

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 RICHARD SEGUIN  
QUALIFYING OFFICER  
License No. 21-01-189167,  
Respondent.

Docket No. 17-008423  
File No. 21-16-330237

AND

AIR TIGHT WINDOWS, L.L.C.  
License No. 21-02-189168,  
Respondent.

Docket No. 17-008424  
File No. 21-16-330236

FINAL ORDER

On January 10, 2017, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondents 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 June 16, 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 September 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)(a) and (c), Respondents' licenses to practice as an individual residential builder and a residential builder company in the state of Michigan are SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondents' licenses shall be automatically reinstated IF WITHIN 60 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondents pay the fine and Respondent Air Tight Windows, L.L.C., provides proof of payment of the restitution, in a form acceptable to the Department of Licensing and Regulatory Affairs, as set forth below.

IT IS FURTHER ORDERED that Respondents are jointly and severally FINED \$5,000.00 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, 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 numbers **21-16-330236 and 21-16-330237**.

IT IS FURTHER ORDERED that Respondent Air Tight Windows, L.L.C., shall pay RESTITUTION in the amount of \$900.00 to Ké Jé within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent Air Tight Windows, L.L.C., 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 Respondents fail to pay the fine and restitution as set forth above within 60 days, Respondents' licenses to practice as an individual residential builder and a residential builder company shall be REVOKED.

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 Respondents violate 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: 10/16/17

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

By: Virginia Abdo for  
Kim Gaedeke, Director  
Bureau of Professional Licensing

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

AIR TIGHT WINDOWS, LLC.  
License Number: 21-02-189168

and

TIMOTHY RICHARD SEGUIN  
QUALIFYING OFFICER  
License Number: 21-02-189167

File Numbers: 21-16-330236  
21-16-330237

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Air Tight Windows, LLC and Timothy Richard Seguin (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, 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 Air Tight Windows, LLC is licensed as a residential builder company in the state of Michigan.

3. Respondent Timothy Richard Seguin, is licensed as an individual residential builder and is designated as the qualifying officer of Air Tight Windows, LLC and pursuant to section 2404(1) of the Occupational Code, supra, is responsible for exercising supervision and control over the building and construction operations necessary to secure full compliance with the Occupational Code and the rules promulgated thereunder.

4. On May 11, 2016, Respondents entered into a contract with I (Homeowner) to replace four windows at Homeowner's home within three to four weeks. Respondents received a deposit of \$900.00 by personal check from Homeowner to secure the contract. A copy of the contract, marked Exhibit A, is attached and incorporated.

5. On May 13, 2016, Respondents cashed Homeowner's personal check of \$900.00 for the replacement of four windows. A copy of the cancelled check, marked as Exhibit B, is attached and incorporated.

6. On August 19, 2016, Homeowner filed a Statement of Complaint with the Department alleging that Respondents never performed any work and despite repeated requests by Homeowner, Respondents did not return Homeowner's deposit.

### COUNT I

Respondents' conduct, as described above, evidences abandonment without legal excuse of a contract, construction project, or operation engaged in or

undertaken by the licensee, in violation of section 2411(2)(a) of the Occupational Code, supra.

### COUNT II

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

### COUNT III

Respondents' conduct, as described above, evidences a failure to respond to a complaint within a reasonable time, contrary to Mich Admin Code, R 338.1551(2), in violation of section 604(c) of the Occupational Code, supra.

Department 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, Department 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, Respondents have 15 days from the date of receipt of this Complaint to notify Department 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 Respondents' selection shall be submitted to Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondents fail to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

Dated: \_\_\_\_\_

*1/10/17*



Kim Gaedeke, Director  
Bureau of Professional Licensing

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