

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

ODAY SAMI MICHAEL
License No. 21-01-175199

File No. 21-14-325067

Respondent.

CONSENT ORDER

On June 15, 2015, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

Respondent admits the facts and allegations in the Complaint, except that Respondent violated MCL 339.604(g), which allegation Respondent denies and shall be dismissed. 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 a violation of MCL 339.2411(2)(j).

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent is FINED \$500.00 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 **21-14-325067**.

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 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: 9/12/17

STIPULATION

1. Respondent admits that the facts and allegations in the Formal Complaint are true, except the allegation that Respondent failed to meet minimal standards as a residential builder, in violation of MCL 339.604(g). Respondent and the Department agree that the alleged violation of MCL 339.604(g) shall be dismissed.

2. The facts alleged in the Complaint constitute violation(s) of MCL 339.2411(2)(j).

3. Respondent understands and intends that by signing this Stipulation Respondent is 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 Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.

4. 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.*

5. Factors taken into consideration in the formulation of this Order are as follows:

A homeowner complained of numerous cosmetic defects in a house constructed by and purchased from Respondent. None of the defects constituted building code violations.


The homeowner's chief complaint concerned shrinkage and warping of the hardwood flooring. Respondent maintained that this occurred subsequent to the homeowner taking occupancy and resulted from the homeowner failing to install a properly operating humidifier.

Respondent obtained a residential builder company license for his company on August 17, 2015, which has been continuously licensed since that time with no complaints against its license.

6. This proposal is conditioned upon acceptance by the Board.

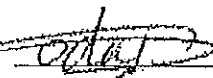
Respondent and the Department expressly reserve the right to further proceedings should this Order be rejected.

AGREED TO BY:



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

AGREED TO BY:

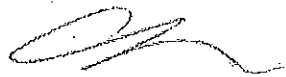


Oday Sami Michael
Respondent

Dated: 06/09/2017

Dated: 6-1-17

APPROVED AS TO FORM BY:



Avis H. Choulagh, Esq. (P77447)
Attorney for Respondent

Dated: 6-1-17

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
CORPORATIONS, SECURITIES &
COMMERCIAL LICENSING BUREAU

Complaint No. 325067

Complainant,

v

ODAY SAMI MICHAEL
License No. 21-01-175199

Respondent.

FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Complainant, pursuant to MCL 339.101-605, and its rules promulgated thereunder, upon information and belief alleges as follows:

1. Oday Sami Michael (Respondent), has, at all times relevant to this Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412.

2. A Complaint against Respondent, conforming to the requirements of § 2411 of 1980 PA 299, as amended; MCL 339.2411 has been filed with the Department of Licensing and Regulatory Affairs by _____ and is attached hereto as Exhibit 1.

3. An authority charged with the enforcement of the laws governing construction of residential or residential and commercial buildings in the political subdivision in which the building is located, has submitted an evaluation of the Complaint submitted. The evaluation is attached hereto as Exhibit 2.

3. On or about May 24, 2013, M & M Custom Home Designs, Inc. entered into a purchase agreement to sell to _____ a residential structure which was constructed by and under the license of Respondent and which construction was regulated by the Occupational Code, 1980 PA 299, as amended. A copy of the purchase agreement is attached hereto as Exhibit 3.

4. On or about August 2, 2012, Respondent was issued a building permit to perform services included in the contract referred to in paragraph three above. A copy of the building permit is attached hereto as Exhibit 4.

5. In or around August, 2012, Respondent acted as agent, partner, or associate with M & M Custom Homes Designs, Inc., an entity or person not licensed under 1980 PA 299, as amended, although required to be licensed pursuant to 1980 PA 299, *supra*, contrary to MCL 339.2411(2)(j). A certification of license status is attached hereto as Exhibit 5.

6. Respondent failed to meet minimal standards of acceptable practice for Respondent's occupation as a residential builder, contrary to MCL 399.604(g).

Based upon the conduct as aforesaid, Respondent has acted contrary to §§ 604(g) and 2411(2)(j) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(g) and MCL 339.2411(2)(j), constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, PA 306, 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.

DEPARTMENT OF LICENSING AND REGULATORY
AFFAIRS

BY


Barrington Carr, Director
Enforcement Division

Dated: 6-15-15

Responsive Pleadings Should Be Filed With:

Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau
Regulatory Compliance Division
P.O. Box 30018
Lansing, MI 48909