

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

CONCIERGE CONTRACTORS, INC.
James Barry Abramson, Qualifying Officer
License Number: 21-02-200649

Complaint Number: 21-15-322198
Docket Number: 15-050946-CSCLB

and

JAMES BARRY ABRAMSON
License Number: 21-01-054957

Complaint Number: 21-15-322200
Docket Number: 15-050945-CSCLB

FINAL ORDER

On July 1, 2015, a First Amended Formal Complaint (Complaint) was executed that charged Concierge Contractors, Inc. and James Barry Abramson (Respondents) with violating sections 604(c), 604(g), and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

An administrative hearing was held in this matter before an administrative law judge who, on November 4, 2015, issued Hearing Reports 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 records, considered these matters at a regularly scheduled meeting held in Lansing, Michigan on March 8,

2016 and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Reports. Therefore,

IT IS ORDERED that for violating sections 604(c), 604(g), and 2411(2)(e) of the Occupational Code, supra, Respondents' licenses to practice as builders in the state of Michigan are IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondents' licenses shall be automatically reinstated IF WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine as set forth below.

IT IS FURTHER ORDERED that Respondent James Barry Abramson may not serve as a Qualifying Officer of any licensed corporation or business entity while any Article 24 license held by Respondent is in suspended or revoked status.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code, Respondents are FINED \$5,000.00 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, Sanction Monitoring, 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 **21-15-322198 and 21-15-322200**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **REVOCAION** of Respondents' licenses to practice as builders in the state of Michigan.

IT IS FURTHER ORDERED that in the event Respondents' licenses are revoked, Respondents must petition the Board for reinstatement. No application for licensure, relicensure, reinstatement or renewal shall be considered or granted by the Department of Licensing and Regulatory Affairs until all final orders of the Board have been satisfied in full.

IT IS FURTHER ORDERED that in the event Respondents violate any provision of this Order, the Board may proceed to take disciplinary action pursuant to section 604(k) of the Occupational Code, supra.

This Final Order 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; MCL 15.241(1)(a).

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IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Chairperson of the Board or authorized representative, as set forth below.

Dated: 4/25/2016

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

By: 
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Concierge Contractors, Inc. and James Barry Abramson, Complaint Numbers 21-15-322198 and 21-15-322200, Docket Numbers 15-050946-CSCLB and 15-150945-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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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. 322198 and 322200

Complainant,

v

CONCIERGE CONTRACTORS, INC.
JAMES BARRY ABRAMSON, QUALIFYING OFFICER
License No. 21-02-200649

Respondent,

and

JAMES BARRY ABRAMSON
License No. 21-01-054957

Respondent.

FIRST AMENDED 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. Concierge Contractors Inc., James Barry Abramson, 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. James Barry Abramson, (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 Luis Juarez 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 contracts to perform services regulated by 1980 PA 299, as amended, with Luis Juarez on or about February 28, 2012 and February 29, 2012, pursuant to attached Exhibit 3.

6. Respondents, in performance of the contract, failed to comply with §§ R105.1, R106.1, R109.1.2, 1.4, 1.5, 1.6 and R905.2.8.4 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 MCL 339.2411(2)(e) and 2006 AACRS, R 338.1551(5).

7. Respondents in performance of the contract, failed to meet minimal standards of acceptable practice of the Respondents' occupation as licensed residential builders, contrary to MCL 339.604(g).

8. Respondents failed to correct those items as justified by Exhibit 2 within a reasonable time, contrary to 2006 AACRS, R 338.1551(4).

9. Respondents failed to respond to the Complaint attached as Exhibit 1 in a timely manner, contrary to 2006 AACRS, R 338.1551(2).

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

11. Respondent James Barry Abramson, as qualifying officer, was a party to the acts and omissions alleged hereinabove 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) and (g) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and (g), MCL 339.2411(2)(e) and rule 51(2), (4) & (5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACS, R 338.1551(2), (4) & (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: 7-1-15

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