

**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

MICHIGAN GUTTER CAP L.L.C.
License Number: 21-02-200530

File Number: 21-15-327293
Docket Number: 16-004164

JASON RODERICK LAMORE
License Number: 21-01-199137

File Number: 21-15-327294
Docket Number: 16-004168

FINAL ORDER

On January 4, 2016, a Formal Complaint (Complaint) was executed that charged Michigan Gutter Cap L.L.C. and Jason Roderick LaMore (Respondents) with violating sections 604(c), 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 25, 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 sections 604(c) and 2411(2)(c) of the Occupational Code, supra, Respondents' licenses to practice as residential builders in the state of Michigan remain suspended.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondents are jointly and severally FINED \$1,000.00 to be paid to the state of Michigan within 60 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 **21-15-327293 and 21-15-327294**.

IT IS FURTHER ORDERED that for the cited violation(s) of the Occupational Code, Respondents shall jointly and severally pay RESTITUTION to Jeffrey R. VanDerMei in the amount of \$675.00 within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondents shall submit proof of payment of the restitution as required by this Order within 60 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 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 in the event Respondent violates 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: 10/21/2014

**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

MICHIGAN GUTTER CAP, LLC
License Number: 21-02-200530

JASON RODERICK LAMORE
Qualifying Officer
License Number: 21-01-199137

File Numbers: 21-15-327293
21-15-327294

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Michigan Gutter Cap, LLC, d/b/a Unity Home Improvements and Jason Roderick LaMore (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 a residential builders in the state of Michigan.

3. On March 28, 2015, Respondents entered into an agreement with Jeff VaDerMei (Homeowner) to install rain gutters at a cost of \$725.00 and doors at a cost of \$2,075. A copy of the agreement, marked Exhibit A, is attached and incorporated.

4. Also on March 28, 2015, Homeowner paid Respondents \$1,400.00 (half of the total cost of the job, with the remainder due at the completion of the job).

5. Respondents completed the installation of the rain gutters but failed to deliver or install the doors and failed to remit funds which were paid toward the cost of the doors.

6. On June 12, 2015, the Homeowner filed a Statement of Complaint with Complainant.

7. Respondents failed to respond to the Statement of Complaint.

COUNT I

Respondents' conduct, as described above, evidences a failure to respond to a complaint within a reasonable time, 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 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 III

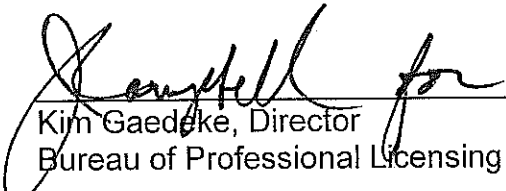
Respondents' conduct, as described above, evidences failure to account for or remit money coming into a person's possession that belongs to others, contrary to section 2411(2)(c) of the Occupational Code, supra.

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 license. 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.

CONTINUED ON NEXT PAGE

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 Respondents fail to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

Dated: 1/4/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachment

This is the final page of a Formal Complaint in the matter of Michigan Gutter Cap, LLC and Jason Roderick LaMore, File Numbers 21-15-327293 and 21-15-327294, before the Michigan Board Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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