

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

RYAN DOUGLAS GARN,
QUALIFYING OFFICER
License No. 21-01-165077,
Respondent.

Docket No. 17-004758
File No. 21-16-328575¹

AND

GARN RESTORATION SERVICES, INC.
License No. 21-02-177352,
Respondent.

Docket No. 17-004759
File No. 21-16-328574²

FINAL ORDER

On November 4, 2016, the Department of Licensing and Regulatory Affairs (Department) executed Formal Complaints charging Respondents with violating the Occupational Code, MCL 339.101 *et seq.*

An administrative hearing was held in these matters before an administrative law judge who, on June 2, 2017, issued a Hearing Report setting forth Findings of Fact and Conclusions of Law.

The Michigan Board of Residential Builders and Maintenance and

¹ The Formal Complaint dated November 4, 2016, and the Hearing Report dated June 2, 2014, incorrectly list the file number as 24-16-328575.

² The Formal Complaint dated November 4, 2016, and the Hearing Report dated June 2, 2014, incorrectly list the file number as 24-16-328574.

Alteration Contractors (Board), having reviewed the administrative record, considered these matters 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 339.2411(2)(e), 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 60 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondents pay the fine and provide proof of payment of the restitution in a form acceptable to the Department, as set forth below.

IT IS FURTHER ORDERED that Respondents are jointly and severally FINED \$1,000.00 to be paid to the State of Michigan within 60 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 **21-16-328575 and 21-16-328574**.

IT IS FURTHER ORDERED that Respondents shall jointly and severally pay RESTITUTION in the amount of \$3,672.00 to Dennis Shell within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondents shall submit satisfactory written evidence of payment of the ordered restitution to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909.**

IT IS FURTHER ORDERED that in the event Respondents fail to pay the fine and restitution as set forth above within 60 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: Viggoe Abdolfer
Kim Gaedeke, Director
Bureau of Professional Licensing

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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

In the Matter of:

RYAN DOUGLAS GARN,
Residential Builder
License No. 21-01-165077

Complaint No. 24-16-328575

Respondent.

**BOARD: Residential Builders
Maintenance & Alteration
Contractors**

FIRST SUPERSEDING FORMAL COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Bruce Charles Johnson, on behalf of Complainant Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, files this Formal Complaint against Respondent Ryan Douglas Garn, alleging upon information and belief as follows:

1. The Board of Residential Builders Maintenance & Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 330.101 *et seq.*
2. Respondent is currently licensed as a residential builder pursuant to the Code. Respondent is also the Qualifying Officer of Garn Restoration Services, Inc.
3. A Complaint against Respondent and against Garn Restoration Services, Inc. conforming to the requirements of § 501 of 1980 PA 299, as amended,

MCL 339.501, has been filed with the Michigan Department of Licensing and Regulatory Affairs.

4. Section 604(c) of the Occupational Code requires the Board to penalize a licensee for a violation of a rule of conduct of an occupation.

5. Section 604(h) of the Occupational Code requires the Board to penalize a licensee for violation of a provision of the Occupational Code.

6. R 105.1 of the 2009 Michigan Residential Code and Section 2411(2)(e) of the Occupational Code require the Board to penalize a licensee for performing home repair work on a residence without first obtaining the proper permits.

7. R 4003.12(4) of the 2009 Michigan Residential Code requires that fluorescent lights installed in closets must be at least six inches away from closet shelves and other storage spaces.

8. Section 2411(2)(a) of the Occupational Code requires the Board to penalize a licensee for abandonment of a construction project without a legal excuse.

9. Section 2411(2)(c) of the Occupational Code requires the Board to penalize a licensee for failure to account for or remit money coming into the person's possession that belongs to others.

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

11. Mich Admin Code, R 338.1551(5) requires a licensee to comply with the local building code, or in the absence of a local building code, that of the nearest political subdivision having one.

12. Section 514 of the Code authorizes the Board to assess penalties against licensees based on an administrative law hearings examiner's hearing report.

FACTUAL ALLEGATIONS

13. On or about January 21, 2015, Respondent undertook on behalf of Allstate Insurance Company to perform restoration work on residential property located at Eaton Rapids, Michigan, after the property sustained water damage as the result of breaking pipes.

