a failure to reduce all agreements and changes to the agreements between a builder and contractor and customer to writing and to have the agreement signed by all parties, contrary to Mich Admin Code, R 338.1533(1), in violation of section 604(h) of the Occupational Code, supra.

COUNT II

Respondents' conduct, as described above, evidences a failure to correct construction defects that are the subject of a justified complaint within a reasonable time, contrary to Mich Admin Code, R 338.1551(4), in violation of section 604(h) of the Occupational Code, supra.

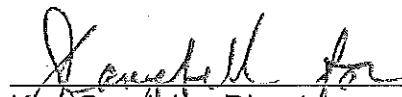
COUNT III

Respondents' conduct, as described above, evidences a failure to maintain standards of construction in accordance with the local building code, contrary to Mich Admin Code R 338.1551(5), in violation of section 604(h) of the Occupational Code, supra.

Department requests 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, Department further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, MCL 24.201 et seq.

Pursuant to section 508(2) of the Occupational Code, supra, Respondents have 15 days from the date of receipt of this Complaint to notify Department 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 Respondents' selection shall be submitted to Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondents fail to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

Dated: 1/27/17



Kim Gaedeke, Director
Bureau of Professional