

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

PECK CONTRACTING, L.L.C.  
LICENSE NO. 21-02-209508

File No. 21-15-327550  
Docket No. 16-027162

SCOTT CHARLES PECK  
License No. 21-01-147360,  
Respondents.

File No. 21-15-327551  
Docket No. 16-027163

FINAL ORDER

On March 15, 2016, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondents with violating MCL 339.604(c) and 2411(2)(c).

An administrative hearing was held in this matter before an administrative law judge who, on April 12, 2017, issued Hearing Reports 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 Reports. Therefore,

IT IS ORDERED that for violating section MCL 339.604(c), Respondents are jointly and severally FINED \$1,000.00 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 numbers **21-15-327550 and 21-15-327551**.

IT IS FURTHER ORDERED that failure to pay the fine within 90 days from the effective date of this Order, as set forth above, shall result in SUSPENSION of Respondents' licenses to practice as an individual residential builder and a residential builder company 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 s 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

PECK CONTRACTING, L.L.C.  
License Number: 21-02-209508

and

SCOTT CHARLES PECK  
License number: 21-01-147360

File Numbers: 21-15-327550  
21-15-327551

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Peck Contracting, L.L.C. and Scott Charles Peck (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 March 7, 2015, Respondents entered into a contract with (Homeowner) for a new roof, for a total sum of \$10,000. Homeowner paid Respondents a down payment of \$3,000. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On, March 28, 2015, Homeowner cancelled the contract with Respondents before work began and requested her \$3,000 deposit returned. Despite repeated requests by Homeowner, Respondents did not return Homeowner's down payment.

5. On July 21, 2015, Homeowner filed a Statement of Complaint with Complainant alleging failure to remit funds received.

6. On July 31, 2015, Complainant notified Respondents of Homeowner's Statement of Complaint. Respondents failed to respond.

#### COUNT I

Respondents' conduct, as described above, evidences a failure to account for or remit funds received, contrary to section 2411(2)(c) of the Occupational Code, supra, in violation of section 604(c) of the Occupational Code, supra.

#### COUNT II

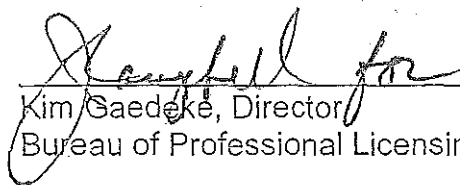
Respondents' conduct, as described above, evidences a failure to reply to a valid and written complaint and to confirm or deny the justification of the complaint,

contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(c) 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. 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: 3/15/16

  
\_\_\_\_\_  
Kim Gaedeke, Director  
Bureau of Professional Licensing

Attachment

This is the final page of a Formal Complaint in the matter of Peck Contracting, L.L.C. and Scott Charles Peck, File Numbers 21-15-327550 and 21-15-327551 before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KO