

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

DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS,  
BUREAU OF CONSTRUCTION CODES

Complainant,

v

ANTHONY ROBERT RAINKO  
License No. 21-01-152182

Complaint No. 2300057  
Docket No. 23-029270

Respondent

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**FINAL ORDER**

The Michigan Board of Residential Builders and Maintenance & Alteration Contractors (“Board”), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on April 17, 2025, and considered the Finding of Facts and Conclusions of Law in the Hearing Report of Lindsay Wilson, Administrative Law Judge, dated January 30, 2024.

**IT IS ORDERED** that for violating MCL 339.2411(2)(a), (c), and (j), Respondent shall pay a FINE in the amount of TEN THOUSAND dollars and 00/100 (\$10,000.00) within ninety (90) days of the effective date of this Order, and mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, P.O. Box 30255, Lansing, MI 48909. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display the complaint number **2300057**.

**IT IS FURTHER ORDERED** that license number 2101152182 shall be and is hereby IMMEDIATELY REVOKED. Respondent may not serve as the Qualifying Officer of any licensed corporate entity while any other Article 24 license held by Respondent is in suspended or revoked status.

**IT IS FURTHER ORDERED** that Respondent may petition for reinstatement of the license once all Final Orders of the Board have been fully satisfied.

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

DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS,  
BUREAU OF CONSTRUCTION CODES

Complainant,

v

WILLIAM MICHAEL HOMICK  
License No. 21-01-216987

Complaint No. 2300293  
Docket No. 24-027039

Respondent  
\_\_\_\_\_ /

**FINAL ORDER (AMENDED)**

The Michigan Board of Residential Builders and Maintenance & Alteration Contractors (“Board”), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on April 17, 2025, and considered the Finding of Facts and Conclusions of Law in the Hearing Report of David B. Marmon, Administrative Law Judge, dated November 18, 2024.

**IT IS ORDERED** that for violating MCL 339.601(1); MCL 339.604 (b), (c), (d), (e), (f), (g), and (h); MCL 339.2411(2)(a), (c), (l), and (m); and Mich Admin Code R 338.1551(2), Respondent shall pay a FINE in the amount of FOUR THOUSAND dollars and 00/100 (\$4,000.00) within ninety (90) days of the effective date of this Order, and mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, P.O. Box 30255, Lansing, MI 48909. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display the complaint numbers **2300293**.

**IT IS FURTHER ORDERED** that Respondent shall pay RESTITUTION in the total amount of THREE HUNDRED SIXTY-TWO THOUSAND EIGHT HUNDRED THIRTY-TWO dollars and 27/100 (\$362,832.27) to the recipients listed in Attachment A within ninety (90) days of the effective date of this Order.

**IT IS FURTHER ORDERED** that license number 2101216987 shall be and is hereby IMMEDIATELY REVOKED. Respondent may not serve as the Qualifying Officer of any licensed corporate entity while any other Article 24 license held by Respondent is in suspended or revoked status.

**IT IS FURTHER ORDERED** that Respondent may petition for reinstatement of the license once all Final Orders of the Board have been fully satisfied.

**IT IS FURTHER ORDERED** that reinstatement of a license which has been revoked is not automatic and in the event that Respondent applies for reinstatement of the license, application shall be in accordance with MCL 339.411(5).

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

As part of the Board's sanctions, Respondent was ordered to pay restitution to the affected homeowners, as permitted by applicable Bankruptcy laws. Respondent's Chapter 7 Bankruptcy Order of Discharge does not affect the imposition of the fine or the revocation of Respondent's license.

If Respondent violates any term or condition set forth in this Order, Respondent shall be in violation of MCL 339.604(k) of the Occupational Code and may be subject to further disciplinary action.

This Final Order is a public record required to be published and made available to the public pursuant to the Freedom of Information Act, MCL 15.231 *et seq.*

This Final Order shall not be construed as limiting the Department of Licensing and Regulatory Affairs, any other agency of the State of Michigan or any individual as to the use of a lawful method of collection of the payment imposed by this Final Order.

