

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

DENNIS MICHAEL SZYMANSKI,
QUALIFYING OFFICER
License No. 21-01-208348,
Respondent.

Docket No. 17-004840
File No. 21-16-329504

AND

FIVE LAKES CONSTRUCTION & BUILDING
CORPORATION
License No. 21-02-182057,
Respondent.

Docket No. 17-004841
File No. 21-16-329501

FINAL ORDER

On October 21, 2016, 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 June 28, 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) and 339.2411(2)(l), Respondents' licenses to practice as an individual residential builder and a residential builder company in the state of Michigan are SUSPENDED for a minimum period of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondents' licenses shall be automatically reinstated IF WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondents pay the fine, as set forth below.

IT IS FURTHER ORDERED that Respondents are jointly and severally FINED \$6,000.00 to be paid to the State of Michigan within 90 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 **21-16-329504 and 21-16-329501**.

IT IS FURTHER ORDERED that in the event Respondents fail to pay the fine as set forth above within 90 days, Respondents' licenses to practice as an individual residential builder and a residential builder company shall be REVOKED.

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: 10/16/17

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

By: Virginia Abdo for
Kim Gaedeke, Director
Bureau of Professional Licensing

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

FIVE LAKES CONSTRUCTION & BUILDING CORPORATION
License Number: 21-02-182057

And

DENNIS MICHAEL SZYMANSKI,
QUALIFYING OFFICER
License Number: 21-01-208348

File Numbers: 21-16-329501
21-16-329504

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Five Lakes Construction & Building Corporation and Dennis Michael Szymanski (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, supra, the Board is empowered to penalize licensees for violations of the Occupational Code.

2. Respondents are licensed as residential builders in the state of Michigan.

3. On May 31, 2009, Five Lakes Construction & Building Corporation expired.

4. On September 26 2014, Respondents entered into an agreement with / (Homeowner) to rebuild his garage for \$41,379.00. A copy of the agreement, marked Exhibit A, is attached and incorporated.

5. Five Lakes Construction & Building Corporation was not licensed as residential builder when the agreement with Homeowner was signed.

6. On October 30, 2014, Five Lakes Construction & Building Corporation became relicensed as a residential builder.

7. On February 17, 2015, a Claim of Lien (Construction Lien) was placed on Homeowner's property by a subcontractor (supplier) indicating Respondents owed \$10,926.88. A copy of this lien, marked Exhibit B, is attached and incorporated.

8. On May 24, 2016, Homeowner filed a Statement of Complaint with Complainant alleging Respondents failed to finish the garage rebuild; failed to correctly complete the work that was done; and failed to pay a supplier that Respondents hired and, as a result, placed a lien on Homeowner's property.

COUNT I

Respondents' conduct, as described above, evidences engaging in or attempting to engage in the practice of an occupation regulated under the Occupational Code without possessing a license or registration for the occupation, contrary to section 601(1) of the Occupational Code, supra, in violation of section 604(h) of the Occupational Code, supra.

COUNT II

Respondents' conduct, as described above, evidences a failure to pay an obligation as it becomes due in the ordinary course of business, in violation of section 2411(2)(l) of the Occupational Code, supra.

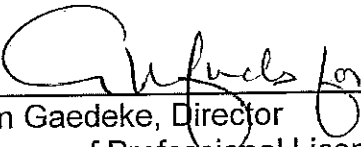
Complainant requests that this Complaint be served upon Respondents and that Respondents be offered an opportunity to show compliance with all lawful requirements for retention of the licenses. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

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

DATED:

10/21/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

BCW