

**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

KBC HOME IMPROVEMENTS, L.L.C.
License Number: 21-02-204525

Complaint Number: 21-16-328642
Docket Number: 16-026234

WILLIAM CHRISTOPHER WILFONG
License Number: 21-01-182949

Complaint Number: 21-16-328643
Docket Number: 16-027159

FINAL ORDER

On June 24, 2016, a Formal Complaint (Complaint) was executed that charged KBC Home Improvements, L.L.C. and William Christopher Wilfong (Respondents) with violating sections 604(c), 2411(2)(a), 2411(2)(e) and 2411(2)(j) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

An administrative hearing was held in this matter before an administrative law judge who, on November 4, 2016, issued Hearing Reports 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 these matters at a regularly scheduled meeting held in Lansing, Michigan, on March 14, 2017, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Reports. Therefore,

IT IS ORDERED that for violating sections 604(c), 2411(2)(a), 2411(2)(e) and 2411(2)(j) of the Occupational Code, supra, 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 in the event Respondents fail to pay the fine within 60 days from the effective date of this Order, as set forth above, the fine amount shall increase to \$10,000.00 to be paid to the state of Michigan within 120 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, Legal 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 **21-16-328642 and 21-16-328643**.

IT IS FURTHER ORDERED that failure to pay the fine within 60 days from the effective date of this Order, as set forth above, shall result in SUSPENSION of Respondents' licenses to practice as a builder company and an individual builder in the state of Michigan.

IT IS FURTHER ORDERED that failure to pay the fine within 120 days from the effective date of this Order, as set forth above, shall result in REVOCATION of Respondents' licenses to practice as a builder company and an individual builder in the state of Michigan.

IT IS FURTHER ORDERED that for the cited violation(s) of the Occupational Code, Respondents shall jointly and severally pay RESTITUTION to Robin Norris in the amount of \$11,500.00 within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondents shall submit satisfactory proof of payment of the restitution as required by this Order within 60 days of the effective date of this Order to the **Department of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909.**

IT IS FURTHER ORDERED that in accordance with sections 411(3)(c), 602(c), and 604(k) of the Occupational Code, supra, 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 section 604(k) of the Occupational Code, supra.

This Final Order is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended; MCL 15.241(1)(a).

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: 04/06/2017

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

KBC HOME IMPROVEMENTS, LLC
License Number: 21-02-204525

and

WILLIAM CHRISTOPHER WILFONG
License Number: 21-01-182949

File Numbers: 21-16-328642
21-16-328643

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against KBC Home Improvements, LLC and William Christopher Wilfong (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 April 30, 2015, Luke Giddings, an unlicensed salesperson working on behalf of Respondents entered into a contract with Robin Norris (Homeowner) to remove and replace siding, soffit, and fascia; install 6 new windows; construct a porch; and haul away debris for \$28,500. Homeowner paid \$14,250 down payment. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On March 3, 2016, Homeowner filed a Statement of Complaint with Complainant alleging that Respondents partially installed five of the six windows, partially constructed the porch, and did not do any work on the siding. Respondents failed to return to complete the work.

5. On January 2, 2016, a local building inspector verified the following violations of the 2009 Michigan Residential Code (building code), adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, effective March 9, 2011:

- a. Respondent failed to obtain a building permit to build the covered porch, contrary to R105.1.
- b. The windows were installed but not properly flashed or sealed, contrary to R612.1.

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

6. On March 15, 2016, Complainant forwarded a copy of Homeowner's Statement of Complaint to Respondents. Respondents failed to respond to the complaint or to confirm or deny the justification for the complaint within 15 days.

COUNT I

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 338.1551(2), in violation of section 604(c) of the Occupational Code, supra.

COUNT II

Respondents' conduct, as described above, evidences a failure to ensure that standards of construction are in accordance with the local building code, contrary to Mich Admin Code, R 338.1551(4), in violation of section 604(c) of the Occupational Code, supra.

COUNT III

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

COUNT IV

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 V

Respondents' conduct, as described above, evidences acceptance or performance of a contract procured by a salesperson not licensed under a builder or contractor, or acceptance or performance of a contract, other than the sale of real property procured by anyone not licensed under the Occupational Code, contrary to Mich Admin Code, R 338.1536, in violation of section 604(c) of the Occupational Code, supra.

COUNT VI

Respondents' conduct, as described above, evidences aiding or abetting an unlicensed person to evade this article, or knowingly combining or conspiring with, or acting as agent, partner, or associate for an unlicensed person, or allowing one's license to be used by an unlicensed person, in violation of section 2411(2)(j) 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 license(s). 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(2) of the Occupational Code, supra, Respondents have 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 Respondents' 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 fail to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

DATED: 06/24/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of an Administrative Complaint in the matter of KBC Home Improvements, LLC File number 21-16-328642 and William Christopher Wilfong, File Number 21-16-328643 before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of five pages, this page included.

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