Given under my hand at Lansing, Michigan, this 9th day of May, 2025.

BY: *Felicia Badger*

Felicia Badger, Manager  
Enforcement Section  
Bureau of Construction Codes

Effective date: 5/9/2025

**ATTACHMENT A**

<b><u>Recipient</u></b>	<b><u>Restitution Amount</u></b>
██████████	██████████
██████████	██████████
██████████	██████████
██████████	██████████
██████████	██████████
<b>Total:</b>	<b>\$362,832.27</b>

**STATE OF MICHIGAN**  
**MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**BUREAU OF CONSTRUCTION CODES,**  
Petitioner

**V**

**WILLIAM MICHAEL HOMICK,**  
Respondent

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**Docket No.:** [REDACTED]

**Case No.:** 2300293

**Agency:** BUREAU OF  
CONSTRUCTION  
CODES

**Case Type:** BCC RESIDENTIAL  
BUILDERS

**Filing Type:** FORMAL COMPLAINT

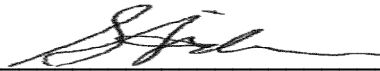
**CERTIFICATION OF RECORD**

I, Shelli Adams, certify that the attached file is the original record of the Michigan Office of Administrative Hearings and Rules in the above captioned matter, and that said record consists of those entries shown below.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Michigan Office of Administrative Hearings and Rules to be hereunto affixed this Wednesday, December 18, 2024.

<u>Date</u>	<u>Document</u>
1. 12/02/24	Returned Mail Order Granting Request to Convert TPC to Videoconference
2. 11/25/24	Returned Mail Hearing Report
3. 11/18/24	Hearing Report
4. 11/07/24	Petitioner's Admitted Exhibits 1-40
5. 10/31/24	Petitioner's Witness List and Exhibit List - Attachments not made part of Certification of Record
6. 10/31/24	Order Granting Request to Convert Telephone Hearing to Videoconference

7. 10/29/24 Request to Convert Telephone Hearing to Videoconference
8. 10/21/24 Returned Mail Notice of Hearing
9. 09/25/24 Notice of Hearing with Proof of Service
10. 09/24/24 Request for Hearing



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Shelli Adams  
Michigan Office of Administrative  
Hearings and Rules

**STATE OF MICHIGAN  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**Docket No.:** [REDACTED]

**BUREAU OF CONSTRUCTION CODES,  
Petitioner**

**Case No.:** 2300293

**v**

**Agency:** Bureau of Construction  
Codes

**WILLIAM MICHAEL HOMICK,  
Respondent**

**Case Type:** BCC Residential  
Builders

**Filing Type:** Formal Complaint

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**Issued and entered  
this 18<sup>th</sup> day of November 2024  
by: David B. Marmon  
Administrative Law Judge**

**HEARING REPORT**

**Procedural History**

On August 7, 2024, a Formal Complaint and Order of Summary Suspension was filed by the Department of Licensing and Regulatory Affairs (LARA), Bureau of Construction Codes (Bureau), Petitioner, against William Michael Homick, Respondent, which alleged various violations of the Michigan Occupational Code (Code), MCL 339.101 *et seq.*, and the Administrative Rules (Rules) promulgated thereunder.

On September 24, 2024, these matters were referred to the Michigan Office of Administrative Hearings and Rules (MOAHR) to schedule a contested case hearing. On September 25, 2024, MOAHR issued a Notice of Telephone Hearing, scheduling the hearing to convene on November 7, 2024 at 9:00 a.m. On October 31, 2024, pursuant to Petitioner's request, this matter was converted to a videoconference hearing, via the Microsoft TEAMS videoconference platform. A copy of the Original Notice of Telephone Hearing and Order Converting were sent to Respondent by first class mail and via email.

