

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

RIGHT WAY HOME SERVICES, INC.
License Number: 21-02-202909

File Number: 21-15-326587
Docket Number: 16-000222

FINAL ORDER

On September 24, 2015, a Formal Complaint (Complaint) was executed that charged Right Way Home Services, Inc. (Respondent) with violating section(s) 604(c) and 604(h) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

An administrative hearing was held in this matter before an administrative law judge who, on February 25, 2016, 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 June 14, 2016, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report. Therefore,

IT IS ORDERED that for violating section(s) 604(c) and 604(h) of the Occupational Code, supra, 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, Legal Affairs 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 **21-15-326587**.

IT IS FURTHER ORDERED that for the cited violation(s) of the Occupational Code Respondent shall pay RESTITUTION to Verena Lapp-Peiffer in the amount of \$2,426.00, within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall submit proof of the restitution as required by this Order to the **Department of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909**.

IT IS FURTHER ORDERED that failure to pay the restitution and fine, as set forth above, shall result in **REVOCAION** of Respondent's license to practice as a builder in the state of Michigan.

IT IS FURTHER ORDERED that reinstatement of a license which has been revoked is not automatic and, in the event Respondent applies for reinstatement of the license, application shall be in accordance with section 411(5) of the Occupational Code, supra.

IT IS FURTHER ORDERED that in accordance with sections 411(3)(c), 602(c), and 604(k) of the Occupational Code, supra, 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 section 604(k) of the Occupational Code, supra.

This Final Order 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; MCL 15.241(1)(a).

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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: 8/3/2016

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

By: 
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Right Way Home Services, Inc., File Number 21-15-326587, Docket Number 16-000222, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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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

RIGHT WAY HOME SERVICES, INC.
License Number: 21-02-202909

and

GARY MICHAEL CURTHOYS,
QUALIFYING OFFICER
License Number: 21-01-081207

File Numbers: 21-15-326587
21-15-326589

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Right Way Home Services, Inc. and Gary Michael Curthoys (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 May 10, 2014, Respondents entered into a contract with Verena Lapp-Peiffer (Homeowner) to re-roof her house. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On May 15, 2014, Respondents received a down payment of \$2,426.00 from Homeowner for the re-roofing job and gave Homeowner a receipt for these funds. A copy of the receipt, marked Exhibit B, is attached and incorporated. Respondents did not re-roof Homeowner's house and, despite repeated requests by Homeowner, Respondents did not return Homeowner's down payment.

5. On April 14, 2015, Homeowner filed a Statement of Complaint with Complainant alleging failure to perform and failure to remit funds received.

6. On May 19, 2015, Complainant notified Respondents of Homeowner's Statement of Complaint. Respondents failed to respond.

COUNT I

Respondents' conduct, as described above, evidences a failure to account for or remit funds received, contrary to section 2411(2)(c) of the Occupational Code, supra, in violation of section 604(c) of the Occupational Code, supra.

COUNT III

Respondents' conduct, as described above, evidences a failure to reply to a valid and written complaint and to confirm or deny the justification of the complaint,

contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(h) of the Occupational Code, supra.

Complainant requests that this Complaint be served upon Respondents and that Respondents be offered an opportunity to show compliance with all lawful requirements for retention of the license(s). 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(2) 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:

09/24/2015



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of an Formal Complaint in the matter of Right Way Home Services, Inc. and Gary Michael Curthoys, File Numbers 21-15-326587 and 21-15-326589 before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

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