



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

October 15, 2024

Catherine Bradford  
8368 Portage Point Dr.  
Onkama, MI 49675

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On October 9, 2024, the Construction Code Commission (“Commission”) was presented with a Construction Code “Appeal” involving the Cook Family Cottage submitted by Catherine Bradford. Notification was made to applicant Catherine Bradford and to Mr. Brian Cook on September 25, 2024, that this matter would be addressed by the Commission at the meeting on October 9, 2024. The Commission acknowledged receipt of the appeal on October 9, 2024, reviewed the appeal and all supplemental materials provided, and considered the matter at a public meeting on that date.

Brendon Karl, attorney representing Brian Cook, and Dan Norvack, representing Catherine Bradford, appeared before and presented to the Commission.

Following discussion, a motion was made, supported, and passed unanimously to deny the Construction Code Appeal submitted by Catherine Bradford due to the Commission not having jurisdiction over the matter because the enforcing agency has not issued a written decision under MCL 125.1511(2).

THEREFORE, it is the final decision of the Commission to deny the Construction Code Appeal for Cook Family Cottage. Judicial review of this decision may be pursued as permitted by law.

cc: BCC Building Unit  
Brian Cook



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

November 15, 2024

Robert Burroughs  
OLX Studio  
2373 Oak Valley Drive  
Ann Arbor, MI 48103

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On October 9, 2024, the Construction Code Commission (“Commission”) was presented with a variance request for Berrien RESA Lighthouse Education Center submitted by Robert Burroughs. Notification was made to Troy Boone, Robert Burroughs, and Jason Alphenaar on September 25, 2024, that this matter would be addressed by the Commission at the meeting on October 9, 2024. The Commission acknowledged receipt of the variance request on October 9, 2024, reviewed the variance request and all supplemental materials provided, and considered the matter at a public meeting on that date.

Matt Biglin, Architect O/X Studios, Troy Boone, Director of Facilities and Security of Berrien RESA, and Liz Olsen, Principal of Berrien RESA Lighthouse Education Center, appeared before and presented on behalf of Berrien to the Commission.

Assistant Attorney General Lindsay Schmidt provided the Commission with the legal authority to consider the variance request.

Following discussion, a motion was made, supported, and passed unanimously to approve the Berrien RESA Lighthouse Education Center variance request by O/X Studio because the literal application of MBC 1010.1.9.7 would result in an exceptional, practical difficulty to the applicant because the delayed-egress device is adequate for its intended use and does not substantially deviate from performance required by the code of this particular item or part for the health, safety, and welfare of the people of this State and the specific condition justifying the variance is neither so general nor recurrent in nature as to make an amendment of the building code with respect to the condition reasonably practical or desirable. The Commission noted that additional variance requests must be submitted to and approved by the Commission for any other entrances in the facility.

THEREFORE, it is the final decision of the Commission to approve the Berrien RESA Lighthouse Education Center variance request by O/X Studio. Judicial review of this decision may be pursued as permitted by law.

Final Decision of the Construction Code Commission

November 15, 2024

Page 2 of 2

cc: BCC Building Unit  
Troy Boone, Director, Berrien RESA  
Jason Alphenaar, The Rienks Group



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

October 16, 2024

Jason Jonker  
5148 Gun Lake Road  
Hastings, MI 49058

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On October 9, 2024, the Construction Code Commission (“the Commission”) reviewed Mr. Jason Jonker’s appeal regarding the Bureau of Construction Codes’ denial of his application for mechanical inspector and plan reviewer registration. Notification was made to Jason Jonker on September 24, 2024, that this matter would be addressed by the Commission at the meeting on October 9, 2024. The Commission acknowledged receipt of the appeal on October 9, 2024, reviewed the appeal and all supplemental materials provided, and considered the matter at a public meeting on that date. This final decision is issued pursuant to the Skilled Trades Regulation Act, MCL 339.5101 *et seq.*

Following discussion, a motion was made, supported, and passed unanimously to deny Mr. Jonker’s appeal because the Commission concluded Mr. Jonker failed to establish the necessary qualifications required by the Skilled Trades Regulation Act and Michigan Administrative Code Rule 339.5309 and Rule 339.5400.

