

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

In the Matter of

MICHAEL ALLAN MOORE  
d/b/a TRI CITY BUILDERS  
License No. 21-01-174522

Complaint No. 21-15-326067

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed on November 14, 2016 charging Michael Allan Moore (Respondent) with having violated sections 604(c), (d), (h), 2411(2)(a), (c), (l), of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq.* and Mich Admin Code R 338.1533(1), R 338.1534, and R 1551(4) and (5).

The parties have stipulated that the Board may enter this consent order and that the facts alleged in the Formal Complaint relating to Count V regarding written change orders are true and constitute a violation of sections 604(c) and (h) of the Occupational Code and Mich Admin Code R 338.1533(1), in that not all of the agreements and changes to the agreements between Respondent and the customer were reduced to writing and signed by the customer. 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:

Respondent is FINED FIVE HUNDRED DOLLARS (\$500.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with

complaint number 21-15-326067 clearly indicated on the check or money order), and shall be payable within 60 days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility.

Respondent shall mail the fine to: Sanction Monitoring, Bureau of Professional Licensing, Legal Affairs Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

If Respondent violates any term or condition set forth in this order, he will be in violation of section 604(k) of the Occupational Code. Further, failure to comply with the terms in this stipulation shall result in a **SUSPENSION** of Respondent's license or the denial of his license renewal and the denial of future applications for licensure or registration.

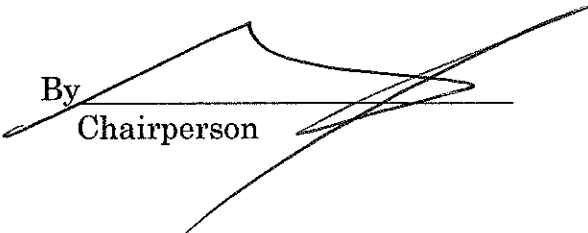
The remainder of the counts alleged in the complaint are **DISMISSED**.

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

Signed on 6-13-17

MICHIGAN BOARD OF RESIDENTIAL  
BUILDERS & MAINTENANCE AND  
ALTERATION CONTRACTORS

By \_\_\_\_\_  
Chairperson



## STIPULATION

The parties stipulate as follows:

1. The facts alleged in paragraphs 1, 2, 7, 11, and 20 of 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.

3. Respondent understands and intends that, by signing this stipulation, he is 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.

4. 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.

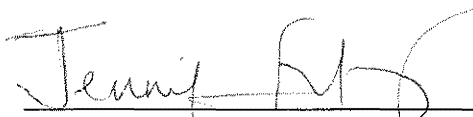
5. The Board may enter the above Consent Order, supported by Board conferee Sidney Browne, Jr. Mr. Browne or an attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. Mr. Browne and the parties considered the following factors in reaching this agreement:

- A. Respondent presented a letter from the Greendale Township Building Inspector indicating the Michigan Residential Code violations were not attributable to him.
- B. Respondent was terminated from the project after relations with the homeowner became strained.
- C. The other residential building issues alleged in this matter were the subject of civil litigation between Respondent and the homeowner which resulted in a judgment in neither party's favor.

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

AGREED TO BY:



Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Attorney for Complainant

Dated: 3-30-17

Bureau of Professional Licensing  
Approved by:



Kim Gaedeke, Director

AGREED TO BY:

*See attached*

Michael Allan Moore  
Respondent

Dated: \_\_\_\_\_

Date 04/06/2017

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING

DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS,  
BUREAU OF PROFESSIONAL LICENSING,

Complainant,

Complaint No. 21-15-326067

v

MICHAEL ALLAN MOORE  
D/B/A TRI CITY BUILDERS,  
License No. 21-01-174522,

Residential Builders &  
Maintenance and Alteration  
Contractors Board

Respondent.

\_\_\_\_\_ /

FORMAL COMPLAINT

Bill Schuette, Attorney General, and Jennifer Fitzgerald, Assistant Attorney General, on behalf of Complainant Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, files this formal complaint against Respondent Michael Allan Moore, d/b/a Tri City Builders, pursuant to the Occupational Code, MCL 339.101, *et seq.*, alleging upon information and belief as follows:

1. At all times relevant to this complaint, Respondent was licensed as a residential builder pursuant to Article 24 of the Occupational Code (Code), MCL 339.2401-2412.

2. Under the Code, a person who violates of a rule of conduct of an occupation is subject to the penalties in MCL 339.602 for violating MCL 339.604(c).

3. Under the Code, a person 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 in MCL 338.41, is subject to the penalties in MCL 339.602 for violating MCL 339.604(d).

4. Under the Code, a person who abandons without legal excuse a contract, construction project, or operation engaged in or undertaken by the licensee is subject to the penalties in MCL 339.602 for violating MCL 339.2411(2)(a).

