

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

NOVAK'S REMODELING AND REPAIR, LLC
License Number 21-02-207378

CAROL ANN WHITE,
QUALIFYING OFFICE
License Number: 21-01-201327

File Numbers: 21-15-327714
21-15-327715

CONSENT ORDER

On February 5, 2016, the Department of Licensing and Regulatory Affairs (Department) executed a Formal Complaint (Complaint) charging Novak's Remodeling and Repair, LLC and Carol Ann White (Respondents) with violating section(s) 604(c) and 604(l) of the Occupational Code, MCL 339.101 et seq.

Respondents have admitted that the facts alleged in the Complaint are true and constitute violation(s) of the Occupational Code. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) has reviewed this Consent Order and Stipulation (Order) 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 are true and constitute violation(s) of section(s) 604(c) and 604(l) of the Occupational Code, supra.

Accordingly, IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondents are FINED \$1,000.00 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, Legal Affairs 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 numbers **21-15-327714** and **21-15-327715**.

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 and in the denial of any application for or renewal of a license or registration 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: 9/13/16

CONTINUED ON THE NEXT PAGE

STIPULATION

1. The facts alleged in the Complaint are true and constitute violation(s) of section(s) 604(c) and 604(l) of the Occupational Code, supra.

2. 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.

3. 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 15.231 et seq.

4. 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.

CONTINUED ON THE NEXT

PAGE

5. 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:



Carol Ann White, Qualifying Officer
Novak's Remodeling and Repair, LLC
Respondents

Dated: 06/24/2016

Dated: 6.16.2016

This is the final page of a Consent Order and Stipulation in the matter of Novak's Remodeling and Repair, LLC, and Carol Ann White, File Numbers 21-15-327714 and 21-15-327715, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

BW

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

NOVAK'S REMODELING AND REPAIR, L.L.C.

License Number: 21-02-207378

and

CAROL ANN WHITE,

Qualifying Officer

License Number: 21-01-201327

File Numbers: 21-15-327714

21-15-327715

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Novak's Remodeling and Repair, L.L.C. and Carol Ann White (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, 1980 PA 299, as amended; 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. Respondents are licensed as residential builders in the state of Michigan.

3. On May 8, 2015, Respondents entered into a contract with Danny and Agnes Shicky (Homeowners) to perform renovations on Homeowners' house. The contract was signed and accepted by Rick J. Novak, an unlicensed individual, on behalf of Respondents. Respondents performed renovations pursuant to the terms of the contract. A copy of the contract, marked Exhibit A, is attached and incorporated.

COUNT I

Respondents' conduct, as described above, evidences acceptance or performance of a contract procured by a person not licensed under the Occupational Code, contrary to Mich Admin Code, R 338.1536, in violation of section 604(c) of the Occupational Code, supra.

COUNT II

Respondents' conduct, as described above, evidences aiding or abetting another person in the unlicensed practice of an occupation, in violation of section 604(l) 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, 1969 PA 306, as amended; 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: 02/05/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of Novak's Remodeling and Repair, L.L.C. and Carol Ann White, File Numbers 21-15-327714, 21-15-327715 before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included. LLC