

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

MICHAEL ANTHONY RICHMAN Complaint No. 21-16-328209
License No. 21-01-130776

/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed on March 21, 2017 charging Michael Anthony Richman (Respondent) with having violated sections 601(1), 604(b), (c), (d), (e), (h), 2404a of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq.* and Mich Admin Code, R 338.1533(2).

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 601(1) and 604(c) of the Occupational Code and Mich Admin Code R 338.1533(2). The Board has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint.

Accordingly, for these violations, IT IS ORDERED:

Respondent's license is SUSPENDED for a period of six months.

Respondent is FINED ONE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$1,500.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 21-16-328209 clearly

indicated on the check or money order), and shall be payable within 60 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.

Counts I, III, IV and V of the complaint, alleging a violation of sections 604(b), (d), (e), (h) and 2404a of the Occupational Code, are DISMISSED.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division – Compliance Section, P.O. Box 30670, Lansing, Michigan 48909.

If Respondent petitions for reinstatement of his license, the petition shall be in accordance with section 411(5) of the Occupational Code. Under this provision, shall file an application on a form provided by the department, pay the application processing fee, and file a petition to the department and the appropriate board stating reasons for reinstatement and including evidence that the person can and is likely to serve the public in the regulated activity with competence and in conformance with all other requirements prescribed by law, rule, or an order of the department or board.

Respondent may not file a petition for reinstatement sooner than thirty (30) days prior to the end of the suspension period.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent 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 on 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 AND MAINTENANCE AND
ALTERATION CONTRACTORS

By 

STIPULATION

The parties stipulate as follows:

1. The facts alleged in paragraphs 14-17, and 19-22 of the complaint 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 Sidney Browne, Jr.

6. Mr. Browne and the parties considered the following factors in reaching this agreement:

A. Respondent asserted that he now understands the scope of the practice of a residential builder and he readily admitted his unlicensed activity.

B. Respondent conveyed that he did not believe that he was practicing the profession at the time when he worked with the homeowners. He states that he now recognizes his error and takes full responsibility.

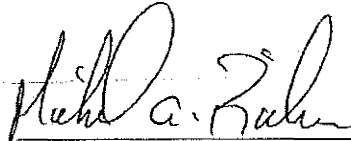
By signing this stipulation, the parties confirm that they have read,
understand and agree with the terms of the consent order.

AGREED TO BY:

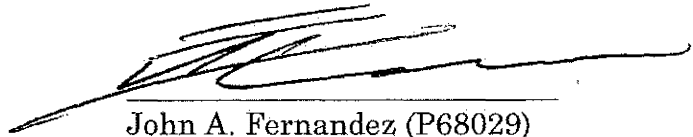


Timothy C. Erickson (P72071)
Assistant Attorney General
Attorney for Complainant
Dated: 7/19/2017

AGREED TO BY:



Michael Anthony Richman
Respondent
Dated: 07-01-17



John A. Fernandez (P68029)
Attorney for Respondent
Dated: 7/18/17

Bureau of Professional Licensing
Approved by:


Kim Gaedeke, Director

07/24/2017
Date

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

In the Matter of

MICHAEL ANTHONY RICHMAN,
License No. 21-01-130776

Complaint No. 21-16-328209

Respondent.

FORMAL COMPLAINT

NOW COMES Bill Schuette, Attorney General, through Timothy C. Erickson, Assistant Attorney General, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Complainant, pursuant to the Occupational Code, as amended, MCL 339.101 *et seq.*, and its rules promulgated thereunder, and files this Formal Complaint against Michael Anthony Richman, Respondent, upon information and belief alleges as follows:

1. Beginning on February 22, 1996, Respondent was licensed as a Residential Builder pursuant to Article 24 of the Occupational Code, MCL 339.2401-2412, and was continuously licensed until May 31, 2009 when the license expired.
2. On September 28, 2010, Respondent's license was revoked by the Board of Residential Builders and Maintenance and Alterations Contractors.
3. On May 12, 2015, Respondent's license was reinstated to lapsed status.

4. Section 604(b) of the Code requires the Board to penalize a licensee for “fraud, deceit, or dishonesty in practicing an occupation.”

