

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

TREVOR HAYWARD BLDG INC.
License No. 21-02-169073

File No. 21-17-332334

and

TREVOR J. HAYWARD
License No. 21-01-101274,

File No. 21-16-329576

Respondents.

CONSENT ORDER

On May 17, 2017, the Department of Licensing and Regulatory Affairs executed two Formal Complaints charging Respondents with violating the Occupational Code, MCL 339.101 *et seq.*

Respondents have admitted that the facts and allegations in the Complaints are true, with the exception of counts IV and VII of the Complaint against Trevor J. Hayward and counts V and VII of the Complaint against Trevor Hayward Bldg Inc., which Respondents neither admit nor deny. Respondents have agreed that, for purposes of this Order only and pursuant to the principle of settlement and compromise, all of the alleged violations shall be accepted as true and constitute violation(s) of MCL 339.601(1), MCL 339.604(f), MCL 339.604(h), MCL 339.2411(2)(c), MCL 339.2411(2)(e), and MCL 339.2411(2)(j).

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 Complaints constitute violation(s) of MCL 339.601(1), MCL 339.604(f), MCL 339.604(h), MCL 339.2411(2)(c), MCL 339.2411(2)(e), and MCL 339.2411(2)(j).

IT IS ORDERED that for the cited violation(s) of the Occupational Code, Respondents are FINED \$5,000.00 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 **21-17-332334** and **21-16-329576**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in a SUSPENSION of all licenses or registrations held by Respondents 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: 12/12/17

STIPULATION

1. Respondents admit the allegations in the Complaints with the exception of counts IV and VII of the Complaint against Trevor J. Hayward and counts V and VII of the Complaint against Trevor Hayward Bldg Inc. Respondents neither admit nor deny those counts but, pursuant to the principle of settlement and compromise, agree that all of the alleged violations in both Complaints shall be accepted as true by the Board for the purposes of this Order only.

2. The facts alleged in the Complaints constitute violation(s) of MCL 339.601(1), MCL 339.604(f), MCL 339.604(h), MCL 339.2411(2)(c), MCL 339.2411(2)(e), and MCL 339.2411(2)(j).

3. Respondents understand and intend that by signing this Stipulation Respondents are 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 Complaints by presentation of evidence and legal authority, and Respondents are waiving the right to appear with an attorney and such witnesses as Respondents may desire to present a defense to the charges.

4. 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.*

5. Factors taken into consideration in the formulation of this Order are as follows:

On August 19, 2016, Respondent Trevor Hayward Bldg Inc. obtained relicensure and has an active license. Respondent Trevor Hayward Bldg Inc. was initially licensed in 2003 and has no other disciplinary action against its license.

Respondent Trevor J. Hayward has been licensed since 1991 and has no other disciplinary action against his license.

6. This Order is approved as to form and substance by Respondents and the Department and may be entered as the final order of the Board in this matter.

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

AGREED TO BY:



Kim Gaedeke, Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

Acting

Dated: 11/8/17

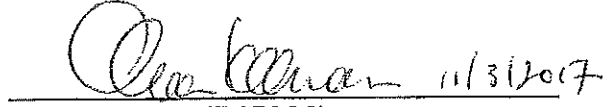
AGREED TO BY:



Trevor Hayward Bldg Inc. and
Trevor J. Hayward
Respondents

Dated: 11/3/17

APPROVED AS TO FORM BY:

 11/3/2017

Alan Kellman (P15826)
The Jaques Admiralty Law Firm, P.C.
Attorney for Respondent

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

TREVOR J. HAYWARD
License Number: 21-01-101274

File Number: 21-16-329576

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department), by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Trevor J. Hayward (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 an individual residential builder in the state of Michigan and is the qualifying officer of Trevor Hayward Bldg Inc. Trevor Hayward Bldg Inc's residential builder company license expired (lapsed) on May 31, 2011, and remained lapsed until August 19, 2016. A verification of licensure, marked Exhibit A, is attached and incorporated.

3. Pursuant to section 601(3) of the Occupational Code, supra, a person whose license is lapsed, as determined by Department records, is considered unlicensed.

