

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

GARY A. COOPER  
License No. 21-01-088078,  
Respondent.

File No. 21-17-333011

CONSENT ORDER

On December 4, 2017, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

Respondent neither admits nor denies the facts alleged in the Complaint, but agrees that the Michigan Board of Residential Builders and Maintenance and Alteration Contractors shall treat the allegations as true for the purposes of this Consent Order and Stipulation, which findings shall have the same force as if evidence and argument were presented in support of the allegations.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and constitute violation(s) of MCLs 339.604(h) and 339.2411(2)(h).

IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondent is FINED \$750.00 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, 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 number **21-17-333011**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in **SUSPENSION** 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 until compliance with this Order.

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

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

By: \_\_\_\_\_  
Chairperson

Dated: 6-12-11

## STIPULATION

1. Respondent neither admits nor denies the facts alleged in the Complaint, but agrees that the Board shall treat the allegations as true for purposes of this Order, which findings shall have the same force and effect as if evidence and arguments were presented in support of the allegations.

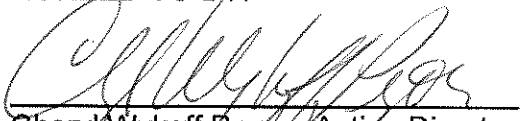
2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

3. This matter 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.*

4. 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.

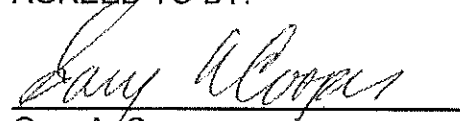
5. This proposal is conditioned upon acceptance by the Board. Respondent and the Department expressly reserve the right to further proceedings without prejudice should this Order be rejected.

AGREED TO BY:

  
Cheryl Wykoff Pezon, Acting Director  
Bureau of Professional Licensing  
Department of Licensing and  
Regulatory Affairs

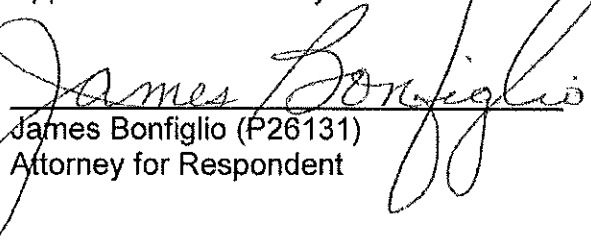
Dated: 4/23/18

AGREED TO BY:

  
Gary A. Cooper  
Respondent

Dated: 4-17-2018

Approved as to form by:

  
James Bonfiglio (P26131)  
Attorney for Respondent

zwp

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BOARD OF RESIDENTIAL BUILDERS AND  
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FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Acting Director, Bureau of Professional Licensing, complains against Respondent 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 is currently licensed as an individual residential builder in the state of Michigan.

3. In June of 2016, Respondent entered into a verbal contract with D.A. Kunisada (Homeowner) to repair and renovate a home for \$115,518.29. Respondent failed to have the contract reduced to writing and signed by all parties.

4. Respondent entered into numerous verbal change orders with the Homeowner, which differed from the original contract. Respondent failed to have the changes to the contract reduced to writing and signed by all parties.

5. On July 19, 2017, a building inspector for Charter Township of Meridian cited the following violations of the 2015 Michigan Residential Code:

- a. Incomplete inspections, contrary to R109.

A copy of the Building Inspection Report, marked Exhibit A, is attached and incorporated.

#### COUNT I

Respondent's conduct, as described above, evidences a failure to have all agreements and changes to the agreements between a builder, or contractor, and the customer in writing and signed by the parties, including copies of all agreements and changes to agreements in writing and provided to the customer, contrary to Mich Admin Code, R 338.1533(1), in violation of MCL 339.604(h).

#### COUNT II

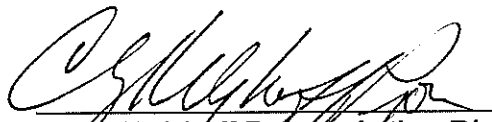
Respondent's conduct, as described above, evidences a failure to maintain standards of construction in accordance with the local building code, contrary to Mich Admin Code, R 338.1551(5), in violation of MCL 339.604(h).

COUNT III

Respondent's conduct, as described above, evidences a failure to deliver to the purchaser the entire agreement of the parties, in violation of MCL 339.2411(2)(h).

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

Date: 12/4, 2017

  
Cheryl Wykoff Pezon, Acting Director  
Bureau of Professional Licensing

Attachment

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