On November 7, 2024, the hearing commenced as scheduled. The undersigned

Administrative Law Judge (ALJ) presided. Adam G. Masserang, Assistant Attorney General, (AAG) appeared on behalf of Petitioner. Homeowners B.J., T.S., B.H., S.D., and P.T.<sup>1</sup> appeared as a witnesses on behalf of Petitioner and each gave abbreviated testimony. Kimberly Williams, Investigator for LARA and the Bureau was also present.

Neither the Respondent, nor an attorney or authorized representative appeared on the Respondent's behalf. MOAHR has not received any correspondence or a telephone call from Respondent requesting an adjournment. Respondent was properly served with notice of these proceedings at his last known address and email address of record with Petitioner. The AAG noted that it had not heard from Respondent since the Formal Complaint was filed.

After the undersigned waited 15 minutes from the scheduled hearing time, the hearing proceeded in Respondent's absence pursuant to Section 72(1) of the Administrative Procedures Act (APA), MCL 24.272 and Rule 134 of the Administrative Hearing Rules, Mich Admin Code, R 792.10134. Petitioner further moved for a decision by default against Respondents pursuant to Section 78(2) of the APA, MCL 24.278(2), and Rule 134. These statutory provisions and rules state as follows:

Sec. 72. (1) If a party fails to appear in a contested case after proper service of notice, the agency, if no adjournment is granted, *may proceed with the hearing and make its decision in the absence of the party.* MCL 24.272(1) (emphasis added.)

Sec. 78. (2) Except as otherwise provided by law, disposition may be made of a contested case by stipulation, agreed settlement, consent order, waiver, *default* or other method agreed upon by the parties. MCL 24.278(2) (emphasis added.)

Rule 134. (1) If a party fails to participate in a scheduled proceeding after a properly served notice, the administrative law judge may conduct the proceeding without participation of the absent party. If a party fails to participate in a proceeding, the administrative law judge may issue a default order or other dispositive order.

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<sup>1</sup> Initials are used to protect confidentiality.



(2) Within 7 days after service of a default order, the party against whom it was entered may file a written motion requesting the order be vacated. If the party demonstrates good cause for failing to participate in a scheduled proceeding after a properly served notice or failing to comply with an order, the administrative law judge may reschedule, rehear, or otherwise reconsider the matter as required to serve the interests of justice and the orderly and prompt conduct of proceedings. [Mich Admin Code, R 792.10134].

Petitioner's motion for default was granted pursuant to Section 78(2) of the APA and Rule 134 and is affirmed in this Hearing Report. Because of the default, the factual and legal allegations contained in the Formal Complaint dated August 7, 2024, are deemed true and proven.

The following exhibits were offered by Petitioner and admitted into evidence:

- Exhibit P-1 Bankruptcy Schedules (Partial)
- Exhibit P-2. Bankruptcy Pleadings
- Exhibit P-3. Homick Certification of Licensure
- Exhibit P-4. Corporation filings — ASAP Insulators Inc
- Exhibit P-5. 2300293 Statement of Complaint
- Exhibit P-6. 2300293 Investigation Report
- Exhibit P-7. 2300293 Estimate
- Exhibit P-8. 2300293 Payment Records
- Exhibit P-9. 2300293 Photographs
- Exhibit P-10. 2300293 Permit Application
- Exhibit P-11. 2300293 Court Documents
- Exhibit P-12. 2300327 Statement of Complaint
- Exhibit P-13. 2300327 Notice to Respondent (No Response Received)