14. Respondent performed the restoration work without obtaining the necessary permits.

15. Irene Bryan, Director of the Eaton County Department of Construction Codes, issued a report on April 11, 2016 stating that Respondent had violated R 105.1 of the 2009 Michigan Residential Code by installing a closet fluorescent light fixture less than 6 inches from the edge of a shelf in the closet.

16. Respondent abandoned the project without completing it, and without a legal excuse for doing so.

17. Respondent was paid a large sum of money for the project which he abandoned, and refused after abandonment to return more than a negligible fraction of it.

COUNT I

18. Respondent's conduct as described above constitutes performing home repair work on a residence without first obtaining a permit, in violation of R 105.1

of the 2009 Michigan Residential Code and sections 604(c) and 2411(2)(e) of the Occupational Code.

COUNT II

19. Respondent's conduct as described above constitutes abandoning a construction project without a legal excuse, in violation of sections 604(h) and 2411(2)(a) of the Occupational Code.

COUNT III

20. Respondent's conduct as described above constitutes failing to account for or remit money coming into his possession that belongs to others, in violation of sections 604(h) and 2411(2)(c) of the Occupational Code.

COUNT IV

21. Respondent's conduct as described above constitutes a violation of R 4003.12(4) of the 2009 Michigan Residential Code in violation of Mich Admin Code, R 338.1551(5) and sections 604(c) and 2411(2)(e) 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.

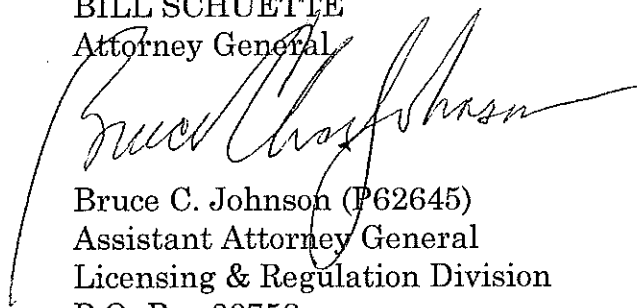
Any written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670,

Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general.

FURTHER, the Formal Complaint previously filed against Respondent on November 4, 2016 is hereby WITHDRAWN and replaced in full by this superseding complaint.

Respectfully submitted,

BILL SCHUETTE
Attorney General

A handwritten signature in cursive script, appearing to read "Bruce C. Johnson", is written over the typed name and title of the signatory.

Bruce C. Johnson (P62645)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30758
Lansing, Michigan 48909
(517) 373-1146

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

In the Matter of:

GARN RESTORATION SERVICES, INC.,
Ryan Douglas Garn, Qualifying Officer
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Complaint No. 24-16-328574

Respondent.

**BOARD: Residential Builders
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2. Respondent is currently licensed as a residential builder pursuant to the Code. Ryan Douglas Garn is the Qualifying Officer.
3. A Complaint against Respondent and against Ryan Douglas Garn conforming to the requirements of § 501 of 1980 PA 299, as amended, MCL 339.501, has been filed with the Michigan Department of Licensing and Regulatory Affairs.

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11. Mich Admin Code, R 338.1551(5) requires a licensee to comply with the local building code, or in the absence of a local building code, that of the nearest political subdivision having one.

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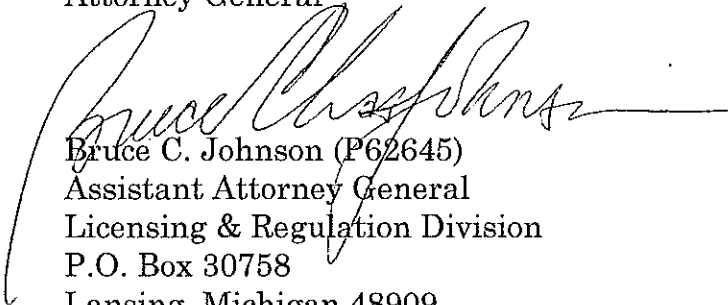
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Respectfully submitted,

BILL SCHUETTE
Attorney General

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Bruce C. Johnson (P62645)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30758
Lansing, Michigan 48909
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