

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. 21-16-330649

and

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

File No. 21-16-330650

Respondents.

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CONSENT ORDER

On March 20, 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 admit that the facts alleged in the Complaint are true and constitute violations of MCL 339.604(c), MCL 339.604(h), MCL 339.604(l), MCL 339.2411(2)(e), and MCL 339.2411(2)(j). 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(c), MCL 339.604(h), MCL 339.604(l), MCL 339.2411(2)(e), and MCL 339.2411(2)(j).

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 **21-16-330649** and **21-16-330650**.

IT IS FURTHER ORDERED that Respondents shall pay RESTITUTION to homeowner Donald Fountain of \$4,000.00 to be paid by bank cashier check or money order made payable to Donald Fountain within 60 days of the effective date of this Order or provide proof of successful chargeback to homeowner's credit card account of the balance owed. 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), MCL 339.604(h), MCL 339.604(l), MCL 339.2411(2)(e), and MCL 339.2411(2)(j).

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

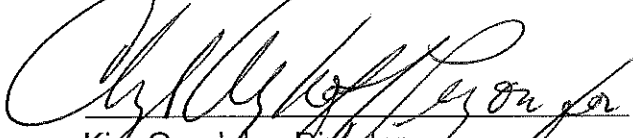
attorney and such witnesses as Respondents may desire to present a defense to the charges.

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.

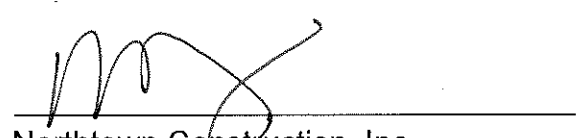
AGREED TO BY:



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  
License Number: 21-01-202029

File Numbers: 21-16-330649  
21-16-330650

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department) 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, 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 Northtown Construction Inc is licensed as a residential builder company. Respondent Michael John Young is licensed as an individual residential builder and is designated as the qualifying officer of Northtown Construction Inc, 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 under the Occupational Code, supra.

3. On March 10, 2016, Pat McKnight acted on behalf of Northtown Construction Inc and entered into a contract with I (Homeowner) to rebuild a chimney, insulate the attic, install venting for the attic, replace the roof, install gutters and downspouts, and install new siding on the dormer. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. At the time the contract was executed, Pat McKnight was not designated as the qualifying officer of Northtown Construction Inc and was not licensed as a builder salesperson.

5. On September 16, 2016, the Homeowner filed a Statement of Complaint alleging workmanship issues.

6. On October 20, 2016, a building inspector for Delhi Charter Township cited the following violations of the 2009 Michigan Residential Code (building code), adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011:

- a. Masonry chimney-chimney cap, contrary to R1003.9.1.
- b. Masonry chimney flashing, contrary to R1003.9.1.

- c. Exposed nail on shingle, contrary to R905.2.6.

The building inspector also noted that building permits were not applied for; the vent for the range hood was removed and not replaced and the opening was covered up with shingles; the eaves trough had standing water and was not sloped properly, and that insulation was removed from the attic and not replaced. A copy of the Building Inspection Report, marked Exhibit B, is attached and incorporated.

#### 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(c) of the Occupational Code, supra.

#### COUNT II

Respondents' conduct, as described above, evidences acceptance or performance of a contract procured by a salesperson not licensed under a builder or contractor, or acceptance or performance of a contract, other than the sale of real property, procured by anyone not licensed under the Occupational Code, contrary to Mich Admin Code, R 338.1536, in violation of section 604(h) of the Occupational Code, supra.

### COUNT III

Respondent's conduct, as described above, evidences a willful violation of the building laws of this state or political subdivision of this state, in violation of sections 2411(2)(e) and 604(h) of the Occupational Code, supra.

### COUNT IV

Respondents' conduct, as described above, evidences aiding or abetting an unlicensed person to evade this article, or knowingly combining or conspiring with, or acting as agent, partner, or associate for an unlicensed person, or allowing one's license to be used by an unlicensed person, in violation of sections 2411(2)(j) and 604(l) of the Occupational Code, supra.

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 license. If compliance is not shown, the Department further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 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: 01/20/2017

  
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Kim Gaedeke, Director  
Bureau of Professional Licensing

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