

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

MG BUILDING & RENOVATION LLC
License No. 21-02-201555,
Respondent.

and

MICHAEL ROBERT GRIFFIN,
License No. 21-01-117802
Respondent.

File Nos. 21-16-331355
21-16-331356

CONSENT ORDER

On July 25, 2017, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondents with violating the Occupational Code, MCL 339.101 *et seq.*

Respondents have admitted that the facts alleged in the Complaint are true and constitute violation(s) of MCL 339.604(h), 339.2411(2)(a) and 329.2411(2)(e). The Michigan Board of Residential Builders and Maintenance and Alteration Contractors has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and constitute violation(s) of MCL 339.604(h), 339.2411(2)(a) and 329.2411(2)(e).

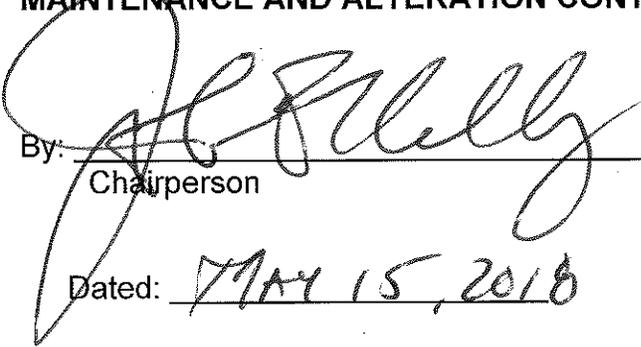
IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondents are FINED \$2,500.00, jointly and severally, to be paid to the State of Michigan within 60 days of the effective date of this Order. Respondent shall direct payment to the **Department of Licensing and Regulatory Affairs, Enforcement 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 **21-16-328889** and **21-16-328890**.

IT IS FURTHER ORDERED that for the cited violation(s) of the Occupational Code, Respondents shall reimburse Julia Maxwell the sum of \$8,000 by cashier's check and shall provide proof of the same to the Department within 60 days of the effective date of this Order.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in SUSPENSION of all licenses or registrations held by Respondents under Article 24 of the Occupational Code and in the denial of any license or registration renewal until compliance with this Order.

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

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

By:  _____
Chairperson

Dated: MAY 15, 2018

STIPULATION

1. The facts alleged in the Complaint are true and constitute violation(s) of MCL 339.604(c) and 339.2411(2)(h).

2. Respondents understand and intends that by signing this Stipulation Respondents are waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, 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 Respondents are waiving the right to appear with an attorney and such witnesses as Respondents may desire to present a defense to the charges.

3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

4. This Order is approved as to form and substance by Respondents and the Department, and may be entered as the final order of the Board in this matter.

5. This proposal is conditioned upon acceptance by the Board. Respondents and the Department expressly reserve the right to further proceedings without prejudice should this Order be rejected.

AGREED TO BY


Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

Dated: 3-16-18

AGREED TO BY:


Michael R. Griffin
MG Building and Renovation
Respondents

Dated: 3/12/18

Approved as to form by:


Rebekah Coleman (P74254)
Attorney for Respondents

Dated: 03/12/2018

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

MG BUILDING & RENOVATION LLC
License Number: 21-02-201555

and

MICHAEL ROBERT GRIFFIN,
QUALIFYING OFFICER
License Number: 21-01-117802

File Numbers: 21-16-331355
21-16-331356

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against MG Building & Renovation LLC and Michael Robert Griffin (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, 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. Respondent MG Building & Renovation LLC is licensed as a residential builder company. Respondent Michael Robert Griffin is licensed as an individual residential builder and is the owner and designated qualifying officer of MG

Building & Renovation LLC, and, therefore, pursuant to section 2405(1) the Occupational Code, supra, is responsible for exercising the supervision or control of the building or construction operations necessary to secure full compliance with the Occupational Code and the rules promulgated thereunder.

3. On March 28, 2016, Respondents entered into a contract with Julia (Homeowner) to remodel an attic. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On or about May 9, 2016, Respondents entered into a change order with the Homeowner and Verley to construct a dormer. A copy of the change order, marked Exhibit B, is attached and incorporated.

5. On February 28, 2017, a building inspector for the city of Detroit cited the following violations of the 2015 Michigan Residential Code:

- a. Construction of dormer without permit, contrary to R105.1.
- b. Drain waste vent pipe exhausted inside causing fumes and mold, contrary to P3102.1 and P3103.1.
- c. Two dormer walls bearing on subfloor only, no blocking (N.+S.), contrary to R601.2.
- d. Metal trim pieces have fallen off (window trim), contrary to R609.1 and R703.4.
- e. Daylight at dormer wall/roof junction – no step flashing, contrary to R905.2.8.3.
- f. Exposed live wires hanging from ceiling, lying on floor, contrary to AJ102.1.

- g. No joist or rafter hangers installed, no collar ties, contrary to R802.3.1 and R802.11.1.2.
- h. Rear gutters damaged during construction, contrary to AJ102.1.
- i. No step or counter flashing at chimney junction with wall, contrary to R905.2.8.3 and R905.2.8.4.
- j. Siding improperly installed, catches water, not routed properly, contrary to R703.11.1.
- k. Cut ends of roof boards unsupported, rafters missing, contrary to R801.2.
- l. Missing bearing stud at outside corners, contrary to R307.1, R601.2, and figure R602.3(2).
- m. 15' rafter span with 2x6, contrary to R801.2 and table R802.5.1(2).
- n. Ceiling joists termination not supported- no bearing, no header, contrary to R802.9.
- o. Existing subfloor cut ends not supported, contrary to R501.2.
- p. Cripple studs not bearing on framing, nailed to shingles, contrary to R602.3.4.
- q. Insulation packed into rafter pockets- no air flow, contrary to R806.3.
- r. No electrical or plumbing permit, contrary to R105.1.
- s. No provision for heating 2nd floor, no mechanical permit, contrary to R303.9.
- t. Less than 8% glazing in proposed habitable rooms, contrary to R303.1.

- u. No glazing in proposed bathroom, contrary to R303.3.

A copy of the Building Inspection Report, marked Exhibit C, is attached and incorporated.

6. On December 27, 2016, the Homeowners filed a Statement of Complaint with the Department.

COUNT I

Respondents' conduct, as described above, evidences a failure to maintain standards of construction in accordance with the local building code, contrary to Mich Admin Code, R 338.1551(5), in violation of section 604(h) 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.

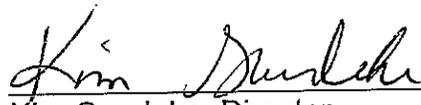
COUNT III

Respondents' conduct, as described above, evidences a willful violation of the building laws of this state or of a political subdivision of this state, in violation of section 2411(2)(e).

The Department 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, the Department further requests that formal proceedings be commenced pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq.

Pursuant to section 508(2) of the Occupational Code, supra, Respondents have 15 days from the date of receipt of this Complaint to notify the Department 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 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: 07/25/2017



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

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