

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

In the Matter of

NORTHTOWN CONSTRUCTION, INC.
License No. 21-02-210220

Complaint No. 21-17-333359

and

MICHAEL JOHN YOUNG
License No. 21-01-202029

Complaint No. 21-17-333360

Respondents.

_____/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed on December 21, 2017 charging Northtown Construction, Inc. and Michael John Young (Respondents) with having violated sections 604(c), (e), (g) and 2411(2)(e) of the Occupational Code, MCL 339.101 *et seq.* and Mich Admin Code, R 338.1551(2) and R 338.1551(5).

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 sections 604(c), (e), (g) and 2411(2)(e) of the Occupational Code, MCL 339.101 *et seq.* and Mich Admin Code, R 338.1551(2) and R 338.1551(5). 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:

Respondents' licenses to practice as residential builders and/or maintenance and alteration contractors under Article 24 are PERMANENTLY SURRENDERED on the effective date of this order. The licenses shall not be renewed, reinstated, reissued, or reactivated, limited or otherwise, at any future date.

If Respondents violate any term or condition set forth in this order, Respondents will be in violation of section 604(k) of the Occupational Code.

This order shall be effective on the date signed by the Chairperson or the Chairperson's designee, as set forth below.

Signed on 3/12/18

MICHIGAN BOARD OF RESIDENTIAL
BUILDERS AND MAINTENANCE AND
ALTERATION CONTRACTORS

By 
Chairperson,

STIPULATION

The parties stipulate as follows:

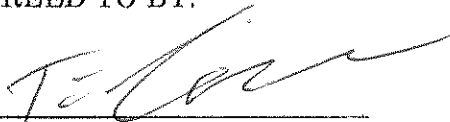
1. The facts alleged in the complaint are true and constitute a violation of the Occupational Code.
2. The Director of the Bureau of Professional Licensing, or her designee, must approve this consent order and stipulation before it is submitted to the Board for final approval.
4. Respondents understand and intend that, by signing this stipulation, they are 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.

5. 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.

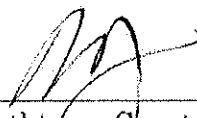
By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:




Timothy C. Erickson
Assistant Attorney General
Attorney for Complainant
Dated: 1/5/2018

AGREED TO BY:

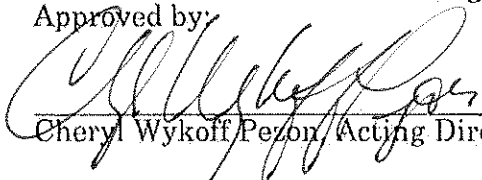


Northtown Construction, Inc.
Michael J. Young
Respondents
Dated: 12/27/17



Charles R. Cuzydlo (P48503)
Attorney for Respondents
Dated: 1/2/18

Bureau of Professional Licensing
Approved by:



Cheryl Wykoff Pezon, Acting Director

2/5/18
Date

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FORMAL COMPLAINT

NOW COMES Attorney General Bill Schuette, through Timothy C. Erickson, Assistant Attorney General, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Complainant, pursuant to the Occupational Code, as amended, MCL 339.101 *et seq.*, and its rules promulgated thereunder, and files this Formal Complaint against Northtown Construction, Inc. and Michael John Young, Respondents, upon information and belief alleges as follows:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 339.2401 *et seq.*

2. Beginning on July 6, 2015, Respondent Northtown Construction, Inc. was licensed as a Residential Builder and/or Maintenance and Alteration Contractor Company pursuant to Article 24 of the Code. Northtown's license lapsed was suspended on September 11, 2017 for failure to comply with the prior consent order resolving complaint number 330649.

3. Beginning on March 29, 2012, Respondent Michael John Young was licensed as a Residential Builder and/or Maintenance and Alteration Contractor pursuant to Article 24 of the Code. Mr. Young's license was suspended on September 11, 2017 for failure to comply with the prior consent order resolving complaint number 324300.

4. Section 604(c) of the Code subjects a licensee to sanction for violating a rule of conduct of an occupation.

5. Section 604(e) of the Code subjects a licensee to sanction who commits an act of gross negligence.

6. Section 604(g) of the Code subjects a licensee to sanction who demonstrates incompetence.

7. Section 2411(2)(e) of the Code subjects a licensee to sanction for "[a] willful violation of the building laws of this state or of a political subdivision of this state."

8. Mich Admin Code, R 338.1551(2) requires a licensee to "reply to the department within 15 days from receipt of the complaint and shall confirm or deny the justification of the complaint."

9. Mich Admin Code, R 338.1551(5) requires that a licensee adhere to the standards of construction of the local building code or the building code of the nearest political subdivision having a building code.

10. Section 514 of the Code authorizes the Board to sanction licensees based on an administrative law hearing examiner's hearing report.

11. Section 602 of the Code requires the Board to sanction licensees who have violated the Code.

FACTUAL ALLEGATIONS

12. On or about November 11, 2016, Respondents contracted with Ms.

to install a new roof and gutters on her home located at

Lansing for the total contract price of \$9,400.

13. In or around November 2016, Respondents completed the roof and gutter installation.

14. Approximately one month after Respondents completed the work, the roof began to leak.

15. On or about September 28, 2017, City of Lansing Builder Inspector inspected Respondents' work. The inspector found that the roof had failed and had been installed with improper ventilation.

16. The inspector noted three violations of the Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, effective March 9, 2011:

a. R105.1 – failure to obtain a building permit.

b. R109.1.5 – failure to obtain rough-in inspection.

c. R1019.1.6 – failure to have a final inspection.

17. On or about November 6, 2017, the Department sent a “Notice to Respondent” via United States Postal Service to the address of record for the licensees. Respondents failed to respond and the USPS did not return the mail to the Department.

COUNT I

18. Respondent’s conduct, as described above, is contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(c) of the Code.

COUNT II

19. Respondent’s conduct, as described above, is contrary to Mich Admin Code, R 338.1551(5), in violation of section 604(c) of the Code.

COUNT III

20. Respondent’s conduct, as described above, constitutes gross negligence in violation of section 604(e) of the Code.

COUNT IV

21. Respondent’s conduct, as described above, constitutes incompetence in violation of section 604(g) of the Code.

COUNT V

22. Respondent’s conduct, as described above, constitutes 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) of the Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, 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.

Respectfully submitted,

BILL SCHUETTE
Attorney General

By 

Timothy C. Erickson (P72071)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30758
Lansing, MI 48909
Phone (517) 373-1146; Fax (517) 241-1997

Dated: December 21, 2017

LF: 2017-0203675-B/Young, Michael John, 333360 (Res Builder)/Formal Complaint - 2017-12-21