4. Respondent, as an agent for Trevor Hayward Bldg Inc, entered into the following agreements with Robert \ (Homeowner):

- a. On August 14, 2014, Respondent entered into and signed an agreement with Homeowner to perform roofing removal and installation; gutter and downspout installation; siding, trim, and façade reworking; front and rear eaves work; and work on the front porch.
- b. On September 10, 2014, Respondent entered into and signed an agreement with Homeowner for concrete and masonry work.
- c. Also on September 10, 2014, Respondent entered into and signed an agreement with Homeowner for garage and house overhang work.
- d. On September 18, 2014, Respondent entered into an agreement with Homeowner to do work on the front porch, front door, windows, and porch ceiling. This agreement was not signed by either party.
- e. On October 14, 2014, Respondent entered into and signed an agreement with Homeowner detailing a summary of work and an accounting of the project.
- f. On December 5, 2014, Respondent entered into an agreement with Homeowner which, in part, modified terms of one or more previous agreements. The agreement was not signed by either party.

- g. On December 7, 2014, Respondent entered into an agreement with Homeowner which, in part, modified terms of one or more previous agreements. The agreement was not signed by either party. This agreement notes that the front door installation agreed upon in the September 18, 2014 agreement was paid in full; however, Respondent failed to install the door. The agreement also notes that Respondent supplied TYVEK HomeWrap, as agreed upon in the October 14, 2014 agreement, and that Homeowner paid for the TYVEK HomeWrap in full; however, Homeowner never received the TYVEK HomeWrap.

None of the agreements contained information relating to Respondent's individual license. A copy of the agreements, marked Exhibit B, is attached and incorporated.

5. On July 17, 2015, the building inspector for Rochester Hills, Michigan conducted a building inspection of Homeowner's property and noted, in part, the following violations of the 2009 Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale single state construction act, effective March 9, 2011:

- a. Construction performed without building permit, in violation of R 105.1;
- b. No flashing installed at front wall of house under porch, in violation of R 703.7.5 and R 703.8; and
- c. No weepholes installed at front wall of house under porch, in violation of R 703.8.

A copy of the inspection report, marked Exhibit C, is attached and incorporated.

6. On August 25, 2015, Homeowner terminated all agreements with Respondent, alleging that Respondent breached the agreements by failing to pull permits, causing delays, poor workmanship, and incomplete work.

7. On June 2, 2016, Homeowner submitted a Statement of Complaint with the Department, alleging, in part, that Respondent failed to comply with the terms of the agreements and that Respondent was aiding and abetting Trevor Hayward Building Inc in unlicensed activity. As part of Homeowner's Statement of Complaint, Homeowner submitted a copy of Trevor Hayward Bldg Inc's business card, which does not have the entity's license number listed. Homeowner also submitted a copy of Trevor Hayward Bldg Inc's website, which states that Trevor Hayward Bldg Inc is licensed with the State of Michigan. A copy of the website and business card, marked Exhibit D, is attached and incorporated.

COUNT I

Respondent's conduct, as described above, evidences practicing false advertising, in violation of section 604(f) of the Occupational Code, supra.

COUNT II

Respondent's conduct, as described above, evidences a failure to include the name, license number, and actual business address, as shown on the license, in all advertising, contrary to Mich Admin Code, R 338.1532(1), in violation of section 604(h) of the Occupational Code, supra.

COUNT III

Respondent's conduct, as described above, evidences a failure to ensure all agreements between a builder, or contractor, and the customer are in writing and signed by the parties, contrary to Mich Admin Code, R 338.1533(1), in violation of section 604(h) of the Occupational Code, supra.

COUNT IV

Respondent's 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(h) of the Occupational Code, supra.

COUNT V

Respondent's conduct, as described above, evidences a failure to, as part of the contract, provide information relating to his individual license and to any license issued to him as a qualifying officer of another entity, in violation of section 2404a of the Occupational Code, supra, in violation of section 604(h) of the Occupational Code, supra.

COUNT VI

Respondent's conduct, as described above, evidences a failure to account for or remit funds received, in violation of section 2411(2)(c) of the Occupational Code, supra.

COUNT VII

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

COUNT VIII

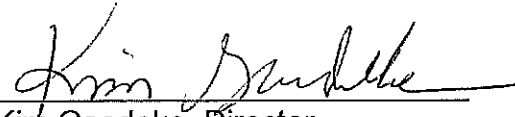
Respondent's conduct, as described above, evidences aiding or abetting an unlicensed person to evade Article 24, in violation of section 2411(2)(j) of the Occupational Code, supra.

The Department 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. If compliance is not shown, the Department further requests that formal proceedings be commenced pursuant to the Occupational Code, the 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 the Department 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 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: 05/17/2017


Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

jkp