THEREFORE, it is the final decision of the Construction Code Commission to deny Mr. Jason Jonker’s application for mechanical inspector and plan reviewer registration because he has not met the qualifications required by the Skilled Trades Regulation Act and Michigan Administrative Code Rules 339.5309 and 339.5400.

cc: Licensing Section

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
MICHIGAN STATE CONSTRUCTION CODE COMMISSION

In the Matter of

BERNARD KELLEY  
Building Official License No. 1890

Respondent

Complaint No. 2300388

Consent Order and Stipulation

CONSENT ORDER

On January 26, 2022, the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Department) issued a Formal Complaint alleging that BERNARD KELLEY (Respondent) violated the Stille-DeRossett-Hale Single State Construction Code Act, and the Skilled Trades Regulation Act. Respondent has agreed to a Consent Order and Stipulation with the Department that resolves the violations alleged in the Formal Complaint.

Respondent admits acting contrary to Section 13 of the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1513; and Section 607(c) of the Skilled Trades Regulation Act, MCL 339.5607(c), in not performing an in person Final Inspection before issuing a Certificate of Occupancy.

The Michigan State Construction Code Commission (Commission) has reviewed this Consent Order and the Stipulation and agrees that the public interest is served by resolution of the Formal Complaint as set forth herein.

Therefore, IT IS FOUND that Respondent acted contrary to contrary to Section 13 of the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1513; and Section 607(c) of the Skilled Trades Regulation Act, MCL 339.5607(c), constituting grounds for the assessment of a disciplinary sanction(s) pursuant to Section 603 of the Skilled Trades Regulation Act, MCL 339.5603.

Accordingly, IT IS ORDERED that:

Respondent, or a designee on his behalf, shall pay a FINE in the amount of \$2,000.00, payable to the State of Michigan, within 90 days of the effective date of the Order (mailing date).

The Fine shall be mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, Sanction Monitoring, P.O. Box 30255, 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 the complaint number: Complaint No. 2300388.

The sanction of Restitution is not applicable in this case.

Failure to comply with the terms of this Order shall result in a Suspension of all licenses held by Respondent under the Skilled Trades Regulation Act, and in the denial of any license renewal or relicensure until compliance with the Consent Order is achieved.

If Respondent violates any term or condition set forth in this Order, Respondent shall be in violation of MCL 339.5607(k) of the Skilled Trades Regulation Act and may be subject to further disciplinary action.

IT IS FURTHER ORDERED that this Order shall be effective on the date of mailing to Respondent.

MICHIGAN STATE CONSTRUCTION CODE COMMISSION

By:   
Chairperson (or Designee)

Date: 10-9-24

[Stipulation continues on next page]

## STIPULATION

1. The Department and Respondent agree that the public interest is served by resolution of the Formal Complaint as set forth in the Consent Order and Stipulation. Respondent is represented by Lindsay N. Dangl (attorney).
  
2. After the Department issued a Formal Complaint against Respondent, in this matter, Respondent requested to participate in the Compliance Conference process, which resulted in this settlement. A Compliance Conference was held on June 11, 2024.
  
3. According to licensing records maintained by the Department, on or about September 23, 2016, Respondent was issued Building Official/Inspector/Plan Reviewer License No. 1890. The license was renewed July 26, 2018, and July 16, 2021, respectively, with an expiration date of September 16, 2024. Department records indicate that there has been no prior disciplinary action against Respondent's license.
  
4. Respondent currently provides Building Official services to Hagar Township, and Coloma Township.
  
5. On or about May 27, 2020, Respondent received a request to conduct a Rough Framing Inspection at a residential construction site located at [REDACTED], Coloma, MI 49038. Respondent discovered that the new home construction project commenced in December 2019; however, a Building Permit had not been obtained. Respondent brought a Building Permit Application to the site for the Builder to complete. Respondent observed that the house was framed-up and backfill had already been placed against the foundation. Respondent made a "gut call" and decided to not issue a Stop Work Order. Respondent took into consideration that the Electrical and Plumbing Inspections had been approved. Respondent issued a Building Permit and conducted the Rough Framing Inspection. Respondent did observe building code violations regarding the crawl space blocking, and lateral bracing on scissor trusses. Respondent did

not issue a written Field Correction Notice; however, the Builder assured Respondent that the Builder would correct the issues.

