

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

EETKO BUILDERS LLC
License No. 21-02-205478

and

SHAUN PAUL GOBER
License No. 21-01-205249

File Nos. 21-14-323770
21-14-323771

Respondents.

CONSENT ORDER

On April 13, 2015, the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, executed a Formal Complaint charging Respondent with violating the Occupational Code, MCL 339.101 *et seq.*

Respondent neither admits nor denies the allegations in the Complaint, with the exception of the alleged violations of MCL 339.2411(2)(e) and Mich Admin Code, R 338.1533(1), which Respondent denies and shall be dismissed. Pursuant to the principle of settlement and compromise, Respondent agrees that for purposes of this Order the remaining allegations shall be accepted as true and constitute violation(s) of Mich Admin Code, R 338.1551(5) and MCL 339.604(c). 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.

Therefore, IT IS FOUND that the facts alleged in the Complaint constitute violation(s) of Mich Admin Code, R 338.1551(5) and MCL 339.604(c).

IT IS ORDERED that for the cited violation(s) 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 **21-14-323770 and 21-14-323771**.

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: May 15, 2018

STIPULATION

1. The allegations that Respondent violated MCL 339.2411(2)(e) and Mich Admin Code, R 338.1533(1) shall be dismissed by the Board.
2. Respondent neither admits nor denies the remaining violations but, pursuant to the principle of settlement and compromise, agrees that the alleged violations shall be accepted as true for purposes of this Order.
3. The facts alleged in the Complaint constitute violation(s) of Mich Admin Code, R 338.1551(5) and MCL 339.604(c).
4. 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.

5. 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.*


6. Factors taken into consideration in the formulation of this Order include the following:

Respondent provided text messages showing that Respondent told Homeowner to obtain a building permit before work began, and Homeowner replied, "i know man i will get permit tomorrow." Homeowner failed to obtain a permit.

Subsequent to the issuance of the Formal Complaint, Respondent provided the Department with a copy of the written roofing contract signed by both parties.

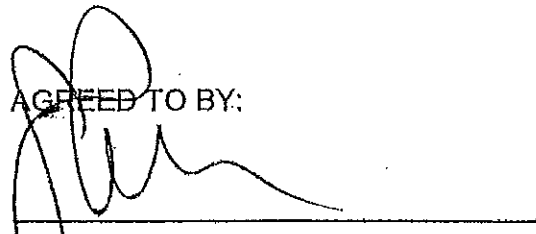
7. This proposal is conditioned upon acceptance by the Board. Respondent and the Department expressly reserve the right to further proceedings should this Order be rejected.

AGREED TO BY:


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

Dated: 4/9/18

AGREED TO BY:


Shaun Paul Gober
Owner and Qualifying Officer for
Eetko Builders LLC,
Respondents

Dated: 4/3/18

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. 323770 and 323771

Complainant,

v

EETKO BUILDERS LLC
SHAUN PAUL GOBER, QUALIFYING OFFICER
License No. 21-02-205478

Respondent,

and

SHAUN PAUL GOBER
License No. 21-01-205249

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. Eetko Builders LLC, Shaun Paul Gober, Qualifying Officer, (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.
2. Shaun Paul Gober, (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 Gerald [redacted] and is attached hereto as Exhibit 1.

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 2.

5. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Gerald [redacted] on or about November 18, 2013.

6. Respondents failed to provide Gerald [redacted] with a copy of the contract referred to in paragraph five above which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

7. Respondents, in performance of the contract, failed to comply with §§ R105.1, R703.8, R903.2, R905.3.3.1 and R1005.2 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 AACRS, R 338.1551(5).

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

9. Respondent Shaun Paul Gober 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)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and MCL 339.2411(2)(e) and rules 33(1) and 51(5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACRS, R 338.1533(1) and 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: 4-13-15

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