

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

On April 10, 2024, the Construction Code Commission (“the Commission”) reviewed Mr. Justin McManaway’s appeal regarding the Bureau of Construction Codes’ denial of his application for mechanical inspector registration. The appeal and all supplemental materials were reviewed by the Commission. This final decision is issued pursuant to the Skilled Trades Regulation Act, MCL 339.5101 *et seq.*

**FINDINGS AND CONCLUSIONS:** Notification was made to Justin McManaway on March 28, 2024, that this matter would be addressed by the Commission at the meeting on April 10, 2024. The Commission acknowledged receipt and reviewed the appeal and supplemental materials at the meeting on April 10, 2024. Following discussion, the Commission unanimously passed a motion granting Mr. McManaway’s appeal and allowing him to sit for the Michigan mechanical inspector examination because the Commission concluded that Mr. McManaway established the necessary experience required by the Skilled Trades Regulation Act and Michigan Administrative Code, Rule 339.5309(2).

**THEREFORE,** it is the final decision of the Construction Code Commission to approve Mr. Justin McManaway’s application for mechanical inspector examination and licensing registration because he has satisfied the necessary experience required by the Skilled Trades Regulation Act and Michigan Administrative Code Rule 339.5309(2).



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

April 17, 2024

Steve Devlaeminck  
Building Official  
Development Center  
1120 Monroe Ave. NW,  
3rd Floor  
Grand Rapids, MI 49503

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

On April 10, 2024, the Construction Code Commission (“Commission”) was presented with a blank City of Grand Rapids (“City”) Application for Mechanical Permit and an email from Steve Devlaeminck, Building Official for the City. The email requested that the Commission review and approve the City’s application form. Notification was made to Steve Devlaeminck on March 28, 2024, that this matter would be addressed by the Commission at the meeting on April 10, 2024. The Commission acknowledged receipt of the request on April 10, 2024, reviewed the request and all supplemental materials provided, and considered the matter at a public meeting on that date.

Steve Devlaeminck, Building Official, attended the meeting and spoke in support of the request. The Commission also reviewed and discussed attorney-client privileged advice in closed session about the applicable law. The Commission then reconvened in open session to consider the matter.

Following discussion, a motion was made, supported, and passed unanimously to deny the City of Grand Rapids’s request because the request does not constitute an actionable appeal and exceeds the Commission’s appellate jurisdiction under MCL 125.1516(1).

THEREFORE, it is the final decision of the Commission to deny the City of Grand Rapids’s request for the Commission to review and approve the City’s Application for Mechanical Permit form. Judicial review of this decision may be pursued as permitted by law.

cc: BCC Building Unit  
City of Grand Rapids Development Center  
City of Grand Rapids Office of City Attorney



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

April 17, 2024

Paul Knox  
234 W. Baraga Ave  
Marquette, MI 49855

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

On April 10, 2024, the Construction Code Commission (“Commission”) was presented with a Construction Code Appeal Application for Marquette County submitted by Marquette County Building Official Paul Knox appealing the local board of appeals’ decision to grant Jerzi’s Amusement Arcade’s request for a variance. Notification was made to Paul Knox on March 28, 2024, that this matter would be addressed by the Commission at the meeting on April 10, 2024. The Commission acknowledged receipt of the request on April 10, 2024, reviewed the application and all supplemental materials provided, and considered the matter at a public meeting on that date.

Attorney Wendy Marcotte appeared and presented on behalf of Paul Knox and Marquette County. Matt Aho, Chief Building Inspector of Marquette County, also appeared and spoke in support of the appeal. The Commission also reviewed and discussed attorney-client privileged advice in closed session about the law applicable to the appeal. The Commission then reconvened in open session to consider the matter.

Following discussion, a motion was made, supported, and passed by a vote of 9-1 to deny the appeal due to a lack of jurisdiction because the Commission’s authority is limited to hearing an appeal based on the denial of a request for a variance as stated in MCL 125.1516(1).

THEREFORE, it is the final decision of the Commission to deny Building Official Paul Knox’s Construction Code Appeal Application for lack of jurisdiction. Judicial review of this decision may be pursued as permitted by law.

cc: BCC Building Unit  
Marquette County Local Enforcing Agency  
Jerzi’s Amusement Arcade



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

April 17, 2024

Phil Forner  
PO Box 296  
Allendale, MI 49401

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

On April 10, 2024, the Construction Code Commission (“the Commission”) was presented with an Application for Construction Code Appeal submitted by Phil Forner against Spring Lake Township (“Township”) and Michigan Township Services Muskegon. The Commission acknowledged receipt of the request on April 10, 2024, reviewed the application and all supplemental materials provided, and considered the matter at a public meeting on that date.

Phil Forner attended the meeting and spoke in support of the appeal. Crystal Morgan, Attorney for the Township, and Greg Mason, Building & Plumbing Official for Michigan Township Services Muskegon, attended and spoke against the appeal. The Commission also reviewed and discussed attorney-client privileged advice in closed session about the applicable law. The Commission then reconvened in open session to consider the matter.

Following discussion, a motion was made, supported, and passed unanimously to deny Phil Forner’s request that the Township submit its mechanical permit application form to the Commission for its review because the request does not constitute an actionable appeal, and the request is inconsistent with MCL 125.1510(1) and the Commission’s decisions at the January 24, 2024 meeting.

