

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

WILLIAM HARLEY CARSON, JR.
QUALIFYING OFFICER
License No. 21-01-183968,
Respondent.

Docket No. 17-016924
File No. 21-15-327390

AND

W. H. CARSON & ASSOCIATES LLC
License No. 21-02-184614,
Respondent.

Docket No. 17-016923
File No. 21-15-327388

FINAL ORDER

On November 3, 2015, 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 October 9, 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 December 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) and 339.2411(2)(a), Respondents are jointly and severally FINED \$10,000.00 to be paid to the State of Michigan within 30 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 **21-15-327390 and 21-15-327388**.

IT IS FURTHER ORDERED that in the event Respondents fail to pay the fine within 30 days as set forth above, Respondents' licenses to practice as an individual builder and a builder company will be revoked.

IT IS FURTHER ORDERED that Respondents shall satisfy any civil judgement ordered by the State of Michigan arising out of the underlying matter that was the basis for the Complaint.

IT IS FURTHER ORDERED that Respondents shall submit satisfactory written evidence of satisfying any civil judgement as set forth above 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 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.

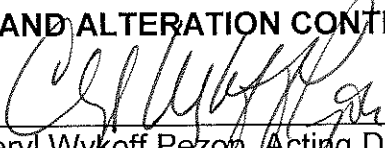
IT IS FURTHER ORDERED that in the event Respondents violate any provision of this Order, the Board may proceed to take disciplinary action pursuant to MCL 339.604(k).

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: 1/11/18

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

By: 
Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

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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

W. H. CARSON & ASSOCIATES LLC
License Number: 21-02-184614

WILLIAM HARLEY CARSON, JR.
QUALIFYING OFFICER
License Number: 21-01-183968

File Numbers: 21-15-327388
21-15-327390

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against W. H. Carson & Associates LLC and William Harley Carson, Jr. (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, 1980 PA 299, as amended; 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. Respondents are licensed as residential builders in the state of Michigan.
3. On September 30, 2014, Respondents entered into an agreement with (Homeowner) to build a new home. However, Respondents failed to have

the agreement signed by all parties. A copy of the agreement, marked Exhibit A, is attached and incorporated.

4. On June 30, 2015, the Homeowner ordered Respondents to stop working on the home due to Respondents' lack of construction activity in the previous 10 months. Only half of the house was framed and the framing lumber began deteriorating due to exposure to the elements.

5. On July 9, 2015, the Homeowner filed a Statement of Complaint with Complainant.

6. On August 18, 2015, Complainant mailed a Notice to Respondent to Respondents' address of record directing Respondents to respond to Homeowner's allegations within 15 days. Respondents failed to respond to the notice within 15 days.

COUNT I

Respondents' conduct, as described above, evidences a failure to reduce an agreement to writing and have the agreement signed by all parties, contrary to Mich Admin Code R 338.1533(1), in violation of section 604(c) of the Occupational Code, supra.

COUNT II

Respondents' conduct, as described above, evidences abandonment without legal excuse of a contract, contrary to section 2411(2)(a) of the Occupational Code, supra.

COUNT III

Respondents' conduct, as described above, evidences a failure to respond to a complaint within 15 days from receipt of the complaint, contrary to Mich Admin Code, R 388.1551(2), in violation of section 604(c) of the Occupational Code, supra.

Complainant 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, Complainant further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

CONTINUED ON NEXT PAGE

Pursuant to section 508 of the Occupational Code, supra, Respondent has 15 days from the date of receipt of this Complaint to notify Complainant 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 Respondent's selection shall be submitted to Complainant, Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondents fails to submit written notification within 15 days, this matter shall proceed to an administrative hearing.



Kim Gaedeke, Director
Bureau of Professional Licensing

DATED: 11/03/2015

Attachments

This is the final page of a Formal Complaint in the matter of W. H. Carson & Associates LLC and William Harley Carson, Jr., File Numbers 21-15-327388 and 21-15-327390, before the Michigan Board Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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