

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

NREC NIKAJ
License No. 21-01-172625
Respondent.

File No. 21-16-329643
Docket No. 17-002191

FINAL ORDER

On October 21, 2016, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondent with violating MCL 339.604(h), 339.604(l), 339.2411(2)(a), 339.2411(2)(e), and 339.2411(2)(j).

An administrative hearing was held in this matter before an administrative law judge who, on March 10, 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 June 13, 2017, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report. Therefore,

IT IS ORDERED that for violating MCL 339.604(h), 339.604(l), 339.2411(2)(a), 339.2411(2)(e), and 339.2411(2)(j), that Respondent's license to practice as an individual residential builder in the state of Michigan is SUSPENDED for two years.

IT IS FURTHER ORDERED that Respondent is FINED \$10,000.00 to be paid to the State of Michigan within 90 days from 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, 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 **21-16-329643**.

IT IS FURTHER ORDERED that Respondent shall pay RESTITUTION in the amount of \$1,841.53 to William McFadden within 90 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall submit satisfactory written evidence of payment of the ordered restitution to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909**.

IT IS FURTHER ORDERED that failure to pay the fine and restitution within 90 days from the effective date of this Order, as set forth above, shall result in

REVOCAION of Respondent's license to practice as an individual builder in the state of Michigan.

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: 07/10/2017

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

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

NREC NIKAJ

License Number: 21-01-172625

File Number: 21-16-329643

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Nrec Nikaj (Respondent) 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. On April 25, 2016, Respondent's residential builder license in the state of Michigan was suspended and has remained suspended continuously since that time.

3. At all relevant times, ProBuild Property Restoration was unlicensed, and Respondent acted as the owner, agent, partner, or associate for an unlicensed entity.

4. On April 28, 2015, Respondent, representing ProBuild Property Restoration, entered into a contract with (Homeowner) for restoration and repair construction services due to fire damage. A copy of the contract, marked Exhibit A, is attached and incorporated.

5. On June 7, 2016, the Homeowner filed a Statement of Complaint with Complainant alleging, in part, that Respondent breached the construction contract and abandoned the project.

6. On August 25, 2016, Respondent admitted by email message to Complainant's investigator that the project mentioned above was only 95% complete.

7. Respondent failed to secure a building permit for the project mentioned above.

COUNT I

Respondent' conduct, as described above, evidences 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 Occupational Code, supra.

COUNT II

Respondent's conduct, as described above, evidences a willful violation of the building laws of this state or political subdivision of this state, in violation of section(s) 604(h) and 2411(2)(e) of the Occupational Code, supra.

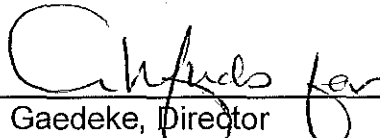
COUNT III

Respondent's conduct, as described above, evidences aiding 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, in violation of section 2411(2)(j) of the Occupational Code, supra, in violation of section 604(l) of the Occupational Code, supra.

Complainant requests that this Complaint be served upon Respondent and that Respondent 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, Respondent has 15 days from the date of receipt of this Complaint to notify Complainant of Respondent's 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 Respondent's 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 Respondent fails to submit written notification within 15 days, this matter shall proceed to an administrative hearing.



Kim Gaedeke, Director
Bureau of Professional Licensing

DATED: 10/21/2016

Attachments

BB