

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

In the Matter of

ALBERT VINCENT KUCHAN,
License No. 21-01-152974

Complaint No. 21-16-330285

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed on May 5, 2017 charging Albert Vincent Kuchan (Respondent) with having violated section 604(l) of the Occupational Code, 1980 PA 299, as amended, 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 section 604(l) 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 Two Hundred and 00/100 Dollars (\$200.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 21-16-330285 clearly indicated on the check or money order), and shall be payable within thirty (30) days from the effective date of this order. The timely payment of the fine shall be Respondent's responsibility.

Respondent shall mail the fine to: Bureau of Professional Licensing, Legal Affairs Division – Compliance Section, Department of Licensing and Regulatory Affairs, 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: Compliance Section , Bureau of Professional Licensing, Legal Affairs Division -- Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909.

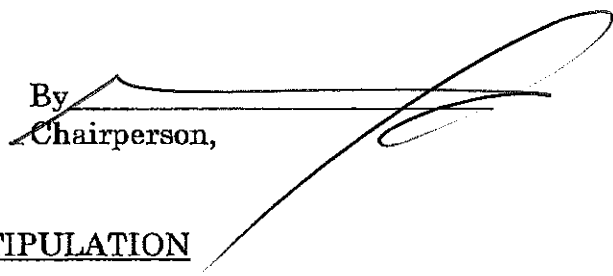
Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

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 thirty days from 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 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, 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 Sidney J. Browne, Jr. Mr. Browne 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. Browne and the parties considered the following factors in reaching this agreement:

A. Respondent was actually a licensed residential builder under the Act at all times relevant to the formal complaint. Respondent


explained that he was not aware that he also had a duty to obtain a license for his LLC – Procraft Construction. Upon receiving the formal complaint, Respondent immediately discontinued working under the LLC and also began the process for obtaining a license for Procraft Construction LLC.

B. Respondent took complete and full responsibility for his mistake.

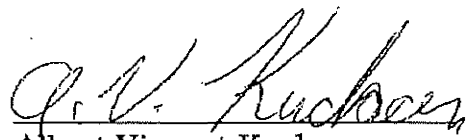
C. Respondent is an honorably discharged United States Veteran, having served in Desert Storm as a U.S. Army Ranger.

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

AGREED TO BY:


Eric M. St. Onge (P56630)
Assistant Attorney General
Attorney for Complainant
Dated: 5-18-17

AGREED TO BY:


Albert Vincent Kuchan
Respondent
Dated: 5-17-17

Bureau of Professional Licensing
Approved by:


Kim Gaedeke, Director

05/19/2017
Date

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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Complaint No. 21-16-330285

FORMAL COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Eric M. St. Onge, on behalf of Complainant Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, files this Formal Complaint against Respondent Albert Vincent Kuchan, alleging upon information and belief as follows:

1. The Board of Residential Builders Maintenance & Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 330.101 *et seq.*
2. Respondent is currently licensed as a residential builder pursuant to the Code.
3. Section 604(1) of the Code requires the Board to penalize a licensee for aiding or abetting another person in the unlicensed practice of an occupation.
4. Section 602 of the Code authorizes the Board to impose sanctions against a licensee if, after opportunity for a hearing, the licensee is found to have violated one or more of the subdivisions contained in section 604 of the Code.

5. Section 514 of the Code authorizes the Board to assess penalties against licensees based on an administrative law hearings examiner's hearing report.

FACTUAL ALLEGATIONS

6. Respondent is the owner of Procraft Construction LLC.

7. On May 13, 2016, Procraft Construction entered into a contract with homeowner T.A. to construct an attached garage on to T.A.'s home located in South Lyon, Michigan.

8. Respondent signed the contract on behalf of Procraft Construction LLC.

9. The contract amount for the project was \$39,850.00

10. T.A. paid \$30,000 down payment to Respondent and Procraft Construction on May 13, 2016.

11. Procraft Construction was not licensed pursuant to the Occupational Code to engage in residential building.

12. Respondent aided and abetted Procraft Construction LLC, despite the fact that Procraft Construction LLC was unlicensed.

COUNT I

13. Respondent's conduct as described above constitutes aiding and abetting, in violation of section 604(l) of the 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 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



Eric M. St. Onge (P56630)
Assistant Attorney General
Licensing & Regulation Division
525 W. Ottawa, 3rd Floor, Wms Bldg.
P.O. Box 30758
Lansing, Michigan 48909
(517) 373-1146

Dated: May 3, 2017

LF: 2017-0165375-B/Kuchan, Albert Vincent, 330285 (Res Bldr)/Complaint - Formal - 2017-04-12