

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

ARTISIAN CONSTRUCTION, INC.
DENNIS J. ROSSI, QUALIFYING OFFICER
License Number: 21-02-113747

File Number: 21-15-323160

AND

DENNIS J. ROSSI
License Number: 21-01-055112

File Number: 21-15-323161

FINAL ORDER

On January 9, 2015, a Formal Complaint (Complaint) was executed that charged Artisian Construction, Inc. and Dennis J. Rossi (Respondents) with violating sections 604(c), 2411(2)(a) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaints are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on March 8, 2016; therefore,

IT IS FOUND that the facts alleged in the Complaints are true and constitute a violation of sections 604(c) and 2411(2)(e) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation shall be mailed to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, 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 the file number **21-15-323160** and **21-15-323161**.

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).

CONTINUED ON THE NEXT PAGE

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: 4/25/2014

**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 Artisian Construction, Inc. and Dennis J. Rossi, Qualifying Officer, File Numbers 21-15-323160 and 21-15-323161, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

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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,¹
Complainant,

v

ARTISIAN CONSTRUCTION INC.
DENNIS J. ROSSI, QUALIFYING OFFICER
License No. 21-02-113747
Respondent,

Complaint No. 323160

and

DENNIS J. ROSSI
License No. 21-01-055112
Respondent.

Complaint No. 323161

Board: Residential Builders
and Maintenance and
Alteration Contractors

STIPULATION

This matter arises out of a Formal Complaint, January 9, 2015, filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 *et seq.*, against Artisian Construction Inc., Dennis J. Rossi, Qualifying Officer and Dennis J. Rossi, Respondents by the Department of Licensing and Regulatory Affairs. In settlement of the Formal Complaint the parties stipulate as follows:

1. **IT IS HEREBY STIPULATED**, by and between the parties, that Respondent admits that paragraphs one (1) through five (5) and seven (7) through

¹ Formerly part of Corporations, Securities and Commercial Licensing Bureau

eight (8) of the Formal Complaint dated January 9, 2015 in this matter are true. Respondent maintains that paragraph six (6) raises allegations stemming from a contractual dispute and does not involve a code violation.

2. **IT IS HEREBY STIPULATED**, by and between the parties that Respondent's conduct as described in the above admitted paragraphs of the Formal Complaint constitutes a violation of MCL 339.2411(2)(e), and 604(e) and Mich Admin Code, R 338.1551(5).

3. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of two thousand five hundred dollars (\$2,500.00). The fine shall be paid by cashier's check or money order, with Complaint Nos. 323160 and 323161 clearly indicated on the check or money order, made payable to the State of Michigan, within one hundred twenty (120) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Final Order Monitoring, P.O. Box 30189, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation.

4. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within one hundred twenty (120) days of the date of mailing of the Final Order shall result in a suspension or continued suspension of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and/or denial of any license or

registration renewal and the denial of future applications for licensure or registration.

5. IT IS HEREBY STIPULATED, by and between the parties hereto, that if the FINE is overdue for at least six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

6. IT IS HEREBY STIPULATED, by and between the parties hereto, that the Director of the Bureau of Professional Licensing, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Bureau of Professional Licensing Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

7. Respondent understands and intends that by signing this Stipulation, they are waiving the right, pursuant to the Occupational Code, *supra*, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

8. In agreeing to this Stipulation to resolve the issues raised in the formal complaint, the parties considered the following factors:

- A. Respondent was fully cooperative in coming to a resolution of this action.

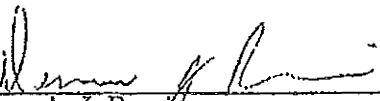
- B. Respondent maintains that the allegations raised in the Formal Complaint stem from a contractual dispute with the homeowner and not from any intent to defraud.

Agreed to:




Artisan Construction Inc.
Dennis J. Rossi, Qualifying Officer, Respondent

Date: 12-11-2015



Dennis J. Rossi

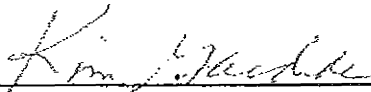
Date: 12-12-2015



James J. Tocco (P68351)
Attorney for Respondent

Date: 12-14-15

Bureau of Professional Licensing:
Approved by:



Kim Gaedeke, Director

Date: 12/23/2015

LP: 2015-0103313-A/Artisan Construction Inc., 323160 (Res Bid)/Stipulation - 2015-12-09

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
CORPORATIONS, SECURITIES &
COMMERCIAL LICENSING BUREAU

Complaint Nos. 323160 and 323161

Complainant,

v

ARTISIAN CONSTRUCTION INC
DENNIS J. ROSSI, QUALIFYING OFFICER
License No. 21-02-113747

Respondent,

and

DENNIS J. ROSSI
License No. 21-01-055112

Respondent.

FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Complainant, pursuant to MCL 339.101-605, and its rules promulgated thereunder, upon information and belief alleges as follows:

1. Artisian Construction, Inc., Dennis J. Rossi, Qualifying Officer, (Respondent), has, at times relevant to this Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412. A certification of license status is attached hereto as Exhibit 1.

2. Dennis J. Rossi, (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 339.2401-2412.

3. A Complaint against Respondents, conforming to the requirements of § 2411 of 1980 PA 299, as amended; MCL 339.2411 has been filed with the Department of Licensing and Regulatory Affairs by Matt and Megan Clark and is attached hereto as Exhibit 2.

4. An authority charged with the enforcement of the laws governing construction of residential or residential and commercial buildings in the political subdivision in which the building is located, has submitted an evaluation of the Complaint submitted. The evaluation is attached hereto as Exhibit 3.

5. Respondents entered into contracts to perform services regulated by 1980 PA 299, as amended, with Matt and Megan Clark on or about February 27, 2014 and March 14, 2014, pursuant to attached Exhibit 4.

6. Respondents have, without legal excuse, failed to perform all terms of the contracts referred to in paragraph five above, contrary to MCL 339.2411(2)(a).

7. Respondents, in performance of the contract, failed to comply with §§ R105.1, R601.2, and R903.2 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to MCL 339.2411(2)(e) and 2006-AACS, R 338.1551(5).

8. Respondents have violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

9. Respondent Dennis J. Rossi was a party to the acts and omissions alleged hereinabove and was in a position to ensure compliance with the Occupational Code or otherwise prevent the violations that are the subject of this complaint but failed to do so.

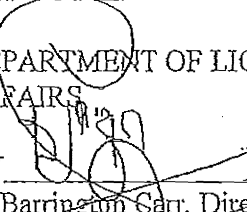
Based upon the conduct as aforesaid, Respondents have acted contrary to §§ 604(c) and 2411(2)(a) & (e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and MCL 339.2411(2)(a) & (e) and rule 51(5) of the Residential Builders and Maintenance and Alteration

Contractors Board Rules, promulgated thereunder, being 2006 AACRS, R 338.1551(5), 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.

DEPARTMENT OF LICENSING AND REGULATORY
AFFAIRS

BY


Barrington Carr, Director
Enforcement Division

Dated: 1-9-15

Responsive Pleadings Should Be Filed With:

Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau
Regulatory Compliance Division
P.O. Box 30018
Lansing, MI 48909