



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

**RESIDENTIAL BUILDERS' AND MAINTENANCE
AND ALTERATION CONTRACTORS' BOARD**
Ottawa Building, Upper Level Conference Room 3
611 West Ottawa Street
Lansing, Michigan 48933

MINUTES

November 10, 2022

10:00 a.m.

MEMBERS ATTENDING

Mr. James Cowhy, Chairperson
Mr. D. Jamie Wood, Vice Chairperson
Mr. William Kenney
Mr. Aleemullah Khan
Mr. Keith Lambert, Nonvoting Ex Officio Member
Mr. Damien Nelson
Mr. Steven Swan

MEMBERS ABSENT

Mr. Kenneth Stahl, Alternate Vice Chairperson
Vacant – Licensed Residential Builders
Vacant – Maintenance & Alteration Contractors

DEPARTMENT PERSONNEL ATTENDING

Mr. Andrew Brisbo, Bureau Director, Administration, BCC
Mr. Bill Wilhelm, Administrative Law Specialist, Licensing and Compliance Section, BCC
Ms. Alaysha Oviedo, Departmental Analyst, Administrative Section, BCC
Ms. Hillary Millen, Departmental Analyst, Administrative Section, BCC
Ms. Tracie Pack, Departmental Analyst, Administrative Section, BCC
Ms. Bridget Smith, Assistant Attorney General, AG
Ms. Alyssa Coast, Assistant Attorney General, AG

1. CALL TO ORDER AND DETERMINATION OF QUORUM

Chairperson Cowhy called the meeting to order at 10:00 a.m. A quorum was present at that time.

2. APPROVAL OF AGENDA

A **MOTION** was made by Board Member Kenney and **SECONDED** by Vice Chairperson Wood to approve the agenda. **MOTION CARRIED UNANIMOUSLY.**

3. APPROVAL OF MINUTES – AUGUST 30, 2022

A **MOTION** was made by Board Member Nelson and **SECONDED** by Board Member Khan to approve the minutes of the August 30, 2022 meeting. **MOTION CARRIED UNANIMOUSLY.**

4. PETITION FOR REINSTATMENT

A. Timothy Flynn; License No. 2101110170

Mr. Timothy Flynn appeared before the Board to petition for reinstatement of his license and was present to provide testimony regarding the reasoning for his request for reinstatement.

Following discussion, a **MOTION** was made by Vice Chairperson Wood and **SECONDED** by Board Member Khan to approve Mr. Flynn's petition for reinstatement as submitted. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Wood; Nay: Swan) **MOTION CARRIED.**

5. HEARING REPORTS

A. All American Remodeling Inc.; License No. 2102202130; Docket No. 22-011243

The Report of the Administrative Law Judge, Docket No. 22-011243, for the formal complaint filed against respondent All American Remodeling Inc. was reviewed by the Board.

A **MOTION** was made by Board Member Nelson and **SECONDED** by Board Member Swan to accept the Administrative Law Judge's Recommended Sanctions to assess All American Remodeling Inc.; License No. 2102202130 and Eric Snyder; License No. 2101199116 jointly and severally to pay restitution to satisfy the civil judgment issued by the 20th Circuit Court, Case No. 18-005475-CK, a fine in the amount of \$10,000.00 plus any statutory interest, and continued revocation of all licenses held by the respondent under the jurisdiction of the Board until the civil judgment and fines are paid. Discussion was held. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Swan, and Wood; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

B. Eric Snyder; License No. 2101199116; Docket No. 22-011244

The Report of the Administrative Law Judge, Docket No. 22-011244, for the formal complaint filed against respondent Eric Snyder was reviewed by the Board.

Item B was addressed under Item A.

C. Lifetime Home Products; License No. 2102218868; Docket No. 22-007423

The Report of the Administrative Law Judge, Docket No. 22-007423, for the formal complaint filed against respondent Lifetime Home Products was reviewed by the Board.

A **MOTION** was made by Chairperson Cowhy and **SECONDED** by Board Member Nelson to accept the Administrative Law Judge's Recommended Sanctions ordering Lifetime Home Products; License No. 2102218868 and Tracy Antcliff; License No. 2105180567 to pay restitution jointly and severally in the amount of \$5,000.00 plus statutory interest as of the date of this final order, a fine of \$10,000 for each license, and revocation of all licenses held by the respondent under jurisdiction of the Board if the restitution and fines are not paid within 30 days. Discussion was held. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Swan, and Wood; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

- D. Anthony Rainko; License No. 21011521821; Docket No. 22-010574

The Report of the Administrative Law Judge, Docket No. 22-010574, for the formal complaint filed against respondent Anthony Rainko was reviewed by the Board.

