

**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

**KITCHENS BY RICHARDS INC.
License Number: 21-02-110985**

**File Number: 21-15-326140
Docket Number: 16-006137**

**ERIC JAMES RICHARDS
License Number: 21-01-192326**

**File Number: 21-15-326141
Docket Number: 16-006138**

FINAL ORDER

On February 3, 2016, a Formal Complaint (Complaint) was executed that charged Kitchens by Richards, Inc., and Eric James Richards (Respondents) with violating section(s) 604(c), 604(h), 2411(2)(a), and 2411(2)(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

An administrative hearing was held in this matter before an administrative law judge who, on April 27, 2016, issued Hearing Reports setting forth Findings of Fact and Conclusions of Law.

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan, on September 13, 2016, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Reports. Therefore,

IT IS ORDERED that for violating section(s) 604(c) and 2411(2)(c) of the Occupational Code, supra, Respondents' licenses to practice as builders in the state of Michigan are REVOKED, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that reinstatement of a license which has been revoked is not automatic and, in the event Respondents apply for reinstatement of the licenses, application shall be in accordance with section 411(5) of the Occupational Code, supra.

IT IS FURTHER ORDERED that, in accordance with sections 411(3)(c), 602(c), and 604(k) of the Occupational Code, supra, no application for licensure, renewal, relicensure, or reinstatement shall be granted until all final orders of the Board have been satisfied in full.

IT IS FURTHER ORDERED that for the cited violations Respondents are jointly and severally FINED \$5,000.00 to be paid to the State of Michigan within 30 days from the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, 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 **21-15-326140 and 21-15-326141**.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondents shall jointly and severally pay RESTITUTION to Moses Fram in the amount of \$9,000.00 within 30 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondents shall submit evidence of payment of the restitution, as required by this Order within 30 days of the effective date of this Order to the **Department of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909.**

IT IS FURTHER ORDERED that in the event Respondents violate any provision of this Order, the Board may proceed to take disciplinary action pursuant to section 604(k) of the Occupational Code, supra.

This Final Order 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; MCL 15.241(1)(a).

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Chairperson of the Board or authorized representative, as set forth below.

Dated: 10/21/2016

**MICHIGAN BOARD OF
RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION
CONTRACTORS**

By: 
Kim Gaedeke, Director
Bureau of Professional Licensing

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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

KITCHENS BY RICHARDS INC.
License Number: 21-02-110985

ERIC JAMES RICHARDS,
QUALIFYING OFFICER
License Number: 21-01-192326

File Numbers: 21-15-326140
21-15-326141

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Kitchens by Richards Inc. and Eric James Richards (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, 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. Respondents are licensed as residential builders in the state of Michigan.

3. On or about on December 10, 2014, Moses Fram (Homeowner) entered into a contract with Respondents for the purchase and installation of kitchen cabinets. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. Respondents failed to deliver or install the kitchen cabinets, ceased contact with Homeowner, and failed to return Homeowner's \$9,000.00 deposit.

5. On or about on March 11, 2015, Complainant mailed a Notice to Respondent (Notice) to the address of record for Respondents. Respondents failed to respond to the Notice.

COUNT I

Respondents' conduct, as described above, evidences a failure to respond to a complaint within 15 days from receipt of the complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(c) of the Occupational Code, *supra*.

COUNT II

Respondents' conduct, as described above, evidences the abandonment without legal excuse of a contract or construction project, contrary to section 2411(2)(a) of the Occupational Code, *supra*, in violation of section 604(h) of the Occupational Code, *supra*.

COUNT III

Respondents' conduct, as described above, evidences failure to account for or remit money coming into Respondents' possession that belongs to others, in contrary to section 2411(2)(c) of the Occupational Code, supra, in violation of section 604(h) of the Occupational Code, supra.

Complainant requests that this Complaint be served upon Respondents and that Respondents be offered an opportunity to show compliance with all lawful requirements for retention of the licenses. 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.

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Pursuant to section 508 of the Occupational Code, supra, Respondents have 15 days from the date of receipt of this Complaint to notify Complainant of Respondents' 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 Respondents' 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 of Respondents' selection within 15 days, this matter shall proceed to an administrative hearing.

DATED: 02/03/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of Kitchens by Richards Inc., File Number 21-15-326140 and Eric James Richards, File Number 21-15-326141, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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