- Exhibit P-14. 2300327 Investigation Report
- Exhibit P-15. 2300327 Estimate
- Exhibit P-16. 2300327 Payments
- Exhibit P-17. 2300327 Emails
- Exhibit P-18. 2300327 Pictures
- Exhibit P-19. 2300327 Inspection and Permit Documents
- Exhibit P-20. 2300327 Judgment
- Exhibit P-21. 2300345 Statement of Complaint
- Exhibit P-22. 2300345 Investigation Report
- Exhibit P-23. 2300345 Estimates
- Exhibit P-24. 2300345 Payments
- Exhibit P-25. 2300345 Photographs
- Exhibit P-26. 2300345 Text Messages
- Exhibit P-27. 2300345 Deficiency Notice
- Exhibit P-28. 2300585 Statement of Complaint
- Exhibit P-29. 2300585 Notice to Respondent (No Response Received)
- Exhibit P-30. 2300585 Investigation Report
- Exhibit P-31. 2300585 Payments
- Exhibit P-32. 2300585 Disapproval and Stop Work Order
- Exhibit P-33. 2300585 Court Documents
- Exhibit P-34. 2400296 Statement of Complaint
- Exhibit P-35. 2400296 Notice to Respondent (No Response Received)
- Exhibit P-36. 2400296 Investigation Report

Exhibit P-37. 2400296 Estimates

Exhibit P-38. 2400296 Payments

Exhibit P-39. 2400296 Pictures

Exhibit P-40. 2400296 Permit Records

Respondent did not appear for the hearing and thus did not offer any exhibits into evidence. No proposed exhibits were received by MOAHR from Respondent prior to the hearing. The record was closed at the conclusion of the hearing on November 7, 2024.

### **Issues and Applicable Law**

The issue presented is whether Respondent has violated the Code as alleged in the Formal Complaint.

**Section 2401(a) of the Code, MCL 339.2401(a)** gives the following definition of a residential builder:

As used in this article:

(a) "Residential builder" means any of the following:

(i) A person engaged in the construction of a residential structure that, for a fixed sum, price, fee, percentage, valuable consideration, or other compensation, other than wages for personal labor only, undertakes with another or offers to undertake, or purports to have the capacity to undertake with another, for the erection, construction, replacement, repair, alteration, or addition to, subtraction from, improvement, wrecking of, or demolition of, a residential structure.

(ii) A person that manufactures, assembles, constructs, deals in, or distributes a residential structure that is prefabricated, preassembled, precut, packaged, or shell housing.

(iii) A person that erects a residential structure except for the person's own use and occupancy on the person's property.

**Section 502 of the Code, MCL 339.502** states:

The department, upon receipt of a complaint, immediately shall begin its investigation of the allegations of the complaint and shall open a correspondence file. The department shall make a written acknowledgment of the complaint within 15 days after receipt of the complaint to the person making the complaint. If the complaint is made by the department, the director shall designate 1 or more employees of the department to act as the person making the complaint.

**Section 601 of the Code, MCL 339.601** states in pertinent part:

(1) A person shall not engage in or attempt to engage in the practice of an occupation regulated under this act or use a title designated in this act unless the person possesses a license or registration issued by the department for the occupation.

\* \* \*

(3) Subject to section 411, a person whose license or registration is suspended, revoked, or lapsed, as determined by the records of the department, is considered unlicensed or unregistered.

**Section 602 of the Code, MCL 339.602** states:

Sec. 602.

A person, school, or institution that violates this act or a rule or order promulgated or issued under this act shall be assessed 1 or more of the following penalties:

- (a) Placement of a limitation on a license or certificate of registration for an occupation regulated under articles 8 to 25.
- (b) Suspension of a license or certificate of registration.
- (c) Denial of a license, certificate of registration, or renewal of a license or certificate of registration.
- (d) Revocation of a license or certificate of registration.
- (e) In the case of a person licensed or registered under this act and except as otherwise provided in this act, an

administrative fine to be paid to the department of not more than \$10,000.00.

- (f) Censure.
- (g) Probation.
- (h) A requirement that restitution be made, based on proofs submitted to and findings made by the hearing examiner after a contested case.

**Section 604 of the Code, MCL 339.604** states in pertinent part:

A person who violates 1 or more of the provisions of an article which regulates an occupation or who commits 1 or more of the following shall be subject to the penalties prescribed in section 602:

\* \* \*

- (b) Practices fraud, deceit, or dishonesty in practicing an occupation.
- (c) Violates a rule of conduct of an occupation.
- (d) Demonstrates a lack of good moral character.
- (e) Commits an act of gross negligence in practicing an occupation.
- (f) Practices false advertising.
- (g) Commits an act which demonstrates incompetence.
- (h) Violates any other provision of this act or a rule promulgated under this act for which a penalty is not otherwise prescribed.

