

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

JEREMY DUANE KIENITZ  
License No. 21-01-195129,

Respondent.

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File No. 21-16-331569

CONSENT ORDER

On March 3, 2017, the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

Respondent has admitted that the facts alleged in the Complaint are true, with the exception of Count I, which shall be dismissed, and has agreed that the allegations constitute violation(s) of MCL 339.2411(2)(e). The Michigan Board of Residential Builders and Maintenance and Alteration Contractors has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint constitute violation(s) of MCL 339.2411(2)(e).

IT IS ORDERED that Count I of the Complaint, which alleged a violation of MCL 339.604(h), is DISMISSED.

IT IS FURTHER ORDERED that for the cited violation(s) of the Occupational Code, Respondent is FINED \$2,500.00 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, 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 **21-16-331569**.

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 30 days from the date signed by the Board, as set forth below.

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

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

Dated: 3/13/18


STIPULATION

1. Respondent and the Department agree that Count I of the Complaint shall be dismissed by the Board.
2. The facts alleged in the Complaint are true and constitute violation(s) of MCL 339.2411(2)(e).
3. 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.

4. 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 24.231 *et seq.*


5. This proposal is conditioned upon acceptance by the Board. Respondent and the Department expressly reserve the right to further proceedings should this Order be rejected.

AGREED TO BY:

  
\_\_\_\_\_  
Kim Gaedeke, Director  
Bureau of Professional Licensing  
Department of Licensing and  
Regulatory Affairs

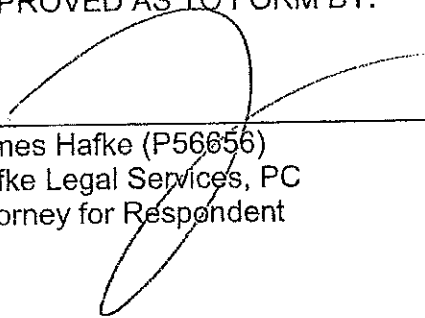
Dated: 10/03/2017

AGREED TO BY:

  
\_\_\_\_\_  
Jeremy Duane Kienitz  
Respondent

Dated: 9/21/17

APPROVED AS TO FORM BY:

  
\_\_\_\_\_  
James Hafke (P56656)  
Hafke Legal Services, PC  
Attorney for Respondent

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

JEREMY DUANE KIENITZ  
License Number: 21-01-195129

File Number: 21-16-331569

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department), by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Jeremy Duane Kienitz (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, 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, doing business as JK Builders, is licensed as a residential builder in the state of Michigan.

3. On or about August 18, 2015, Respondent was hired by Lowe's Home Centers LLC, through Lowe's of South Lansing, MI Store #1596 (Lowe's), as a subcontractor, to complete a \$33,806.90 Kitchen Remodeling Project for

(Homeowner). All contractual documents were between Lowe's and the Homeowner. An unsigned and undated copy of the Installation Services Customer Contract between Lowe's and the Homeowner, marked Exhibit A, is attached and incorporated.

4. On January 7, 2016, David Williams, an Electrical Inspector with Delta Charter Township, informed the Homeowner that the electrical work performed by Respondent on the Kitchen Remodeling Project was not in compliance with the state's electrical codes. A copy of Mr. Williams's email to the Homeowner, marked Exhibit B, is attached and incorporated.

5. On January 19, 2016, Mr. Williams informed Respondent that his company performed work on the Homeowner's kitchen without permits and requested the name of the person who performed the electrical work and proof of their electrical license. A copy of Mr. Williams's email to Respondent, marked Exhibit C, is attached and incorporated.

6. On January 25, 2016, Respondent admitted to Mr. Williams that he and his company did electrical work on the Homeowner's kitchen without employing a licensed electrician. A copy of Respondent's email to Mr. Williams, marked Exhibit D, is attached and incorporated.

7. According to records maintained by the Bureau of Construction Codes, Respondent, doing business as JK Builders, is not licensed as an electrician by the state of Michigan. A Certification of Licensure, marked Exhibit E, is attached and incorporated.

8. On February 9, 2016, the Department received a Statement of Complaint from the Homeowner alleging, in part, that Respondent did not secure appropriate electrical permits before starting the Kitchen Remodeling Project and employed an unlicensed electrician to perform electrical work.

9. On April 1, 2016, Mr. Williams informed the Department that JK Builders committed numerous electrical code violations, including failing to obtain an electrical permit and installing noncompliant electrical wiring, and these violations are contrary to the Electrical Administrative Act, 1956 PA 217. A copy of Mr. Williams's inspection report, marked Exhibit F, is attached and incorporated.

#### COUNT I

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 section 604(h) of the Occupational Code, supra.

#### COUNT II

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

The Department 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(s). If compliance is not shown, Department further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq.

Pursuant to section 508(2) of the Occupational Code, supra, Respondent has 15 days from the date of receipt of this Complaint to notify 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 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: \_\_\_\_\_

3/3/17

  
\_\_\_\_\_  
Kim Gaedeke, Director  
Bureau of Professional Licensing

Attachments  
bcw