

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 WANDELL
License No. 21-01-113383,
Respondent.

Docket No. 17-009351
File No. 21-16-329952

FINAL ORDER

On January 3, 2017, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

An administrative hearing was held in this matter before an administrative law judge who, on June 29, 2017, issued a Hearing Report setting forth Findings of Fact and Conclusions of Law.

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on September 12, 2017, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report.

IT IS ORDERED that for violating MCL 339.604(h), 339.604(l), and 339.2411(2)(e), Respondent is FINED \$3,000.00 to be paid to the State of Michigan within 60 days from 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, Compliance Section, 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 **21-16-329952**.

IT IS FURTHER ORDERED that in the event Respondent fails to pay the fine as set forth above within 60 days of the effective date of this Order, Respondent's license to practice as an individual residential builder shall be **SUSPENDED**.

IT IS FURTHER ORDERED that, in accordance with MCL 339.411(3)(c), 339.602(c) and 339.604(k), no application for licensure, renewal, relicensure, or reinstatement shall be granted until all final orders of the Board have been satisfied in full.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to MCL 339.604(k).

This Final Order is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Chairperson of the Board or authorized representative, as set forth below.

Dated: 10/16/17

**MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS**

By: Virginia Anderson
Kim Gaedeke, Director
Bureau of Professional Licensing

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In the Matter of

DAVID WANDELL
License Number: 21-01-113383

File Number: 21-16-329952

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against David Wandell (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 a residential builder in the state of Michigan.
3. On April 15, 2015, Corey Ferris, an unlicensed builder salesperson, entered into a contract on behalf of Respondent with _____ (Homeowner) to

replace the roof and gutters on her home. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On June 28, 2016, the city of Monroe, Michigan issued a municipal civil infraction to Respondent for failing to obtain a building permit. Because this was Respondent's third time not obtaining a permit prior to starting a work project in the city, a \$500.00 fine was imposed. A copy of the civil infraction, marked Exhibit B, is attached and incorporated.

5. On July 25, 2016, Homeowner filed a Statement of Complaint with the Department.

6. On August 19, 2016, and again on September 3, 2016, the Department sent notice to Respondent of Homeowner's complaint and requested a written response within 15 days. Respondent failed to respond.

COUNT I

Respondent's conduct, as described above, evidences acceptance or performance of a contract procured by a salesperson not licensed under a builder or contractor, or acceptance or performance of a contract, other than the sale of real property, procured by anyone not licensed under the Occupational Code, contrary to Mich Admin Code, R 338.1536, in violation of section 604(h) of the Occupational Code, supra

COUNT II

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(h) of the Occupational Code, supra.

COUNT III

Respondent's conduct, as described above, evidences aiding or abetting another person in the unlicensed practice of an occupation, in violation of section 604(l) of the Occupational Code, supra.

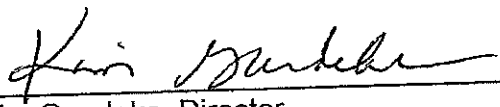
COUNT IV

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, in violation of section 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 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, 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 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: 01/03/2017



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

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