

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING  
BOARD OF RESIDENTIAL BUILDERS AND  
MAINTENANCE & ALTERATION CONTRACTORS

In the Matter of

GARY MICHAEL CURTHOYS  
License No. 21-01081207

Complaint No. 21-15-326558

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed on January 25, 2016 charging Gary Michael Curthoys (Respondent) with having violated section 2411(2)(a), 604(c), and 604(d) of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq.*

Respondent is FINED \$2000.00, to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 21-15-326558 clearly indicated on the check or money order) within 120 days of the effective date of this order. Respondent shall mail the fine to: Sanction Monitoring, Bureau of Professional Licensing, Enforcement Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

The timely payment of the fine shall be Respondent's responsibility. If Respondent fails to timely pay the fine, his registration shall be suspended until the fine is paid.

Within 120 days of the effective date of this order, Respondent shall pay RESTITUTION in the amount of \$630.00 to Selwyn Brown. Respondent shall mail

restitution to Mr. Brown at the address provided to Respondent in a separate document by the Department or Office of Attorney General, Licensing and Regulation Division, at the time he provided this signed stipulation.

Respondent shall submit satisfactory written proof of timely restitution payment to the Department by mail, or other method acceptable to the Department.

Count III of the complaint, alleging a violation of section 604(d) of the Occupational Code, is DISMISSED.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Sanction Monitoring Unit, Bureau of Professional Licensing, Enforcement Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

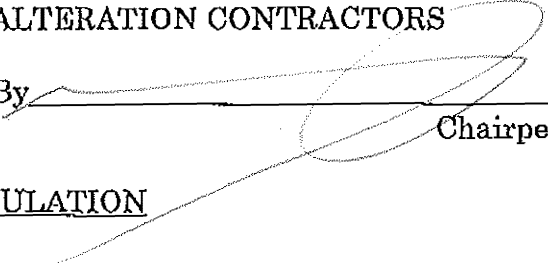
Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of section 604(k) of the Occupational Code.

This order shall be effective 30 days from the date signed by the Chairperson or the Chairperson's designee, as set forth below.

Signed on 6-14-16

MICHIGAN BOARD OF RESIDENTIAL  
BUILDERS AND MAINTENANCE &  
ALTERATION CONTRACTORS

By  \_\_\_\_\_  
Chairperson

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Occupational Code.
2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Occupational Code, rules promulgated under the Occupational Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, 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 to present a defense to the charges. Should the Board reject the proposed consent order, the parties reserve the right to proceed to hearing.
3. The Board may enter the above consent order, supported by Board conferee Jeff Agnew. Mr. Agnew or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Mr. Agnew and the parties considered the following factors in reaching this agreement:

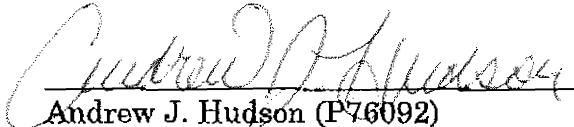
A. During an April 13, 2016 compliance conference between the parties, Respondent explained that as qualifying officer for Right Way Home Services, Inc., his role was to merely review contracts requiring building permits and to obtain those permits. He did not oversee other aspects of the business. Respondent acknowledged that he failed to fully appreciate his obligations under the law as qualifying officer, and as a result, failed to prevent the Code violations as outlined in the complaint.

B. The parties' understanding is that the other homeowner cited in the complaint, Mr. Frost, has been reimbursed for his down payment through a civil proceeding.

C. Respondent was cooperative in coming to a resolution for this case.

By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

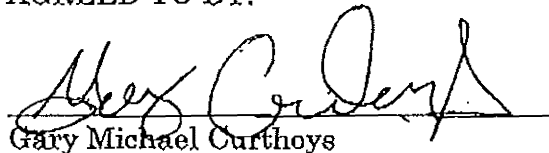
AGREED TO BY:



Andrew J. Hudson (P76092)  
Assistant Attorney General  
Attorney for Complainant

Dated: 4-15-16

AGREED TO BY:



Gary Michael Curthoys  
*In Pro Per* Respondent

Dated: 4-13-16

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING

DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS,  
BUREAU OF PROFESSIONAL  
LICENSING,

Complainant,

Complaint No. 21-15-326558

v

GARY CURTHOYS  
License No. 21-01081207,

Respondent,

Board of Residential Builders &  
Maintenance and Alteration  
Contractors

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FORMAL COMPLAINT

NOW COMES Bill Schuette, Attorney General, and Andrew J. Hudson, Assistant Attorney General, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Complainant, pursuant to section 339.101-605 of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq, and its rules promulgated thereunder, files this Formal Complaint against Gary Curthoys, Respondent, alleging upon information and belief as follows:

1. 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 39.2401-2412.