**Section 204(5) of the Code, MCL 339.204(5)** states:

(5) A licensee or registrant shall report to the department a change in name or mailing address, or a change of electronic mail address if the licensee or registrant has provided an electronic mail address under subsection (6), not

later than 30 days after the change occurs.

**MCL 339.2411(2)** states, in pertinent part:

A licensee or applicant who commits 1 or more of the following is subject to the penalties set forth in article 6:

- (a) Abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

\* \* \*

- (c) Failure to account for or remit money coming into the person's possession that belongs to others.

- (d) A willful departure from or disregard of plans or specifications in a material respect and prejudicial to another, without consent of the owner or an authorized representative and without the consent of the person entitled to have the particular construction project or operation completed in accordance with the plans and specifications.

\* \* \*

- (h) Failure to deliver to the purchaser the entire agreement of the parties including any finance or other charge arising out of or incidental to the agreement if the agreement involves repair, alteration, or addition to, subtraction from, improvement of, wrecking of, or demolition of a residential structure, building of a garage, laying of concrete on residential property, or manufacture, assembly, construction, sale, or distribution of a residential structure that is prefabricated, preassembled, precut, packaged, or shell housing.

\* \* \*

- (l) Becoming insolvent, filing a bankruptcy action, becoming subject to a receivership, assigning for the benefit of creditors, failing to satisfy judgments or liens, or failing to pay an obligation as it becomes due in the ordinary course of business.
- (m) Workmanship not meeting the standards of the Michigan residential code as promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

**Section 4(2) of the SDHA, MCL 125.1504**, adopts the International Residential Code (IRC) by reference.

Additionally, **MCL 339.514** provides, in pertinent part:

- (1) Within 60 days after receipt of an administrative law hearings examiner's hearing report, the board receiving the hearing report shall meet and make a determination of the penalties to be assessed under article 6. The board's determination shall be made on the basis of the administrative law hearings examiner's report. A transcript of a hearing or a portion of the transcript shall be made available to a board upon request. If a transcript or a portion of the transcript is requested, the board's determination of the penalty or penalties to be assessed under article 6 shall be made at a meeting within 60 days after receipt of a transcript or portion of the transcript.

\* \* \*

**Mich Admin Code R 338.1551** states in pertinent part:

- (2) Upon receipt of a valid and written complaint, the department shall assign a complaint number, acknowledge the complaint, and forward a copy of the complaint to the licensee. The licensee shall reply to the department within 15 days from receipt of the complaint and shall confirm or deny the justification for the complaint. If a complaint or a portion of the complaint is not acknowledged by the licensee as being justified, then the department shall notify the complainant of the area of disagreement.

\* \* \*

(5) All construction, renovations, alterations, or repairs must comply with the Michigan construction code.

**Mich Admin Code R 792.10803** states:

Rule 803. In determining a violation of, or compliance with, the licensing law, a rule promulgated pursuant to the licensing law, or an order issued pursuant to the licensing law, the determination shall be made on the basis of compliance or violation at the time of the alleged violation.

### **Findings of Fact**

Based upon the evidence submitted by way of a default entered against Respondent, together with testimony and the exhibits admitted in the record, the undersigned finds the following facts by a preponderance of evidence:

1. Respondent is currently licensed to practice as a residential builder pursuant to the Code. [Exh. P-3]. Respondent also owned and operated ASAP Insulators Inc., a licensed Residential Builder Company that obtained licensure on December 11, 2019. ASAP Insulators Inc. dissolved on July 15, 2022, due to failure to file required annual reports with the Department. [Established by default; Exh. P-4].
2. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code. [Established by default].
3. On February 26, 2018, Respondent first obtained his residential builder license. [Exh. P-3].
4. On September 25, 2018, Respondent filed a bankruptcy petition in United States Bankruptcy Court for the Eastern District of Michigan. *In re Homick*, Case No. [REDACTED]. Per his filed summary of assets and liabilities, his primary liability consisted of \$63,705.19 in unpaid taxes between 2007 and 2014. [Established by default; Exh. P-1, P-2].
5. On Schedule A of his summary of assets and liabilities, Respondent represented that he did not have a professional license. [Exh. P-1, p 8, Item 27].
6. During the course of the proceeding, M.S. and B.S filed an adversarial proceeding against Respondent in his bankruptcy case, alleging that they had



contracted with Respondent to build a deck for their home, paying respondent \$7,500 without him performing the work. This payment included \$2,500 paid to Respondent just four days prior to his initiating his bankruptcy petition. [Established by default; Exh. P-2].

7. Despite taking the money of M.S. and B.S. and being obligated to perform under his contract, Respondent failed to list either of them as a creditor in his summary of assets and liabilities in his bankruptcy petition. [Established by default; Exh P-1].
8. The United States Bankruptcy Court ruled Respondent's debt to the homeowners nondischargeable due to fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny. [Established by default; Exh P-2, p 8].
9. Between April of 2022 and February of 2023, Respondent entered into at least five residential builder contracts as put forth below. [Established by default].
10. Between May 31, 2021 and June 11, 2023, Respondent's license was in a lapsed status. Therefore, for each contract below, Respondent was operating without a valid license. [Established by Default; Exhibit P-6, p 4].
11. In April of 2022, Respondent, through ASAP Insulators Inc, contracted with B.H. to construct a pole barn at his residence in Milford, Michigan for the agreed upon price of \$45,400.00. [Established by default; Exh. P-7].
12. Between April 2022 and December 2022, B.H. paid Respondent \$34,125.00. [Established by default; Exh. P-8].
13. Materials were not delivered to the project site until October of 2022. [Established by default; Exh. P-6, pp 2, 3].
14. Respondent did not begin construction until December of 2022, working approximately three days and failing to perform the agreed-upon work in any material respect. [Established by default; Exh. P-6, p 2].
15. Respondent began construction on the property without first obtaining the required permits to begin work. [Established by default; Exh. P-6, p 3].
16. Respondent prepared an application for a building permit in January 2023 but did not pay the application fee. [Established by default].

17. Respondent abandoned the project and failed to return B.H.'s money or otherwise account for the funds given to him by B.H. for the work on his home. [Established by default, Exh. P-11, pp 8-9].
18. On or about July 10, 2023, B.H. sued Respondent for breach of contract, obtaining a default judgment in the approximate amount of \$47,094.55. *B.H v ASAP Insulators Inc et al*, Oakland County Circuit Court Case No. [REDACTED] CK. [Exh. P-11, pp 5, 10-11].
19. Respondent has not paid anything towards the judgment against him. [Credible testimony of B.H.].
20. In December of 2022, Respondent, ostensibly through ASAP Insulators Inc., contracted with S.D. for a garage conversion and bedroom buildout project at her residence in Saginaw, Michigan for the agreed upon price of \$20,249.00. [Established by default; Exh. P-14, p 3].
21. Between December 2022 and January 2023, S.D. paid Respondent \$15,186.00 towards the contract. [Established by default; Exh. P-16].
22. Respondent began construction without first obtaining the required permits to begin work. [Established by default; Exh. P-14, p 3].
23. In February of 2023, Respondent asked S.D. and her spouse to obtain permits themselves, which they indicated they would not do. [Established by default; Exh. P-19].
24. In March of 2023, S.D. demanded a refund of their money, less any applicable sums for work performed. [Established by default; Exh. P-17, p 4].
25. Respondent failed to return S.D.'s money or otherwise account for the funds given to him by S.D. for the work on their home. [Established by default].
26. On or about April 25, 2023, S.D. sued Respondent for breach of contract, obtaining a default judgment in the amount of \$38,961.00. *S.D. v ASAP Insulators Inc et al*, Saginaw County Circuit Court Case No. [REDACTED]. [Established by default; Exh. P-20].
27. Respondent has not paid anything towards the judgment against him. [Credible testimony of S.D.].
28. On or about April 13, 2023, the Department sent Respondent a Notice of Complaint. [Exhibit P-13]. Respondent failed to respond. [Established by default].