6. On or about December 4, 2020, Respondent received a Request for Final Inspection from the Builder. Respondent informed the Builder that he was very busy and that he could conduct the Final Inspection in approximately one (1) week. Respondent noted that Governor Whitmer had issued a Covid-19 Stop Work Order on March 10, 2020, which specifically prohibited construction work; and that the Stop Work Order was lifted on May 1, 2020, which resulted in a “surge” of construction activity. The Builder emphasized to Respondent that the Homeowner needed to close on a mortgage and that a Final Inspection approval and Certificate of Occupancy were needed for the mortgage. Respondent did not want to impede the mortgage closing. The Homeowner later disputed the Builder’s representation that the Homeowner desired a Final Inspection approval and Certificate of Occupancy so the mortgage could be closed.

7. Respondent discussed with the Builder the building code violations observed during the Rough Framing Inspection on May 27, 2020, and the Builder assured Respondent that the items had been corrected. Respondent stated that he intended to follow up with an inspection at a later date. Respondent issued the Certificate of Occupancy on December 4, 2020.

8. The Homeowner subsequently moved into the home. On or about February 22, 2021, Respondent received a complaint from the Homeowner regarding problems with the construction of the home.

9. On or about February 24, 2021, Respondent conducted an Inspection of the home in response to the receiving the Homeowner complaint. On or about March 22, 2021, Respondent prepared a typed document entitled, “Hagar Township Inspection Report,” which listed ten (10) violations of the 2015 Michigan Residential Code. Respondent also completed a “Building Inspection Report” (inspection: February 24, 2021; signature: March 22, 2021) listing the same



building code violations, in connection to a related Builder Complaint, submitted by the Homeowner, pursuant to the Occupational Code.

10. On or about September 10, 2021, Respondent rescinded the Certificate of Occupancy (as of September 10, 2021) via a letter to the Homeowner.

11. The Department represents that on or about July 6, 2021, the Department received a complaint from the Homeowner against the Residential Builder. On or about March 15, 2022, the Department issued a Formal Complaint (Complaint No. 2100443) against the Builder, alleging violations of the Michigan Residential Code and the Occupational Code. On or June 28, 2022, the Board of Residential Builders and Residential Maintenance and Alteration Contractors, approved a Consent Order and Stipulation, regarding the Builder's license for violations of the Occupational Code (and the Michigan Residential Code).

12. The Department represents that the Homeowner also pursued Civil Court action against the Builder and obtained a Default Judgment, which has not been satisfied/paid.

13. The Department represents that on or about May 4, 2023, the Department received a Statement of Complaint from the Homeowner, regarding Respondent's actions related to the Final Inspection and Certificate of Occupancy.

14. Respondent indicated his remorse for his actions and the resultant harm to the Homeowner. Respondent maintains that he has not issued a Certificate of Occupancy without conducting an in person Final Inspection any other times; however, in this case, he succumbed to pressures resulting from the construction activity surge after the Covid-19 Stop Work Order was lifted.

15. In settlement of the Formal Complaint, Respondent admits to the following alleged violations of the Stille-DeRossett-Hale Single State Construction Code Act, and the Skilled Trades Regulation Act:

- 1) Respondent acted in violation of Section 13 of the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1513. Respondent issued a Certificate

of Use and Occupancy certifying that the construction work covered by the Building Permit was completed in accordance with the Building Permit and the Michigan Residential Code. Respondent did not conduct an in person Final Inspection of the home prior to issuing the Certificate of Use and Occupancy. Respondent subsequently conducted an on-site inspection and cited violations of the Michigan Residential Code and Respondent rescinded the Certificate of Use and Occupancy.

