

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

STEVEN R. BARRON  
License No. 21-01-140649

Complaint Nos. 21-15-327663, 21-15-327664,  
21-15-327987 and 21-15-328039

RED BARRON BUILDERS, LLC  
License No. 21-02-186085

CONSENT ORDER AND STIPULATION

CONSENT ORDER

Formal complaints were filed on April 1, 2016 and on June 24, 2016 charging Steven R. Barron and Red Barron Builders, LLC (Respondents) with having violated section 604(c) of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 *et seq.*; Mich Admin Code R. 338.1551(5).

The parties have stipulated that the Board may enter this consent order and the facts alleged in paragraphs 5.a and 5.c of the June 24, 2016 Formal Complaint for file numbers 21-15-327663 and 21-15-327664 and the facts alleged in paragraph 4.c of the April 1, 2016 Formal Complaint for file numbers 21-15-327987 and 21-15-328039 are true and constitute violations of section 604(c) of the Occupational Code; Mich Admin Code R 338.1551(5). The Board has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaints.

Accordingly, for these violations, IT IS ORDERED:

Respondents are FINED ONE THOUSAND AND 00/100 DOLLARS

(\$1,000.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint numbers 21-15-327663, 21-15-327664, 21-15-327987 and 21-15-328039 clearly indicated on the check or money order), and shall be payable within sixty (60) days of the effective date of this order. The total sum of fine due and owing for complaint numbers 21-15-327663, 21-15-327664, 21-15-327987 and 21-15-328039 is \$1,000.00, and Respondents are jointly and severally liable for paying the fine. The timely payment of the fine shall be Respondents' responsibility. Respondents shall mail the fine to: Sanction Monitoring, Bureau of Professional Licensing, Legal Affairs Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

Respondents shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondents shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondents violate any term or condition set forth in this order, Respondents will be in violation of section 604(k) of the Occupational Code.

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

Signed on 6-13-17

MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION CONTRACTORS

By   
Chairperson

STIPULATION

The parties stipulate as follows:

1. The facts alleged in paragraphs 5.a and 5.c of the June 24, 2016 Formal Complaint for file numbers 21-15-327663 and 21-15-327664 and the facts alleged in paragraph 4.c of the April 1, 2016 Formal Complaint for file numbers 21-15-327987 and 21-15 328039 are true and constitute violations 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. Respondents understand and intend that, by signing this stipulation, they are 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 complaints 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 Bradley S. Laackman. Mr. Laackman or an attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

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

A. Respondent Steven Barron has been licensed as a residential builder since August 8, 1997 and has no prior disciplinary action against his license.

B. Respondent Red Barron Builders, LLC has been licensed as a residential builder company since February 26, 2008 and has no prior disciplinary action against its license.

C. Upon notification of the failure to properly seal the dryer vent, Respondents immediately applied caulk around the dryer vent, thus adequately remedying it.

D. Some of the exterior stone fell off due to natural heaving of driveway and sidewalk concrete and Respondents used adhesive and mortar, in accordance with manufacturer specifications, to reattach the stone facade to the substructure.

E. Respondents installed the living room window prior to finalizing the grade outside, resulting in the window being two inches lower than permitted, in violation of the 2009 Michigan Residential Code. The window passed initial inspection because Respondents integrated a piece of trim into the sill that was later removed by the homeowners.

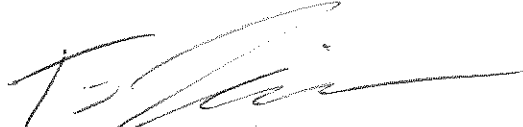
F. Respondents offered to fix the improperly fastened sheathing of the garage, which they had done to another location on the garage. The homeowners would not allow Respondents to remedy this violation.

G. The concrete in the basement had spalling. Respondents produced an engineering firm's test of the strength of the concrete in the basement, showing the concrete in compliance with the 2009 Michigan Residential Code. The Building Inspector noted that he could not verify whether Respondents used a vapor retarder, but Respondents assert they did. Respondents offered remedies for the spalling, but the homeowners declined.

H. The manufacturer of the windows replaced the windows in the entire house to remedy the allegation that the windows were improperly installed.

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: 3/1/2017

AGREED TO BY:



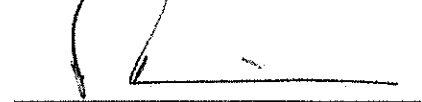
Steven R. Barron  
Respondent

Dated: 3-1-17



Red Barron Builders, LLC  
Steven R. Barron, Owner  
Respondent

Dated: 3-1-17



Robert S. Whims (P55789)  
Attorney for Respondent

Dated: 3-1-17

Bureau of Professional Licensing  
Approved by:

  
Kim Gaedeke, Director

03/06/2017  
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

RED BARRON BUILDERS, LLC  
License Number: 21-02-186085

and

STEVEN R. BARRON,  
QUALIFYING OFFICER  
License Number: 21-01-140649

File Numbers: 21-15-327663  
21-15-327664

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Red Barron Builders, LLC and Steven R. Barron (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, 1980 PA 299, as amended; 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 June 26, 2014,  
(Homeowners) purchased a house constructed by Respondents.

4. On August 24, 2015, Homeowners filed a Statement of Complaint with Complainant alleging defects in the construction of their home, including improperly applied exterior stone.

5. On October 23, 2015, a building inspector for Grand Traverse County, 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 failed to properly seal a dryer vent (R703.1);
- b) Respondents failed to properly apply exterior stone, resulting in pieces falling off (R703.1 and R 106.1.2);
- c) Respondents installed the living room windows two inches lower than permitted by the building code (R612.2).

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

#### COUNT I


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, 1969 PA 306, as amended; 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: 06/24/2016

  
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Kim Gaedeke, Director  
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of Red Barron Builders, LLC, File Number 21-15-32663 and Steven R. Barron, File Number 21-15-32664, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

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