

**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.

C/O GARY CURTHOYS, QUALIFYING OFFICER Complaint Number: 21-15-326555

License Number: 21-02-202909

Docket Number: 16-004455

FINAL ORDER

On January 25, 2016, a Formal Complaint (Complaint) was executed that charged Right Way Home Services, Inc. (Respondent) with violating sections 604(c), 604(d), 2411(2)(a) and 2411(2)(l) 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 April 15, 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 January 26, 2017 and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report. Therefore,

IT IS ORDERED that for sections 604(c), 604(d), 2411(2)(a) and 2411(2)(l) of the Occupational Code, supra, Respondent's license to practice as a builder company in the state of Michigan is REVOKED.

IT IS FURTHER ORDERED that Respondent must petition the Board for reinstatement. No application for licensure, relicensure, reinstatement or renewal shall be considered or granted by the Department until all final orders of the Board have been satisfied in full.

IT IS FURTHER ORDERED that reinstatement of a license which has been revoked is not automatic and, in the event Respondent applies for reinstatement of the license, application shall be in accordance with section 411(5) of the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 for the cited violations of the Occupational Code 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/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 **21-15-326555**.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondent shall pay RESTITUTION to Selwyn Brown in the amount of \$630.00 within 60 days from the effective date of the effective date of this Order.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondent shall pay RESTITUTION to John A. Trost in the amount of \$882.00 within 60 days from the effective date of the effective date of this Order.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondent shall pay RESTITUTION to Rodger Patton satisfying the Judgment for case number 143019GC, State of Michigan, 37th Judicial District Court within 60 days from the effective date of this Order.

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

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).

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: 03/01/2017

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS, BUREAU
OF PROFESSIONAL LICENSING,

Complainant,

Complaint No. 21-15-326555
(consolidated with 21-15-326161
and 21-14-325812)

v

RIGHT WAY HOME SERVICES, INC.,
C/O GARY CURTHOYS, QUALIFYING OFFICER
License No. 21-02202909,

Respondent,

Board of Residential Builders &
Maintenance and Alteration
Contractors

FORMAL COMPLAINT

NOW COMES Bill Schuette, Attorney General, and Andrew J. Hudson, Assistant Attorney General, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Complainant, pursuant to section 339.101-605 of the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq, and its rules promulgated thereunder, files this Formal Complaint against Right Way Home Services, Inc., Respondent, alleging upon information and belief as follows:

1. Respondent has, at all times relevant to this Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 39.2401-2412.

2. Respondent's license is currently in lapsed/suspended status and was disciplined previously by the Board by order dated October 28, 2015.

3. Section 2411(2)(a) of the Code requires the Board to penalize a residential builder for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

4. Section 2411(2)(l) of the Code requires the Board to penalize a residential builder for failing to satisfy judgments or liens or failing to pay an obligation as it becomes due in the ordinary course of business.

5. Section 604(c) of the Code requires the Board to penalize a licensee for a violation of a rule of conduct of an occupation.

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

7. Section 604(d) of the Code requires the Board to penalize a residential builder for conduct that demonstrates a lack of good moral character.

FACTUAL ALLEGATIONS

Patton contract

8. On March 7, 2011, Respondent contracted with Rodger Patton to install foam insulation between wall studs in the Patton home.

9. Mr. Patton made payments of \$750 and \$2,834 to Respondent pursuant to the contract.

10. Respondent failed to install sufficient insulation, so Mr. Patton informed Respondent that its work was defective.

11. Between December 7, 2012, and July 8, 2013, Respondent returned to the Patton home but ultimately failed to cure the defects.

12. Mr. Patton notified Respondent that the attempts to cure failed, but Respondent did not reply.

13. On October 22, 2014, Respondent obtained a default judgment against Respondent for \$4,978.

14. Court officers subsequently obtained \$2,000 in payments from Respondent, but no further payments have been made.

15. On March 16, 2015, the Department notified Respondent by mail that Mr. Patton had filed a complaint based upon the aforementioned conduct.

16. Respondent failed to respond to the Department's notice.

Brown contract

17. On August 6, 2014, Respondent contracted with Selwyn Brown for replacement of a front entry door at the Brown home.

18. Mr. Brown paid a down payment of \$630 to Respondent.

19. Respondent did not install the door or refund Mr. Brown's money.

20. On April 14, 2015, the Department notified Respondent that Mr. Brown had filed a complaint based on the aforementioned conduct.

21. Respondent failed to respond to the Department's notice.

Frost contract

22. On August 21, 2014, Respondent contracted with John Frost to install an entry door and a storm door at the Frost home.

23. Mr. Frost paid a down payment of \$882 to Respondent.

24. Mr. Frost contacted Respondent multiple times after Respondent failed to install the doors as contracted.

25. In November 2014, Respondent notified Mr. Frost that it would refund his deposit, as Respondent's supplier no longer made the doors he had ordered.

26. In December 2014, Mr. Frost received a check for \$882 from Respondent's bookkeeper.

27. Mr. Frost attempted to cash the check but was unable to do so due to insufficient funds in Respondent's account.

28. On December 30, 2014, Mr. Frost notified Respondent that he was unable to cash the check. Respondent indicated it would send a cashier's check the next day.

29. Respondent failed to send the cashier's check to Mr. Frost.

30. On May 20, 2015, the Department notified Respondent that Mr. Frost had filed a complaint based on the aforementioned conduct.

31. Respondent failed to respond to the Department's notice.

COUNT I

32. Respondent's conduct as described above constitutes abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee in violation of section 2411(2)(a) of the Code.

COUNT II

33. Respondent's conduct as described above constitutes failing to satisfy judgments or liens or failing to pay an obligation as it becomes due in the ordinary course of business in violation of section 2411(2)(l) of the Code.

COUNT III

34. Respondent's conduct as described above constitutes a failure to reply to the Department within 15 days from receipt of the complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(c) of the Code.

COUNT IV

35. Respondent's conduct as described above demonstrates a lack of good moral character in violation of section 604(d) of the Code.

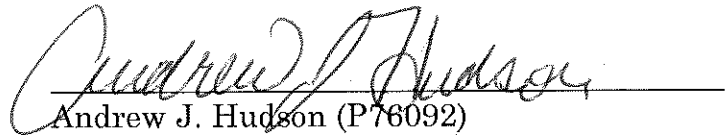
Based upon the conduct above, Respondent has acted contrary to the Occupational Code, 1980 PA 299, as amended, constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, PA 306, as amended, MCL 24.201-328 and the Occupational Code, *supra*, to determine whether disciplinary action should be taken by the Department

of Licensing and Regulatory Affairs, pursuant to the Occupational Code, for the reasons set forth herein.

Respectfully submitted,

BILL SCHUETTE
Attorney General

A handwritten signature in cursive script, reading "Andrew J. Hudson", is written over a horizontal line.

Andrew J. Hudson (P76092)
Assistant Attorney General
Licensing & Regulation Division
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Lansing, MI 48909
(517) 373-1146

Dated: January 25, 2016

LF: 2015-0125837-B/ Right Way Home Services, Inc., 326555/Complaint – Formal Complaint – 2016-01-25