

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

AYERS BASEMENT SYSTEMS LLC
License Number: 21-04-199350

File No. 21-14-325310

and

VIRGIL RAY AYERS
License Number: 21-03-170740

File No. 21-14-325313

Respondents.

CONSENT ORDER

On April 13, 2015, the Department of Licensing and Regulatory Affairs executed a Formal Complaint charging Respondents with violating the Occupational Code, MCL 339.101 *et seq.*

Respondents neither admit nor deny the facts alleged in the Complaint but agree that for purposes of this Order, the allegations shall be accepted as true and constitute violation(s) of MCL 339.604(c) and 339.2411(2)(e). 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 Complaint constitute violation(s) of MCL 339.604(c) and 339.2411(2)(e).

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents are FINED \$500.00 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, 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 **21-14-325310** and **21-14-325313**.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in 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: 3/13/18

STIPULATION

1. Respondents neither admit nor deny the alleged violations but agree that the alleged violations shall be accepted as true for purposes of this Order.

2. The facts alleged in the Complaint constitute violation(s) of MCL 339.604(c) and 339.2411(2)(e).

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 Complaint 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.*

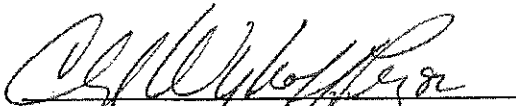
5. Factors take into consideration in the formulation of this Order are as follows:

On May 28, 2015, Respondents obtained the necessary building and plumbing permits for the property in question.

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.

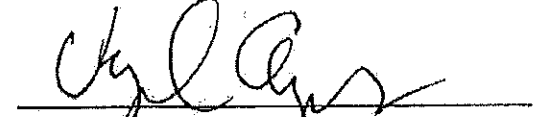
7. This proposal is conditioned upon acceptance by the Board. Respondents and the Department expressly reserve the right to further proceedings should this Order be rejected.

AGREED TO BY:


Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing
Department of Licensing and
Regulatory Affairs

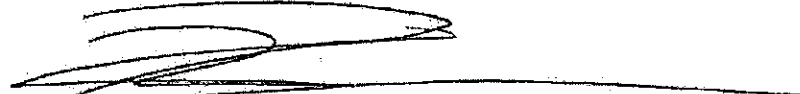
Dated: 12/26/17

AGREED TO BY:


Ayers Basement Systems LLC and
Virgil Ray Ayers
Respondents

Dated: 12/15/17

APPROVED AS TO FORM:


Michael F. Matheson (P52997)
Matheson Law Firm
Attorney for Respondents

Dated: 12/15/17

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
CORPORATIONS, SECURITIES &
COMMERCIAL LICENSING BUREAU,

Complaint Nos. 325310 and 325313

Complainant,

v

AYERS BASEMENT SYSTEMS LLC
VIRGIL RAY AYERS, QUALIFYING OFFICER
License No. 21-04-199350

Respondent,

and

VIRGIL RAY AYERS
License No. 21-03-170740

Respondent.

FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Complainant, pursuant to MCL 339.101-605, and its rules promulgated thereunder, upon information and belief alleges as follows:

1. Ayers Basement Systems LLC, Virgil Ray Ayers, Qualifying Officer, (Respondent), has, at all times relevant to this Complaint, been licensed as maintenance and alteration contractor under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412.
2. Virgil Ray Ayers, (Respondent), has, at all times relevant to this Complaint, been licensed as a maintenance and alteration contractor under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412.

3. A Complaint against Respondents, conforming to the requirements of § 2411 of 1980 PA 299, as amended; MCL 339.2411 has been filed with the Department of Licensing and Regulatory Affairs by Karine Akopov and is attached hereto as Exhibit 1.

4. An authority charged with the enforcement of the laws governing construction of residential or residential and commercial buildings in the political subdivision in which the building is located, has submitted an evaluation of the Complaint submitted. The evaluation is attached hereto as Exhibit 2.

5. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Karine Akopov on or about September 10, 2014, pursuant to attached Exhibit 3.

6. Respondents, in performance of the contract, failed to comply with §§ R105.1 and R405.1 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to MCL 339.2411(2)(e) and 2006 AACRS, R 338.1551(5).

7. Respondents have violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

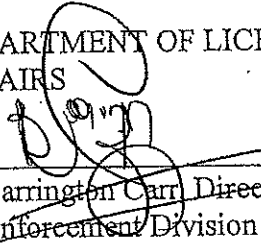
8. Respondent Virgil Ray Ayers was a party to the acts and omissions alleged herein above and was in a position to ensure compliance with the Occupational Code or otherwise prevent the violations that are the subject of this complaint but failed to do so.

Based upon the conduct as aforesaid, Respondents have acted contrary to §§ 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c), MCL 339.2411(2)(e) and rule 51(5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACRS, R 338.1551(5), constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, PA 306, as amended, MCL 24.201-328 and the Occupational Code, *supra*, 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.

DEPARTMENT OF LICENSING AND REGULATORY
AFFAIRS

BY


Barrington Carr, Director
Enforcement Division

Dated: _____

4-13-15

Responsive Pleadings Should Be Filed With:

Department of Licensing and Regulatory Affairs
Corporations, Securities & Commercial Licensing Bureau
Regulatory Compliance Division
P.O. Box 30018
Lansing, MI 48909