

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

In the Matter of

CHARLES ALLEN NORRIS,
License No. 21-01-060579

Complaint No. 21-16-328482
(Consolidated 21-16-327553)

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A superseding formal complaint was filed on December 20, 2016 charging Charles Allen Norris (Respondent) with having violated sections 2411(2)(a), 2411(2)(1), 2409, and 604(h) of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq* and Mich Admin Code R 338.1551(4) 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 2411(2)(a), 2411(2)(1), 2409, and 604(h) of the Occupational Code, and Mich Admin Code R338.1551(4) 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 complaints.

Accordingly, for these violations, IT IS ORDERED:

Respondent is FINED \$3,000 to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 21-16-328482 clearly indicated on the check or money order), and shall be payable within 365

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: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

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

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

Signed on 9/12/17

MICHIGAN BOARD OF RESIDENTIAL
BUILDERS MAINTENANCE &
ALTERATION CONTRACTORS

By _____
Chairperson,

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaints 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 John Kelly. Mr. Kelly or an attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

4. Mr. Kelly and the parties considered the following factors in reaching this agreement:

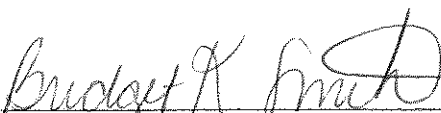
- A. During a March 16, 2017 compliance conference, Respondent acknowledged that he did not complete work at either the Morgan or Mason home, but explained that it was due, in part, to the fact that the homeowners demanded work and materials that far exceeded what the insurance payments covered. Respondent acknowledged

that it was his responsibility to complete the work as contracted, however, he felt it was important to try to please the clients, even to his own financial detriment.

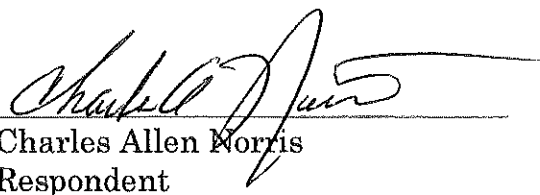
- B. During the compliance conference Respondent also stated that he attempted to complete the projects, but when he could not provide the extras the homeowners insisted on, he was not allowed back into the home.
- C. Respondent is the qualifying officer for Michigan Restoration Specialists and National Fire and Restoration. As such, the parties took into consideration that he is also jointly and severally responsible for the fines levied against those entities in file numbers 21-16-328481 and 21-15-327552.

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

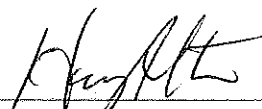
AGREED TO BY:


Bridget K. Smith (P71318)
Assistant Attorney General
Attorney for Complainant
Dated: 8-11-17

AGREED TO BY:


Charles Allen Morris
Respondent

Dated: 8-8-17


Harvey Altus (P30846)
Attorney for Respondent
Dated: 8-8-17

Bureau of Professional Licensing
Approved by:


Kim Gaedeke, Director

08/17/2017
Date

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

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS BUREAU OF
PROFESSIONAL LICENSING,

Complainant,

v

Complaint No. 21-16-328482
Consolidated Case No. 21-16-327553

CHARLES ALLEN NORRIS,
License No. 21-01-060579

2101196670
Respondent.

**BOARD: Residential Builders
Maintenance & Alteration
Contractors**

First Superseding Formal Complaint

Attorney General Bill Schuette, through Assistant Attorney General Bridget K. Smith, on behalf of Complainant Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, files this First Superseding Formal Complaint against Respondent Charles Allen Norris, alleging upon information and belief 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, 1980 PA 299, as amended, Article 24; MCL 39.2401-2412.
2. At all times relevant to this Complaint, Respondent was licensed as a residential builder under Article 24 of the Code. In addition, Respondent is the qualifying

officer for Michigan Restoration Specialists, Inc. and National Fire and Restoration Specialists, Inc., both of which are also licensed pursuant to Article 24 of the Code.

3. Section 2411(2)(a) of the Code requires the Board to penalize a residential builder for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

4. Section 2411(2)(l) of the Code requires the Board to penalize a residential builder for failing to satisfy judgments or liens or failing to pay an obligation as it becomes due in the ordinary course of business.

5. Section 2409 of the Code requires a licensee to report a change of name or address to the Department within 30 days after the change occurs.

6. Section 604(h) of the Code requires the Board to penalize a licensee for violation of any provision of this act or a rule promulgated under the act for which a penalty is not otherwise prescribed.

