

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

YES HOME SERVICES INC.  
License Number: 21-02-201935

File Number: 21-15-324520  
Docket Number: 16-027164

CONSENT ORDER AND STIPULATION

CONSENT ORDER

On September 24, 2015, the Department of Licensing and Regulatory Affairs (Department) executed a First Superseding Formal Complaint (Complaint), charging Yes Home Services Inc. (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 Complaint are true and constitute a violation of section 2411(2)(e) 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 (Order) 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 are true and constitute a violation of section 2411(2)(e) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, supra, Respondent is FINED \$1,000.00, to be paid to the state of Michigan within 60 days of the effective date of this Order.

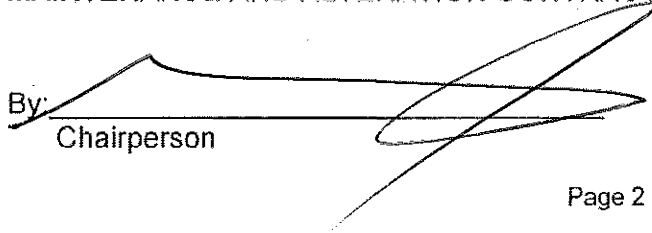
IT IS FURTHER ORDERED that the fine shall be mailed to the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Legal Affairs/Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909. The fine shall be paid by bank cashier check (check) or money order, made payable to the State of Michigan, and the check or money order shall clearly display file numbers file number 21-15-324520.

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, relicensure, or renewal under the Occupational Code, supra.

IT IS FURTHER ORDERED that this Order shall be effective on 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

## STIPULATION

1. On or about April 25, 2013, Respondent entered into a contract with Brock Wienczewski (Homeowner) to install a bathroom in a basement.

2. On or about May 15, 2014, a building inspector conducted an inspection and issued a Building Inspection Report that alleged that Respondent failed to obtain a building permit for the installation of the bathroom, contrary to R 1015.1 of the 2009 Michigan Residential Code (building code).

3. On or about August 8, 2014, the Homeowners filed a Statement of Complaint with the Department that alleged construction deficiencies.

4. The prosecution of the Complaint was scheduled for an administrative hearing and Respondent agreed to take full responsibility and settle the Complaint and execute this Order, and therefore 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.

5. Respondent agrees that the facts alleged in the Complaint are true and constitute a violation of section 2411(2)(e) of the Occupational Code supra, as Respondent failed to obtain a building permit contrary to R 105.1 of the 2009 Michigan Residential Code.

6. Respondent stated that the failure to obtain the building permit was a one-time oversight by staff and that Respondent does not have any prior disciplinary action against its company builder license, which was issued effective December 9, 2011.

7. The Department also filed an associated Complaint (File Number 21-15-326878) against Anthony Troy Albo, the qualifying officer of Respondent from December 9, 2011 to May 27, 2014. However, the Department received information that at the time of the subject contract and project, Anthony Troy Albo was no longer working for Respondent. Anthony Troy Albo and Respondent failed to provide notice to the Department that Anthony Troy Albo had ceased being the qualifying officer. A new qualifying officer, Robert Senfftleben, became effective May 27, 2014 through March 26, 2015, and Keith Allen Williams became the qualifying officer effective March 26, 2015 to current. Accordingly, Anthony Troy Albo was not involved in the subject contract and project. In addition, business entity records maintained by the state of Michigan indicate that Anthony Troy Albo was not listed as a corporate officer of the corporation. Respondent is represented in this Complaint by Steve Scott Clements, President of the corporation.

8. In addition, civil litigation was commenced between the Homeowner and Respondent (Yes Home Services, Inc., only), which was amicably resolved pursuant to a Settlement Agreement and Release of Claims, dated March 16, 2015, however the terms were not disclosed in accordance with confidentiality provisions.

9. Because Respondent agreed to take full responsibility and settle the Complaint and execute this Order, and the fact that Anthony Troy Albo was not involved

in the subject contract and project, the Department agreed to dismiss the Complaint against Anthony Troy Albo (File Number 21-15-326878).

10. Department records indicate that Anthony Troy Albo obtained an individual builder license effective August 7, 1985; the license is active through May 31, 2017; and there is no record of prior disciplinary action against the license.

11. Department records indicate that Respondent obtained a company builder license effective December 9, 2011; the license is active through May 31, 2017; and there is no record of prior disciplinary action against the license.

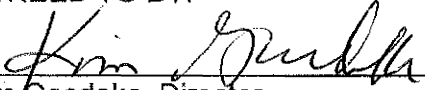
12. Respondent understands and intends that by agreeing to this Order, Respondent is waiving the right, pursuant to the Occupational Code, the rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq., to require the Department to prove the allegations set forth in the 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.

13. 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.

14. This Order 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.

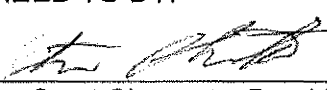
15. This Order is conditioned upon acceptance by the Board, Respondent, and the Department expressly reserving the right to further proceedings should the Order be rejected.

AGREED TO BY:

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

Dated: 02/24/2017

AGREED TO BY:

  
\_\_\_\_\_  
Steve Scott Clements, President  
Yes Home Services Inc.

Dated: 1-30-2017

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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  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

YES HOME SERVICES, INC.  
License Number: 21-02-201935

ANTHONY TROY ALBO,  
QUALIFYING OFFICER  
License Number: 21-01-127869

File Numbers: 21-15-324520  
21-15-326878

FIRST SUPERSEDING FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Yes Home Services, Inc. and Anthony Troy Albo (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 or about on April 25, 2013, Respondents entered into a contract with (Homeowner) to install a bathroom in Homeowner's basement. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On May 15, 2014, a building inspector for Oakland County inspected Homeowner's home and discovered that Respondents failed to obtain a building permit for the installation of the bathroom contrary to R105.1 of the 2009 Michigan Residential Building Code (building code) adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011. A copy of the inspection report, marked Exhibit B, is attached and incorporated.

#### COUNT I

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 2411(2)(e) of the Occupational Code, supra.

The Formal Complaint previously executed against Respondents on January 30, 2015 is WITHDRAWN and replaced in full by this First Superseding Formal Complaint.

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.

Pursuant to section 508 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: 09/24/2015

  
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Kim Gaedeke, Director  
Bureau of Professional Licensing

Attachments

This is the final page of a First Superseding Formal Complaint in the matter of Yes Home Services, Inc., File Number 21-14-32450 and Anthony Troy Albo, File Number 21-14-326878, before the Disciplinary Subcommittee of the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

SDM