

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

RONALD GEORGE TAKACS
License No: 21-03-112080

Complaint No. 21-16-331322

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed on September 11, 2017 charging Respondent Ronald George Takacs with having violated sections 604(c), (f), (l), and (h), 2404a, and 2411(2)(j) of the Occupational Code, MCL 339.101 *et seq.*, and Mich Admin Code, R 338.1551(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 604(f), (l), and (h), 2404a, and 2411(2)(j) of the Occupational Code, except as to the facts relating to Count IV, which alleged a violation of Rule 338.1551(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:

Count IV, alleging a violation of Rule 338.1551(2) and sections 604(c) and (h) of the Code, is DISMISSED.

Respondent is FINED \$1,250.00 (ONE THOUSAND TWO HUNDRED FIFTY DOLLARS) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 21-16-331322 clearly indicated on the check or money order) within 60 days of the effective date of this order. 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. If Respondent fails to timely pay the fine, his license shall be suspended until payment is made, subject to the requirements of MCL 339.411.

Within 60 days of the effective date of this order, Respondent shall pay RESTITUTION in the amount of \$350.00 (THREE HUNDRED FIFTY DOLLARS) to homeowner M.S. Respondent shall mail restitution to M.S. at the address provided to Respondent in a separate document by the Department or Office of Attorney General, Licensing and Regulation Division. Respondent shall submit satisfactory written proof of timely restitution payment to the Department by mail, or other method acceptable to the Department at: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division – Compliance Section, P.O. Box 30670, Lansing, Michigan 48909.

If Respondent violates any term or condition set forth in this order, it will constitute a violation of this order and Respondent will be in violation of section 604(k) of the Occupational Code.

This order shall be effective 30 days from the date signed by the Chairperson or the Chairperson's designee, as set forth below.

Signed on MAY 15, 2018

MICHIGAN BOARD OF RESIDENTIAL
BUILDERS AND MAINTENANCE AND
ALTERATION CONTRACTORS

By 
Chairperson

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Occupational Code, except as to the facts relating to Count IV, which alleged Respondent failed to respond to the Department within 15 days of receipt of a complaint to confirm or deny the justification of the complaint, contrary to Rule 338.1551(2) and sections 339.604(c) and (h).
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, 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, MCL 15.231 *et seq.*

5. The Board may enter the above Consent Order. An attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

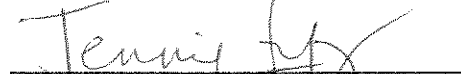
6. The parties considered the following factors in reaching this agreement:

A. Respondent's attorney responded to the Bureau within 15 days of receiving the complaint, but the message was inadvertently sent to an incorrect email address.


B. Respondent is a licensed maintenance and alteration contractor in the concrete trade.

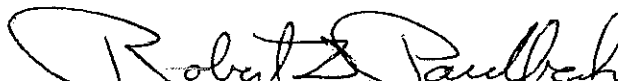
By signing this stipulation, the parties confirm that they have read,
understand and agree with the terms of the consent order.

AGREED TO BY:



Jennifer Fitzgerald (P60109)
Assistant Attorney General
Attorney for Complainant
Dated: 3-12-18

AGREED TO BY:


Ronald George Takacs
Respondent
Dated: 2-27-18


Robert D. Paulbeck (P41716)
Attorney for Respondent
Dated: 2-27-2018

Bureau of Professional Licensing
Approved by:


Cheryl Wykoff Pezon, Acting Director

3/19/18
Date

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

RONALD GEORGE TAKACS
License No: 21-03-112080

Complaint No. 21-16-331322

FORMAL COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Jennifer Fitzgerald, on behalf of Complainant Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, files this Formal Complaint against Respondent Ronald George Takacs, alleging upon information and belief as follows:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 339.101 *et seq.*
2. Residential builders and maintenance and alteration contractors are regulated under the Occupational Code. A license is required to practice as a residential builder or a maintenance and alteration contractor, pursuant to MCL 339.2401, *et seq.* A maintenance and alteration contractor is licensed in specific crafts and trades. MCL 339.2404(3).
3. MCL 339.601 prohibits a person from engaging in or attempting to engage in the practice of a regulated occupation without a license. By definition, "person" includes corporations and limited liability companies. MCL 339.105(5).

