

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

TIMOTHY LEE RAYMOND  
License No. 21-05-143777

Complaint No. 21-17-332244

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed on September 6, 2017, charging Timothy Lee Raymond (Respondent) with having violated sections 601(1), 604(b), (c), (d), (h), and (l), 2409, and 2411(2)(j) of the Occupational Code, MCL 339.101 *et seq.*, and Mich Admin Code, R 338.1533(1) and 338.1551(2).

The parties have stipulated that the Board may enter this consent order and that the facts alleged in the Formal Complaint are true and constitute a violation of sections 601(1), 604(c), (h), and (l), 2409, and 2411(2)(j) of the Occupational Code, and Mich Admin Code, R 338.1533(1) and 338.1551(2). The Board has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint.

Accordingly, for these violations, IT IS ORDERED:

Respondent is FINED \$2,500 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 21-17-332244 clearly indicated on the check or money order), and shall be payable within 90 days of the effective date of this order. If Respondent fails to timely pay the fine, his

license shall be suspended. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

Counts II and III of the complaint, alleging a violation of sections 604(b) and (d) of the Occupational Code, are DISMISSED.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

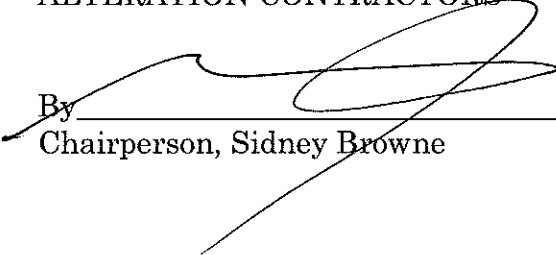
Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of section 604(k) of the Occupational Code.

This order shall be effective thirty days from the date signed by the Chairperson or the Chairperson's designee, as set forth below.

Signed on 12/12/17

MICHIGAN BOARD OF RESIDENTIAL  
BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

By   
Chairperson, Sidney Browne

## STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Occupational Code.

2. The Director of the Bureau of Professional Licensing, or her designee, must approve this consent order and stipulation before it is submitted to the Board for final approval.

3. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Occupational Code, rules promulgated under the Occupational Code, and the Administrative Procedures Act of 1969, 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 to present a defense to the charges. Should the Board reject the proposed consent order, the parties reserve the right to proceed to hearing.

4. This matter 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, MCL 15.231 *et seq.*

5. The Board may enter the above Consent Order, supported by Board conferee Bradley Laackman. Mr. Laackman or an attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. Mr. Raymond and the parties considered the following factors in reaching this agreement:

- A. Respondent completed the work for the \$270 charge. The charge was for a deposit on another job. The complainant's credit card company reversed the \$270 and \$270 charge.
- B. Respondent does not have any prior disciplinary action against his license.
- C. Respondent desires to resolve this matter without the time and expense of an administrative hearing.

By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

AGREED TO BY:

AGREED TO BY:

*M. Catherine Waskiewicz*  
 M. Catherine Waskiewicz (P73340)  
 Assistant Attorney General  
 Attorney for Complainant  
 Dated: 11-14-17

*Timothy Lee Raymond*  
 Timothy Lee Raymond  
 Respondent  
 Dated: 11/14/17

Bureau of Professional Licensing  
 Approved by  
*Cheryl Pezon*  
 Cheryl Pezon, Acting Director

11/16/17  
 Date

LF: 2017-019424-B/Raymond, Timothy Lee, 332244 (Re: Bldg/Proposed Consent Order and Stipulation - 2017-11-17)

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
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In the Matter of

TIMOTHY LEE RAYMOND  
License No. 21-05-143777

Complaint No. 21-17-332244

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FORMAL COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General M. Catherine Waskiewicz, on behalf of Complainant Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, files this Formal Complaint against Respondent Timothy Lee Raymond, alleging upon information and belief as follows:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 339.101 *et seq.*
2. Respondent was licensed as a residential builder salesperson pursuant to the Code from April 3, 1998 until August 22, 2014, when the license was returned to the Department and placed in a "no employer" status.
3. At all times relevant to this Complaint, Respondent owned and operated Cross Home Services, an unlicensed entity.

4. Section 601(1) of the Code prohibits a person from engaging in or attempting to engage in the practice of an occupation regulated under the Code without a license.

5. Section 604(b) of the Code requires the Board to penalize a licensee for practicing fraud, deceit, or dishonesty in practicing an occupation.

6. Section 604(c) of the Code requires the Board to penalize a licensee for violating a rule of conduct of an occupation.

7. Section 604(d) of the Code requires the Board to penalize a licensee for demonstrating a lack of good moral character.

8. Section 604(h) of the Code requires the Board to penalize a licensee for violating any other provision of the Code or a rule promulgated under the Code for which a penalty is not otherwise prescribed.

