

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND  
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

GERALD G. WONSEY,  
Residential Builder  
License No. 21-01-106683,

Complaint No. 21-18-335459

and

JERRY'S CONCRETE, INC.  
Residential Builder Company  
License No. 21-02-201452,  
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Complaint No. 21-18-336916

FORMAL COMPLAINT

Attorney General Dana Nessel, through Assistant Attorney General Eric M. St. Onge, on behalf of Complainant Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, files this Formal Complaint against Respondents Gerald G. Wonsey and Jerry's Concrete, Inc., alleging upon information and belief as follows:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 339.2401 *et seq.*
2. Respondent Gerald G. Wonsey is currently licensed as a residential builder pursuant to the Code and is the owner of Respondent Jerry's Concrete, Inc.

3. Respondent Jerry's Concrete, Inc. is currently licensed as a residential builder pursuant to the Code and Respondent Gerald G. Wonsey is the owner.

4. A Complaint against Respondents conforming to the requirements of § 501 of 1980 PA 299, as amended, was filed with Complainant on February 5, 2018.

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

6. Section 604(b) of the Code subjects a licensee to sanction for "fraud, deceit, or dishonesty in practicing an occupation."

7. Section 604(d) of the Code subjects a licensee to sanction who demonstrates a lack of good moral character, meaning "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner," as defined by MCL 338.41.

8. 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.

9. Section 2411(2)(a) of the Code requires the Board to penalize a licensee for abandonment of a construction project without a legal excuse.

10. Section 2411(2)(c) of the Code requires the Board to penalize a licensee for failure to account for or remit money coming into the person's possession that belongs to others.

11. Section 1551(2) of the Code requires the board to penalize a licensee who fails to respond to a complaint against the licensee within fifteen days of service.

12. Section 505 of the Code permits the summary suspension of a license to practice an occupation where an imminent threat to the public health, safety and welfare exists.

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

#### FACTUAL ALLEGATIONS

14. On July 12, 2017, Respondents entered a contract to construct a barn at a home owned by Joseph and Sarah Degnan located at 1305 Lakeville Road, in Leonard, Michigan.

15. The Degnans paid Respondents a \$23,000.00 deposit for materials and the necessary permits to begin work specified in the contract. The project was to be completed 45 days after obtaining the permits.

16. On July 14, 2017, Respondents cashed the \$23,000 deposit check from the Degnans and obtained materials and permits for the project.

17. Respondents ultimately abandoned the project on the Degnan's home without completing it, and failed to reimburse them for money they paid to him for work that was never completed.

18. The Department served a copy of the complaint the Degnan's filed against Respondents on March 22, 2018, with notice of their duty to respond to it within fifteen days. To date, Respondents have not responded to it.

19. Respondent Gerald G. Wonsey was convicted on two counts in the 6<sup>th</sup> Circuit Court on December 20, 2018; Count 1 - larceny by conversion, \$20,000 or more and Count 2 – Fraud Detention by Contractor and was sentenced to 90 days in jail with 5 years of probation. Amended 01/14/2019 Judgment of Sentence Commitment to Jail is attached as Exhibit 1.

COUNT I

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

COUNT II

21. Respondents' conduct, as described above, constitutes a lack of good moral character in violation of section 604(d) of the Code.

COUNT III

22. Respondents' conduct as described above constitutes abandoning a construction project without a legal excuse, in violation of sections 2411(2)(a) and 604(h) of the Code.

COUNT IV

23. Respondents' conduct as described above constitutes failure to account for or remit money coming into the person's possession that belongs to others, in violation of sections 2411(2)(c) and 604(h) of the Code.

COUNT V

24. Respondents' conduct as described above constitutes failure to answer a complaint within fifteen days of being served with it, in violation of sections 1551(2) and 604(h) of the Code.

Based upon the conduct above, Respondents' have 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, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 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.

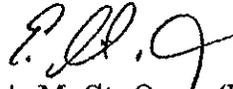
Any written response shall be submitted to the Bureau of Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general.

FURTHER, Complainant requests that pending the hearing and final determination Respondents' licenses to work as residential builders in the state of Michigan be summarily suspended pursuant to section 92 of the Administrative Procedure Act and section 505(1) of the Occupation Code for the reason that, based upon the allegations set forth herein, to permit Respondents to continue to practice

the profession constitutes a danger to the public health, safety, and welfare requiring emergency action.

Respectfully submitted,

DANA NESSEL  
Attorney General



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Dated: June 26, 2019

LF: 2018-0237811-B/Wonsey, Gerald G., 335459 (Res Bldr)/Complaint – Formal – 2019-03-01