4. Under MCL 339.604(c), a person who violates a rule of conduct of an occupation is subject to the penalties in MCL 339.602.

5. Under MCL 339.604(f), a person who practices false advertising is subject to the penalties in MCL 339.602.

6. Under MCL 339.604(h), a person who violates any other provision of the Code or a rule promulgated under the Code for which a penalty is not otherwise prescribed is subject to the penalties in MCL 339.602.

7. Under MCL 339.604(l), a person who aids or abets another person in the unlicensed practice of an occupation is subject to the penalties in MCL 339.602.

8. MCL 339.2404a requires a licensee to, as part of the contract, provide information relating to his or her individual license and to any license issued to that person as a qualifying officer of another entity.

9. MCL 339.2411(2)(j) prohibits a licensee from aiding or abetting an unlicensed person to evade Article 24, or knowingly combining or conspiring with, or acting as agent, partner, or associate for an unlicensed person.

10. Mich Admin Code, R 338.1551(2) requires a licensee to reply to the Department within 15 days from receipt of a complaint to confirm or deny the justification of the complaint.

FACTUAL ALLEGATIONS

11. Respondent is licensed as an individual maintenance and alteration contractor in the concrete trade pursuant to the Code and was at all times relevant

to this complaint. He does not have a license to perform masonry, and did not have one at the time relevant to this complaint.

12. On or about August 18, 2015, Respondent, on behalf of American Home Concrete Services, Inc., a/k/a American Home Concrete Service, an unlicensed entity, entered into a construction contract for \$1,150.00 with homeowner M. S. for concrete work to her home in Wyandotte.

13. Respondent did not include information regarding his individual license on the contract.

14. Respondent accepted payment in full on behalf of American Home Concrete Services, Inc.

15. Also in 2015, Respondent advertised in the News Herald newspaper using the name "American Home Concrete Services." The advertisement claimed American Home Concrete Services could perform "all types of cement and masonry work" for "patios, porches, and driveways."

16. In 2016, Respondent advertised in the News Herald newspaper using the name "A&R Concrete Services." The advertisement claimed A&R could perform "all types of cement and masonry work" for "patios, porches, and driveways."

17. A&R Concrete Services is not licensed as a residential builder or as any type of maintenance and alteration contractor.

18. On March 7, 2017, the Department sent a copy of the homeowners' complaint to Respondent. Respondent did not respond to it within 15 days.

COUNT I

19. Respondent's conduct as described above constitutes false advertising, in violation of MCL 339.604(f).

COUNT II

20. Respondent's conduct as described above constitutes aiding or abetting another person in the unlicensed practice of an occupation, in violation of MCL 339.604(l).

COUNT III

21. Respondent's conduct as described above constitutes a failure to provide information relating to his or her individual license, contrary to MCL 339.2404a, in violation of 339.604(h).

COUNT IV

22. Respondent's conduct as described above constitutes a failure to reply to the Department within 15 days from receipt of a complaint to confirm or deny the justification of the complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of MCL 339.604(c) and (h).

COUNT V

23. Respondent's conduct as described above constitutes aiding or abetting an unlicensed person to evade Article 24, or knowingly combining or conspiring with, or acting as agent, partner, or associate for an unlicensed person, contrary to MCL 339.2411(2)(j), in violation of MCL 339.604(h).

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, MCL 24.201, et seq., and the Occupational Code, to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs, for the reasons set forth herein.

Any written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general.

Respectfully submitted,

BILL SCHUETTE

Attorney General



Jennifer Fitzgerald (P60109)

Assistant Attorney General

Licensing & Regulation Division

525 W. Ottawa, 3rd Floor, Wms Bldg.

P.O. Box 30758

Lansing, Michigan 48909

(517) 373-1146

Dated: September 8, 2017

LF: 2017-0182232-B/Takacs, Ronald George, 331322 (Res Bldr)/Formal Complaint -- 2017-09-06