

**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 SCOTT GULIAN, JR.
License Number: 21-01-203032**

**File Number: 21-14-325371
Docket Number: 16-002041**

FINAL ORDER

On November 6, 2015, a Formal Complaint (Complaint) was executed that charged Dennis Scott Gulian, Jr. (Respondent) with violating sections 604(c), 2411(2)(a), and 2411(2)(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

An administrative hearing was held in this matter before an administrative law judge who, on April 15, 2016, 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 June 14, 2016, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report. Therefore,

IT IS ORDERED that for violating sections 604(c), 2411(2)(a), and 2411(2)(c) of the Occupational Code, supra, Respondent is FINED \$5,000.00, 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, Legal Affairs 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 **21-14-325371**.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondent shall pay RESTITUTION in the amount of \$744.96 to Natalie T. Mok, within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall submit evidence of payment of the restitution, as required by this Order, to the **Department of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909**.

IT IS FURTHER ORDERED that failure to pay the fine and restitution, as set forth above, shall result in **SUSPENSION** of Respondent's license to practice as a builder in the state of Michigan.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to section 604(k) of the Occupational Code, supra.

This Final Order 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; MCL 15.241(1)(a).

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: 8/3/2014

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

By: 
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Dennis Scott Gulian, Jr., File Number 21-14-325371, Docket Number 16-002041, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

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In the Matter of

DENNIS SCOTT GULIAN, JR.
License Number: 21-01-203032

File Number: 21-14-325371

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Dennis Scott Gulian, Jr. (Respondent) as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) is an administrative agency established by the Occupational Code, 1980 PA 299, as amended; 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. Respondent is a licensed as residential builder in the state of Michigan.

3. On June 20, 2014, Respondent entered into a contract with Natalie Mok (Homeowner) to remove existing decking and railings, install new decking and railings, and install new gutter at the drainage end of the new decking. On July 18, 2014, a new contract was added for additional work, which included installing a new bead and

venting at perimeter of soffit, remove existing lighting, and remove/replace rotted wood at existing deck bonds. However, Respondent failed to have the contract signed by all parties. A copy of the contracts, marked Exhibit A, is attached and incorporated.

4. On June 12, 2015, the Homeowner filed a Statement of Complaint with Complainant alleging Respondent received money for the contract but failed to complete the project or account for or remit the money.

COUNT I

Respondent's conduct, as described above, evidences a failure to reduce all agreements and changes to the agreements between a builder, or contractor, and customer to writing and have the agreement signed by all parties, contrary to Mich Admin Code, R 338.1533(1), in violation of section 604(c) of the Occupational Code, supra.

COUNT II

Respondent's conduct, as described above, evidences abandonment without legal excuse of a contract, contrary to section 2411(2)(a) of the Occupational Code, supra.


COUNT III

Respondent's conduct, as described above, evidences failure to account for or remit money coming into person's possession that belongs to others, contrary to section 2411(2)(c) of the Occupational Code, supra.

Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. 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, Respondent has 15 days from the date of receipt of this Complaint to notify Complainant 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 Complainant, Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondent fails to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

Dated: 11-6-15



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

This is the final page of a Formal Complaint in the matter of Dennis Scott Gulian, Jr., File Numbers 21-14-325371, before the Michigan Board Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

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