A **MOTION** was made by Vice Chairperson Wood and **SECONDED** by Chairperson Cowhy to assess the respondent a fine of \$1,500.00 to be paid within 30 days. Discussion was held. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Swan, and Wood; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

- E. Tracy Antcliff; License No. 2105180567; Docket No. 22-007423

The Report of the Administrative Law Judge, Docket No. 22-007423, for the formal complaint filed against respondent Tracy Antcliff was reviewed by the Board.

Item E was addressed under Item C.

- F. CBI Renovations Interior and Exterior Remodeling Inc., License No. 2104222430; Docket No. 21-030807

The Report of the Administrative Law Judge, Docket No. 21-030807, for the formal complaint filed against respondent CBI Renovations Interior and Exterior Remodeling Inc. was reviewed by the Board.

A **MOTION** was made by Chairperson Cowhy and **SECONDED** by Board Member Nelson to accept the Administrative Law Judge's Recommended Sanctions ordering CBI Renovations Interior and Exterior Remodeling Inc., License No. 2104222430 and Matthew Doyle; License No. 2103216769 to pay restitution jointly and severally in the amount of \$18,155.00, \$10,000 fine jointly and severally, and immediate suspension License Nos. 2104222430 and 2103216769 until the restitution and fine are paid. Discussion was held. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Swan, and Wood; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

G. Matthew Doyle; License No. 2103216769; Docket No. 21-030806

The Report of the Administrative Law Judge, Docket No. 21-030806, for the formal complaint filed against respondent Matthew Doyle was reviewed by the Board.

Item G was addressed under Item F.

H. Lynne Potoroka; License No. 2103207008; Docket No. 22-009985

The Report of the Administrative Law Judge, Docket No. 22-009985, for the formal complaint filed against respondent Lynne Potoroka was reviewed by the Board.

A **MOTION** was made by Chairperson Cowhy and **SECONDED** by Board Member Nelson to accept the Administrative Law Judge's Recommended Sanctions ordering Lynne Potoroka; License No. 2103207008, to pay a \$10,000 fine within 30 days and immediate suspension of respondent's license with the requirement that she must pay the fine and reapply if she wishes to be licensed again. Discussion was held. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Swan, and Wood; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

I. Paul Esposito; License No. 2101108191 & Sunset Homes LLC; License No. 2102210844; Docket No. 22-014200

The Report of the Administrative Law Judge, Docket No. 22-014200, for the formal complaint filed against respondent Paul Esposito and Sunset Homes LLC was reviewed by the Board.

A **MOTION** was made by Chairperson Cowhy and **SECONDED** by Vice Chairperson Wood to accept the Administrative Law Judge's Recommended Sanctions ordering Paul Esposito; License No. 2101108191 and Sunset Homes LLC; License No. 2102210844 to jointly and severally pay a fine of \$10,000.00 within 30 days, and for Sunset Homes LLC; License No. 2102210844 and Paul Esposito; License No. 2101108191, jointly and severally, to pay restitution of \$60,000.00 within 30 days. If both the fine and restitution are not paid within 30 days, the respondent's License Nos. 2101108191 and 2102210844 shall be revoked. Discussion was held. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Swan, and Wood; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

6. CONSENT ORDERS AND STIPULATIONS

As conferee for this complaint, Chairperson Cowhy recused himself from vote.

A. Albert Esser II; License No. 2101218177; Complaint No. 20-00441

The Consent Order and Stipulation for the formal complaint, Complaint No. 20-00441, filed against respondent Albert Esser II, License No. 2101218177 was reviewed by the Board.

A **MOTION** was made by Vice Chairperson Wood and **SECONDED** by Board Member Kenney to accept the Consent Order and Stipulation for Albert Esser II; License No. 2101218177 and Esser Builders II; License No. 2102222666 as submitted. (Aye: Board Members Kenney, Khan, Nelson, Swan, and Wood; Nay: None; Recused: Cowhy) **MOTION CARRIED UNANIMOUSLY.**

B. Esser Builders II; License No. 2102222666; Complaint No. 20-00442

The Consent Order and Stipulation for the formal complaint, Complaint No. 20-00441, filed against respondent Esser Builders II, License No. 2102222666 was reviewed by the Board.

