

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

In the Matter of

J & B CONSTRUCTION, INC.
William Gilbert Hager, Owner
License No. 21-02-184116

Complaint No. 24-16-328366

JEFFREY ALLEN STEINBACH,
License No. 21-01-091968

Complaint No. 24-16-328367

CONSENT ORDER AND STIPULATION

CONSENT ORDER

Formal complaints were filed on November 4, 2016 charging J & B Construction and Jeffrey Allen Steinbach (Respondents) with having violated sections 601, 602, 604(c), 604(h), 604(l), 2411(2)(e) and 2411(2)(j) of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq.*, and Rule 51(5) of the Residential Builders Maintenance & Alteration Contractors Rules, Mich Admin Code, R 338.1551(5).

The parties have stipulated that the Board may enter this consent order and that the facts alleged in the Formal Complaints are true and constitute violations of sections 601, 602, 604(c), 604(h), 604(l), 2411(2)(e) and 2411(2)(j) of the Occupational Code, and of Rule 51(5) of the Residential Builders Maintenance & Alteration Contractors Rules, Mich Admin Code, R 338.1551(5). The Board has

reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaints.

Accordingly, for these violations, IT IS ORDERED:

Respondents, jointly and severally, are FINED Five Hundred and 00/100 Dollars (\$500.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint numbers 24-16-328366 and 24-16-328367 clearly indicated on the check or money order), and shall be payable within 30 days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondents shall mail the fine to: Sanction Monitoring, Bureau of Professional Licensing, Legal Affairs Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

Within thirty (30) days of the effective date of this order, Respondents shall perform RESTITUTION for the homeowners by repairing the seal and latch on the door, provided the homeowners allows them access to the property to perform he repairs.

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

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

Respondents 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.

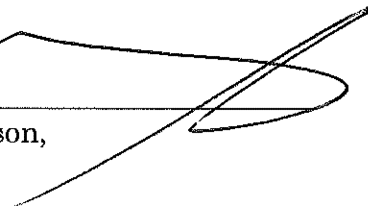
If Respondents violates any term or condition set forth in this order, Respondents will be in violation of section 604(k) of the Occupational Code.

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

Signed on 6/13/17

MICHIGAN BOARD OF RESIDENTIAL
BUILDERS MAINTENANCE &
ALTERATION CONTRACTORS

By _____
Chairperson,



STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaints 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. Respondents understand and intend that, by signing this stipulation, they are 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 William S. Adcock. Mr. Adcock 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. Adcock and the parties considered the following factors in reaching this agreement:

A. Respondent J & B Construction, Inc. is now duly licensed as a residential builder by the State of Michigan.

B. Respondents satisfactorily repaired the windows which were originally installed in a manner that was in violation of the Michigan Residential Code. The windows are now in compliance with the Michigan Residential Code, according to the Building Inspector.

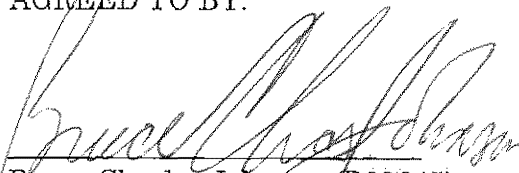
C. Respondents were fully cooperative in the resolution of this case.

D. Respondent Jeffrey Allen Steinbach has been licensed as a residential builder since June 21, 1990, and Respondent J & B Construction, Inc. has been licensed as a residential builder since March 13, 2003, and neither has previously been disciplined.

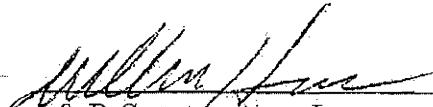
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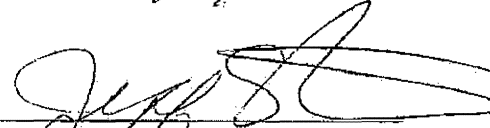
By signing this stipulation, the parties confirm that they have read,
understand and agree with the terms of the consent order.