- 2) Respondent acted in violation of Section 607(c) of the Skilled Trades Regulation Act, MCL 339.5607(c) – Respondent violated a rule of conduct of an occupation.

16. Pursuant to the principle of settlement and compromise, all other violations alleged in the Formal Complaint are dismissed.

17. Respondent acknowledges that he has acted in violation of the Stille-DeRossett-Hale Single State Construction Code Act, and the Skilled Trades Regulation Act, in not performing an in person Final Inspection before issuing a Certificate of Occupancy, constituting grounds for the assessment of a disciplinary sanction(s), as prescribed in Section 603 of the Skilled Trades Regulation Act, MCL 339.5603.

18. Respondent acknowledges that the Consent Order imposes a Fine in the amount of \$2,000.00, due within 90 days after the mailing date of the Consent Order. Respondent acknowledges that the failure to comply with the terms of the Consent Order will result in a Suspension of all licenses held by Respondent under the Skilled Trades Regulation Act, and in the denial of any license renewal or relicensure until compliance with the Consent Order is achieved. If Respondent violates any term or condition set forth in this Order, Respondent shall be in violation of MCL 339.5607(k) of the Skilled Trades Regulation Act and may be subject to further disciplinary action.

19. The sanction of Restitution (compensation to the Homeowner) is not applicable in this matter.

20. Respondent understands that in the future event that Respondent is found to be in violation of the Stille-DeRossett-Hale Single State Construction Code Act, or the Skilled Trades Regulation Act, and associated administrative rules, it is Department policy to pursue increased disciplinary sanctions.

21. Respondent agrees that William Wilhelm, Administrative Law Specialist, Enforcement Section, Bureau of Construction Codes, may discuss this matter and the Consent Order and Stipulation with the Commission, to recommend and support the acceptance of the Consent Order and Stipulation.

22. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Skilled Trades Regulation Act, the rules promulgated thereunder, and the Administrative Procedures Act, 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 witnesses to present a defense to the allegations.

23. 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 Commission in this matter.

24. This matter 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.*

25. This proposal is conditioned upon acceptance by the Commission, Respondent, and the Department, expressly reserving the right to further administrative proceedings without prejudice should this Consent Order and Stipulation be rejected.

26. Respondent acknowledges that he has thoroughly read, and understands, the terms of the Consent Order and Stipulation.

*[Signatures continue on next page]*

AGREED TO BY:

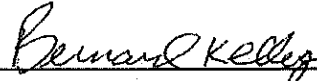
Andrew Brisbo

Digitally signed by: Andrew Brisbo  
DN: CN = Andrew Brisbo email =  
brisboa@michigan.gov C = US O = Bureau  
of Construction Codes OU = Director  
Date: 2024.09.17 14:06:35 -04'00'

Andrew Brisbo, Director  
Bureau of Construction Codes  
Department of Licensing and Regulatory Affairs

Date: 9/17/2024

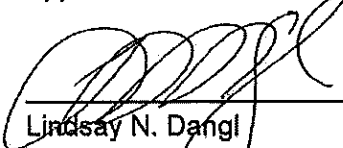
AGREED TO BY:



Bernard Kelley, Respondent

Date: 9-13-24

Approved as to form and content:



Lindsay N. Dangi  
Murphy & Spagnuolo PC  
Attorney for Respondent

Date: 9/13/24

*Drafted: William Wilhelm, ALS, Enforcement Section, Bureau of Construction Codes (9/9/24)*

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
MICHIGAN STATE CONSTRUCTION CODE COMMISSION

In the Matter of

BERNARD KELLEY  
License No. 1890

COMPL-LIC2300388

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**FORMAL COMPLAINT AGAINST BERNARD KELLEY**

The Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Complainant (Department), based upon information and belief, files this Formal Complaint against Bernard Kelley (Respondent) alleging violations of the Michigan Skilled Trades Regulation Act, MCL 339.5101 *et seq.*, as follows:

1. The Michigan State Construction Code Commission (Board) is an administrative agency assigned responsibility to address Inspector complaints by the Skilled Trades Regulation Act. Pursuant to MCL 339.5315, 5317, 5509, 5525, 6005 and 6015. The Board is empowered to impose disciplinary sanctions, for violations of the Skilled Trades Regulation Act, as set forth in MCL 339.5603.
2. Bernard Kelley, inspector license number 1890, obtained and has held a Building Official license with the Department since, on or about, September 23, 2016. He provides Building Inspection to the Hagar Township Building Department and provided Inspection services, pursuant to his authority at [REDACTED], Coloma, MI 49038. A copy of the License Verification Report, marked **Exhibit 1**, is attached and incorporated.
3. On or about December 4, 2020, Bernard Kelley, acting in his capacity as a Building Inspector/Official, issued a Certificate of Occupancy to the Homeowner at [REDACTED], Coloma, MI 49038. (A copy of the Certificate of Occupancy, marked **Exhibit 2**, is attached and incorporated.)

4. However, Respondent admits he never actually went to the residential property to inspect the property to ensure compliance with the assortment Michigan Construction Codes, prior to issuing the Certificate of Occupancy. (Exhibit 3, Transcript page 65, lines 15-20)
5. It was not until he received calls from the Homeowner regarding problems at the residential property that Respondent went out to house since an initial inspection in May of 2020. (Exhibit 4, Transcript, Page 66, lines 24 & 25, plus Page 67, line 1)

**APPLICABLE LAW TO THIS FORMAL COMPLAINT**

6. This complaint incorporates, by reference, paragraphs 1 - 5.
7. MCL 125.1513 requires, in part, that, *“The certificate of use and occupancy shall certify that the building or structure has been constructed in accordance with the building permit, the code and other applicable laws and ordinances.”*
8. MCL 339.5607 reads, in part, that, *“A person that violates 1 or more of the provisions of a specific article of this act or that commits 1 or more of the following is subject to the penalties described in section 603:*
  - a. *Practices fraud, deceit, or dishonesty in practicing an occupation;*
  - b. *Violates a rule of conduct of an occupation;*
  - c. *Demonstrates a lack of good moral character;*
  - d. *Commits an act that demonstrates incompetence.”*
9. R 339.5115 reads, *“(1) The minimal standard of acceptable practice is the Stille-DeRossett-Hale single state construction code act, 1972, MCL 125.1501 to 125.1531. A licensee who deviates from the minimal standard of acceptable practice or the specified requirements of the codes adopted pursuant to the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531, its rules, these rules or any acts by which the licensee operates may be considered to have committed an act demonstrating incompetence as describe in section 607(g) of the act, MCL 339.5607.”*

**COUNT I**

Respondent’s conduct evidences the failure to properly inspect a residential property, in violation of MCL 125.1513.

## COUNT II

Respondent's conduct, by failing to properly inspect a residential property, evidences incompetence, defined as a person who deviates from the minimal standards of acceptable practice or specified requirements of the Skilled Trades Regulation Act's promulgated rule R. 339.5115(1), in violation of MCL 339.5607(g).

## COUNT III

Respondent's conduct, by failing to properly inspect a residential property, evidences fraud, deceit, or dishonesty in practicing an occupation, by issuing a Certificate of Occupancy without ever properly visiting and inspecting the residential property.

## COUNT IV

Respondent's conduct, by failing to properly inspect a residential property as both required; evidences a lack of good moral character<sup>1</sup>, defined as not serving the public in a fair, open, and honest manner, contrary to MCL 339.5607(d). Respondent knows, or should have known, that failing to properly inspect a residential property, is a failure to serve the public in a fair, honest and open manner.

Therefore, the Department alleges that Respondent acted in violation of the Skilled Trades Regulation Act, constituting grounds for the assessment of a penalty, or penalties, as prescribed in MCL 339.5603. The Department hereby commences a proceeding pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.*, and the Skilled Trades Regulation Act, to determine whether disciplinary action should be taken by the Department and the Michigan State Construction Code Commission.

