

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

BRUCE ALAN WILBUR
License Number: 21-01-193750

File Number: 21-15-328326
Docket Number: 16-022446

CONSENT ORDER

A Formal Complaint was executed on June 24, 2016, charging Bruce Allan Wilbur (Respondent) with violating the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq; and

Respondent admits that the facts alleged in the Formal Complaint are true and constitute a violation of section 2411(2)(j) of the Occupational Code supra; and

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) has reviewed the Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Formal Complaint; therefore,

IT IS FOUND that the facts alleged in the Formal Complaint are true and constitute a violation of section 2411(2)(j) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, supra, Respondent is 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, Bureau of Professional Licensing, Legal Affairs Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by bank cashier check (check) or money order, made payable to the State of Michigan, and the check or money order shall clearly display file number **21-15-328326**.

IT IS FURTHER ORDERED that Respondent shall pay RESTITUTION in the amount of \$2,200.00 to be paid by bank cashier check (check) or money order made payable to Sean Mullally, Homeowner, within 60 days of the effective date of this Order. The Department will provide the address of the Homeowner at the time the Final Order is issued. Respondent shall submit written proof of having complied with this requirement, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Legal Affairs Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909. Forms of acceptable proof of monetary restitution payment include: a copy of the front and back of the cancelled check that was made payable to the person(s) ordered to receive restitution; or a receipt signed by the person(s) to whom restitution was payable, stating restitution was paid, the amount paid, and the date payment was received.

IT IS FURTHER ORDERED that failure to comply with the terms of this Order shall result in the SUSPENSION of all licenses held by Respondent under Article 24 of the Occupational Code, supra, and in the denial of any license or registration application or renewal under the Occupational Code, supra.

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Board, as set forth below.

Dated: 6-13-17

MICHIGAN BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

By: 
Chairperson, Board

STIPULATION

1. Department records indicate that Respondent Bruce Alan Wilbur was issued an individual builder license on March 10, 2009 (expires May 31, 2017), and there is no record of prior disciplinary action against the license.

2. On or about June 30, 2015, Perry Michaels, not licensed as a residential builder, executed a contract with Sean Mullally (Homeowner) to install siding on a house and garage for the cost of \$3,400.00 and the Homeowner made an initial payment of \$2,200.00 to Perry Michaels.

3. On or about September 23, 2015, Respondent applied for a building permit with the City of Muskegon and Building Permit No. PB 150841 was issued.

4. Neither Perry Michaels nor Respondent provided any materials or services in connection to the contract to install siding.

5. On or about December 30, 2015, the Homeowner filed a Statement of Complaint.

6. Respondent acknowledges that he has completed prior construction projects in association with Perry Michaels, an unlicensed builder; however, Respondent represents that Perry Michaels did not communicate with Respondent after the building permit was obtained for the subject project. In addition, Respondent stated that he did not receive any money from Perry Michaels regarding this project. Respondent stated his intention to refrain from pulling building permits or completing work on projects contracted by Perry Michaels.

7. Respondent obtained and provided to the Department the last known address for Perry Michaels. The Department intends to issue a Notice and Order to Cease and Desist against Perry Michaels.

8. Respondent agrees that the facts alleged in the Formal Complaint are true and constitute a violation of section 2411(2)(j) of the Occupational Code supra, as Respondent's conduct evidences aiding or abetting an unlicensed person to evade Article 24 of the Occupational Code supra, or knowingly combining with, 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. The Department and Respondent agree that the other alleged violations are dismissed pursuant to the principle of settlement and compromise and the fact that Respondent has agreed to pay restitution to the Homeowner.

9. The prosecution of the Formal Complaint was previously scheduled for an administrative hearing and pursuant to Respondent's agreement to settle the Formal Complaint and to enter into this Consent Order and Stipulation, the Department's request for hearing submitted to the Michigan Administrative Hearing System (MAHS) was withdrawn from the hearing docket, without prejudice, and the hearing was cancelled.

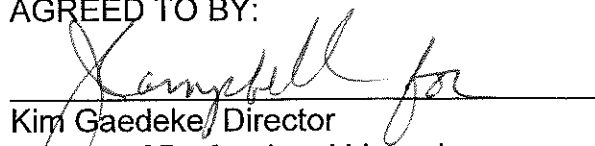
10. Respondent understands and intends that by agreeing to the Consent Order and Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq, to require the Department to prove the allegations set forth in the Formal Complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and present such witnesses as Respondent may desire to present a defense to the allegations.

11. Respondent and the Department further agree that this matter 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.

12. This Consent Order and Stipulation is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Board in this matter.

13. This proposal is conditioned upon acceptance by the Board, Respondent, and the Department, expressly reserving the right to further proceedings should the Order be rejected.

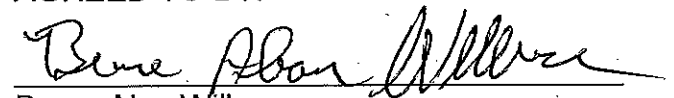
AGREED TO BY:



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

Dated: 4/14/17

AGREED TO BY:



Bruce Alan Wilbur

Dated: 1-5-17

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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

BRUCE ALAN WILBUR
License Number: 21-01-193750

File Number: 21-15-328326

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Bruce Alan Wilbur (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, 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. Respondent is licensed as a residential builder in the state of Michigan.

3. On June 30, 2015, Perry Michaels, an unlicensed person, acting on behalf of Respondent, entered into a contract with _____ (Homeowner) to perform various renovations to Homeowner's home, including installing new siding on the house

and garage. Complainant paid a \$2,200 down payment. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On September 22, 2015, Respondent filed a building permit application and obtained a building permit for the work on Homeowner's property. A copy of the permit application, marked Exhibit B, is attached and incorporated.

5. On December 9, 2015, a local building inspector inspected Homeowner's property, took photos, and noted that no work had been performed on Homeowner's house. A copy of the inspection report, marked Exhibit C, is attached and incorporated.

6. On December 30, 2015, Homeowner filed a Statement of Complaint with Complainant alleging that Respondent failed to perform the contracted work or to refund Homeowner's down payment.

COUNT I

Respondent's conduct, as described above, evidences aiding and abetting another person in the unlicensed practice of an occupation, in violation of section 604(l) of the Occupational Code, supra.

COUNT II

Respondent's 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 III

Respondent's 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 IV

Respondent's conduct, as described above, evidences a failure to account for or remit money coming into the person's possession that belongs to others, in violation of section 2411(2)(c) of the Occupational Code, supra.

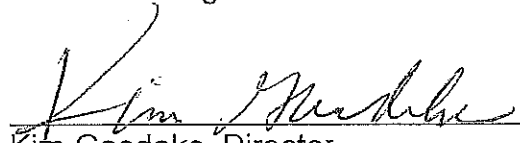
COUNT V

Respondent's 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 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, 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.

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 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 Complainant, 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: 06/24/2016



Kim Gaedeke, Director
Bureau of Professional Licensing

Attachments

This is the final page of a Formal Complaint in the matter of Bruce Alan Wilbur, File Number 21-15-328326, before the Michigan Board Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

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