29. In August of 2022, Respondent, ostensibly through ASAP Insulators Inc., contracted with P.T. for a sunroom addition at her residence in Brownstown, Michigan for the agreed upon price of \$35,000.00. [Established by default; Exh. P-30, p 3].
30. Between August 2022 and April 2023, P.T. paid Respondent \$26,250.00 towards the contract. [Exh. P-31].
31. Respondent began construction without first obtaining the required permits to begin work. [Established by default; Exh. P-30, pp2-3].
32. In May of 2023, Respondent applied for a building permit, obtaining the permit in June of 2023. [Established by default; Exh. P-30, p 3].
33. In July 2023, the Crawford County Department of Building and Safety inspected Respondent's work and observed the following violations:
  - Electrical service moved inside living area and not a minimum of 18" above the overhanging portion of the roof, in violation of IRC E3604.2.1;
  - Failure to call for a foundation inspection in violation of IRC R109.1.1;
  - Failure to construct headers in conformity with IRC R602.7, in violation of IRC R602.7;
  - Failure to construct a minimum of 2:12 pitch with two layers of underlayment, in violation of IRC R905.2.2.
  - Failure to properly size girders and headers, in violation of R602.7(1), (2), and (3).
  - Failure to install particleboard underlayment in accordance with the manufacturer's recommendations, in violation of IRC R503.3.2. [Established by default; Exh. P-32, pp 2-3; Exh. P-30, pp 2-4].
34. Respondent improperly moved the electrical service without applying for an electrical permit and without being a licensed electrician. [Established by default; Exh. P-30, p 3].
35. As a result of the above violations, the Crawford County Department of Building and Safety issued a stop work order, halting the project. [Established by default; Exh. P-32, p 3; Exh. P-30, p 3].

36. P.T. subsequently demanded Respondent refund her money. [Established by default].
37. Respondent failed to return P.T.'s money or otherwise account for the funds given to him by P.T. for the work on her home. [Established by default].
38. On or about October 30, 2023, P.T. sued Respondent for breach of contract, obtaining a default judgment in the amount of \$200,000.00. *P.T v Homick et al*, Macomb County Circuit Court Case No. [REDACTED]. [Credible testimony of P.T.; Exh. P-33].
39. Respondent has not paid anything towards the judgment against him. [Credible testimony of P.T.].
40. On or about August 1, 2023, the Department sent Respondent a Notice of Complaint. Respondent failed to respond. [Established by default; Exh. P-29].
41. In November of 2022, Respondent, ostensibly through ASAP Insulators Inc. contracted with T.S. for a basement renovation project at his residence in Brighton, Michigan for the agreed upon price of \$13,170.60. Three days later, the parties contracted for spraying the basement ceiling black, relocating hot water heat to the floor, and the building of a hidden shelf door for the agreed upon price of \$3,450.00. [Established by default; Exh. P-23].
42. Between December 2022 and March 2023, T.S. paid Respondent \$14,690.00 toward the project. [Established by default; Exh. P-24].
43. Respondent sent various subcontractors to begin construction despite representing on their website that "[w]e don't subcontract our work because we can do it all ourselves" and that he is "licensed and insured." [Established by default; Exh. P-25, p 1].
44. Respondent sent subcontractors to perform work at T.S.' property without first obtaining the required permits to begin work. [Credible testimony of T.S.; Exh. P-22].
45. T.S. subsequently obtained a permit, and the Livingston County Building Department conducted an inspection, finding insufficient fire blocking, lack of fire stops for wires, and paper on insulation where none should exist. [Established by default; Exh. P-22].
46. T.S. terminated the contract and demanded a refund. [Established by default; Exh. P-26, p 6].

