

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

RAM RESIDENTIAL SPECIALISTS INC.
License Number: 21-02-132619

and

ROGER ALLEN MCCAULEY
QUALIFYING OFFICER
License Number: 21-01-101265

File Numbers: 21-16-328320
21-16-328321

CONSENT ORDER AND STIPULATION

CONSENT ORDER

On September 15, 2016, the Department of Licensing and Regulatory Affairs (Department) executed a Formal Complaint (Complaint) charging Ram Residential Specialists Inc., and Roger Allen McCauley (Respondents) with violating section(s) 604(c) of the Occupational Code, MCL 339.1101 et seq.

Respondents neither admit nor deny the facts alleged in the Complaint, but agree that the Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) shall treat the allegations as true for the purposes of this Consent Order and Stipulation (Order), which findings shall have the same force and effect as if evidence and argument were presented in support of the allegations.

The Board has reviewed this 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, for purposes of this Order, and constitute violation(s) of section(s) 604(c) of the Occupational Code, supra.

Accordingly, IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondents are FINED \$750.00 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/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 **21-16-328320** and **21-16-328321**.

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 under Article 24 of the Occupational Code 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: 6-13-17

STIPULATION

1. Respondents neither admit nor deny the facts alleged in the Complaint, but agree that the Board shall treat the allegations as true for the purposes of this Order, which findings shall have the same force and effect as if evidence and argument were presented in support of them.

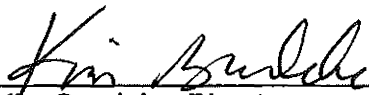
2. Respondents understand and intend that by signing this Stipulation Respondents are waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq., to require the Department to prove the charges set forth in the Complaint 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.

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.

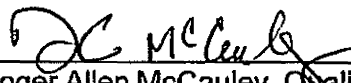
AGREED TO BY:



Kim Gaedeke, Director
Bureau of Professional Licensing

Dated: 03/27/2017

AGREED TO BY:



Roger Allen McCauley, Qualifying Officer
Ram Residential Specialists Inc.
Respondents

Dated: 2-23-17

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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Ram Residential Specialists Inc. and Roger Allen McCauley (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. Respondents are licensed as residential builders in the state of Michigan.

3. On April 23, 2015, Respondents and (Homeowner) entered into a contract for roofing and siding repairs for \$12,800.00. Homeowner paid \$6,000.00 down payment. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On April 23, 2015, on the same day as the original contract, an agreed change was made to the contract for work totaling an additional \$1,806.00. Homeowner paid \$1,000.00 down payment. A copy of the proposal, marked Exhibit B is attached and incorporated.

5. On May 5, 2015, an invoice for work totaling an additional \$4,230.00 was signed by Homeowner only. A copy of the invoice, marked Exhibit C is attached and incorporated.

6. On December 29, 2015, Homeowner filed a Statement of Complaint with Complainant alleging defects in the repair of his home by Respondents.

7. On January 13, 2016, a building inspector for Mount Clemens, Michigan, verified the following violations of the 2009 Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, effective March 9, 2011:

- a) Respondents installed a new attic window with an inadequately sized screen (R612.1);
- b) Respondents failed to install metal flashing around window structural lumber (R703.8);

- c) Respondents failed to install properly sized or sufficient ventilation (R806);
- d) Respondents failed to properly install vertical flashing interface between wood and brick as it was bent and not caulked for the best seal (R905.2.8.3)
- e) Respondents failed to properly install adequate flashing on three chimneys (R905.2.8.4).

A copy of the building inspection report, marked Exhibit D, is attached and incorporated.

COUNT I

Respondent's conduct, as described above, evidences a failure to reduce all agreements and changes to the agreements between a builder, and contractor, and customer to writing and to have the agreement signed by all parties, contrary to Mich Admin Code, R 338.1533(1), in violation of section 604(c) of the Occupational Code, supra.

COUNT II

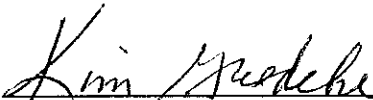
Respondents' conduct, as described above, evidences a failure to maintain standards of construction in accordance with the local building code, contrary to Mich Admin Code R 338.1551(5), in violation of section 604(c) of the Occupational Code, supra.

Complainant requests this Complaint be served upon Respondents and that Respondents be offered an opportunity to show compliance with all lawful requirements for retention of the licenses. 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, MCL 24.201 et seq.

Pursuant to section 508 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: 09/15/2014



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of Ram Residential Specialists Inc. File Number 21-16-328320 and Roger Allen McCauley, File Number 21-16-328321, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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