Following discussion, a motion was made, supported, and passed unanimously to refer Phil Forner’s remaining request, that the Commission find that the Township or Michigan Township Services Muskegon erred in requiring certain gas leak testing after it approved a rough-in inspection and that the Commission order the payment of costs for providing access after rough-in approval was given, to the Board of Mechanical Rules for consideration.

THEREFORE, it is the final decision of the Commission to deny Phil Forner’s Construction Code Appeal Application as to the request that the Township submit its mechanical permit application form to the Commission for its review, and to refer the remaining request that the Commission find that the Township or Michigan Township Services Muskegon erred in requiring certain gas leak testing after it approved a rough-in inspection and for costs to the Board of Mechanical Rules for consideration. Judicial review of this decision may be pursued as permitted by law.

cc: BCC Building Trades Section  
Spring Lake Township  
Michigan Township Services Muskegon Local Enforcing Agency



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

April 17, 2024

Benjamin Perdok  
GMB  
85 E. 8<sup>th</sup> Street  
Holland, MI 49423

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

On April 10, 2024, the Construction Code Commission (“Commission”) was presented with an Application for Construction Code Appeal submitted by Benjamin Perdok, Architect for GMB, regarding New Elementary School located at 9605 Edgerton Ave., Rockford, MI for Rockford Public Schools. Benjamin Perdok appealed a notice of violation issued by the Bureau of Construction Codes for a violation of the 2015 Michigan Building Code Section 603.1. Notification was made to Benjamin Perdok on March 28, 2024, that this matter would be addressed by the Commission at the meeting on April 10, 2024. The Commission acknowledged receipt of the request on April 10, 2024, reviewed the application and all supplemental materials provided, and considered the matter at a public meeting on that date.

Benjamin Perdok attended the meeting and presented to the Commission. Chad Wakley, Code Inspection Supervisor, attended the meeting and answered questions on behalf of the Bureau.

Following discussion, a motion was made, supported, and passed unanimously to grant the appeal and reverse the notice of violation because the Commission concluded that the assembly of materials is not part of the structural load path of the building and is not required to be rated per separation distances from other buildings, and that the final cladding meets any flame spread requirements based on the definition of “exterior wall covering” found in Chapter 2 of the 2015 Michigan Building Code.

THEREFORE, it is the final decision of the Commission to grant the appeal submitted by Benjamin Perdok and reverse the notice of violation issued by the Bureau of Construction Codes. Judicial review of this decision may be pursued as permitted by law.

cc: BCC Building Unit



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

April 30, 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 April 10, 2024, the Construction Code Commission (“Commission”) was presented with an Application to Administer and Enforce 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 on March 28, 2024, that this matter would be addressed by the Commission at the meeting on April 10, 2024. The Commission acknowledged receipt of the request on April 10, 2024, reviewed the application and all supplemental materials provided, including the Bureau of Construction Codes’ March 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, appeared before and presented on behalf of Windsor Township to the Commission. Kern Slucter, Township Supervisor, Zoning Administrator, and MAI Appraiser, appeared before the Commission on behalf of Windsor Township.

Following discussion, a motion was made, supported, and passed unanimously to deny Windsor Charter Township’s Application to Administer and Enforce the Michigan Building, Electrical, Plumbing, and Mechanical Code due to not meeting the requirements of the State of Michigan Construction Code Act, MCL 125.1501 *et seq.*, as specified in items 1-11 in the Bureau’s Memorandum to the Commission dated March 18, 2024.

THEREFORE, it is the final decision of the Commission to deny Windsor Charter Township’s Application to Administer and Enforce. A governmental subdivision that receives a disapproval may resubmit its application for approval.

Cc: BCC Building, Electrical, Plumbing, and Mechanical Units  
Peter Preston, Assessor/Consultant, Preston Community Services, Windsor Charter Township



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

April 30, 2024

William Hordyk, MCP  
Deputy Building Official  
1120 Monroe Ave, NW  
Grand Rapids, MI 49503

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

On April 10, 2024, the Construction Code Commission (“Commission”) was presented with a request for an opinion of the Commission submitted by The City of Grand Rapids Deputy Building Official William Hordyk, MCP. The City of Grand Rapids requested that the Commission issue an opinion regarding whether certification by the International Code Council (“ICC”) is equivalent to State of Michigan Certification pursuant to MCL 339.6019. Notification was made to William Hordyk on March 28, 2024, that this matter would be addressed by the Commission at the meeting on April 10, 2024. The Commission acknowledged receipt of the request on April 10, 2024, reviewed the request and all supplemental materials provided, and considered the matter at a public meeting on that date.

William Hordyk attended the meeting and indicated to the Commission he was available to answer any questions on behalf of the City of Grand Rapids. The Commission was provided with attorney-client privileged advice by the Michigan Department of Attorney General in closed session about the law applicable to the request. The Commission then reconvened in open session to consider the matter.

Following discussion, a motion was made, supported, and passed unanimously to deny the request for an opinion due to the Commission lacking authority to issue legal opinions and due to the request being an improper request for a declaratory ruling under the Administrative Procedures Act, MCL 24.263.

THEREFORE, it is the final decision of the Commission to deny the request for an opinion regarding whether certification by the ICC is equivalent to State of Michigan Certification pursuant to MCL 339.6019 due to the Commission not having legal authority to issue such an opinion and because the request is also an improper request for declaratory ruling under the Administrative Procedures Act, MCL 24.263.