

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

DONALD JOSEPH FORD
License No. 21-01-070748

Complaint No. 21-16-331323

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed on May 25, 2017, charging Donald Joseph Ford (Respondent) with having violated sections 604(b) and (h) and 2411(2)(e) of the Occupational Code, MCL 339.101 *et seq.*

The parties have stipulated that the Board may enter this consent order and that the facts alleged in the Formal Complaint are true and constitute a violation of sections 604(h) and 2411(2)(e) of the Occupational Code. The Board has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint.

Accordingly, for these violations, IT IS ORDERED:

Respondent is FINED \$500 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 21-16-331323 clearly indicated on the check or money order), and shall be payable within sixty days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of

Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Count II of the complaint, alleging a violation of section 604(b) of the Occupational Code, is DISMISSED.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

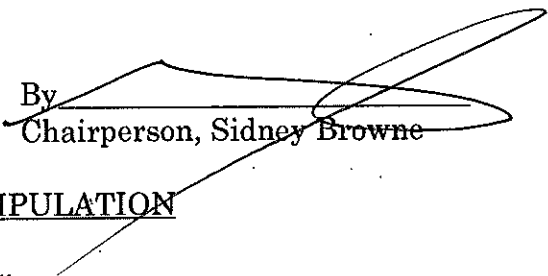
Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of section 604(k) of the Occupational Code.

This order shall be effective thirty days from the date signed by the Chairperson or the Chairperson's designee, as set forth below.

Signed on 12-12-17

MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION CONTRACTORS

By 
Chairperson, Sidney Browne

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Occupational Code.

2. The Director of the Bureau of Professional Licensing, or her designee, must approve this consent order and stipulation before it is submitted to the Board for final approval.

3. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Occupational Code, rules promulgated under the Occupational Code, 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 to present a defense to the charges. Should the Board reject the proposed consent order, the parties reserve the right to proceed to hearing.

4. 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.*

5. The Board may enter the above Consent Order, supported by Board conferee Sidney Browne. Mr. Browne or an attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. Mr. Browne and the parties considered the following factors in reaching this agreement:

A. During a compliance conference, Respondent presented an affidavit from his mother, Joan M. Ford, the legal owner of the subject property, who represented that she gave the subject property to the licensee.

B. Respondent also represented that he listed himself as the owner of the property on the permit applications because he fully intended to live in the house he was building on the property. The municipality issued the permits, listing his mother as the owner of the property.

C. Respondent has been licensed since 1985 without any prior disciplinary action against his license.

D. Respondent desires to resolve this matter without the time and expense of an administrative hearing.

By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

AGREED TO BY:

M. Catherine Waskiewicz
M. Catherine Waskiewicz (P73340)
Assistant Attorney General
Attorney for Complainant
Dated: 9-5-17

AGREED TO BY:

Donald Joseph Ford
Donald Joseph Ford
Respondent

Dated: 8-31-17

Robert A. Wise
Robert A. Wise (P59159)
Attorney for Respondent
Dated: 8/31/17

Bureau of Professional Licensing
Approved by:

Kim Gaedeke
Kim Gaedeke, Director

09/08/2017
Date

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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DONALD JOSEPH FORD
License No. 21-01-070748

Complaint No. 21-16-331323

FORMAL COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General M. Catherine Waskiewicz, on behalf of Complainant Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, files this Formal Complaint—
—against Respondent Donald Joseph Ford, alleging upon information and belief as follows:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 339.101 *et seq.*
2. At all times relevant to this Complaint, Respondent was licensed as a residential builder pursuant to the Code. Respondent's DBA name is Central Construction.
3. Section 7 of the Electrical Administrative Act, MCL 338.887 (now section 737 of Skilled Trades Regulation Act, MCL 339.5737), requires a person to have a license to perform electrical work, except a homeowner may install his or her own electrical equipment.

4. Section 15 of the State Plumbing Act, MCL 338.3525 (now section 1107 of Skilled Trades Regulation Act, MCL 339.6107), requires a person to have a license to perform work as a plumber, except a homeowner may install his or her own plumbing if a permit is secured.

5. Section 2411(2)(e) of the Code requires the Board to penalize a licensee for a willful violation of the building laws of this state or a political subdivision of this state.

6. Section 604(b) of the Code requires the Board to penalize a licensee for practicing fraud, deceit, or dishonesty in practicing a profession.

7. Section 514 of the Code authorizes the Board to assess penalties against a licensee under section 602 of the Code based on an administrative law hearings examiner's hearing report.

FACTUAL ALLEGATIONS

8. Respondent falsely listed himself as the owner of property located in Paw Paw, Michigan on a plumbing permit application dated September 24, 2015. He also listed himself as the person performing the work. On the same date, a permit was issued.

9. Respondent falsely listed himself as the owner of property located in Paw Paw, Michigan on an electrical permit application dated November 18, 2015. He also listed himself as the person performing the work. On the same date, a permit was issued.

10. Respondent does not possess licenses to perform electrical or plumbing work.

11. On June 21, 2016, a certificate of occupancy was issued to Joan M. Ford, the owner of the property. Central Construction is listed as the contractor on the certificate of occupancy.

COUNT I

12. Respondent's conduct as described above constitutes a violation of the building laws of this state, contrary to section 2411(2)(e) of the Code, in violation of section 604(h) of the Code.

COUNT II

13. Respondent's conduct as described above constitutes fraud, deceit, or dishonesty in practicing an occupation, in violation of section 604(b) of the Code.

THEREFORE, Complainant Department of Licensing and Regulatory Affairs hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, the Occupational Code, MCL 339.101 *et seq.*, and the associated administrative rules to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs, pursuant to the Occupational Code, for the reasons set forth herein.

Any written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909, with a copy to the undersigned assistant attorney general.

Respectfully submitted,

BILL SCHUETTE
Attorney General

M. Catherine Waskiewicz

M. Catherine Waskiewicz (P73340)
Assistant Attorney General
Licensing & Regulation Division
525 W. Ottawa, 3rd Floor, Williams Bldg.
P.O. Box 30758
Lansing, Michigan 48909
(517) 373-1146

Dated: May 25, 2017

LF: 2017-0180938-A/Ford, Donald Joseph, 331323 (Res Bldr)/Formal Complaint – 2017-05-18