

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

DAVID JOHN BELANGER
License No. 21-01-128908
Respondent.

File No. 21-16-329756

CONSENT ORDER

On August 24, 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 339.604(c). 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 339.604(c).

IT IS ORDERED that for the cited violation(s) 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 number 21-16-329756.

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: 3/13/14

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.

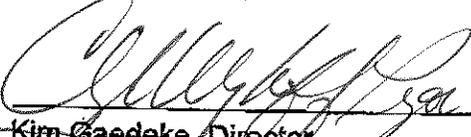
2. The facts alleged in the Complaint constitute violation(s) of MCL 339.604(c).

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. 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: 12/11/17

AGREED TO BY:



David John Belanger
Respondent

Dated: 12/15/17

APPROVED AS TO FORM BY:



Jeffrey P. Kilchhoff (P30616)
Attorney for Respondent

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

DAVID JOHN BELANGER

License Number: 21-01-128908

File Number: 21-16-329756

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against David John Belanger (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. In March 2015, Respondent entered into a contract with (Homeowner) to build an addition to her home. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On August 12, 2015, Imperial Municipal Services (IMS) acting as a building inspector for Algoma Township cited the following violations 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. The steps for the deck slope more than 2%, contrary to R311.7.6.
- b. Handrails were less than 34 inches, contrary to R311.7.7.1.
- c. An exterior box in the back of the home without approved corrosion-resistant flashing, contrary to R703.8.

A copy of the inspection report, marked Exhibit B, is attached and incorporated.

5. On June 21, 2016, Homeowner filed a Statement of Complaint with Complainant.

6. On June 28, 2016, Complainant mailed a Notice to Respondent (Notice) to the address of record for Respondent. Respondent failed to respond to the Notice.

COUNT I

Respondent's conduct, as described above, evidences a failure to respond to a complaint 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 Occupational Code, supra.

COUNT II

Respondent's 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 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, Complainant further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq.

CONTINUED ON NEXT PAGE

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:

8/24/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of David John Belanger, File Number 21-16-329756, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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