

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

SAMUEL HARTLEY AMES<sup>1</sup>  
License No. 21-05-195835

File No. 21-16-330765

Respondent.

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CONSENT ORDER

On January 10, 2017, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

Respondent has admitted that the facts alleged in the Complaint are true, with the exception of Count 1, which shall be dismissed, and has agreed that the allegations constitute violation(s) of MCL 339.604(d). The Michigan Board of Residential Builders and Maintenance and Alteration Contractors has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

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<sup>1</sup> The Formal Complaint erroneously identifies Respondent as Samuel Heartly Ames instead of Respondent's correct name of Samuel Hartley Ames.

Therefore, IT IS FOUND that the facts alleged in the Complaint, with the exception of Count 1, constitute violation(s) of MCL 339.604(d).

IT IS ORDERED that Count 1 of the Complaint, which alleged a violation of MCL 339.604(b), is DISMISSED.


IT IS FURTHER ORDERED that for the cited violations of the Occupational Code, Respondent is FINED \$1,000.00 to be paid to the State of Michigan within 60 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, Enforcement Division, 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 numbers **21-16-330765**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in SUSPENSION of all licenses or registrations held by Respondent under Article 24 of the Occupational Code and in the denial of any license or registration renewal until compliance with 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: 3/13/18

STIPULATION

1. Respondent and the Department agree that, pursuant to the principal of settlement and compromise, Count I of the Complaint shall be dismissed by the Board.
2. The facts alleged in the Complaint, with the exception of Count 1, constitute violation(s) of MCL 339.604(d).
3. 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.

4. 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 24.231 *et seq.*

5. Factors taken into consideration in the formulation of this Order are as follows:

The conduct leading to the conviction occurred in 2006 and 2007, prior to Respondent applying for licensure as a salesperson. Respondent was issued a Builders Salesperson license on August 25, 2009. Criminal charges in the matter were not filed until February 23, 2016.

Respondent fully acknowledges his conduct and expresses remorse for his actions.

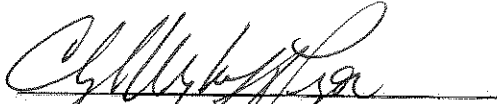
On July 3, 2017, Respondent's three-year supervision commenced. On August 13, 2017, Respondent's probation officer provided a letter confirming Respondent's compliance with the terms of release.

Respondent provided numerous letters of reference including letters from his place of employment, a professional organization, and treating therapist Daniel Peters, MS LLP CAADS. Mr. Peters opined that Respondent's risk for recidivism or law violation in general is unlikely.

6. 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.

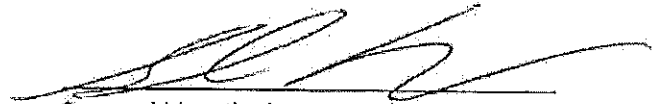
7. This proposal is conditioned upon acceptance by the Board. Respondent and the Department expressly reserve the right to further proceedings should this Order be rejected.

AGREED TO BY:

  
Cheryl Wykoff Pezon, Acting Director  
Bureau of Professional Licensing  
Department of Licensing and  
Regulatory Affairs

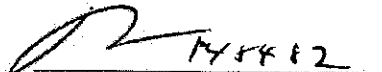
Dated: 11/29/17

AGREED TO BY:

  
Samuel Heartly Ames  
Respondent

Dated: 11-13-17

Approved as to form:

  
Michael F. Wais (P45482)  
Howard & Howard Attorneys PLLC  
Attorney for Respondent

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

SAMUEL HEARTLY AMES  
License No. 21-05-195835

File Number: 21-16-330765

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Samuel Hartley Ames (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 salesperson in the state of Michigan.

3. "Good moral character" is defined at Section 1 of 1974 PA 381, as amended, MCL 338.41 et seq., as "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner."

4. On September 22, 2016, in the United States District Court – Western District of Michigan, Respondent was convicted of Conspiracy to Commit Bank Fraud, a felony, in case number 1:16-CR-26-01. Respondent was sentenced to eight months in the custody of the United State Bureau of Prisons, followed by 36 months' supervised release with terms, and ordered to pay a \$100.00 assessment, \$7,500.00 fine, and restitution of \$285,100.00. Respondent's conviction was based on a conspiracy, whereby Respondent and his co-conspirators would obtain false appraisals of properties, false repair invoices, and obtain a "straw buyer" to act as a legitimate purchaser to induce banks to lend money for the transactions. A copy of the conviction documents, marked Exhibit A, is attached and incorporated.

#### COUNT I

Respondent's conduct, as described above, evidences fraud or deceit in practicing an occupation, in violation of section 604(b) of the Occupational Code, supra.

#### COUNT II

Respondent's conduct, as described above, evidences a lack of good moral character, in violation of section 604(d) of the Occupational Code, supra.

The Department 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, the Department further requests that formal proceedings be commenced pursuant to the Occupational

Code, rules promulgated thereunder, and the Administrative Procedures; MCL 24.201 et seq.

Pursuant to section 508 of the Occupational Code, supra, Respondent has 15 days from the date of receipt of this Complaint to notify the Department 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. The written response shall be submitted to Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Dated: 1/10/17

  
Kim Gaedeke, Director  
Bureau of Professional Licensing