

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

MICHAEL A. TURKIN
License No. 21-01-190934,
Respondent.

Docket No. 17-015200
File No. 21-17-331915

FINAL ORDER

On June 14, 2017, the Department of Attorney General, on behalf of the Department of Licensing and Regulatory Affairs, executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

An administrative hearing was held in this matter before an administrative law judge who, on October 5, 2017, issued a Hearing Report 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 December 12, 2017, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report.

IT IS ORDERED that for violating MCL 339.604(b),(c), (d), (e), and (g), and 339.2411(2)(a), (2)(c) and (2)(j), Respondent's license to practice as an individual builder in the state of Michigan is REVOKED.

IT IS FURTHER ORDERED that Respondent is FINED \$10,000.00 to be paid to the State of Michigan.

IT IS FURTHER ORDERED that the fine shall be mailed 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 number **21-17-331915**.

IT IS FURTHER ORDERED that, in accordance with MCL 339.411(3)(c), 339.602(c) and 339.604(k), no application for licensure, renewal, relicensure, or reinstatement shall be granted until all final orders of the Board have been satisfied in full.

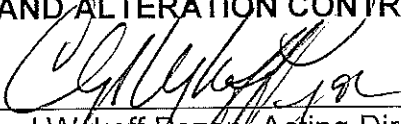
IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to MCL 339.604(k).

This Final Order 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.*

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: 1/16/18

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

By: 
Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

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In the Matter of

MICHAEL TURKIN,
License No. 21-01-190934,

Complaint No. 21-17-331915

Respondent.

FORMAL COMPLAINT

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, files this Formal Complaint against Michael Turkin, Respondent, 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 25, 2008, and at all times relevant to this complaint, Respondent was licensed as a Residential Builder and/or Maintenance and Alteration Contractor pursuant to Article 24 of the Occupational Code, MCL 339.2401-2412. Respondent's license lapsed on May 31, 2017.

3. Section 604(b) of the Code subjects a licensee to sanction for “fraud, deceit, or dishonesty in practicing an occupation.”

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

5. Section 604(d) of the Code subjects a licensee to sanction who demonstrates a lack of good moral character, meaning “the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner,” as defined by MCL 338.41.

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

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

8. Section 2411(2)(a) of the Code subjects a licensee to sanction for “[a]bandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.”

9. Section 2411(2)(c) of the Code subjects a licensee to sanction for failing “to account for or remit money coming into the person’s possession that belongs to others.”

10. Section 2411(2)(j) of the Code subjects a licensee to sanction for “[a]iding 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, allowing one’s license to be used by an unlicensed person, or

acting as or being an ostensible licensed residential builder or licensed residential maintenance and alteration contractor for an undisclosed person who does or shall control or direct, or who may have the right to control or direct, directly or indirectly, the operations of a licensee.”

11. 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.”

12. Section 514 of the Code requires the Board to sanction licensees based on an administrative law hearing examiner’s hearing report.

13. Section 602 of the Code authorizes the Board to sanction licensees who have violated the Code.

FACTUAL ALLEGATIONS

14. On or about September 28, 2016, Respondent contracted with _____ to perform concrete work appurtenant to her home, remove old fencing, install new fencing, and pull all necessary building permits.

15. Respondent entered into this contract through Mainstream Reclaimed, Inc., a Michigan domestic profit corporation with Respondent as its resident agent. Mainstream Reclaimed, Inc. is not and has never been licensed under Article 24 of the Code.

16. Ms. _____ agreed to pay a total contract price of \$20,322.00 with a deposit of \$14,572.00. On or about September 28, 2016, Ms. _____ paid Respondent \$14,572.00 via cashier’s check.

17. Respondent failed to pull any building permits.

18. Respondent failed to order any of the required building materials.

19. Respondent failed to complete any work.

20. On or about November 4, 2016, Ms. [redacted] contacted Respondent and demanded that he return her deposit of \$14,572.00. Respondent failed to return the deposit.

21. On or about November 15, 2016, Ms. [redacted] through counsel, again demanded the return of her deposit. Respondent failed to return the deposit.

22. On or about April 4, 2017, the Department served Respondent with a Notice to Respondent regarding Ms. [redacted] complaint. Respondent was required to respond within 15 days. Respondent failed to respond.

COUNT I

23. Respondent's conduct, as described above, constitutes fraud, deceit, or dishonesty in practicing an occupation violation of section 604(b) of the Code.

COUNT II

24. 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 III

25. Respondent's conduct, as described above, constitutes a lack of good moral character in violation of section 604(d) of the Code.

COUNT IV

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

COUNT V

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

COUNT VI

28. Respondent's conduct, as described above, constitutes 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 Code.

COUNT VII

29. Respondent's conduct, as described above, constitutes a failure to account for money coming into a person's possession that belongs to others, in violation of section 2411(2)(c) of the Code.

COUNT VIII

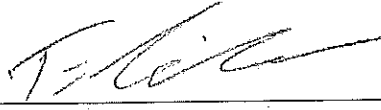
30. Respondent's conduct, as described above, constitutes aiding and abetting the unlicensed practice of a residential builder or maintenance and alterations contractor, in violation of section 2411(2)(j) of the Code.

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: June 14, 2017

LF: 2017-0184123-B/Turkin, Michael, 331915-(Res Bldr)/Formal Complaint - 2017-06-13