5. Under the Code, a person who fails to account for or remit money coming into the person’s possession that belongs to others is subject to the penalties in MCL 339.602 for violating MCL 339.2411(2)(c).

6. Under the Code, a person who fails to pay an obligation as it becomes due in the ordinary course of business is subject to the penalties in MCL 339.602 for violating MCL 339.2411(2)(l).

7. Mich Admin Code, R 338.1533(1) requires all agreements and changes to the agreements between a builder or contractor and the customer to be in writing and signed by the parties. In addition, copies of all agreements and changes to agreements shall be in writing, and provided to the customer.

8. Mich Admin Code, R 338.1534 requires a builder or contractor keep and maintain a complete, accurate set of books and records.

9. Mich Admin Code, R 338.1551(4) requires a builder or contractor to correct a complaint justified by a local building inspector within a reasonable time.

10. Mich Admin Code, R 338.1551(5) requires that standards of construction shall be in accordance with the local building code, or in the absence of a code, in accordance with the building code of the nearest political subdivision having a building code.

11. Under the Code, a person who violates any other provision of the Occupational Code or of a rule promulgated pursuant to it for which a penalty is not otherwise prescribed, is subject is subject to the penalties in MCL 339.602 for violating MCL 339.604(h).

#### ALLEGATIONS

12. The 2009 Michigan Residential Code was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011.

13. On or about April 23, 2014, Respondent contracted with ]  
to build a home in Midland, Michigan.

14. A complaint against Respondent was filed with the Department of Licensing and Regulatory Affairs by

15. In the fall of 2014, Respondent stopped working on the project before it was complete. Mr. contacted Respondent about finishing the project but Respondent did not complete it.

16. Construction for the project was paid through Wolverine Bank. As part of the payment process, Respondent submitted a series of sworn statements to the bank verifying contract amounts to subcontractors and suppliers.

17. Although the overall project price remained consistent through the series of sworn statements, the stated contract amounts for several subcontractors changed without explanation on the sworn statements.

18. When asked by the Department to provide an accounting of the records for the project, Respondent refused to comply or produce any documentation.

19. On or about March 25, 2015, Steve Krotzer, Greendale Township, Michigan, Building Inspector examined the home. Mr. Krotzer cited Respondent for failing to repair three trusses according to the truss designer, in violation of §502.11.3 of the 2009 Michigan Residential Code. Respondent did not correct the trusses within a reasonable time.

20. Respondent failed to complete written change orders signed by the parties prior to making changes to the agreed-upon construction.

#### COUNT I

21. Respondent's conduct, as described above, constitutes a lack of good moral character, in violation of MCL 339.604(d).

#### COUNT II

22. Respondent's conduct, as described above, constitutes abandoning a contract, construction project, or operation engaged in or undertaken by the licensee without legal excuse, in violation of MCL 339.2411(2)(a) and MCL 339.604(c) and (h).



COUNT III

23. Respondent's conduct, as described above, constitutes failing to account for or remit money coming into the person's possession that belongs to others, in violation of MCL 339.2411(2)(c).

COUNT IV

24. Respondent's conduct, as described above, constitutes failing to pay an obligation as it becomes due in the ordinary course of business, in violation of MCL 339.2411(2)(l).

COUNT V

25. Respondent's conduct, as described above, constitutes a failure to reduce to writing signed by the parties all agreements and changes to the agreements between a builder or contractor and the customer, in violation of Mich Admin Code, R 338.1533(1) and MCL 339.604(c) and (h).

COUNT VI

26. Respondent's conduct, as described above, constitutes a failure to keep and maintain a complete, accurate set of books and records, in violation of Mich Admin Code, R 338.1534 and MCL 339.604(c) and (h).

COUNT VII

27. Respondent's conduct, as described above, constitutes a failure to correct a complaint justified by a local building inspector within a reasonable time, contrary to Mich Admin Code, R 338.1551(4), in violation of MCL 339.604(c).

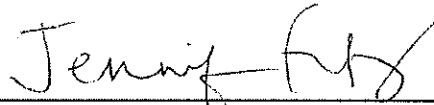
COUNT VIII

28. Respondent's conduct, as described above, constitutes a failure to conform to the standards of construction in accordance with the local building code, or the building code of the nearest political subdivision having a building code, contrary to Mich Admin Code, R 338.1551(5), in violation of MCL 339.604(c).

WHEREFORE, Complainant Department of Licensing and Regulatory Affairs commences proceedings pursuant to the Administrative Procedures Act of 1969, MCL 24.201-328, *et seq.*, and the Occupational Code, to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs for the reasons set forth in this formal complaint. Any written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general at the address below.

Respectfully submitted,

BILL SCHUETTE  
Attorney General

By   
Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Phone (517) 373-1146;  
Fax (517) 241-1997

Dated: November 14, 2016