

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF CONSTRUCTION CODES
BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

DANIEL HARRIS
License No. 21-01-187561
Respondent.

Docket No. 18-010800
File No. 21-16-329935

AND

HARRIS CONSTRUCTION & REMODELING, LLC
License No. 21-02-207067,
Respondent.

Docket No. 18-010804
File No. 21-16-329934

FINAL ORDER

On January 17, 2018, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondents 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 July 3, 2018, 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 11, 2018, 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), and 339 2411(2)(a), and (c), the REVOCATION of Respondents' licenses to practice as an individual builder and a builder company in the state of Michigan imposed by the Board's Final Order dated January 11, 2018 shall continue.

IT IS FURTHER ORDERED that reinstatement of a license which has been revoked is not automatic and, in the event Respondents apply for reinstatement of the licenses, application shall be in accordance with MCL 339.411(5).

IT IS FURTHER ORDERED that Respondents are jointly and severally FINED \$5,000.00 to be paid to the State of Michigan within 30 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, Bureau of Construction Codes, P.O. Box 30255, 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 **21-16-329934 and 21-16-329935**.

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 Respondents violate 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 30 days from the date signed by the Chairperson of the Board or authorized representative, as set forth below.

Dated: October 12, 2018

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

By: W. Lambert
for Keith Lambert, Director
Bureau of Construction Codes

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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

HARRIS CONSTRUCTION & REMODELING LLC
License No. 21-02-207067,
Respondent.

and

DANIEL HARRIS
Qualifying Officer
License No. 21-01-187561,
Respondent.

File Nos. 21-16-329934
21-16-329935

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Acting Director, Bureau of Professional Licensing, complains against Respondents as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established by the Occupational Code, MCL 339.101 *et seq.* Pursuant to MCL 339.602 of the Occupational Code, the Board is empowered to penalize persons for violations of the Occupational Code.

2. Respondent Harris Construction & Remodeling LLC is currently licensed as a residential builder company in the state of Michigan. Respondent Daniel

Harris is currently licensed as a residential builder in the state of Michigan, and is the qualifying officer of Respondent Harris Construction & Remodeling LLC. Therefore, pursuant to MCL 339.2405(1) of the Occupational Code, Respondent Daniel Harris is responsible for exercising the supervision or control of the building or construction operations necessary to secure full compliance with Article 24 of the Occupational Code and the rules promulgated thereunder.

3. For historical purposes, the following actions occurred:

- a) On October 19, 2011, the Department executed a Formal Complaint against Respondent Daniel Harris based on allegations that Respondent Daniel Harris aided and abetted a person in the unlicensed practice of an occupation to perform services for a homeowner. On December 21, 2011, in resolution of the matter, a Stipulation was executed against Respondent Daniel Harris that required the payment of a \$750.00 fine. On March 20, 2012, the Board accepted the Stipulation as a Final Order.
- b) On May 21, 2012, the Department suspended Respondent Daniel Harris's residential builder's license for failing to pay the \$750.00 fine as required by the Stipulation dated December 21, 2011, accepted by the Board as a Final Order on March 20, 2012. On November 5, 2012, Respondent Daniel Harris paid the \$750.00 fine and his residential builder's license suspension was lifted.
- c) On June 15, 2015, the Department executed a Formal Complaint against Respondents, based on Respondents' failure to obtain a building permit prior to commencing work and failing to comply with manufacturer's guidelines on a home improvement project. On May 24, 2017, in resolution of the matter, a Stipulation was executed against Respondents that required the

payment of a \$750.00 fine. On September 12, 2017, the Board accepted the Stipulation as a Final Order.

4. On or about August 3, 2015, Respondents entered into and signed a contract with Roslynn Turner (Homeowner) to perform renovation services on her home. The contract price was \$59,892.00. Respondent Daniel Harris did not include his individual license number on the contract. A copy of the contract, marked Exhibit A, is attached and incorporated.

5. On or around December 12, 2015, contractual relations between Homeowner and Respondents broke down, and Homeowner has not had any subsequent contact with Respondents. The contract between Homeowner and Respondents required both parties to provide a written notice before termination of the contract; neither party provided the other with this notice.

6. On October 7, 2016, in an interview with a Department investigator, Respondent Daniel Harris admitted that Respondents received the total funds for the construction project.

7. On May 23, 2017, in an interview with a Department investigator, Respondent Daniel Harris admitted that Respondents have no financial accounting of the construction project.

8. On June 29, 2017 and August 21, 2017, the Department sent Respondents a letter to Respondents' addresses of record requesting an accounting of

all money received and disbursed in connection with the contract with Homeowner. Both letters were returned to sender. The Department also sent a copy of the letter to Respondent Daniel Harris's email address, and received no response.

COUNT I

Respondent Daniel Harris's conduct, as described above, evidences a failure to keep and maintain a complete, accurate set of books and records, contrary to Mich Admin Code, R 338.1534, in violation of MCL 339.604(h).

COUNT II

Respondent Daniel Harris's conduct, as described above, evidences a failure to provide information relating to his individual license as part of the contract, contrary to MCL 339.2404a, in violation of MCL 339.604(h).

COUNT III

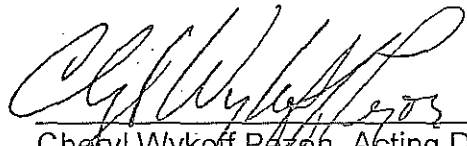
Respondents' conduct, as described above, evidences abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee, in violation of MCL 339.2411(2)(a).

COUNT IV

Respondents' conduct, as described above, evidences a failure to account for or remit money coming into the person's possession that belongs to others, in violation of MCL 339.2411(2)(c).

RESPONDENTS ARE NOTIFIED that, pursuant to MCL 339.508(2), Respondents have 15 days from the date of receipt of this Complaint to notify the Department of Respondents' 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 Respondents' selection shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondents fails to notify the Department of their decision within 15 days, the Department shall proceed to an administrative hearing.

Date: 1/17/18


Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

Attachment

jkp