

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

DARIN JAMES CHAPIN
License No. 21-01-173247
Respondent.

File No. 21-15-321163

CONSENT ORDER

On January 4, 2016, the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

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

IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondent is FINED \$750.00 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 number **21-15-321163**.

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, pursuant to the principle of settlement and compromise, agrees that the alleged violations shall be accepted as true for purposes of this Order.

2. The facts alleged in the Complaint constitute violation(s) of MCL 339.2411(2)(e).

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 include the following:

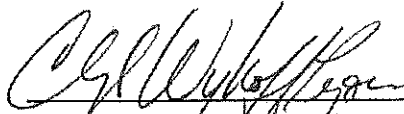
Respondent previously performed satisfactory work for Homeowner on a commercial property for which Homeowner pulled the necessary permits. Homeowner indicated he would obtain the necessary permits for the work on his residence



also. Respondent relied on this representation because Respondent understood that Homeowner intended to hire other contractors in addition to Respondent to do work on his home and would be acting as his own general contractor.

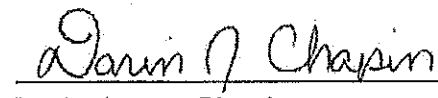
6. This proposal is conditioned upon acceptance by the Board. Respondent and the Department expressly reserve the right to further proceedings should this Order be rejected.

AGREED TO BY:


Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

Dated: 12/13/17

AGREED TO BY:


Darin James Chapin
Respondent

Dated: 12/11/2017

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

DARIN JAMES CHAPIN

License Number: 21-01-173247

File Number: 21-15-321163

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Darin James Chapin (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, 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. Respondent is licensed as residential builder in the state of Michigan.

3. At times relevant to this complaint, Respondent was the qualifying officer of KBN Home Improvement, LLC (KBN). KBN's residential builder license expired on May 31, 2014.

4. On or about on May 14, 2012, KBN entered into agreement with (Homeowner) to perform repairs on Homeowner's roof, siding, windows, and kitchen renovations.

5. On June 19, 2013, the building inspector for Grand Rapids, Michigan inspected Homeowner's home and noted, in part, that KBN failed to obtain a building permit for the work performed on the home, contrary to R 105.1 of the 2009 Michigan Residential Code (building code), adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011. A copy of the inspection report, marked Exhibit A, is attached and incorporated.

6. On or about on June 20, 2013, Homeowner filed a Statement of Complaint with Complainant alleging defects in the construction work performed by KBN.

7. Respondent was a party to the acts and omissions alleged above 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.


COUNT I

Respondent's conduct, as described above, evidences a willful violation of the building laws of this state or of a political subdivision of this state, contrary to 2411(2)(e) of the Occupational Code, supra.

Complainant 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 licenses. 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.

Pursuant to section 508 of the Occupational Code, supra, Respondent has 15 days from the date of receipt of this Complaint to notify Complainant 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 Complainant, 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: 1/4/2016


Kim Gaedeke, Director
Bureau of Professional Licensing

Attachment

This is the final page of a Formal Complaint in the matter of Darin James Chapin, File Number 21-15-321163, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

DWC