

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND  
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

TARIK M. NAJIB  
License No. 21-01-192627  
Respondent.

Docket No. 18-002224  
File No. 21-15-327143

AND

PROFESSIONAL CONTRACTING & CONSULTING, INC  
License No. 21-02-174316,  
Respondent.

Docket No. 18-002228  
File No. 21-16-329568

FINAL ORDER

On October 16, 2017, the Department of Licensing and Regulatory Affairs executed a Second Superseding 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 29, 2018, 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 11, 2018, 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 339.2411(2)(d), that Respondents are jointly and severally FINED \$1,000.00 to be paid to the State of Michigan within 90 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, Bureau of Construction Codes, P.O. Box 30255, 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 **21-15-327143 and 21-16-329568**.

IT IS FURTHER ORDERED that in the event Respondents fail to pay the fine as set forth above within 90 days of the effective date of this Order, Respondents' licenses to practice as an individual residential builder and builder company shall be **SUSPENDED** for a minimum period of one day. Respondents' licenses shall be automatically restored upon compliance with the terms of this Order.

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 30 days from the date signed by the Chairperson of the Board or authorized representative, as set forth below.

Dated: October 12, 2018

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

By: Deanne Barnes  
for Keith Lambert, Director  
Bureau of Construction Codes

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

PROFESSIONAL CONTRACTING & CONSULTING, INC.  
License No. 21-02-174316

and

TARIK M. NAJIB  
License No. 21-01-192627

Respondents.

---

File Nos. 21-16-329568  
21-15-327143

SECOND SUPERSEDING FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Kim Gaedeke, Director, Bureau of Professional Licensing, complains against Respondents as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established by the Occupational Code, MCL 339.101 *et seq.* Pursuant to MCL 339.602, the Board is empowered to penalize licensees for violations of the Occupational Code.

2. Respondent Professional Contracting & Consulting, Inc., is licensed as a residential builder company in the state of Michigan:

3. Respondent Tarik M. Najib is licensed as an individual residential builder and is designated as the qualifying officer of Professional Contracting & Consulting, Inc., and, pursuant to MCL 339.2405(1), 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 August 1, 2013, Respondents entered into a contract with Deepa Mani and Sumit Tayal (Homeowners) for construction of a new home. A copy of the contract with plans and specifications, marked Exhibit A, is attached and incorporated.

5. The plans and specifications for the home called for construction of a bay window in the master bathroom supported on the home's concrete foundation. The Homeowners desired to install a Jacuzzi in the bay window, as shown in the plans. However, Respondents disregarded the plans and poured the concrete foundation without the bump-out in the basement wall necessary to support the bay window. Subsequently, Respondents installed the bay window without the required support.

6. The specifications for the home called for the guest bathroom to be built to "universal design" requirements, which requires such details as an outward-opening door, a curbless shower, and a clear space of five feet in diameter inside the bathroom to accommodate a wheelchair's turning radius. Respondents' disregarded this specification and drafted the construction plans without these required features. Consequently, Respondents built the guest bathroom too small to meet universal design requirements. The bathroom also had inward-swinging doors and a curbed shower.



7. The plans called for a front porch with three steps running the full width of the porch. Respondents disregarded the plans and, instead, built a front porch with five steps spanning only part of the width of the porch.

8. The plans and specifications called for two recessed steps from the garage floor to two entry doors, one leading into a hallway and the other into a mudroom. Respondents disregarded the plans and framed the garage entry without the recessed steps or the two entry doors. Instead, only a single door entering the hallway was installed that could be reached only by a set of five steps projecting into the garage bay. As a result, the Homeowners were unable to make use of the mudroom as intended.

9. Each of the foregoing departures from the plans and specifications was material and prejudicial to the interests of the Homeowners, who did not approve of the alterations.

10. On April 21, 2015, a building inspector for Salem Township verified the following violations of the 2009 Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011:

- a. The engineering report for the large front porch requested by the building inspector was never provided, and no inspection was requested, contrary to R109.1.5.
- b. The joists for the cantilevered floor were not laid out properly, contrary to R502.3.3.

A copy of the Building Inspection Report, marked Exhibit B, is attached and incorporated.

11. On June 9, 2015, Homeowners filed a Statement of Complaint with the Department alleging that Respondents breached the construction contract, deviated from agreed-on plans and specifications, and failed to comply with the building code.

COUNT I

Respondents' 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 MCL 339.604(h).

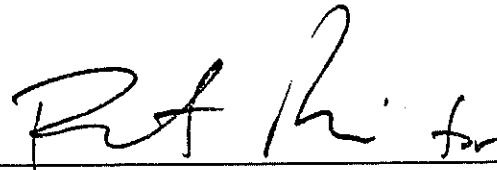
COUNT II

Respondents' conduct, as described above, evidences a willful departure from or disregard of plans or specifications in a material respect and prejudicial to another, without consent of the owner or an authorized representative and without the consent of the person entitled to have the particular construction project or operation completed in accordance with the plans and specifications, in violation of MCL 339.2411(2)(d).

The First Superseding Formal Complaint previously executed against Respondents Professional Contracting & Consulting, Inc., and Tarik M. Najib on May 24, 2017, is WITHDRAWN and replaced in full by this Second Superseding Formal Complaint.

RESPONDENTS ARE NOTIFIED that, pursuant to MCL 339.508(2), Respondents have 15 days from the date of receipt of this Complaint to notify the Department in writing of Respondents' decision to 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 the required notification to the Department within 15 days, this matter shall proceed to an administrative hearing.

A handwritten signature in black ink, appearing to read "Kim Gaedeke", written over a horizontal line.

Kim Gaedeke, Director  
Bureau of Professional Licensing

DATED: 10-16-17

Attachments

MAIN CONTRACT DOCUMENT  
(FIXED COST CONTRACT)

**PROFESSIONAL CONTRACTING & CONSULTING INC.**

16970 W. WARREN  
DETROIT, MI 48228  
PH.(313)583-0550 FX.(313)583-0551  
www.usapcc.com

**NEW CONSTRUCTION CONTRACT**

This agreement is made as of August 1, 2013, between Sumit Tayal (Owner), and Professional Contracting & Consulting, Inc. (Builder), for labor, material, and supervision in connection with the construction of a one story house on the premises located at 8885 Pontiac Trail, Salem, MI 48178. Owner and Builder agree as set forth below:

**ARTICLE 1  
SCOPE OF WORK**

Builder will furnish labor, equipment, material, insurance, supervision, scheduling, building permit, occupancy permit, sales tax, and samples (the Work) as provided by the Contract Documents to construct the Project as more specifically described in the attached architectural plans made by PCC, Inc. which has a permit date of (to be determined) (Addendum A hereto).

**ARTICLE II  
OWNER REQUIREMENTS**

Owner, in addition to other duties and obligations as provided by the Contract Documents, shall

- a. furnish information to Builder and, when requested, prepare, record with the register of deeds, and post on the Project site a Notice of Commencement;
- b. promptly respond to questions and issues raised by Builder regarding the construction or Contract Documents, including, but not limited to, selection of allowance items, materials, and colors required during the construction process (Owner's phone numbers are 1-573-529-6847).
- c. furnish to Builder, if requested, all surveys and records, plats, and a legal description of the project site on Builder's request; and
- d. execute all necessary applications required to obtain any and all permits and bonds.

S.T.  
m.l.c.