

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

JEROME ANDREW DESANTIS
License No. 21-01-193275

File No. 21-15-328062

Respondent.

CONSENT ORDER

On April 25, 2016, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

Respondent neither admits nor denies the facts alleged in the Complaint, with the exception of Count IV, which shall be dismissed, but agrees that for purposes of this Order, the allegations shall be accepted as true and constitute violations of MCL 339.604(c) and 339.604(h). 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 violations of MCL 339.604(c) and 339.604(h).

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

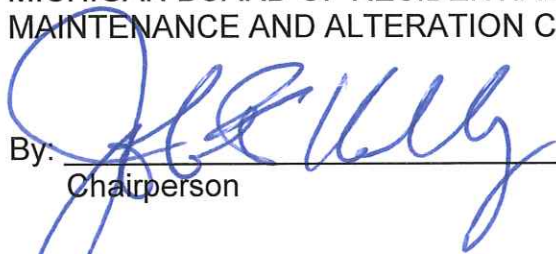
IT IS FURTHER ORDERED that for the cited violations of the Occupational Code, Respondent is FINED \$800.00 to be paid to the State of Michigan within 60 days of the effective date of this Order.

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 numbers **21-15-328062**.

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: May 15, 2018

STIPULATION

1. Respondent and the Department agree that, pursuant to the principal of settlement and compromise, Count IV of the Complaint shall be dismissed by the Board.
2. The facts alleged in the Complaint constitute violations of MCL 339.604(c) and 339.604(h).
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. Factors taken into consideration in the formulation of this Order are as follows:


The alleged abandonment violation was dismissed pursuant to the principle of settlement and compromise. Because there was only a verbal agreement, there was no written and detailed scope of work regarding the painting project, and a contractual and financial dispute arose between the parties regarding the scope of work. The Homeowner paid \$12,500 of the \$15,000 verbal agreement.

Respondent has been licensed since December 22, 2008, with no other complaints against his license.

6. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Board in this matter.

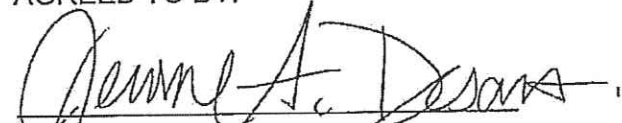
7. This proposal is conditioned upon acceptance by the Board. Respondent and the Department expressly reserve the right to further proceedings should this Order be rejected.

AGREED TO BY:


Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

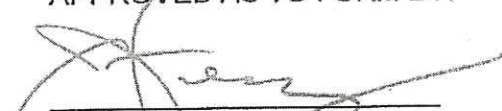
Dated: 3/2/18

AGREED TO BY:


Jerome Andrew DeSantis
Respondent

Dated: 12/6/17

APPROVED AS TO FORM BY:


Jeffrey J. Fleury (P53884)
The Fleury Law Firm
Attorney for Respondent

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS AND
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In the Matter of

JEROME ANDREW DESANTIS
License Number: 21-01-193275

File Number: 21-15-328062

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Jerome Andrew DeSantis (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 licensed as a residential builder in the state of Michigan.

3. In the summer of 2014, Vince (Homeowner) hired Respondent to paint the exterior of his house for the sum of \$15,000, which Homeowner fully paid in

cash and in advance of completed work. Respondent promised a ten-year warranty on the completed work.

4. Respondent failed to provide a written contract to Homeowner or a written 10-year warranty and failed to complete the painting job.

5. On October 30, 2015, Homeowner filed a Statement of Complaint against Respondent alleging failure to provide a written contract, failure to provide a written warranty, and abandonment of the painting project.

6. On November 25, 2015, Complainant mailed a Notice to Respondent at his address of record, 400 W. Front St. in Traverse City, Michigan, informing Respondent of Homeowner's complaint and requesting a response in writing within 15 days confirming or denying the justification for the complaint. The Notice was returned undelivered because the forwarding time was expired.

7. On December 16, 2015, Respondent again mailed a Notice to Respondent to Respondent's forwarding address, 9186 Peninsula Dr. in Traverse City, Michigan. Respondent failed to respond.

COUNT I

Respondent's conduct, as described above, evidences a failure to reduce all agreements and changes to the agreements between a builder, and contractor, and customer to writing and to 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 a failure to reply to Complainant within 15 days of receipt of a valid and written complaint confirming or denying the justification of the complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(c) of the Occupational Code, supra.

COUNT III

Respondent's conduct, as described above, evidences a failure to notify Complainant of a change of name or address within 30 days of the change, contrary to section 2409 of the Occupational Code, supra, in violation of section 604(h) of the Occupational Code, supra.

COUNT IV

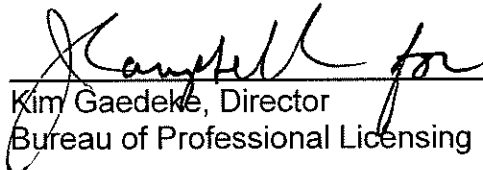
Respondent's conduct, as described above, evidences abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee, contrary to section 2411(2)(a) of the Occupational Code, supra, in violation of section 604(h) of the Occupational Code, supra.

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(s). 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(2) 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:

4/25/16



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of Jerome A. DeSantis, File Number 21-15-328062, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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