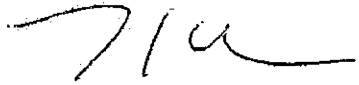
AGREED TO BY:


Bruce Charles Johnson (P62645)
Assistant Attorney General
Attorney for Complainant
Dated: May 8, 2017

AGREED TO BY:


J & B Construction, Inc.
William Gilbert Hager, Owner
Respondent
Dated: 5/5/17


Jeffrey Allen Steinbach
Respondent
Dated: 5-5-17


William G. Burdette (P49174)
Attorney for Respondents
Dated: 5/8/17

Bureau of Professional Licensing
Approved by:


Kim Gaedeke, Director

05/10/2017
Date

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

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

Complainant,

v

J & B CONSTRUCTION, INC. OF TRAVERSE CITY,
William Gilbert Hager, Owner
License No. 21-02-184116

Complaint No. 24-16-328366

Respondent.

**BOARD: Residential Builders
Maintenance & Alteration
Contractors**

FORMAL COMPLAINT

NOW COMES Attorney General Bill Schuette, through Assistant Attorney General Bruce Charles Johnson, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Complainant, pursuant to MCL 339.101-605 of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq.*, and the rules promulgated thereunder, and files this Formal Complaint against J & B Construction, Inc. of Traverse City, Respondent, alleging upon information and belief as follows:

1. Respondent J & B Construction, Inc. of Traverse City was licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article

24, MCL 339.240-2412 prior to May 31, 2011, and it has been licensed as such since May 2, 2016. Between these dates, its license was lapsed. Its Qualifying Officer is William Gilbert Hager.

2. Jeffrey Allen Steinbach¹ has, at all times relevant to the Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24, MCL 339.240-2412.

3. Section 601 and 2403 of the Occupational Code, require, with exceptions not pertinent here, that a person be licensed as a residential builder in order to perform residential construction work in this state.

4. Section 602 of the Occupational Code sets out penalties applicable to licensee for violating the Occupational Code or of a rule or order promulgated or issued under the Occupational Code.

5. Section 604(c) of the Occupational Code requires the Board to penalize a licensee for a violation of a rule of conduct of an occupation.

6. Section 2411(2)(e) of the Occupational Code requires the Board to penalize a licensee for a willful violation of the building laws of this state or of a political subdivision of this state.

7. Section 604(h) of the Occupational Code requires the Board to penalize a licensee for violation of a provision of the Occupational Code or of a rule promulgated under the Occupational Code for which a penalty is not otherwise prescribed.

The correct spelling of the name is "Steinebach." It is misspelled as "Steinbach" on his license, so that spelling is used in the complaint.

8. Mich Admin Code, R 338.1551(5) requires that standards of construction conform with the local building code, or in the absence of a building code of the nearest political subdivision having a building code.

9. Section 604(l) of the Occupational Code requires the Board to penalize a licensee for aiding or abetting another person in the unlicensed practice of an occupation.

10. Section 2411(2)(j) of the Occupational Code requires the Board to penalize a licensee for “[a]iding 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 or licensed residential maintenance and alteration contractor 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.”

FACTUAL ALLEGATIONS

11. On or about June 19, 2014, Jeffrey Allen Steinbach executed a construction agreement on behalf of Respondent with _____ to perform reconstruction work on a residence located at _____ Buckley, Michigan.

12. Respondent was at the time not licensed as a residential builder or as a residential maintenance & alteration contractor by the State of Michigan.

13. Vincent G. MacDonald, Grand Traverse County Building Inspector, performed an inspection on the residence on April 15, 2016 and afterwards issued

an Inspection Report in which he found that Respondent had violated R 612.1 of the Michigan Residential Code by installing windows and door that:

- a. were not properly installed or flashed in conformity with the Michigan Residential Code;
- b. were not properly sealed; and
- c. failed to close or latch properly.

14. filed a Complaint conforming to the requirements of § 501 of 1980 PA 299, as amended, MCL 339.501, and of Mich Admin Code, R 338.1551(1), with the Department of Licensing and Regulatory Affairs (LARA) against J& B Construction, Inc. of Traverse City, on December 27, 2015.

