

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 CHRISTOPHER WILFONG
License No. 21-01-182949

Complaint No. 21-16-329349

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A first superseding formal complaint was filed on November 3, 2016, charging William Christopher Wilfong (Respondent) with having violated sections 604(b), (c), (d), and (h), 2409, and 2411(2)(a), (b), (e), and (j) of the Occupational Code, MCL 339.101 *et seq.* and Mich Admin Code, R 338.1551(2).

The parties have stipulated that the Board may enter this consent order and that the facts alleged in the Formal Complaint are true and constitute a violation of sections 604(b), (c), (d), and (h), 2409, and 2411(2)(a), (b), (e), and (j) of the Occupational Code and Mich Admin Code, R 338.1551(2). The Board has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint.

Accordingly, for these violations, IT IS ORDERED:

Respondent's license is LIMITED for a minimum period of one day commencing on the effective date of this order. The details of the limitation are as follows:

- A. Respondent shall not serve as a qualifying officer for a residential builder company.

Respondent shall be eligible to petition for removal of the limitation in accordance with section 519 of the Occupational Code upon successful compliance with the terms of this order.

Within eighteen months of the effective date of this order, Respondent shall pay RESTITUTION in the amount of \$7,543 to A.W., \$4,000 to C.R., and \$3,333 to J.B. and S.B. (jointly). Respondent shall mail restitution to A.W., C.R., and J.B. and S.B. at the addresses provided to Respondent in a separate document by the Department or Office of Attorney General, Licensing and Regulation Division at the time he signed this stipulation.

Respondent shall submit satisfactory written proof of timely restitution payment to the Department by mail, or other method acceptable to the Department.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Sanction Monitoring Unit, Bureau of Professional Licensing, Legal Affairs Division – Compliance Section, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of section 604(k) of the Occupational Code.

This order shall be effective 30 days from the date signed by the Chairperson or the Chairperson's designee, as set forth below.

Signed on 6-13-17

MICHIGAN BOARD OF RESIDENTIAL
BUILDERS AND MAINTENANCE AND
ALTERATION CONTRACTORS

By 

Chairperson, Sidney Browne

STIPULATION

The parties stipulate as follows:

1. The facts alleged in the complaint are true and constitute a violation of the Occupational Code.
2. The Director of the Bureau of Professional Licensing, or her designee, must approve this consent order and stipulation before it is submitted to the Board for final approval.
3. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Occupational Code, rules promulgated under the Occupational Code, and the Administrative Procedures Act of 1969, 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 to present a defense to the charges. Should the Board reject the proposed consent order, the parties reserve the right to proceed to hearing.

4. The Board may enter the above Consent Order, supported by Board Chair Sidney Browne.

5. Mr. Browne and the parties considered the following factors in reaching this agreement:

- A. Respondent has been licensed as a residential builder since 2006 without any prior disciplinary actions.
- B. Respondent desires to resolve this complaint without the time and expense of an administrative hearing.

By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

AGREED TO BY:

AGREED TO BY:

M. Catherine Waskiewicz
M. Catherine Waskiewicz (P73340)
Assistant Attorney General
Attorney for Complainant
Dated: 3-31-17

William Christopher Wilfong
William Christopher Wilfong
Respondent
Dated: 3/29/2017

Bureau of Professional Licensing
Approved by:

Kim Gaedeke 04/06/2017
Kim Gaedeke, Director

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
BUREAU OF PROFESSIONAL
LICENSING,

Complainant,

Complaint No: 21-16-329349
(consolidated with 21-16-
328903 and 21-16-329257)

v

WILLIAM CHRISTOPHER WILFONG
License No. 21-01-182949,

Board of Residential Builders
and Maintenance and
Alteration Contractors

Respondent.

FIRST SUPERSEDING FORMAL COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General M. Catherine Waskiewicz, on behalf of Complainant Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, files this First Superseding Formal Complaint against Respondent William Christopher Wilfong, alleging upon information and belief as follows:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 339.2401 *et seq.*
2. At all times relevant to this Complaint, Respondent was licensed as a residential builder pursuant to the Code. Respondent was the qualifying officer for

KBC Home Improvements LLC, which has a lapsed license as of May 31, 2016.

Verification of licensure documents are attached as Exhibit 1.

3. Section 2405(1) of the Code provides that a qualifying officer is responsible for exercising the supervision or control of the building or construction operations necessary to secure full compliance with Article 24 and the rules promulgated thereunder.

4. Section 2409 requires a licensee to report a change of address to the Department within 30 days after the change occurs.

5. Section 2411(2)(a) of the Code requires the Board to penalize a licensee for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

6. Section 2411(2)(b) of the Code requires the Board to penalize a licensee for diversion of funds or property received for prosecution or completion of a specific construction project or operation.

7. Section 2411(2)(e) of the Code requires the Board to penalize a licensee for a willful violation of the building laws of this state or of a political subdivision of this state.

8. Section 2411(2)(j) of the Code requires the Board to penalize a licensee for aiding or abetting an unlicensed person to evade Article 24, or knowingly combining or conspiring with, or acting as agent, partner, or associate for an unlicensed person, allowing one's license to be used by an unlicensed person, or acting as or being an ostensible licensed residential builder for an undisclosed

person who does or shall control or direct, or who may have the right to control or direct, directly or indirectly, the operations of a licensee.

9. Section 604(b) of the Code requires the Board to penalize a licensee for practicing fraud, deceit, or dishonesty in practicing an occupation.

10. Section 604(c) of the Code requires the Board to penalize a licensee for violating a rule of conduct of an occupation.

11. Section 604(d) of the Code requires the Board to penalize a licensee for demonstrating a lack of good moral character. Section 104 of the Code provides that "good moral character" is defined in MCL 338.41 to mean "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner."

