

The parties have stipulated that the Board may enter this consent order and that the facts alleged in the Formal Complaints are true and constitute a violation of sections 601, 604(l), 2403 and 2411(2)(j) of the Occupational Code. The Board has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaints.

Accordingly, for these violations, IT IS ORDERED:

Respondents are FINED Two Thousand and 00/100 Dollars (\$2,000.00), jointly and severally, to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint numbers 21-17-331442, 21-17-331443, 21-17-331444 and 21-17-331445 clearly indicated on the check or money order), and shall be paid within sixty (60) days of the entry of the order in this case. The timely payment of the fine shall be Respondents' responsibility. Respondents shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Counts II and III of both complaints, alleging a violation of sections 604(h), 2411(2)(c) and 2411(c)(e) of the Occupational Code, are DISMISSED and paragraphs 6, 7, 8, 10, 11, 12, 17 and 18 of both complaints are WITHDRAWN.

Respondents shall direct any communications to the Department that are required by the terms of this order to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division – Compliance Section, P.O. Box 30670, Lansing, Michigan 48909.

Respondents shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

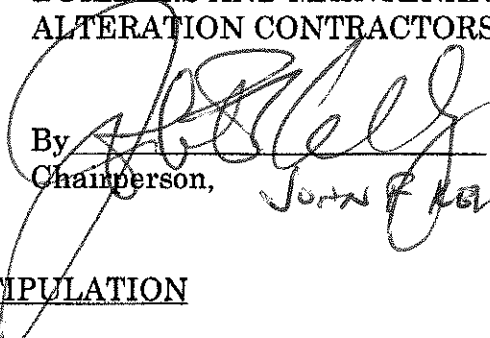
Respondents shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondents violates any term or condition set forth in this order, Respondents will be in violation of section 604(k) of the Occupational Code.

This order shall be effective thirty days from the date signed by the Chairperson or the Chairperson's designee, as set forth below.

Signed on May 15, 2018

MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE & ALTERATION CONTRACTORS

By 
Chairperson, JOHN F. KELLY

ACTIVE

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaints are true and constitute a violation of the Occupational Code.
2. The Director of the Bureau of Professional Licensing, or her designee, must approve this consent order and stipulation before it is submitted to the Board for final approval.

3. Respondents understands and intends that, by signing this stipulation, they are waiving the right under the Occupational Code, rules promulgated under the Occupational Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, 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 to present a defense to the charges. Should the Board reject the proposed consent order, the parties reserve the right to proceed to hearing.

4. 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.

5. The Board may enter the above Consent Order, supported by Board conferee Sidney J. Browne, Jr. Mr. Browne or an attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. Mr. Browne and the parties considered the following factors in reaching this agreement:

A. The violations of the Occupational Code committed by Respondents were limited to the failure to have all the parties licensed at the time the contract was signed, the failure to affix the license numbers to the contracts, and the failure to put all change orders in writing.

B. Respondents did not violate the Building Code, and at this time, they do not owe money to the homeowners; the issue of financial liability between Respondents and the homeowners is being resolved in pending civil litigation.

C. Creative Brick Paving and Landscaping and Stephen Alexander Bonamy remedied their failure to be licensed at the time the contract was signed by obtaining licenses shortly after the contract was signed, and before any work on the construction project began. Their failure to be licensed when the contract was signed was not due to willful disregard to law by Respondents, but to their good faith belief at the time that the duty to have a license did not arise until construction work began.

D. The chimney construction at issue in this case was not used in connection with a functioning wood-burning fireplace, but with an ornamental one, so building code regulations associated with fire safety issues regarding chimneys were inapplicable.

E. The facts appear to indicate that Respondents did not abandon the project, but were ordered to cease work on it. They were not allowed back onto the property to complete work. Plastic that they placed over incomplete work to protect it from water damage was removed by the homeowners, and water damage occurred as a result.

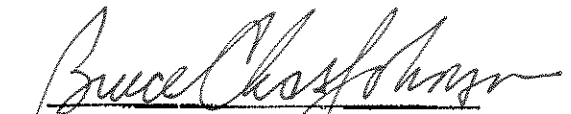
F. Respondents made a substantial refund of money paid to them back to the homeowners so that the homeowners could complete the project.

G. Respondents were fully cooperative in resolving this matter. They acknowledged their violations of the Occupational Code, expressed regret for them, and provided assurances that they are taking steps, with the aid of legal counsel, to avoid any repetition of the violations.

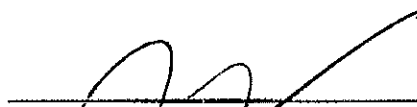
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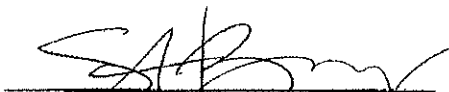
By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.