15. On March 25, 2016, LARA sent a Notice to Respondent of the filing of the complaint and forwarded a copy of the complaint to them, as required by Mich Admin Code, R 338.1551(2).

COUNT I

16. Respondents' conduct as described above constitutes aiding or abetting an unlicensed person in practicing as a residential builder, in violation of sections 601, 602, 604(c), 604(h), 604(l), and 2411(2)(j) of the Occupational Code.

COUNT II

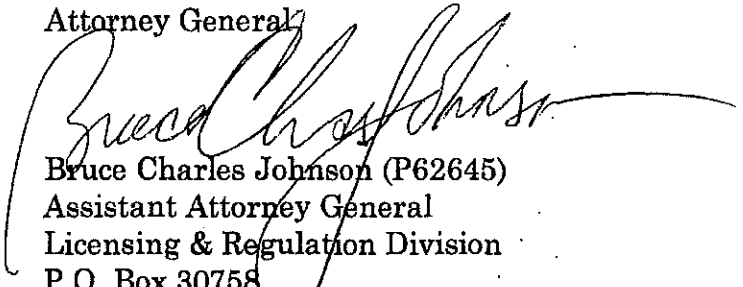
17. Respondents' conduct as described above constitutes violating a local building code, in violation of Mich Admin Code, R 338.1551(5) and of sections 604(h) and 2411(2)(e) of the Occupational Code.

Based upon the conduct above, Respondent has acted contrary to the Occupational Code, 1980 PA 299, as amended, constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

WHEREFORE, Complainant, Michigan Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, 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. The written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general.

Respectfully submitted,

BILL SCHUETTE
Attorney General



Bruce Charles Johnson (P62645)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30758
Lansing, Michigan 48909
(517) 373-1146

Dated: November 4, 2016

13. Vincent G. MacDonald, Grand Traverse County Building Inspector, performed an inspection on the residence on April 15, 2016 and afterwards issued an Inspection Report in which he found that Respondent had violated R 612.1 of the Michigan Residential Code by installing windows and door that:

- a. were not properly installed or flashed in conformity with the Michigan Residential Code;
- b. were not properly sealed; and
- c. failed to close or latch properly.

14. Donna Steinebach filed a Complaint conforming to the requirements of § 501 of 1980 PA 299, as amended, MCL 339.501, and of Mich Admin Code, R 338.1551(1), with the Department of Licensing and Regulatory Affairs (LARA) against J& B Construction, Inc. of Traverse City, on December 27, 2015.

15. On March 25, 2016, LARA sent a Notice to Respondent of the filing of the complaint and forwarded a copy of the complaint to them, as required by Mich Admin Code, R 338.1551(2).

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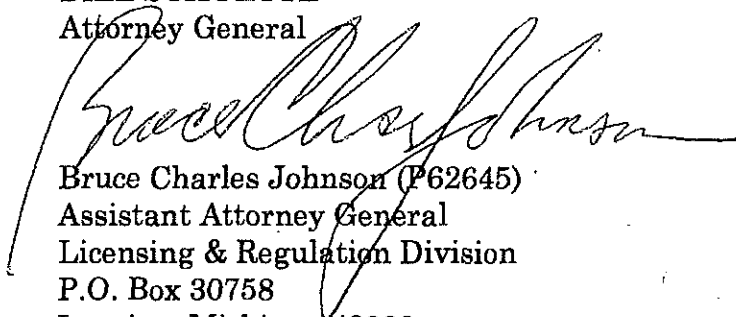
17. Respondents' conduct as described above constitutes violating a local building code, in violation of Mich Admin Code, R 338.1551(5) and of sections 604(h) and 2411(2)(e) of the Occupational Code.

Based upon the conduct above, Respondent has acted contrary to the Occupational Code, 1980 PA 299, as amended, constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

WHEREFORE, Complainant, Michigan Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, 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. The written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general.

Respectfully submitted,

BILL SCHUETTE
Attorney General



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Assistant Attorney General
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Lansing, Michigan 48909
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Dated: November 4, 2016