12. Section 604(h) of the Code requires the Board to penalize a licensee for violating any other provision of the Code or a rule promulgated thereunder for which a penalty is not otherwise prescribed.

13. Mich Admin Code, R 338.1551(2) requires a licensee to reply to the Department within 15 days from receipt of a complaint and confirm or deny the justification of the complaint.

14. Section 514 of the Code authorizes the Board to assess penalties against licensees under section 602 of the Code based on an administrative law hearings examiner's hearing report.

FACTUAL ALLEGATIONS

15. Respondent served as qualifying officer for KBC Home Improvements LLC from November 19, 2014 until May 31, 2016.

16. Despite Respondent being listed as the qualifying officer, Stephen Webster Lewis, an unlicensed person, controlled and/or directed KBC Home Improvements LLC's operations during the relevant time period.

17. During a criminal investigation into the matter, Respondent admitted he was not aware of KBC Home Improvements LLC's daily operations. As a qualifying officer, Respondent is responsible for ensuring KBC Home Improvements LLC's compliance with the Occupational Code and the rules promulgated thereunder, and he failed to do so in this case.

18. On or about May 26, 2016, the Department's investigator went to the address of record for KBC Home Improvements LLC and found it had vacated the premises. Respondent did not report a change in address to the Department.

Homeowner

19. On or about September 17, 2015, KBC Home Improvements LLC's agent, Christopher Balden, contracted with _____ to replace the roof on her home in East Grand Rapids, Michigan. Mr. Balden's builder salesperson license had lapsed on May 31, 2015.

20. In accordance with the terms of the contract, Ms. _____ made a down payment of \$3,770 to KBC Home Improvements LLC. The contract also required Ms. _____ to pay \$3,773 upon completion of the work.

21. Prior to commencing work on Ms. [redacted] roof, KBC Home Improvements LLC's agent, Mr. Lewis, used Ms. [redacted] personal information to open a credit card in her name and charged \$3,773 to her credit card for payment to KBC Home Improvements LLC.

22. Despite Ms. [redacted] multiple attempts to contact KBC Home Improvements LLC, it never commenced the work or refunded Ms. [redacted] money.

23. Respondent failed to pull a permit for the project.

24. On May 19, 2016, the Department notified Respondent that Ms. [redacted] had filed a complaint based on the aforementioned conduct.

25. Respondent failed to respond to the Department's notice.

Homeowner

26. On or about December 1, 2015, KBC Home Improvements LLC's agent contracted with ([redacted]) to remodel the bathroom in her home in Grand Rapids, Michigan.

27. Ms. [redacted] made a down payment of \$2,000 to KBC Home Improvements LLC.

28. On or about December 31, 2015, KBC Home Improvements LLC's agent, Mr. Lewis, contracted with Carolyn Rubingh to remodel another bathroom in her home.

29. Ms. [redacted] made another down payment of \$2,000 to KBC Home Improvements LLC.

30. Despite Ms. multiple attempts to contact KBC Home Improvements LLC, it never commenced the work on either project or refunded any of the money.

31. Respondent failed to pull a permit for the project.

32. On June 29, 2016, the Department notified Respondent that Ms. had filed a complaint based on the aforementioned conduct.

33. Respondent failed to respond to the Department's notice.

Homeowners

34. On or about February 5, 2016, KBC Home Improvements LLC's agent contracted with to remodel the bathroom in their home in Plainwell, Michigan for \$5,000.

35. The made a down payment of \$3,333 to KBC Home Improvements LLC.

36. Despite Mr multiple attempts to contact KBC Home Improvements LLC, it never commenced the work or refunded the money.

37. Respondent failed to pull a permit for the project.

38. On August 17, 2016, the Department notified Respondent that the had filed a complaint based on the aforementioned conduct.

39. Respondent failed to respond to the Department's notice.

COUNT I

40. Respondent's conduct as described above constitutes a failure to report a change of address to the Department within 30 days after the change occurs, contrary to section 2409 of the Code, in violation of section 604(h) of the Code.

COUNT II

41. Respondent's conduct as described above constitutes abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee, contrary to section 2411(2)(a) of the Code, in violation of section 604(h) of the Code.

COUNT III

42. Respondent's conduct as described above constitutes diversion of funds or property received for prosecution or completion of a specific construction project or operation, contrary to section 2411(2)(b) of the Code, in violation of section 604(h) of the Code.

COUNT IV

43. Respondent's conduct as described above constitutes 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 Code, in violation of section 604(h) of the Code.

COUNT V

44. Respondent's conduct as described above constitutes aiding or abetting an unlicensed person to evade Article 24, contrary to section 2411(2)(j) of the Code, in violation of section 604(h) of the Code.

COUNT VI

45. Respondent's conduct as described above constitutes fraud, deceit, or dishonesty in practicing an occupation in violation of section 604(b) of the Code.

COUNT VII

46. Respondent's conduct as described above constitutes a failure to reply to the Department within 15 days from receipt of a complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of sections 604(c) and (h) of the Code.

COUNT VIII

47. Respondent's conduct as described above demonstrates a lack of good moral character in violation of section 604(d) of the Code.

THEREFORE, Complainant Department of Licensing and Regulatory Affairs hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, MCL 24.201 *et seq.*, the Occupational Code, MCL 339.101 *et seq.*, and the associated administrative rules 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.

FURTHER, the administrative complaint previously filed against Respondent on September 14, 2016, is hereby WITHDRAWN and replaced in full by this superseding complaint.

Respectfully submitted,

BILL SCHUETTE
Attorney General

M. Catherine Waskiewicz

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Dated: November 3, 2016

LF: 2016-0155323-A/Wilfong, William Christopher, 329349/Complaint – First Superseding Formal Complaint – 2016-11-02