2. Respondent served as qualifying officer for Right Way Home Services, Inc., license no. 21-02202909, from September 28, 2012, until December 22, 2015.

3. Section 2405(1) of the Code indicates that a qualifying officer is responsible for exercising the supervision or control of the building or construction operations necessary to secure full compliance with this article and the rules promulgated under this article.

3. Section 2411(2)(a) of the Code requires the Board to penalize a residential builder for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

4. Section 604(c) of the Code requires the Board to penalize a licensee for a violation of a rule of conduct of an occupation.

6. Mich Admin Code, R 338.1551(2) of the Code requires a residential builder to reply to the Department within 15 days from receipt of the complaint and shall confirm or deny the justification of the complaint.

7. Section 604(d) of the Code requires the Board to penalize a licensee for conduct that demonstrates a lack of good moral character.

#### FACTUAL ALLEGATIONS

##### Brown contract

8. On August 6, 2014, Right Way Home Services, Inc. contracted with Selwyn Brown for replacement of a front entry door at the Brown home.

9. Mr. Brown paid a down payment of \$630 to Right Way Home Services, Inc.

10. Right Way Home Services, Inc. did not install the door or refund Mr. Brown's money.

11. On April 14, 2015, the Department notified Right Way Home Services, Inc. that Mr. Brown had filed a complaint based on the aforementioned conduct.

12. Right Way Home Services, Inc. failed to respond to the Department's notice.

Frost contract

13. On August 21, 2014, Right Way Home Services, Inc. contracted with John Frost to install an entry door and a storm door at the Frost home.

14. Mr. Frost paid a down payment of \$882 to Right Way Home Services, Inc.

15. Mr. Frost contacted Right Way Home Services, Inc. multiple times after it failed to install the doors as contracted.

16. In November 2014, Right Way Home Services, Inc. notified Mr. Frost that it would refund his deposit, as its supplier no longer made the doors he had ordered.

17. In December 2014, Mr. Frost received a check for \$882 from Right Way Home Services' bookkeeper.

18. Mr. Frost attempted to cash the check but was unable to do so due to insufficient funds in Right Way Home Services' account.

19. On December 30, 2014, Mr. Frost notified Right Way Home Services, Inc. that he was unable to cash the check. Right Way Home Services, Inc. indicated it would send a cashier's check the next day.

20. Right Way Home Services, Inc. failed to send the cashier's check to Mr. Frost.

21. On May 20, 2015, the Department notified Right Way Home Services, Inc. and Respondent that Mr. Frost had filed a complaint based on the aforementioned conduct.

22. Respondent failed to respond to the Department's notice.

#### COUNT I

23. Respondent's conduct as described above constitutes abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee in violation of section 2411(2)(a) of the Code.

#### COUNT II

24. Respondent's conduct as described above constitutes a failure to reply to the Department within 15 days from receipt of the complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(c) of the Code.

#### COUNT III

25. Respondent's conduct as described above demonstrates a lack of good moral character in violation of section 604(d) of the Code.

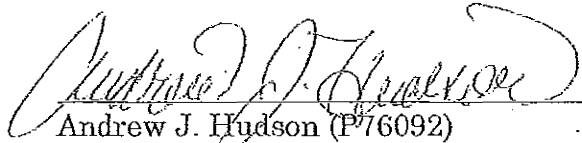


Based upon the conduct above, Respondent has acted contrary to the Occupational Code, 1980 PA 299, as amended, constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

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.

Respectfully submitted,

BILL SCHUETTE  
Attorney General



Andrew J. Hudson (P76092)  
Assistant Attorney General  
Licensing & Regulation Division  
525 West Ottawa, 3<sup>rd</sup> Floor, Williams Bldg.  
P.O. Box 30758  
Lansing, MI 48909  
(517) 373-1146

Dated: January 26, 2016