Items A and B were accepted together.

C. Brian Van Dussen; License No. 2101198509; Complaint No. 340152

The Consent Order and Stipulation for the formal complaint, Complaint No. 340152, filed against respondent Brian Van Dussen, License No. 2101198509 was reviewed by the Board.

A **MOTION** was made by Chairperson Cowhy and **SECONDED** by Board Member Nelson to accept the Consent Order and Stipulation for the respondent as submitted. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Swan, and Wood; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

D. Cameron Guenther; License No. 2101187972; Complaint No. 2000213 & JCI Contracting Inc.; License No. 2102163046; Complaint No. 2000214

The Consent Order and Stipulation for the formal complaint, Complaint Nos. 2000213 and 2000214, filed against respondent Cameron Guenther; License No. 2101187972 and JCI Contracting Inc.; License No. 2102163046 was reviewed by the Board.

A **MOTION** was made by Chairperson Cowhy and **SECONDED** by Vice Chairperson Wood to accept the Consent Order and Stipulation for the respondent as submitted. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Swan, and Wood; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

E. John Schmidt; License No. 2101212830; Complaint No. 1900478

The Consent Order and Stipulation for the formal complaint, Complaint No. 1900478, filed against respondent John Schmidt; License No. 2101212830 was reviewed by the Board.

A **MOTION** was made by Chairperson Cowhy and **SECONDED** by Board Member Khan to accept the Consent Order and Stipulation for the respondent as submitted. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Swan, and Wood; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

F. Roland Porter; License No. 2101213304; Complaint No. 337069

The Consent Order and Stipulation for the formal complaint, Complaint No. 337069, filed against respondent Roland Porter; License No. 2101213304 was reviewed by the Board.

A **MOTION** was made by Board Member Kenney and **SECONDED** by Chairperson Cowhy to accept the Consent Order and Stipulation for the respondent as submitted. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Swan, and Wood; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

G. Todd Copeman; License No. 2101185712; Complaint No. 2000109

The Consent Order and Stipulation for the formal complaint, Complaint No. 2000109, filed against respondent Todd Copeman; License No. 2101185712 was reviewed by the Board.

A **MOTION** was made by Board Member Swan and **SECONDED** by Board Member Khan to accept the Consent Order and Stipulation for the respondent as submitted. (Aye: Board Members Cowhy, Kenney, Khan, Nelson, Swan, and Wood; Nay: None) **MOTION CARRIED UNANIMOUSLY.**

H. Robert Adrian Hunt; License No. 21-01-164449; Complaint No. 20-00640

As conferee for this complaint, Chairperson Cowhy recused himself from vote.

The Consent Order and Stipulation for the formal complaint, Complaint No. 20-00640, filed against respondent Robert Adrian Hunt; License No. 21-01-164449 was reviewed by the Board.

A **MOTION** was made by Vice Chairperson Wood and **SECONDED** by Board Member Swan to accept the Consent Order and Stipulation for the respondent as submitted. (Aye: Board Members Kenney, Khan, Nelson, Swan, and Wood; Nay: None; Recused: Cowhy) **MOTION CARRIED UNANIMOUSLY.**

7. **UNFINISHED BUSINESS**

None.

8. NEW BUSINESS

None.

9. BUREAU QUARTERLY REPORT

Deputy Director Lambert reported on the following:

The Legislature has amended the Open Meetings Act requiring public meetings be recorded. The changes will take effect in 2023.

The Benton Harbor project is 99% completed and five (5) months ahead of schedule.

The 2018 Building and Mechanical Codes are being rescinded, and the Bureau will instead be moving ahead to the 2021 cycle for these codes. The mechanical and plumbing codes were opened up yesterday, November 9, 2022.

Andrew Brisbo joined the Bureau as its new Director.

The Residential Builders Section has hired an analyst and a departmental technician to focus on the Section's complaints backlog.

10. PUBLIC COMMENT

None.

11. NEXT MEETING DATE – JANUARY 12, 2023

The Board is scheduled to meet next at 10:00 a.m. at 611 West Ottawa Street, Lansing, MI 48933 in Upper Level Conference Room 4 on January 12, 2023.

12. ADJOURNMENT

A **MOTION** was made by Chairperson Cowhy and **SECONDED** by Board Member Nelson to adjourn the meeting at 10:50 a.m. **MOTION CARRIED UNANIMOUSLY.**