

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

WILLIAM ALFRED RACINE

License Number: 21-01-193007

File Number: 21-16-329483

CONSENT ORDER

On September 6, 2016, the Department of Licensing and Regulatory Affairs (Department) executed a Formal Complaint (Complaint) charging William Alfred Racine (Respondent) with violating section(s) 604(c) and 2404a of the Occupational Code, MCL 339.101 et seq.

Respondent has admitted that the facts alleged in the Complaint are true and constitute violation(s) of the Occupational Code. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) has reviewed this Consent Order and Stipulation (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 and constitute violation(s) of section(s) 604(c) and 2404a of the Occupational Code, supra.

IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondent is FINED \$500.00 to be paid to the state of Michigan within 30 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 number **21-16-329483**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in the SUSPENSION of all licenses and registrations held by Respondent under Article 24 of the Occupational Code, supra, and denial of all applications or renewal of all licenses and registrations until Respondent has fully complied with the terms of 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. The facts alleged in the Complaint are true and constitute violation(s) of section(s) 604(c) and 2404a of the Occupational Code, supra.

2. Respondent understands and intends that by signing this Stipulation Respondent is 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 Respondent is waiving the right to appear with an attorney and such witnesses as Respondent 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. Factors taken into consideration in the formulation of this Order are as follows:

Respondent admitted to not resolving the code violations cited in the building inspection report. Homeowner owed Respondent \$4,300.00 for work already completed. Respondent wanted this debt paid before making these repairs.

5. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Board in this matter.

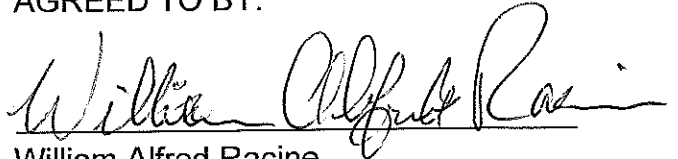
6. This proposal is conditioned upon acceptance by the Board. Respondent and the Department expressly reserve the right to further proceedings should this Order be rejected.

AGREED TO BY:



Kim Gaedeke, Director
Bureau of Professional Licensing

AGREED TO BY:



William Alfred Racine
Respondent

Dated: 05/17/2017

Dated: 3-10-17

bcw

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

WILLIAM ALFRED RACINE

License Number: 21-01-193007

File Number: 21-16-329483

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against William Alfred Racine (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 an individual residential builder in the state of Michigan.

3. On May 15, 2015, Respondent entered into a contract with (Homeowner) to construct an attached two-car garage including concrete slab,

with an estimated cost of \$16,764.00. The contract did not contain Respondent's license number. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On May 5, 2016, a building inspector for Oakfield Township cited the following violations of the 2009 Michigan Residential Code (building code), adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011:

- a. Six inches of slope needed for the first ten feet of final grade, contrary to R405.1
- b. Gable end of garage above home needs the roof to extend past the siding, contrary to R903.2.1.
- c. Sidewall intersections need to be sealed from weather, contrary to R903.2.1.

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

5. On May 13, 2016, Homeowner filed a Statement of Complaint.

COUNT I

Respondent's 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.

COUNT II

Respondent's conduct, as described above, evidences Respondent's failure, as part of a contract, to provide information relating to his or her individual license and to any license issued to Respondent as a qualifying officer of another entity, in violation of section 2404a of the Occupational Code, supra.

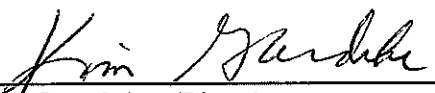
Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq.

CONTINUED ON NEXT PAGE

Pursuant to section 508 of the Occupational Code, supra, Respondent has 15 days from the date of receipt of this Complaint to notify Complainant 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 Complainant, 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:

09/06/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of William Alfred Racine, File Number 21-16-329483, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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