

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

EAGLE EYE HOME IMPROVEMENTS LLC
License Number: 21-02-204792

File Number: 21-15-325437
Docket No. 15-040294

CONSENT ORDER

A Formal Complaint (Complaint) was executed on May 5, 2015, charging Eagle Eye Home Improvement LLC (Respondent) with violating the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq; and

Respondent has admitted that the facts alleged in the Complaint are true and constitute a violation of section 2411(2)(a)the Occupational Code supra; and

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) has reviewed the Order 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 are true and constitute a violation of section 2411(2)(a) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondent is FINED \$1,000.00 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, Sanction Monitoring, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by bank cashier check (check) or money order, made payable to the State of Michigan, and the check or money order shall clearly display file number **21-15-325437**.


IT IS FURTHER ORDERED that Respondent shall pay RESTITUTION in the amount of \$900.00 to be paid by bank cashier check (check) or money order made payable to Complainant Person, Susan J. Edmonds, within 60 days of the effective date of this Order. The Department will provide the address of the Complainant at the time the Final Order is issued. Respondent shall submit written proof of having complied with this requirement, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909. Forms of acceptable proof of monetary restitution payment include: a copy of the front and back of the cancelled check that was made payable to the person(s) ordered to receive restitution; or a receipt signed by the person(s) to whom restitution was payable, stating restitution was paid, the amount paid, and the date payment was received.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in the FINE increasing to \$2,000.00 and the REVOCATION 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.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Board, as set forth below.

Dated: 6-14-16

MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

By: 
Chairperson, Board

STIPULATION

1. On or about August 25, 2014, Respondent entered into a contract with Susan J. Edmonds to remove existing windows and install new windows for a proposed cost of \$1,800.00 and Susan J. Edmonds provided Respondent with an advance payment of \$900.00. Respondent failed to perform the terms of the contract and failed to return the \$900.00 advance payment.

2. Respondent stated that the failure to perform the terms of the contract because Respondent subsequently went out of business and Respondent was evicted from its business office.

3. Department records indicate that Respondent was issued company builder license on March 29, 2013 and was continuously licensed until July 21, 2014 when the license was placed in a No Qualifying Officer status due to a failure to obtain a Qualifying Officer. On October 20, 2014 the license was placed in a Section 2405 Suspension status and remains in that status and has an expiration date of May 31, 2016.

4. Respondent agrees that the facts alleged in the Complaint are true and constitute a violation of section 2411(2)(a) of the Occupational Code, supra. The Department and Respondent agree that the allegation of a violation of section 604(b) of the Occupational Code, supra is dismissed pursuant to the principle of settlement and compromise.

5. The prosecution of the Formal Complaint was previously scheduled for an administrative hearing and pursuant to Respondent's agreement to settle the Formal Complaint and to enter into this Consent Order and Stipulation, the Department's request for hearing submitted to the Michigan Administrative Hearing System (MAHS) was withdrawn and the hearing was cancelled.


6. 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 of 1969, 1969 PA 306, as amended; MCL 24.201 et seq, to require the Department of Licensing and Regulatory Affairs (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 present such witnesses as Respondent may desire to present a defense to the charges.

7. Respondent and the Department further agree that 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, 1976 PA 442, as amended.

8. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Board in this matter.

9. This proposal is conditioned upon acceptance by the Board, Respondent and the Department expressly reserving the right to further proceedings should the Order be rejected.

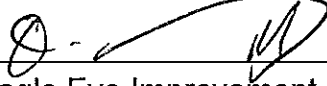
AGREED TO BY:



Kim Gaedeke, Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

Dated: 03/09/2016

AGREED TO BY:



Eagle Eye Improvement LLC
Donald Clark III, Member
Respondent

Dated: 1-21-16

This is the final page of a Consent Order and Stipulation in the matter of Eagle Eye Development LLC, File Number 21-15-325437, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of five (5), this page included.

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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
CORPORATIONS, SECURITIES &
COMMERCIAL LICENSING BUREAU

Complaint No. 325437

Complainant,

v

EAGLE EYE HOME IMPROVEMENT LLC
License No. 21-02-204792

Respondent.

FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Complainant, pursuant to MCL 339.101-605, and its rules promulgated thereunder, upon information and belief alleges as follows:

1. Eagle Eye Home Improvement LLC (Respondent), has, at times relevant to this Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412. A certification of license status is attached hereto as Exhibit 1.
2. A Complaint against Respondent, conforming to the requirements of § 2411 of 1980 PA 299, as amended; MCL 339.2411 has been filed with the Department of Licensing and Regulatory Affairs by Susan J. Edmonds and is attached hereto as Exhibit 2.
3. Respondent entered into a contract to perform services regulated by 1980 PA 299, as amended, with Susan J. Edmonds on or about August 25, 2014, pursuant to attached Exhibit 3.

4. Respondent has, without legal excuse, failed to perform the terms of the contract, contrary to MCL 339.2411(2)(a).

5. On the 25th day of August 2014, Complainant Susan J. Edmonds paid Respondent the amount \$900.00 by check. A copy of the check is attached hereto as Exhibit 4.

6. Respondent accepted and/or negotiated the check, but has not performed the services for which payment was accepted.

7. Respondent has failed to return said monies, thereby engaging in conduct which is fraudulent, deceitful, or dishonest within the meaning of § 604(b) of the Occupational Code, MCL 339.604(b).

Based upon the conduct as aforesaid, Respondent has acted contrary to §§ 604(b) and 2411(2)(a) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(b) and MCL 339.2411(2)(a), constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, PA 306, as amended, MCL 24.201-328 and the Occupational Code, *supra*, 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.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BY


Barrington Carr, Director
Enforcement Division

Dated: _____

5-5-15

Responsive Pleadings Should Be Filed With:

Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau
Regulatory Compliance Division
P.O. Box 30018
Lansing, MI 48909