

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

RIGHT WAY HOME SERVICES, INC.,  
License Number: 21-02-202909

and

GARY MICHAEL CURTHOYS,  
QUALIFYING OFFICER  
License Number: 21-01-081207

File Numbers: 21-14-324939  
21-14-324940

CONSENT ORDER

The Department of Licensing and Regulatory Affairs (Department) executed a Formal Complaint (Complaint) on September 24, 2015, charging Right Way Home Services, Inc. and Gary Michael Curthoys (Respondents) with violation(s) of section(s) 604(c) of the Occupational Code, MCL 339.101 et seq.

Respondents have admitted that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code.

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) has reviewed this Consent Order and Stipulation (Order) 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 are true, for purposes of this Order, and constitute violation(s) of section(s) 604(c) of the Occupational Code, supra.

Accordingly, IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondents are FINED \$500.00 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, 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 numbers **21-14-324939 and 21-14-324940**.

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 and denial of all applications for renewal of all licenses and registrations until Respondents have fully complied with the terms of this Order. If Respondents' licenses are suspended, Respondents may petition the Board to lift the suspension(s).

CONTINUED ON THE NEXT PAGE

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, Board

Dated: 6-14-16

STIPULATION

1. The facts alleged in the Complaint are true and constitute violation(s) of section 604(c) of the Occupational Code, supra.

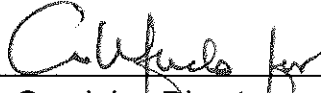
2. Respondents understand and intend that by signing this Stipulation Respondents are waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, MCL 24.201 et seq, to require the Department to prove the charges set forth in the 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.

3. Respondents and the Department further agree that this matter 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, MCL 15.231 et seq.

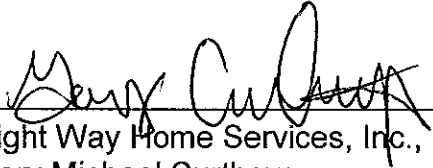
4. This Order is approved as to form and substance by Respondents and the Department and may be entered as the final order of the Board in this matter.

5. 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

AGREED TO BY:

  
\_\_\_\_\_  
Right Way Home Services, Inc.,  
Gary Michael Curthoys,  
Qualifying Officer  
Respondents

Dated: 5/11/2016

Dated: 4-28-2016

This is the final page of a Consent Order and Stipulation in the matter of Right Way Home Services, Inc., File Number 21-14-324939 and Gary Michael Curthoys, Qualifying Officer, File Number 21-14-324940, 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  
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FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Right Way Home Services, Inc. and Gary Michael Curthoys (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, 1980 PA 299, as amended; 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. On June 7, 2013, Respondents entered into a contract with Robert Therrien (Homeowner) to construct a raised, 14' x 20' concrete patio, level with the egress door from the home, with a concrete ramp leading from the patio to grade level.

4. On July 29, 2014, a building inspector verified that the concrete ramp had a slope greater than one 1:12 (one inch of rise per 12 inches of run) contrary to R 311.8.1 of the 2009 Michigan Residential Code (building code), adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011. The building inspector also found that the ramp lacked a landing at the point where the ramp changed directions, contrary to R 311.8.2 of the building code. A copy of the inspection report, marked Exhibit A, is attached and incorporated.

5. On November 17, 2014, Homeowner filed a Statement of Complaint with Complainant alleging defects in the construction work performed by Respondents.

6. On November 21, 2014, Complainant notified Respondents of Homeowner's Statement of Complaint of alleged construction defects. Respondents failed to correct the construction defects.

#### COUNT I

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(c) of the Occupational Code, supra.

## COUNT II


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(c) of the Occupational Code, supra.

Complainant requests that this Complaint be served upon Respondents and that Respondents be offered an opportunity to show compliance with all lawful requirements for retention of the license(s). If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

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Pursuant to section 508(2) of the Occupational Code, supra, Respondents have 15 days from the date of receipt of this Complaint to notify Complainant 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 Complainant, 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: 09/24/2015

  
\_\_\_\_\_  
Kim Gaedeke, Director  
Bureau of Professional Licensing

This is the final page of an Formal Complaint in the matter of Right Way Home Services, Inc. and Gary Michael Curthoys, File Numbers 21-14-324939, 21-14-324940 before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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