7. Mich Admin Code, R 338.1551(4) provides that if a complaint is justified by the local building inspector, the builder or contractor shall correct the complaint within a reasonable time.

8. Mich Admin Code, R 338.1551(5) requires that standards of construction shall be in accordance with the local building code.

9. Section 514 of the Code authorizes the Board to assess penalties against licensees under section 602 of the Code based on an administrative law hearings examiner's hearing report.

ALLEGATIONS

Morgan Home

10. On May 22, 2015, Morgan contracted with Respondent and Michigan Restoration Specialists, Inc., to complete numerous repairs to his home following a kitchen fire.

11. Mr. Morgan, through his insurance company, made payments of \$47,078.43, \$755.00 and \$40,717.12 to Respondent pursuant to the contract.

12. On June 6, 2015, the furnace, hot water heater and air conditioner were stolen from the Morgan home. Respondent failed to update his building permit to reflect the thefts, in violation of Michigan Residential Code, R106.4.

13. Respondent failed to complete the work in accordance with the contract.

14. On December 3, 2015, American Wall Systems, one of Respondent's subcontractors, placed a lien on the Morgan property based on Respondent's failure to pay \$7579.00.

15. Mr. Morgan made several attempts to get Respondent to complete the work that he had contracted for, but Respondent failed complete the project.

16. On January 5, 2016 and January 16, 2016, a building inspector for the City of Detroit completed an inspection of the Morgan home. The inspection confirmed that Respondent failed to complete the work in accordance with the approved work list and building permit.

17. As of the date of this complaint, Respondent has failed to complete the unfinished work.

18. On April 11, 2016, as part of the Department investigation, the Department's

Investigator attempted to contact Respondent at the address of record for Michigan Restoration Specialists, Inc. An individual answered the door and advised that Michigan Restorations had moved seven or eight weeks prior and left no forwarding address. Respondent failed to update the address with the Department within 30 days of that change.

Mason Home

19. On January 28, 2014, Mason contracted with Respondent and National Fire and Restoration Specialists, Inc., to complete repairs to her home caused by a fire.

20. Respondent received approximately \$24,000 from Ms. Mason's insurance company pursuant to the contract.

21. Respondent failed to complete the repairs specified in the contract.

22. On December 4, 2015, a City of Detroit building inspector completed an inspection of Ms. Mason's home. The inspection confirmed that Respondent had failed to complete a number of the repairs contained in the insurance specifications and the building permit.

23. As of the issuance of this complaint, Respondent has failed to complete the work he was contracted to complete.

COUNT I

24. 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, contrary to section 2411(2)(a) of the Code, in violation of section 604(h) of the Code.

COUNT II

25. Respondent's conduct as described in paragraph 13 constitutes a failure to pay an obligation as it becomes due in the ordinary course of business, contrary to section 2411(2)(l) of the Code, in violation of section 604(h) of the Code.

COUNT III

26. Respondent's conduct as described in paragraph 17 constitutes a failure to report a change of address, contrary to section 2409 of the Code and in violation of section 604(h) of the Code.

COUNT IV

27. Respondent's conduct as described above constitutes failure to correct a complaint within a reasonable time contrary to Mich Admin Code, R 338.1551(4) in violation of section 604(h) of the Code.

COUNT V

28. Respondent's conduct as described above constitutes a failure to comply with the local building code, contrary to Mich Admin Code, R 338.1551(5) and in violation in section 604(h) of the Code.

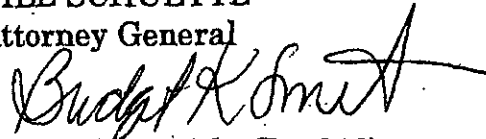
WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, PA 306, as amended, MCL 24.201-328 and the Occupational Code, supra, to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs, pursuant to the Occupational Code, for the reasons set forth herein.

Any written respond 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.

FURTHER, the formal complaints previously filed against Respondent on September 6, 2016 and December 7, 2016 are hereby WITHDRAWN and replaced in fully by this superseding complaint.

Respectfully submitted,

BILL SCHUETTE
Attorney General



Bridget K. Smith (P71318)
Assistant Attorney General
Licensing & Regulation Division
525 W. Ottawa, 3rd Floor, Wms Bldg.
P.O. Box 30758
Lansing, Michigan 48909
(517) 373-1146

Dated: December 20, 2016