

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

KEVIN ADAM HOLMES
D/B/A AVS CONSTRUCTION
License Number: 21-01-174384

File Number: 21-14-324216
Docket Number: 15-032790-CSCLB

FINAL ORDER

On March 11, 2015, a Formal Complaint (Complaint) was executed that charged Kevin Adam Holmes, d/b/a AVS Construction (Respondent) with violating section 604(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 July 13, 2015, 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 November 10, 2015, 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 section 604(c) of the Occupational Code, supra, Respondent is 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, Sanction Monitoring, 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 21-14-324216.

IT IS FURTHER ORDERED that for the cited violation Respondent shall pay RESTITUTION in the amount of \$7,000.00 to _____ within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall submit evidence, acceptable to the Department of Licensing and Regulatory Affairs, of payment of the restitution to the Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.

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

IT IS FURTHER ORDERED that in the event Respondent's license is revoked, Respondent must petition the Board for reinstatement. No application for

licensure, relicensure, reinstatement or renewal shall be considered or granted by the Department until all final orders of the Board have been satisfied in full.

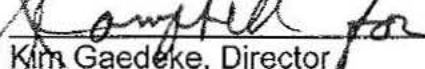
IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to section 604(k) of the Occupational Code, supra.

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: 1/8/16

**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 Kevin Adam Holmes, d/b/a AVS Construction, File Number 21-14-324216, Docket Number 15-032790-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
CORPORATIONS, SECURITIES &
COMMERCIAL LICENSING BUREAU

Complaint No. 324216

Complainant,

v

KEVIN ADAM HOLMES
D/B/A AVS CONSTRUCTION
License No. 21-01-174384

Respondent.

FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Complainant, pursuant to MCL 339.101-605, and its rules promulgated thereunder, upon information and belief alleges as follows:

1. Kevin Adam Holmes, doing business as AVS Construction, (Respondent), has, at all times relevant to this Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412.

2. A Complaint against Respondent, conforming to the requirements of § 2411 of 1980 PA 299, as amended; MCL 339.2411 has been filed with the Department of Licensing and Regulatory Affairs by _____ and is attached hereto as Exhibit 1.

3. An authority charged with the enforcement of the laws governing construction of residential or residential and commercial buildings in the political subdivision in which the building is located, has submitted an evaluation of the Complaint submitted. The evaluation is attached hereto as Exhibit 2.

4. Respondent entered into a contract to perform services regulated by 1980 PA 299, as amended, with Shiloh Clement on or about May 19, 2014. A copy of the contract is included herein with Exhibit 1.

5. Respondent failed to provide : with a copy of the contract referred to in paragraph four above which was signed by all parties, contrary to 2006 AACCS, R 338.1533(1).

6. Respondent, in performance of the contract, failed to comply with §§ R301.1, R602.3 and R801.2 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to 2006 AACCS, R 338.1551(5).

7. Respondent failed to correct those items as justified by Exhibit 2 within a reasonable time, contrary to 2006 AACCS, R 338.1551(4).

8. Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

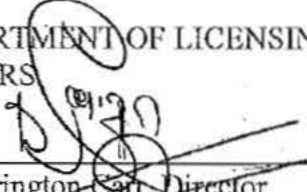
Based upon the conduct as aforesaid, Respondent has acted contrary to § 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and rules 33(1) and 51(4) & (5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACCS, R 338.1533(1) and 2006 AACCS, R 338.1551(4) & (5), constituting grounds for the assessment of a penalty as defined in § 602 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.

DEPARTMENT OF LICENSING AND REGULATORY
AFFAIRS

BY


Barrington Carr, Director
Enforcement Division

Dated: _____

3-11-15

Responsive Pleadings Should Be Filed With:

Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau
Regulatory Compliance Division
P.O. Box 30018
Lansing, MI 48909