

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

NORTHTOWN CONSTRUCTION, INC.
License No. 21-01-210220

File No. 21-15-327619

and

MICHAEL JOHN YOUNG
License No. 21-01-202029,

File No. 21-15-327646

Respondents.

CONSENT ORDER

On March 1, 2016, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondents with violating the Occupational Code, MCL 339.101 *et seq.*

Respondents admit that the facts alleged in the Complaint are true and constitute violations of MCL 339.604(c) and MCL 339.2411(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 constitute violation(s) of MCL 339.604(e) and MCL 339.2411(2)(e).

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents are FINED \$1,000.00 to be paid to the State of Michigan within 60 days of 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/Enforcement Division, 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 **21-15-327619** and **21-15-327646**.

IT IS FURTHERED ORDERED that Respondents shall pay RESTITUTION to homeowners Phanikumar Mantha and Mani Mantha of \$12,500.00 to be paid by bank cashier check or money order made payable to Phanikumar Mantha or Mani Mantha within 60 days of the effective date of this Order. Respondent shall submit acceptable written proof of having complied with this requirement to the Michigan Department of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909. Forms of acceptable proof of restitution payment include a copy of the front and back of the cancelled check that was made payable to the person(s) ordered to receive restitution or a receipt signed by the person(s) to whom restitution was payable, stating restitution was paid, the amount paid, and the date payment was received.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in a 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 30 days from the date signed by the Board, as set forth below.

MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

By: _____
Chairperson

Dated: 6-13-17

STIPULATION.

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

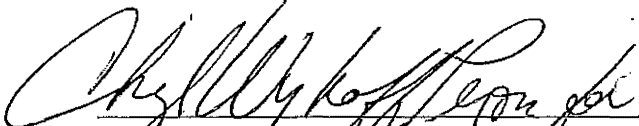
2. Respondents understand and intend that by signing this Stipulation Respondents are waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to require the Department to prove the charges set forth in the Complaint 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 24.231 *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 should this Order be rejected.

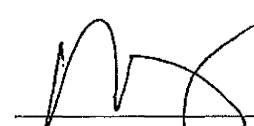
AGREED TO BY:



Kim Gaedeke, Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

Dated: 4/20/17

AGREED TO BY:



Northtown Construction, Inc.
Michael John Young
Respondents

Dated: 4/20/17

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

NORTHTOWN CONSTRUCTION, INC.
License Number: 21-02-210220

and

MICHAEL JOHN YOUNG,
Qualifying Officer
License Number: 21-01-202029

File Numbers: 21-15-327619
21-15-327646

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Northtown Construction, Inc. and Michael John Young (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 March 12, 2014, Respondents entered into a contract with
(Homeowners) to remodel their basement in the amount of \$32,700.00.

A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On August 11, 2015, the Homeowners filed a Statement of Complaint with Complainant alleging that Respondents failed to obtain the required permits and performed substandard work that created a potential fire hazard.

5. On October 15, 2015, a building inspector for Meridian Charter Township verified that Respondents violated several rules of the 2009 Michigan Residential Code (building code), adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, including:

- a) Permits not obtained(R105.1)
- b) Required inspections not requested (R109.1)
- c) Minimum height of basement ceiling (R305.1).

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

6. On October 29, 2015, Complainant mailed a notice to Respondents of Homeowners' complaint.

7. On November 13, 2015, Respondents replied to the notice in writing acknowledging that Respondents "made some mistakes on the Mantha job." Nevertheless, Respondents failed to correct the mistakes in construction.

COUNT I

Respondents' conduct, as described above, evidences a failure to correct construction defects that are the subject of a justified complaint within a reasonable time, contrary to Mich Admin Code, R 338.1551(4), in violation of section 604(c) of the Occupational Code, supra.

COUNT II

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(c) of the Occupational Code, supra.

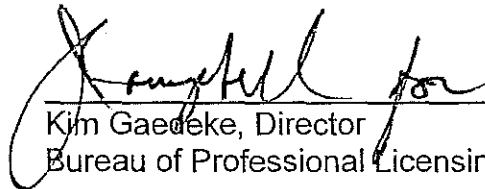
COUNT III

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

Pursuant to section 508(2) 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: 3/1/16



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

This is the final page of a Formal Complaint in the matter of Northtown Construction, Inc. and Michael J. Young, File Numbers 21-15-327619 and 21-15-327646, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

BCW