Respondent is hereby notified that, pursuant to MCL 339.5515(2), Respondent has 15 days from the date of receipt of this Formal Complaint to notify the Department of Respondent's decision to either negotiate a settlement of this matter, to demonstrate compliance with the Skilled Trades Regulation Act, or to request a formal administrative hearing. Written notification of Respondent's selection shall be submitted to the Bureau of Construction Codes, Department

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<sup>1</sup> MCL 339.5105(e) provides "Good moral character" means that term [good moral character] as defined in, and determined under, 1974 PA 381, MCL 338.41, which defines "Good moral character" as construed 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.

of Licensing and Regulatory Affairs, PO Box 30254, Lansing, MI 48909. If Respondent fails to notify the Department of his decision within 15 days, the Department will proceed with the prosecution of this Formal Complaint and will request the scheduling of a formal administrative hearing by the Michigan Office of Administrative Hearings and Rules (MOAHR).

Date: \_\_\_\_\_

Alesha Gensler

Digitally signed by Alesha Gensler  
DN: cn = Alesha Gensler, email =  
Alesha.Gensler@Michigan.gov, c = AO, o = Department of  
Licensing and Regulatory Affairs, ou = Bureau of  
Construction Codes  
Date: 2023.11.06 12:55:13 -0500

\_\_\_\_\_  
**Alesha Gensler**, Division Director  
Bureau of Construction Codes  
MI Dept. of Licensing & Regulatory Affairs

Enc: License Verification [Exhibit 1]  
Certificate of Occupancy [Exhibit 2]  
Transcript, Pages 65 [Exhibit 3]  
Transcript, Pages 66 & 67 [Exhibit 4]





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

November 15, 2024

Robert Burroughs  
OLX Studio  
2373 Oak Valley Drive  
Ann Arbor, MI 48103

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On October 9, 2024, the Construction Code Commission (“Commission”) was presented with a variance request for Berrien RESA Lighthouse Education Center submitted by Robert Burroughs. Notification was made to Troy Boone, Robert Burroughs, and Jason Alphenaar on September 25, 2024, that this matter would be addressed by the Commission at the meeting on October 9, 2024. The Commission acknowledged receipt of the variance request on October 9, 2024, reviewed the variance request and all supplemental materials provided, and considered the matter at a public meeting on that date.

Matt Biglin, Architect O/X Studios, Troy Boone, Director of Facilities and Security of Berrien RESA, and Liz Olsen, Principal of Berrien RESA Lighthouse Education Center, appeared before and presented on behalf of Berrien to the Commission.

Assistant Attorney General Lindsay Schmidt provided the Commission with the legal authority to consider the variance request.

Following discussion, a motion was made, supported, and passed unanimously to approve the Berrien RESA Lighthouse Education Center variance request by O/X Studio because the literal application of MBC 1010.1.9.7 would result in an exceptional, practical difficulty to the applicant because the delayed-egress device is adequate for its intended use and does not substantially deviate from performance required by the code of this particular item or part for the health, safety, and welfare of the people of this State and the specific condition justifying the variance is neither so general nor recurrent in nature as to make an amendment of the building code with respect to the condition reasonably practical or desirable. The Commission noted that additional variance requests must be submitted to and approved by the Commission for any other entrances in the facility.

THEREFORE, it is the final decision of the Commission to approve the Berrien RESA Lighthouse Education Center variance request by O/X Studio. Judicial review of this decision may be pursued as permitted by law.

Final Decision of the Construction Code Commission

November 15, 2024

Page 2 of 2

cc: BCC Building Unit  
Troy Boone, Director, Berrien RESA  
Jason Alphenaar, The Rienks Group



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

November 19, 2024

Robert Ellis  
City of Howell  
611 East Grand River Ave.  
Howell, MI 48843

City of Howell  
Application to Administer and Enforce  
Michigan Electrical, Plumbing, Mechanical Code

### FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION

On October 9, 2024, the Construction Code Commission (“Commission”) was presented with an Application to Administer and Enforce for the City of Howell for the Michigan Electrical, Plumbing, and Mechanical Code submitted by Robert Ellis, City of Howell Mayor. Notification was made to the City on September 24, 2024, that this matter would be addressed by the Commission at the meeting on October 9, 2024. The Commission acknowledged receipt of the request on October 9, 2024, reviewed the application and all supplemental materials provided, including the Bureau of Construction Codes’ September 5, 2024, Memorandum, and considered the matter at a public meeting on that date. This final decision is issued pursuant to MCL 125.1508b(6).

