

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,
QUALIFYING OFFICER
License No. 21-01-172625,
Respondent.

Docket No. 17-008421
File No. 21-16-328540

AND

HEMOCRAFT BUILDING, INC.
License No. 21-02-206093,
Respondent.

Docket No. 17-008422
File No. 21-16-328515

FINAL ORDER

On March 1, 2017, the Department of Licensing and Regulatory Affairs (Department) executed a First Superseding Formal Complaint charging Respondents with violating the Occupational Code, MCL 339.101 *et seq.*

An administrative hearing was held in this matter before an administrative law judge who, on June 30, 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 September 12, 2017, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report.

IT IS ORDERED that for violating MCL 339.604(c), and 339.2411(2)(a), Respondent Homecraft Building, Inc.'s license to practice as a residential builder company in the state of Michigan is SUSPENDED for a minimum period of one day, commencing on the effective date of this Order. Respondent Nrec Nikaj's license to practice as an individual residential builder remains suspended pursuant to the Final Order dated July 10, 2017.

IT IS FURTHER ORDERED that Respondent Homecraft Building, Inc.'s license shall be automatically reinstated IF WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine and provides proof of payment of the restitution, in a form acceptable to the Department, as set forth below, PROVIDED all final orders of the Board are satisfied in full and Respondent meets all requirements for MCL 339.2405.

IT IS FURTHER ORDERED that Respondent Nrec Nikaj is FINED \$5,000.00 to be paid to the State of Michigan within 90 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent Homecraft Building, Inc., is FINED \$5,000.00 to be paid to the State of Michigan within 90 days from the effective date of this Order.

IT IS FURTHER ORDERED that the fines shall be mailed to the **Department of Licensing and Regulatory Affairs, Enforcement Division,**

Compliance Section, P.O. Box 30189, Lansing, MI 48909. The fines shall be paid by checks or money orders made payable to the State of Michigan. The check or money order for Respondent Nrec Nikaj shall clearly display file number **21-16-328540** and the check or money order for Respondent Homecraft Building, Inc., shall clearly display file number **21-16-328515**.

IT IS FURTHER ORDERED that Respondents shall pay RESTITUTION, jointly and severally, in the amount of \$11,128.00 to _____ within 90 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondents 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 in the event Respondents fail to pay the fines and restitution as set forth above within 90 days, Respondents' licenses to practice as an individual residential builder and a residential builder company shall be REVOKED.

IT IS FURTHER ORDERED that the Final Order dated July 10, 2017, in file number 21-16-329643 regarding Respondent Nrec Nikaj, remains in full effect.

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 Respondents violate 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: 10/14/17

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

By: Virginia Abdo for
Kim Gaedeke, Director
Bureau of Professional Licensing

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In the Matter of

HEMECRAFT BUILDING INC.
License Number: 21-02-206093

and

NREC NIKAJ,
QUALIFYING OFFICER
License Number: 21-01-172625

File Numbers: 21-16-328515
21-16-328540

FIRST SUPERSEDING FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Homecraft Building Inc. and Nrec Nikaj (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 Homecraft Building Inc. is licensed as a residential builder company. Respondent Nrec Nikaj is licensed as an individual residential builder

and is designated as the qualifying officer of Homecraft Building Inc., and, therefore, pursuant to section 2405(1) the Occupational Code, supra, is responsible for exercising the supervision or control of the building or construction operations necessary to secure full compliance with the Occupational Code and the rules promulgated under the Occupational Code, supra.

3. On February 13, 2014, Respondents, doing business as 24 Hour Emergency Services LLC, entered into a contract with Mr. [REDACTED] (Homeowner) for restoration and repair construction services due to fire damage. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On March 23, 2016, a building inspector for Wayne County cited the following violations of the 2009 Michigan Residential Code:

- a. No plumbing permit has been issued. Permit is required, contrary to R105.1.
- b. One floor joist in basement charred – replace and seal wood, contrary to R109.4.

The inspector also noted the project appeared to be abandoned. A copy of the Building Inspection Report, marked Exhibit B, is attached and incorporated.

5. On December 28, 2015, the Homeowner filed a Statement of Complaint with the Department alleging, in part, that Respondents breached the construction contract and abandoned the project.

COUNT I

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(c) of the Occupational Code, supra.

COUNT II

Respondents' 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.

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, the Department 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 the Department 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 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.

Dated: 03/09/2017



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

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