

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

DANIEL LEE WILLEMSTEIN
License No. 21-01-082202

File No. 21-16-330491

Respondent.

CONSENT ORDER

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

Respondent neither admits nor denies the facts alleged in the Complaint but agrees that for purposes of this Order, the allegations shall be accepted as true and constitute a violation of MCL 339.2411(2)(j). 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 a violation of MCL 339.2411(2)(j).

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent is 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, 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 **21-16-330491**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in SUSPENSION of all licenses or registrations held by Respondent 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: 3/13/18

STIPULATION

1. Respondent neither admits nor denies the alleged violations but agrees that the alleged violations shall be accepted as true for purposes of this Order.

2. The facts alleged in the Complaint constitute a violation of MCL 339.2411(2)(j).

3. Respondent understands and intends that by signing this Stipulation Respondent is 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 Respondent is waiving the right to appear with an attorney and such witnesses as Respondent 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:

After Homeowner filed a complaint with the Department, Respondent completed the garage. The garage was inspected on January 31, 2017, and the building inspector confirmed that no building code violations existed.

Respondent has been licensed since August 19, 1988, with no other complaints against his license

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

7. This proposal is conditioned upon acceptance by the Board. Respondent and the Department expressly reserve the right to further proceedings should this Order be rejected.

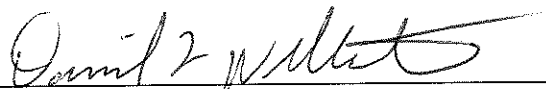
AGREED TO BY:

Acting


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

Dated: 11/29/17

AGREED TO BY:



Daniel Lee Willemstein
Respondent

Dated: 11-14-17

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

DANIEL LEE WILLEMSTEIN
License Number: 21-01-082202

File Number: 21-16-330491

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department), by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Daniel Lee Willemstein (Respondent) 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. Respondent is licensed as an individual residential builder in the state of Michigan.
3. "Good moral character" is defined in MCL 338.41 as "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner."

4. On December 1, 2014, Martin Proper, an unlicensed individual, entered into a contract with . (Homeowner) to construct a garage for \$15,300.00. A copy of the contract and a verification of licensure, marked Exhibit A, is attached and incorporated.

5. On May 7, 2015, Respondent obtained a building permit to construct a 24' x 24' one-story garage for the Homeowner. A copy of the building permit, marked Exhibit B, is attached and incorporated.

6. Respondent was paid by Martin Proper to help construct the garage.

7. On September 13, 2016, Homeowner filed a Statement of Complaint with the Department alleging abandonment of the contract and construction project.

COUNT I

Respondent's conduct, as described above, evidences aiding or abetting an unlicensed person to evade Article 24, in violation of section 2411(2)(j) of the Occupational Code, supra.

The Department requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, the Department further requests that formal proceedings be commenced pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq.

Pursuant to section 508(2) of the Occupational Code, supra, Respondent has 15 days from the date of receipt of this Complaint to notify the Department of Respondent's 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 Respondent's 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 Respondent fails to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

Dated: 03/27/2017



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachment

AMD