Erv Suida, City of Howell City Manager and Kristi Troy, Planning & Zoning Administrator, appeared before and presented to the Commission on behalf of the City of Howell. Bureau Deputy Director Keith Lambert appeared and presented to the Commission on behalf of the Bureau.

Following discussion, a motion was made, supported, and passed unanimously to deny the City of Howell’s current Application to Administer and Enforce the Electrical, Mechanical, and Plumbing Codes because its application does not meet the requirements of MCL 125.1508a. **SPECIFICALLY**, there are fourteen (14) deficiencies noted in the Bureau’s Memorandum dated September 5, 2024 that need to be addressed before the application can be resubmitted. **THEREFORE**, it is the final decision of the Commission to deny the City of Howell’s Application to Administer and Enforce. Judicial review of this decision may be pursued as permitted by law.

Cc: BCC Electrical, Plumbing, and Mechanical Units  
Erv Suida, Manager, City of Howell  
Kristi Troy, Planning & Zoning Administrator, City of Howell



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

November 19, 2024

Kern G. Slucter  
Windsor Charter Township  
405 W. Jefferson St.  
Dimondale, MI 48821

Windsor Charter Township  
Application to Administer and Enforce  
Michigan Building, Electrical, Plumbing, Mechanical Code

### **FINAL DECISION OF THE CONSTRUCTION CODE COMMISSION**

On October 9, 2024, the Construction Code Commission (“Commission”) was presented with a resubmitted Application to Administer and Enforce dated May 17, 2024, for Windsor Charter Township for the Michigan Building, Electrical, Plumbing, and Mechanical Code submitted by Kern Slucter, Windsor Charter Township Supervisor, Zoning Administrator, and MAI Appraiser. Notification was made to Kern Slucter and Chris Garrison on September 24, 2024, that this matter would be addressed by the Commission at the meeting on October 9, 2024. The Commission acknowledged receipt of the request on October 9, 2024, reviewed the application and all supplemental materials provided, including the Bureau of Construction Codes’ June 18, 2024, Memorandum, and considered the matter at a public meeting on that date. This final decision is issued pursuant to MCL 125.1508b(6).

Pete Preston, Windsor Township Assessor, Kern Slucter, Windsor Township Supervisor, and Chis Patterson, legal counsel for Windsor Township, appeared before and presented to the Commission on behalf of Windsor Township.

Bethony Shaw, Windsor Township Supervisor Elect, also appeared before and presented to the Commission.

Chris Garrison, Eaton County Supervisor, appeared before and presented to the Commission on behalf of Eaton County.

Bureau Deputy Director Keith Lambert appeared and presented to the Commission on behalf of the Bureau. Deputy Director Lambert represented that Item 2 in the Bureau’s June 18, 2024, Memorandum is the only item that remains for Windsor Township to correct.

Following discussion, a motion was made, supported, and passed unanimously to approve Windsor Charter Township’s May 17, 2024, Application to Administer and Enforce the Building, Electrical, Mechanical, and Plumbing Codes because its application meets the requirements of MCL 125.1508a, with the condition that Item 2, in the Bureau’s June 18, 2024, Memorandum to the

Final Decision of the Construction Code Commission

November 19, 2024

Page 2 of 2

Commission is corrected within 30 days of today's meeting. The effective date of the transfer of authority is January 1, 2025.

THEREFORE, it is the final decision of the Commission to approve Windsor Charter Township's May 17, 2024, Application to Administer and Enforce. Judicial review of this decision may be pursued as permitted by law.

cc: BCC Building, Electrical, Plumbing, and Mechanical Units  
Peter Preston, Assessor/Consultant, Preston Community Services, Windsor Charter Township  
Chris Patterson, Legal Counsel, Windsor Charter Township  
Chris Garrison, Supervisor, Eaton County