9. Section 604(l) of the Code requires the Board to penalize a licensee for aiding or abetting another person in the unlicensed practice of an occupation.

10. Section 2409 of the Code requires a licensee to report a change of address to the Department within 30 days after the change occurs.

11. Section 2411(2)(j) of the Code requires the Board to penalize a licensee for aiding or abetting an unlicensed person to evade Article 24, or knowingly combining or conspiring with, or acting as agent, partner, or associate for an unlicensed person, allowing one's license to be used by an unlicensed person, or acting as or being an ostensible licensed residential builder or licensed residential maintenance and alteration contractor for an undisclosed person who does or shall

control or direct, or who may have the right to control or direct, directly or indirectly, the operations of a licensee.

12. Mich Admin Code, R 338.1533(1) requires all agreements and changes to the agreements between a builder or contractor and the customer to be in writing and signed by the parties. Copies of all agreements and changes to agreements must be in writing and provided to the customer.

13. Mich Admin Code, R 338.1551(2) requires a licensee to reply to the Department within 15 days from receipt of a complaint and confirm or deny the justification of the complaint.

14. Mich Admin Code, R 792.10802(a) provides that the expiration, surrender, lapse, suspension, or revocation of a license does not terminate the Board's authority under Articles 5 and 6 of the Occupational Code, MCL 339.501 to MCL 339.606, to impose sanctions on a person whose license or registration has expired, lapsed, or been surrendered, suspended, or revoked for a period of 7 years after the license or registration status change occurs or a period of 3 years after all complaints against the license or registration filed with the Bureau of Professional Licensing have been closed, whichever occurs later.

15. Section 514 of the Code authorizes the Board to assess penalties against licensees under section 602 of the Code based on an administrative law hearings examiner's hearing report.

## FACTUAL ALLEGATIONS

16. On or about February 25, 2017, Respondent, on behalf of Cross Home Services, an unlicensed entity, entered into a contract with Scott to repair the roof on his home in Hesperia, Michigan for \$350.

17. On the same date, Respondent charged \$360 to Mr. credit card. Mr. did not authorize the additional \$10 charge to his credit card.

18. On or about March 5 and 17, 2017, Respondent charged \$290 and \$840 to Mr. credit card. Respondent did not enter into any change orders with Mr. to authorize these charges.

19. On or about May 18, 2017, the Department notified Respondent that Mr. had filed a complaint based on the aforementioned conduct. The "Notice to Respondent" letter was returned to the Department as undeliverable.

20. During an interview with the Department's investigator on July 24, 2017, Respondent admitted he did not live at his registered address and that he performed the contracted work for an amount in excess of \$600. Respondent is not a licensed residential builder or maintenance and alteration contractor.

## COUNT I

21. Respondent's conduct as described above constitutes unlicensed activity, contrary to section 601(1) of the Code, in violation of section 604(h) of the Code.



COUNT II

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

COUNT III

23. Respondent's conduct as described above demonstrates a lack of good moral character in violation of section 604(d) of the Code.

COUNT IV

24. Respondent's conduct as described above constitutes aiding or abetting another person in the unlicensed practice of an occupation in violation of section 604(l) of the Code.

COUNT V

25. Respondent's conduct as described above constitutes a failure to report a change of address to the Department within 30 days after the change occurs, contrary to section 2409 of the Code, in violation of section 604(h) of the Code.

COUNT VI

26. Respondent's conduct as described above constitutes aiding or abetting an unlicensed person to evade Article 24, contrary to section 2411(2)(j) of the Code, in violation of section 604(h) of the Code.

COUNT VII

27. Respondent's conduct as described above constitutes a failure to have all agreements and changes to agreements between Respondent and the customer

signed by the parties, contrary to Mich Admin Code, R 338.1533(1), in violation of sections 604(c) and (h) of the Code.

COUNT VIII

28. Respondent's conduct as described above constitutes a failure to reply to the Department within 15 days from receipt of a complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of sections 604(c) and (h) of the Code.

THEREFORE, Complainant Department of Licensing and Regulatory Affairs hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, the Occupational Code, MCL 339.101 *et seq.*, and the associated administrative rules 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.

Any written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909, with a copy to the undersigned assistant attorney general.

Respectfully submitted,  
BILL SCHUETTE  
Attorney General

*M. Catherine Waskevich*  
M. Catherine Waskevich (P73340)  
Attorney General

Assistant Attorney General  
Licensing & Regulation Division  
525 West Ottawa, 2nd Bldg, Will  
P.O. Box 30758  
Lansing, MI 48206  
(517) 373-1000

Dated: September 6, 2017

LF: 2017-0192323-A/Raymond, Timothy Lee, 332244 (Res-Bldr)/Formal Complaint - 2017-08-30