

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

JOE PASCOE BUILDERS, INC.,  
License No. 21-02-113782

Complaint No. 21-16-329644

and

JOSEPH LLOYD PASCO,  
Qualifying Officer  
License No. 21-01-056583

Complaint No. 21-16-329645

\_\_\_\_\_/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed on May 17, 2017 charging Joe Pasco Builders, Inc. and Joseph Lloyd Pasco (Respondents) with having violated sections 604(c), 2411(2)(a) and 2411(2)(c) of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq.* and Mich Admin Code, R 338.1551(5) and R 338.1533(1).

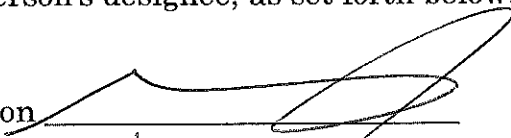
The parties have stipulated that the Board may enter this consent order and that the facts alleged in the Formal Complaint are true except as set forth herein and constitute a violation of section 604(c) of the Occupational Code and Mich Admin Code, R 338.1533(1) by Respondent Joe Pascoe Builders, Inc. 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 Joe Pasco Builders, Inc. is FINED Three Hundred and 00/100 Dollars (\$300.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 21-16-329644 and 21-16-329645 clearly indicated on the check or money order), and shall be payable within thirty days of the entry 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.

The Formal Complaint against Joseph Lloyd Pascoe is dismissed. With respect to Respondent Joe Pascoe Builders, Inc., Counts I, III and IV and paragraphs 6-9 of the complaint are DISMISSED.

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

Signed on   
3/13/18

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, except for those allegations which are withdrawn by the terms of this order, 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 Joe Pasco Builders, Inc., as set forth herein, understands and intends that, by signing this stipulation, it is waiving the right under the Occupational Code, rules promulgated under the Occupational Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, 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, supported by Board conferee Mark K. Wahl. Mr. Wahl or an attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. Mr. Wahl and the parties considered the following factors in reaching this agreement:

A. Evidence produced in connection with the compliance conference, including documents produced in the civil litigation between Respondents and the homeowners and the opinions and Final Order of the Court in that case, indicate that Respondents did not fail to complete the project or to account for funds supplied by the homeowners, but that Respondents were compelled to withdraw from the project after funds for the project were exhausted and the homeowners indicated that they did not want Respondents to continue work on the project.

B. Respondents were not general contractors for the project. The homeowners acted as general contractor themselves. They employed Respondent Joe Pascoe Builders, Inc. as a subcontractor, and dealt directly with the other subcontractors themselves.

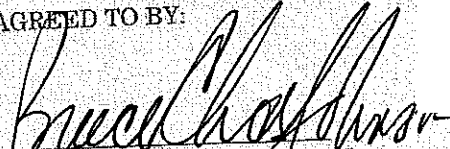
C. Any apparent building code violations that occurred in connection with the project resulted from the fact that the homeowners did not allow Respondent Joe Pascoe Builders, Inc. to complete work on the project.

D. Respondent Joseph Lloyd Pasco, although he is the qualifying officer of Joe Pascoe Builders, Inc., was not directly involved at all in the project, all work for which was performed under the supervision of his two sons.

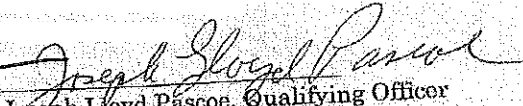
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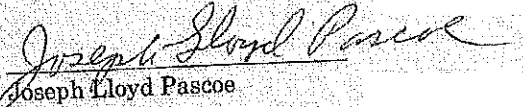
By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

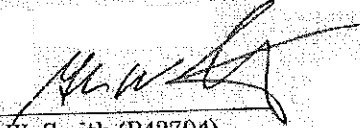
AGREED TO BY:

  
Bruce Charles Johnson (P62645)  
Assistant Attorney General  
Attorney for Complainant  
Dated: December 7, 2017

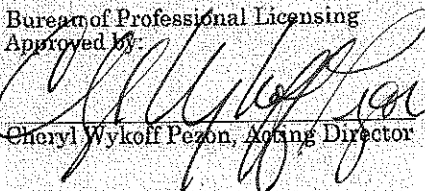
AGREED TO BY:

  
Joseph Lloyd Pascoe, Qualifying Officer  
Joe Pasco Builders, Inc.  
Respondent  
Dated: 11-30-17

  
Joseph Lloyd Pascoe  
Respondent  
Dated: 11-30-17

  
Glenn W. Smith (P42704)  
Attorney for Respondent  
Dated: 12-7-17

Bureau of Professional Licensing  
Approved by:

  
Cheryl Wykoff Pezon, Acting Director

Date 3/2/18

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
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License Number: 21-01-056583

File Number: 21-16-329644  
21-16-329645

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Joe Pascoe Builders, Inc. and Joseph Lloyd Pascoe (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, the Board is empowered to penalize licensee for violations of the Occupational Code.

2. Joe Pascoe Builders, Inc. is licensed as a residential building company.

3. Joseph Lloyd Pascoe is licensed as an individual residential builder and is designated as the qualifying officer of Joe Pascoe Builders, Inc.

4. On February 25, 2015, Respondents contracted with Bryan and Lindsey LaMarch (Homeowners) to construct a new home. A copy of the contract, marked Exhibit A, is attached and incorporated.

5. On August 9, 2015, Homeowners provided Respondents with a \$50,000.00 check as a deposit. A copy of the check, marked Exhibit B, is attached and incorporated.

6. On or about February 26, 2016, a local building inspector verified that Respondents failed to properly perform under the contract, citing multiple violations of the 2009 Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011:

- a. Respondents installed siding in a manner not consistent with the manufacturer's instructions, contrary to R703.3.2.
- b. Respondents improperly installed flashing contrary to R905.2.8.3.
- c. Respondents installed stairs with improper riser height contrary to R311.7.4.1.
- d. Respondent improperly installed handrails not consistent with the requirements of R311.7.7 and R311.7.7.3.
- e. Respondents' placement of guards appears to be in violation of R312.3.

- f. Respondents improperly installed joists contrary to R502.6.
- g. The inspector cited a violation of R109.1.1, concerning the foundation inspection.
- h. The inspector cited a violation of R403.1.4.1, concerning frost protection.
- i. The concrete slab on the Northeast of the house was not inspected and was not approved to support a deck structure.

A copy of the inspection report, marked Exhibit C, is attached and incorporated.

7. Respondents failed to properly perform the terms under the contract which resulted in building code violations and additional costs to remedy the Respondents' failures.

8. Respondents abandoned the contract and failed to return the \$50,000.00 deposit to Homeowners.

9. Respondents failed to pay subcontractors as obligated by the contract with Homeowners.

10. Changes were made to the contract without those changes being approved in writing by both the Homeowners and Respondents.

11. On June 2, 2016, Homeowners filed a Statement of Complaint with the Department.



### COUNT I

Respondents' 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(c) of the Occupational Code, supra.

### COUNT II

Respondents' conduct, as described above, evidences a failure to have all written agreements 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 III

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 IV

Respondents' conduct, as described above, evidences a failure to account for or remit funds received, in violation of section 2411(2)(c) 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 licenses. If compliance is not shown, the 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, 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: 05/17/2017

  
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Kim Gaedeke, Director  
Bureau of Professional Licensing

Attachment

MFV