

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

HERITAGE LLC  
License No. 21-02-210358,  
Respondent.

Docket No. 17-014926  
File No. 21-16-330694

AND

EDWARD KILKENNY BROWN  
QUALIFYING OFFICER  
License No. 21-01-190539,  
Respondent.

Docket No. 17-014927  
File No. 21-16-330695

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FINAL ORDER

On May 24, 2017, 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 September 26, 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 December 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) Respondents are jointly and severally FINED \$250.00 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, 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 numbers **21-16-330694 and 21-16-330695**.

IT IS FURTHER ORDERED that in the event Respondents fail to pay the fine as set forth above within 30 days, the fine amount is increased to \$500.00 and Respondents' licenses to practice as a builder company and an individual builder will 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 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 on the date signed by the Chairperson of the Board or authorized representative, as set forth below.

Dated: 1/11/18

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

By:   
Cheryl Wykoff Pezon, Acting Director  
Bureau of Professional Licensing

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21-16-330695

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department), by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Heritage LLC and Edward Kilkenny Brown (Respondents) 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, the Board is empowered to penalize persons for violations of the Occupational Code.
2. Respondent Heritage LLC is licensed as a residential building company.

3. Respondent Edward Kilkenny Brown is licensed as an individual residential builder and is designated as the qualifying offer of Respondent Heritage LLC.

4. On September 28, 2015, Respondents contracted with (Homeowner) to repair front steps; rebuild and reinstall windows; repair mortar/cement outside basement leak; cut low-hanging tree branches over the sidewalk; reseal chimney pipe, as needed; and re-slope a downspout. A copy of the contract, marked Exhibit A, is attached and incorporated.

5. Subsequently, Respondents began the contracted work but only worked for approximately four or five days.

6. On September 22, 2016, Homeowner filed a Statement of Complaint with the Department alleging poor workmanship and dissatisfaction with the work completed.

7. On October 11, 2016, the Department sent Respondents a Notice to Respondent (Notice) of Homeowner's complaint and requested a written response within 15 days. Respondents failed to respond. A copy of the Notice, marked Exhibit B, is attached and incorporated.

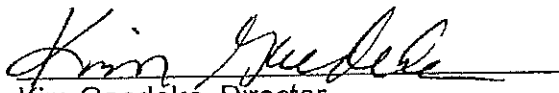
COUNT I

Respondents' 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.

The Department requests that this Complaint be served upon Respondents and that Respondents be offered an opportunity to show compliance with all lawful requirements for retention of the licenses. If compliance is not shown, the Department further requests that formal proceedings be commenced pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq.

Pursuant to section 508(2) of the Occupational Code, Respondents have 15 days from the date of receipt of this Complaint to notify 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 Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondents fails to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

Dated: 05/24/2017

  
Kim Gaedeke, Director  
Bureau of Professional Licensing

Attachment  
MFW

Complaint  
File Numbers: 21-16-330694  
21-16-330695