

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

DANIEL HARRIS
QUALIFYING OFFICER
License No. 21-01-187561,
Respondent.

Docket No. 17-014925
File No. 21-16-330604

AND

HARRIS CONSTRUCTION & REMODELING, LLC
License No. 21-02-207067,
Respondent.

Docket No. 17-014924
File No. 21-16-330603

FINAL ORDER

On March 3, 2017, the Department of Licensing and Regulatory Affairs (Department) 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 September 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 December 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)(a), (2)(c), and (2)(e), Respondents' licenses to practice as an individual builder and a 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, as set forth below.

IT IS FURTHER ORDERED that Respondents are jointly and severally FINED \$16,000.00 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 **21-16-330603 and 21-16-330604**.

IT IS FURTHER ORDERED that in the event Respondents fail to pay the fine as set forth above within 60 days, Respondents' licenses to practice as an individual builder and a 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: 1/11/18

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

By: 
Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

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In the Matter of

HARRIS CONSTRUCTION & REMODELING LLC
License Number: 21-02-207067

and

DANIEL HARRIS,
QUALIFYING OFFICER
License Number: 21-01-187561

File Numbers: 21-16-330603
21-16-330604

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department), by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Harris Construction & Remodeling LLC and Daniel Harris (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 licensee for violations of the Occupational Code.

2. Harris Construction & Remodeling LLC is licensed as a residential builder company, and Daniel Harris is licensed as an individual residential builder and the qualifying officer of Harris Construction & Remodeling LLC in the state of Michigan.

3. For historical information, the following actions occurred:

a) On October 19, 2011, Department executed a Formal Complaint against Respondent Daniel Harris based on allegations that Respondent Daniel Harris aided and abetted a person in the unlicensed practice of an occupation to perform alteration and improvement services for a homeowner. On December 21, 2011, in resolution of the matter, a Stipulation was executed against Respondent Daniel Harris that required the payment of a \$750.00 fine. On March 20, 2012, the Board accepted the Stipulation in its Final Order.

b) On May 21, 2012, Department suspended Respondent Daniel Harris's individual residential builder's license for failing to pay the \$750.00 fine, as required by the Stipulation dated and accepted by the Board on March 20, 2012. On November 5, 2012, Respondent Daniel Harris paid the \$750.00 fine, and Respondent Daniel Harris's individual residential builder's license suspension was lifted.

4. On October 13, 2015, Respondents entered into a Construction Contract (Contract) with (Homeowner) for \$28,500.00 to bring the Homeowner's home into compliance with the City of Detroit's building code by December 1, 2015. A copy of the contract, marked Exhibit A, is attached and incorporated.

5. In October 2015 and November 2015, Homeowner made two payments totaling \$17,500.00 to Respondents. Afterwards, Respondents failed to obtain necessary permits and ceased communicating with the Homeowner.

6. On September 14, 2016, the Department received a Statement of Complaint from Homeowner's project manager alleging, in part, that Respondents abandoned the Contract.

COUNT I

Respondents' conduct, as described above, evidences abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee, in violation of section 2411(2)(a) of the Occupational Code, supra.

COUNT II

Respondents' conduct, as described above, evidences a failure to account for or remit funds received, contrary to section 2411(2)(c) of the Occupational Code, supra.

COUNT III

Respondents' conduct, as described above, evidences a willful violation of the building laws of this state or of a political subdivision of this state, contrary to section 2411(2)(e) of the Occupational Code, supra.

The Department 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, Department further requests that formal proceedings be commenced pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq.

Pursuant to section 508(2) of the Occupational Code, supra, Respondents have 15 days from the date of receipt of this Complaint to notify Department 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 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: 3/3/17


Kim Gaedeke, Director
Bureau of Professional Licensing

Attachment

MFW