

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS & MAINTENANCE AND
ALTERATION CONTRACTORS

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF PROFESSIONAL LICENSING,

Complainant,

Complaint No. 21-16-329891

v

JOHN HOUSTON FLOYD,
License No. 21-01-211216,

Respondent.

_____ /

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed on February 15, 2018 charging John Houston Floyd (Respondent) with having violated sections 604(b) and 2411(2)(j) of the Occupational Code, MCL 339.101 *et seq.*

The parties have stipulated that the Board may enter this consent order and that the facts alleged in the Formal Complaint are true and constitute a violation of sections 604(b) and 2411(2)(j) of the Occupational Code. The Board has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint.

Accordingly, for these violations, IT IS ORDERED:

Respondent is FINED \$1,000.00 to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 21-16-329891 clearly indicated on the check or money order), and shall be payable within 90 days

of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division – Compliance Section, P.O. Box 30670, Lansing, Michigan 48909.

If Respondent petitions for reinstatement of his license, the petition shall be in accordance with section 411(5) of the Occupational Code. Under this provision, shall file an application on a form provided by the department, pay the application processing fee, and file a petition to the department and the appropriate board stating reasons for reinstatement and including evidence that the person can and is likely to serve the public in the regulated activity with competence and in conformance with all other requirements prescribed by law, rule, or an order of the department or board.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.¹

¹ This consent order resolves complaint number 21-17-329891. Respondent still must comply with prior final orders resolving other complaints.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of section 604(k) of the Occupational Code.

This order shall be effective on the date signed by the Chairperson or the Chairperson's designee, as set forth below.

Signed on May 15, 2018

MICHIGAN BOARD OF RESIDENTIAL
BUILDERS AND MAINTENANCE AND
ALTERATION CONTRACTORS

By 
Chairperson

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Occupational Code.
2. The Director of the Bureau of Professional Licensing, or her designee, must approve this consent order and stipulation before it is submitted to the Board for final approval.
3. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Occupational Code, rules promulgated under the Occupational Code, and the Administrative Procedures Act of 1969, 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 to present a defense to the charges. Should the Board reject the proposed consent order, the parties reserve the right to proceed to hearing.

4. This matter 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.

5. The Board may enter the above Consent Order. An attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

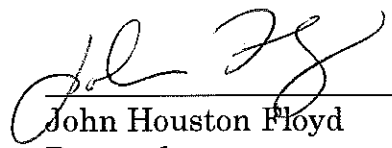
By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:



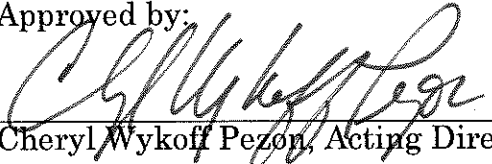
Timothy C. Erickson (P72071)
Assistant Attorney General
Attorney for Complainant
Dated: 3/28/2018

AGREED TO BY:



John Houston Floyd
Respondent
Dated: 3-8-18

Bureau of Professional Licensing
Approved by:



Cheryl Wykoff Pezon, Acting Director

4/2/18
Date

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS & MAINTENANCE AND
ALTERATION CONTRACTORS

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF PROFESSIONAL LICENSING,

Complainant,

Complaint No. 21-16-329891

v

JOHN HOUSTON FLOYD,
License No. 21-01-211216,

Respondent.

FORMAL COMPLAINT

NOW COMES Bill Schuette, Attorney General, through Timothy C. Erickson Assistant Attorney General, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Complainant, pursuant to the Occupational Code, MCL 339.101 *et seq*, and its rules promulgated thereunder, files this Formal Complaint against John Houston Floyd, Respondent, alleging upon information and belief as follows:

1. Beginning on January 5, 2016, Respondent was licensed as a residential builder pursuant to Article 24 of the Occupational Code, MCL 339.2401-2412. His license is revoked per final order dated July 10, 2017 in case numbers 330003, 329909, and 328312.
2. Section 604(b) of the Code subjects a licensee to sanction for "fraud, deceit, or dishonesty in practicing an occupation."

3. Section 2411(2)(j) of the Code requires the Board to penalize a licensee for aiding or abetting an unlicensed person to evade this article, or knowingly combining or conspiring with, or acting as agent, partner, or associate for an unlicensed person, allowing one's license to be used by an unlicensed person, or acting as or being an ostensible licensed residential builder for an undisclosed person who does or shall control or direct, or who may have the right to control or direct, directly or indirectly, the operations of a licensee.

4. Section 514 of the Code authorizes the Board to sanction licensees based on an administrative law hearing examiner's hearing report.

5. Section 602 of the Code requires the Board to sanction licensees who have violated the Code.

FACTUAL ALLEGATIONS

6. On or about April 20, 2016, Respondent contracted with Danny [redacted] to perform concrete work on Mr. [redacted] residential property for the total contract-price of \$5,500.00.

7. During the contract negotiations, Respondent used different names to identify himself.

8. Respondent contracted with Mr. [redacted] using the company Superior General Construction LLC, which was not licensed under Article 24 of the Occupational Code.

9. The contract called for a deposit of \$3,000.00 and a final payment of \$2,500.00 upon completion of the project.

10. Respondent charged the full contract price of \$5,500.00 to the credit card provided by Mr.

11. Respondent never performed any of the agreed-upon work.

12. Mr. eventually received the \$5,500.00 through the credit card company.

COUNT I

13. Respondent's conduct, as described above, constitutes fraud, deceit, or dishonesty in practicing an occupation violation of section 604(b) of the Code.

COUNT II

14. Respondent's conduct, as described above, constitutes aiding and abetting the unlicensed practice of a residential builder or maintenance and alterations contractor, in violation of section 2411(2)(j) of the Code.

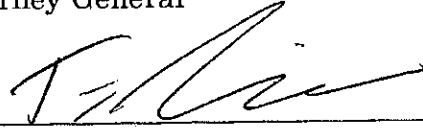
WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, MCL 24.201-328 and the Occupational Code, *supra*, to determine whether disciplinary action should be taken by the Department of Licensing and

Regulatory Affairs, pursuant to the Occupational Code, for the reasons set forth herein.

Respectfully submitted,

BILL SCHUETTE
Attorney General

By



Timothy C. Erickson (P72071)
Assistant Attorneys General
Licensing & Regulation Division
P.O. Box 30758
Lansing, MI 48909
Phone (517) 373-1146; Fax (517) 241-1997

Dated: February 15, 2018

LF:2018-0208960-B/Floyd, John Houston, 329891 (Res Bldr)/Formal Complaint - 2018-02-14