AGREED TO BY:



Bruce Charles Johnson (P62645)
Assistant Attorney General
Attorney for Complainant
Dated: April 4, 2018

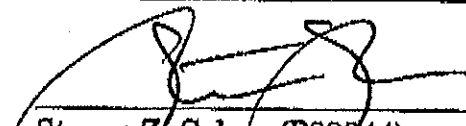
AGREED TO BY:


Creative Brick Paving and Landscaping
Respondent
Dated: 4-2-2018



Stephen Alexander Bonamy
Respondent
Dated: 4-2-2018


Green Builders Plus Inc.
Respondent
Dated: 4-2-18


Gary Sleiman
Respondent
Dated: 4-2-18


Steven Z. Cohen (P29844)
Attorney for Respondents
Dated: 4-2-18

Bureau of Professional Licensing
Approved by:


Cheryl Wykoff Pezon, Acting Director

4/9/18
Date

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS MAINTENANCE
& ALTERATION CONTRACTORS

In the Matter of

GREEN BUILDERS PLUS INC.,
Residential Builder
License No. 21-02-197511

Complaint No. 21-17-331444

and

GARY SLEIMAN,
Residential Builder
License No. 21-01-186860

Complaint No. 21-17-331445

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 Respondents Green Builders Plus Inc. and Gary Sleiman, jointly and severally, 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 339.101 *et seq.*
2. Each Respondent is currently licensed as a residential builder pursuant to the Code.

3. Complaints against Respondents conforming to the requirements of § 501 of 1980 PA 299, as amended, were filed with Complainant on January 6, 2017.

4. Section 601 and 2403 of the Occupational Code, require, with exceptions not pertinent here, that a person be licensed as a residential builder in order to perform residential construction work in this state.

5. Section 602 of the Occupational Code sets out penalties applicable to licensee for violating the Occupational Code or of a rule or order promulgated or issued under the Occupational Code.

6. 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.

7. 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.

8. Section 604(h) of the Occupational Code requires the Board to penalize a licensee for violation of a provision of the Occupational Code or of a rule promulgated under the Occupational Code for which a penalty is not otherwise prescribed.

9. Section 604(l) and 2411(j) of the Occupational Code requires the Board to penalize a licensee for aiding or abetting another person in the unlicensed practice as a builder.

10. 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.

11. Michigan Residential Code, R 1003.9, requires that a chimney must be at least two feet higher than any other part of the house within ten feet of the chimney.

12. 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.

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

FACTUAL ALLEGATIONS

14. On February 28, 2015, Creative Brick Paving and Landscape ("Creative Brick," of which Stephen Alexander Bonamy is the Qualifying Officer, Respondents in Complaint Nos. 21-17-331442 and 21-17-331443, contracted with Drs. _____ and Sity _____ to perform exterior renovation and expansion work on the _____ home in Bloomfield Hills, Michigan.

15. At the time it entered the contract, neither Creative Brick nor Bonamy had a residential builder's license. Bonamy obtained his license on March 2, 2015, and Creative Brick obtained its license on March 23, 2015.

16. Creative Brick subcontracted with Respondent Green Builders Plus Inc., of which Respondent Gary Sleiman is the Qualifying Officer, to perform work on the project.

17. On March 9, 2017, Bloomfield Hills Building Inspector Chris Fox performed a building inspection in which he determined that the placement of the chimney constructed during the renovation and expansion project violated 2009 Michigan Residential Code, R 1003.9, by failing to be at least two feet higher than other parts of the structure within ten feet of the chimney.

18. The [redacted] paid \$320,000 to Creative Brick before they terminated Creative Brick from the project without the project being completed on July 30, 2016. Creative Brick has not refunded any of this money to the [redacted] and on information and belief, has paid most of it to Respondents, who have not refunded any of it to the [redacted].

COUNT I

19. The conduct of Respondents Bonamy, Green Builders and Sleiman as described above constitutes aiding or abetting an unlicensed person in practicing as a residential builder, in violation of sections 604(l) and 2411(2)(j) of the Occupational Code.

COUNT II

20. Respondents' 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 III

21. Respondents' conduct as described above constitutes a violation of 2009 Michigan Residential Code, R 1003.9, in violation of section 2411(2)(e) of the Occupational Code.

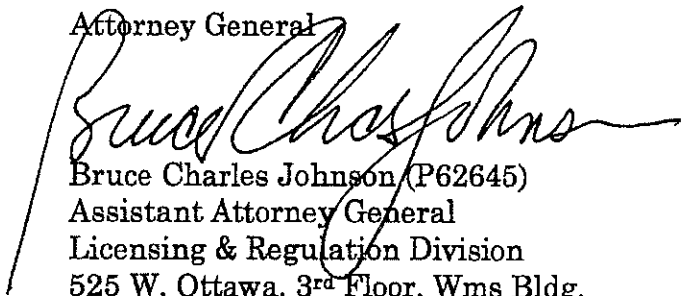
WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, PA 306, as amended, MCL 24.201-328 and the Occupational Code, *supra*, to determine whether disciplinary action should be taken by the Department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

Respectfully submitted,

BILL SCHUETTE

Attorney General



Bruce Charles Johnson (P62645)

Assistant Attorney General

Licensing & Regulation Division

525 W. Ottawa, 3rd Floor, Wms Bldg.

P.O. Box 30758

Lansing, Michigan 48909

(517) 373-1146

Dated: July 14, 2017