

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

SCOTT CONRAD DZIALO
License No. 21-01-185905
Respondent.

Docket No. 17-004844
File No. 21-16-329228

FINAL ORDER

On December 15, 2016, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

An administrative hearing was held in this matter before an administrative law judge who, on October 4, 2017, 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 December 12, 2017, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report.

IT IS ORDERED that for violating MCL 339.604(c), 339.2411(2)(e) and 339.2411(2)(j), Respondent is FINED \$3,500.00 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, 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 **21-16-329228**.

IT IS FURTHER ORDERED that Respondent shall pay RESTITUTION in the amount of \$5,622.00 to Stephen C. Davis and Shelly Davis, within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall submit satisfactory written evidence of payment of the ordered restitution to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909**.

IT IS FURTHER ORDERED that in the event Respondent fails to pay the fine and provide satisfactory written evidence of payment of the ordered restitution within 60 days, as set forth above, the fine will increase to \$8,000.00 and Respondent's license to practice as an individual residential builder will be SUSPENDED.

IT IS FURTHER ORDERED that, in accordance with MCL 339.411(3)(c), 339.602(c) and 339.604(k), no application for licensure, renewal, relicensure, or reinstatement shall be granted until all final orders of the Board have been satisfied in full.

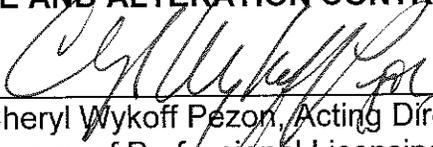
IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to MCL 339.604(k).

This Final Order is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 *et seq.*

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: 1/11/18

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

By: 
Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

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In the Matter of

SCOTT CONRAD DZIALO
License Number: 21-01-185905

File Number: 21-16-329228

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Scott Conrad Dzialo (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 a residential builder in the state of Michigan.

3. On November 14, 2015, Respondent, representing Top Value Home Restorations, entered into a contract with _____ (Homeowners) to

complete bathroom renovations, including electrical and plumbing work. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. At all relevant times, Top Value Home Restorations was unlicensed, and Respondent acted as an agent, partner, or associate for an unlicensed entity.

5. On January 5, 2016, a building inspector for the City of Rochester completed a rough building and electrical inspection. The inspector found the project to be a "total mess", and cited numerous violations, including that Respondent completed electrical and plumbing work on his own without being licensed to do so, and without the contractors that pulled the permits for the work. The inspector cited the following violations of the 2009 Michigan Residential Code (building code), adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011:

- a. Constructed and repaired in violation of codes, contrary to R113.1.
- b. Structural floor members were cut, bored, or notched in excess of limitations, contrary to R502.8 and P2603.2.
- c. Framing of openings were in violation, contrary to R502.10.
- d. Bathroom mechanical ventilation equipment installation in violation, contrary to M1507.1.
- e. Bathroom electrical branch circuit violation contrary to E3703.4.

6. On April 22, 2016, the Homeowner filed a Statement of Complaint with Complainant alleging, in part, that Respondent performed unlicensed work and violated the building code.

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.

COUNT II

Respondent's conduct, as described above, evidences a willful violation of the building laws of this state or political subdivision of this state, in violation of section 2411(2)(e) of the Occupational Code, supra.

COUNT III

Respondent's conduct, as described above, evidences aiding or abetting an unlicensed person to evade this article, or knowingly combining or conspiring with, or acting as agent, partner, or associate for an unlicensed person, in violation of section 2411(2)(j) of the Occupational Code, supra.

Complainant 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(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, MCL 24.201 et seq.

Pursuant to section 508(2) of the Occupational Code, supra, Respondent has 15 days from the date of receipt of this Complaint to notify Complainant 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. Written notification of Respondent's 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 Respondent fails to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

DATED: 12/15/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

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