

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

ROBERT MICHAEL JORGENSEN, JR.
License No. 21-01-192149,
Respondent.

Docket No. 17-009341
File No. 21-16-330222

FINAL ORDER

On February 8, 2017, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondent 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 29, 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)(c) and (l), Respondent is FINED \$5,000.00 to be paid to the State of Michigan within 60 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 **21-16-330222**.

IT IS FURTHER ORDERED that Respondent shall pay RESTITUTION in the amount of \$3,545.00 to R. E. 1st Heating and Cooling Company, within 60 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 in the event Respondent fails to pay the fine and restitution as set forth above within 60 days of the effective date of this Order, Respondent's license to practice as an individual residential builder shall be **SUSPENDED**.

IT IS FURTHER ORDERED that in the event Respondent fails to pay the fine and restitution, as set for above, within 90 days of the effective date of this Order, the fine amount shall increase to \$7,000.00.

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: 10/16/17

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

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

lb

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

ROBERT MICHAEL JORGENSEN, JR.
License Number: 21-01-192149

File Number: 21-16-330222

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Robert Michael Jorgensen, Jr. (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. Respondent is licensed as a residential builder in the state of Michigan.

3. In 2015, Respondent subcontracted with R B of 1st Heating & Cooling Company to complete residential mechanical work in Bloomfield Township,

Michigan. The subcontracted work was completed on December 2, 2015 and passed inspection by Bloomfield Township on December 28, 2015.

4. Respondent failed to pay Ryan Bierl for the subcontracted work mentioned above. Respondent was paid in full by the homeowner.

5. On September 30, 2016, Department sent a Notice to Respondent. Respondent failed to respond.

6. On October 4, 2016, Department attempted to contact Respondent at the address of record. Respondent failed to respond.

COUNT I

Respondent's conduct, as described above, evidences a failure to respond to a complaint within 15 days from receipt of the complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(c) of the Occupational Code, supra.

COUNT II

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

COUNT III

Respondent's conduct, as described above, evidences a failure to pay an obligation as it becomes due in the ordinary course of business, in violation of section 2411(2)(l) of the Occupational Code, supra.

Department 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, Department further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act, 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 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: 2/8/17



Kim Gaedeke, Director
Bureau of Professional Licensing

BB