

**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

**THE LEGACY BUILDERS, INC.
License Number: 21-02-197665**

**File Number: 21-15-327765
Docket Number: 16-010676**

**DAMOND D. PARKER, QUALIFYING OFFICER
License Number: 21-01-173587**

**File Number: 21-15-327766
Docket Number: 16-010675**

FINAL ORDER

On March 1, 2016, a Formal Complaint (Complaint) was executed that charged The Legacy Builders, Inc., and Damond D. Parker (Respondents) with violating section(s) 604(c), 604(h), 2411(2)(a), and 2411(2)(c) 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 August 16, 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 September 13, 2016, and

received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report. Therefore,

IT IS ORDERED that for violating section(s) 604(c), 2411(2)(a), and 2411(2)(c) of the Occupational Code, supra, Respondents' licenses to practice as builders in the state of Michigan are REVOKED, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that reinstatement of a license which has been revoked is not automatic and, in the event Respondent applies for reinstatement of the license, application shall be in accordance with section 411(5) of the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, in accordance with sections 411(3)(c), 602(c), and 604(k) of the Occupational Code, supra, 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 for the cited violations Respondents are jointly and severally FINED \$10,000.00 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 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 numbers **21-15-327765 and 21-15-327766**.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondents, jointly and severally, shall pay RESTITUTION to Clifton and Yvonne Skinner in the amount of \$19,076.36 within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondents shall submit evidence of payment of the restitution within 60 days of the effective date of this Order to the **Department of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909**.

IT IS FURTHER ORDERED that in the event Respondents violate 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: 10/21/2016

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

By: 
Kim Gaedeke, Director
Bureau of Professional Licensing

lb

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

THE LEGACY BUILDERS INC.
License Number: 21-02-197665

DAMOND D. PARKER,
QUALIFYING OFFICER
License Number: 21-01-173587

File Numbers: 21-15-327765
21-15-327766

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against The Legacy Builders Inc. and Damond D. Parker (Respondents) as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) is an administrative agency established by the Occupational Code, 1980 PA 299, as amended; 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. Respondents are licensed as residential builders in the state of Michigan.

3. On September 10, 2014, Respondents entered into a contract with Clifton and Yvonne Skinner (Homeowners) to perform home repairs necessitated by water damage for the sum of \$35,680.00. Homeowners signed over to Respondents insurance checks totaling \$27,996.36. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On September 25, 2015, Homeowners filed a Statement of Complaint with Complainant alleging that Respondents failed to complete the repairs and kept Homeowners' \$27,996.36 payment.

5. On December 7, 2015, Complainant mailed a Notice to Licensee (Notice) with a copy of Homeowners' complaint to Respondents' address of record. Respondents failed to respond to the Notice.

COUNT I

Respondents' conduct, as described above, evidences a failure to respond to a complaint 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 Occupational Code, supra.

COUNT II

Respondents' conduct, as described above, evidences the abandonment without legal excuse of a contract or construction project, contrary to section 2411(2)(a) of the Occupational Code, supra, in violation of section 604(h) of the Occupational Code, supra.

COUNT III


Respondents' conduct, as described above, evidences failure to account for or remit money coming into Respondents' possession that belongs to others, contrary to section 2411(2)(c) of the Occupation Code, supra, in violation of section 604(h) of the Occupational Code, supra.

Complainant requests that this Complaint be served upon Respondents and that Respondents be offered an opportunity to show compliance with all lawful requirements for retention of the licenses. 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 of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

CONTINUED ON NEXT PAGE

Pursuant to section 508 of the Occupational Code, supra, Respondent has 15 days from the date of receipt of this Complaint to notify Complainant of Respondents' 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: 3/1/16



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of The Legacy Builders, File Number 21-15-327765 and Damond D. Parker, File Number 21-15-327766, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

SDM