5. Section 604(c) of the Code requires the Board to penalize a licensee for violating a rule of conduct of an occupation.

6. Section 604(d) of the Code requires the Board to penalize a licensee who demonstrates a lack of good moral character, meaning “the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner,” MCL 338.41.

7. Section 604(e) of the Code requires the Board to penalize a licensee who commits an act of gross negligence.

8. Section 604(h) of the Code requires the Board to penalize a licensee who “[v]iolates a provision of this act or a rule promulgated under this act for which a penalty is not otherwise prescribed.”

9. Section 601(1) of the Code prohibits an individual to engage in or attempt to engage in the practice of an occupation without a license.

10. Section 2404a of the Code requires a licensee to “provide information relating to his or her individual license and to any license issued that person as a qualifying officer of another entity” in the contract.

11. Mich Admin Code, R 338.1533(2) requires that the builder or contractor “make certain that the written agreements clearly state the terms of the transaction, including specifications, and when construction is involved, both plans

and specifications, including cost, the type and amount of work to be done, and the type and quality of materials to be used.”

12. Mich Admin Code, R 792.10802(2) provides that the expiration, surrender, lapse, suspension, or revocation of a license does not terminate the Board’s authority under Articles 5 and 6 of the Occupational Code, MCL 339.501 to 339.606, to impose sanctions on a person whose license or registration has expired, lapsed, or been surrendered, suspended, or revoked for a period of 7 years after the license or registration status change occurs or a period of 3 years after all complaints against the license or registration filed with the Bureau of Professional Licensing have been closed, whichever occurs later.

13. Section 602 of the Code authorizes the Board to impose sanctions against persons licensed by the Board if, after opportunity for a hearing, the licensee is found to have violated one or more of the subdivisions contained in section 604 of the Code.

FACTUAL ALLEGATIONS

14. In or around April to October 2015, Respondent agreed to supervise the construction of a home for] Respondent charged the] a supervision fee.

15. Respondent used several company names, including, but not limited to, Northwood Kitchen & Bath, Northwood Construction Co., Northwood Group, and Northwood. The] paid Respondent through some of these entities.

16. None of these companies are licensed as a residential builder and/or maintenance and alterations contractors company pursuant to Article 24 of the Code.

17. Respondent held himself out to be a builder and contractor to the but Respondent failed to provide his license information in any contract or documentation related to the agreement to build the house.

18. Respondent failed to disclose to the that he did not have a current residential builder or maintenance and alteration contractor license.

19. Respondent's written agreement failed to include plans and specifications, including cost, the type and amount of work to be done, and the type and quality of materials to be used.

20. Respondent submitted invoices or similar documents to the but these also failed to include plans and specifications, including cost, the type and amount of work done, and the type and quality of materials used.

21. Respondent failed to pull any building permits. Instead, the I pulled all necessary permits.

22. The construction of the house was completed in or around October 2015.

COUNT I

23. Respondent's conduct, as described above, constitutes fraud, deceit, or dishonesty in practicing an occupation violation of section 604(b) of the Code.

COUNT II

24. Respondent's conduct, as described above, is contrary to Mich Admin Code, R 338.1533(2), in violation of section 604(c) of the Code.

COUNT III

25. Respondent's conduct, as described above, constitutes a lack of good moral character in violation of section 604(d) of the Code.

COUNT IV

26. Respondent's conduct, as described above, constitutes gross negligence in violation of section 604(e) of the Code.

COUNT V

27. Respondent's conduct, as described above, constitutes a failure to include license information in the contract, contrary to section 2404a of the Code, i violation of section 604(h) of the Code.

COUNT VI

28. Respondent's conduct, as described, above constitutes engaging in or attempting to engage in the practice of an occupation without a license in violation of section 601(1) of the Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, 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.

Respectfully submitted,

BILL SCHUETTE
Attorney General

By 

Timothy C. Erickson (P72071)
Assistant Attorney General
Licensing & Regulation Division
P.O. Box 30758
Lansing, MI 48909
Phone (517) 373-1146; Fax (517) 241-1997

Dated: March 21, 2017

LF: 2017-0171422-A/Richman, Michael Anthony, 328209 (Unlicensed Builder) Complaint -- 2017-03-20