

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

MURRAYS ROOFING AND SIDING, INC.
License No. 21-02-204933

File No. 21-16-329573

and

GARY STEVEN MURRAY
License No. 21-01-110884,

File No. 21-16-329574

Respondents.

CONSENT ORDER

On October 26, 2016, the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing executed a Formal Complaint charging Respondents with violating the Occupational Code, MCL 339.101 *et seq.*

Respondents neither admit nor deny the facts alleged in the Complaint but agree that, for purposes of this Order, the allegations shall be accepted as true and constitute violation(s) of MCL 339.604(h) 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(h) and MCL 339.2411(2)(e).

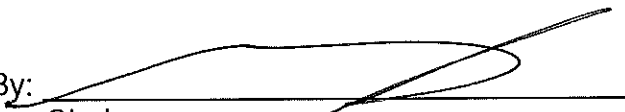
IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondents are FINED \$3,500.00 to be paid to the State of Michigan within 60 days of the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, 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 **21-16-329573** and **21-16-329574**.

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: 12/12/17

STIPULATION

1. Respondents neither admit nor deny violations alleged in the Complaint but agree that the allegations shall be accepted as true for purposes of this Order.

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

3. 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.

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:

According to Bureau records, Respondents have no other complaints, prior or pending, against their licenses.

6. 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.

7. 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

AGREED TO BY:



Murrays Roofing and Siding, Inc. and
Gary Steven Murray
Respondents

Dated:

09/01/2017

Dated:

8-23-2017

STATE OF MICHIGAN
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MURRAYS ROOFING AND SIDING INC.
License Number: 21-02-204933

and

GARY STEVEN MURRAY
License Number: 21-01-110884

File Numbers: 21-16-329573
21-16-329574

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Murrays Roofing and Siding Inc. and Gary Steven Murray (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 Murrays Roofing and Siding Inc. is licensed as a residential builder company in the state of Michigan.

3. Respondent Gary Steven Murray is licensed as an individual residential builder and is designated as the qualifying officer of Murrays Roofing and Siding Inc. and, pursuant to section 2405(1) the Occupational Code, supra, is responsible for exercising supervision and control over the building and construction operations necessary to secure full compliance with the Occupational Code and the rules promulgated thereunder.

4. On or about July 10, 2015, Dan (Homeowner) hired Respondents to replace the roof of his home for \$8,930.00. A copy of the agreement, marked Exhibit A, is attached and incorporated.

5. Respondents failed to provide Homeowner with a copy of the agreement signed by all parties.

6. Respondents replaced Homeowner's roof without obtaining the required permit from the local building official and without having the work inspected, as required by local ordinance.

7. After replacement, Homeowner's roof leaked around the chimney, causing severe damage to Homeowner's home. Respondents attempted to correct the leak multiple times without success. Finally, Homeowner retained a different contractor to fix the leak and repair the damage.

8. On May 10, 2016, Homeowner filed a consumer complaint with the Michigan Attorney General's office, which was forwarded to Complainant.

9. On June 14, 2016, Complainant sent a Notice to Respondent with a copy of Homeowner's complaint to Respondents' address of record and requested a written response to the complaint within 15 days. Respondents failed to respond to the Notice.

10. On June 27, 2016, the Livingston County Department of Building and Safety Engineering mailed an ordinance violation warning to Respondents for failure to obtain a permit for the re-roofing of Homeowner's house, which was a violation of R105.1 of the 2009 Michigan Residential Code, adopted pursuant to the Single State Construction Code Act, effective March 9, 2011. A copy of the warning, marked Exhibit B, is attached and incorporated.

COUNT I

Respondents' conduct, as described above, evidences a failure to have all agreements and changes to the agreements between a builder, or contractor, and the customer in writing and signed by the parties, contrary to Mich Admin Code, R 338.1533(1), in violation of section 604(h) of the Occupational Code, supra.

COUNT II

Respondents' conduct, as described above, evidences a failure to respond to a complaint within 15 days from receipt of the complaint and to confirm or deny the justification of the complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(h) of the Occupational Code, supra.

COUNT III

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(h) of the Occupational Code, supra.

COUNT IV

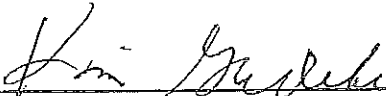
Respondents' conduct, as described above, evidences a willful violation of the building laws of this state or of a political subdivision of this state, contrary to section 2411(2)(e) of the Occupational Code, supra.

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, 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: 10/26/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

BCW