47. Respondent failed to return T.S.' money or otherwise account for the funds given to him by T.S. for the work on his home. [Established by Default].
48. In July of 2022, Respondent, ostensibly through ASAP Insulators Inc., contracted with B.J. for a family room addition project at his residence in Williamsburg, Michigan for the agreed upon price of \$94,500.00. In February of 2023, the parties contracted for installation of siding, windows, and porch construction for the agreed upon price of \$33,200.00. [Established by default; Exh. P-37].
49. Between July 2022 and March 2023, B.J. paid Respondent \$63,850.00 toward the project. [Established by default; Exh. P-38].
50. Respondent began work at B.J. property in October 2022 without first obtaining the required permits to begin work. [Established by default' Exh. P-36, p 3].
51. Respondent applied for a building permit in March of 2023. [Established by default; Exh. P-36, p 3].
52. By July of 2023, Respondent abandoned the project. [Established by default].
53. Respondent failed to return B.J.'s money or otherwise account for the funds given to him by B.J. for the work on his home. [Established by default].
54. On or about May 1, 2024, the Department sent Respondent a Notice of Complaint. Respondent requested an extension of time to respond. Despite receiving an extension to May 31, 2024, Respondent failed to respond. [Established by default; Exh. P-35].

### **Conclusions of Law**

Petitioner bears the burden of proving, by a preponderance of evidence, that Respondents violated the Code, as alleged in the Formal Complaint. As the Michigan Supreme Court has stated, “[p]roof by a preponderance of the evidence requires that the fact finder believe that the evidence supporting the existence of the contested fact outweighs the evidence supporting its nonexistence.” *Blue Cross and Blue Shield of Michigan v Milliken*, 422 Mich 1; 367 NW2d 1 (1985). A preponderance of evidence is evidence which is of a greater weight or more convincing than evidence offered in

opposition to it. It is simply that evidence which outweighs the evidence offered to oppose it. *Martucci v Detroit Commissioner of Police*, 322 Mich 270; 33 NW2d 789 (1948).

Additionally, the principles that govern judicial proceedings also apply to administrative hearings. 8 *Callaghan's Michigan Pleading and Practice 2<sup>nd</sup> ed.*, Section 60.48, p 230. A default having been granted against Respondents, the factual and legal allegations set forth in the Formal Complaint, are taken as true and proven. Under Section 72 of the APA, there is no requirement to provide a full evidentiary hearing when all alleged facts are taken as true and proven. *Smith v Lansing School Dist*, 428 Mich 248; 406 NW2d 825 (1987).

By virtue of default, Petitioner has established its burden of proving, by a preponderance of the evidence, the facts alleged in the Formal Complaint. Accordingly, the undersigned concludes the following:

- 1) Respondent's conduct as described above constitutes practicing a regulated occupation without a license, in violation of section 601(1) of the Code as alleged in Count I of the Formal Complaint.
- 2) Respondent's conduct as described above constitutes practicing fraud, deceit, or dishonesty in practicing an occupation, in violation of section 604(b) of the Code as alleged in Count II of the Formal Complaint.
- 3) Respondent's conduct as described above constitutes demonstrating a lack of good moral character, in violation of section 604(d) of the Code as alleged in Count III of the Formal Complaint.
- 4) Respondent's conduct as described above constitutes committing an act of gross negligence in practicing an occupation, in violation of section 604(e) of the Code as alleged in Count IV of the Formal Complaint.
- 5) Respondent's conduct as described above constitutes practicing false advertising, in violation of section 604(f) of the Code as alleged in Count V of the Formal Complaint.
- 6) Respondent's conduct as described above constitutes committing an act which demonstrates incompetence, in violation of section 604(g) of the Code as alleged in Count VI of the Formal Complaint.

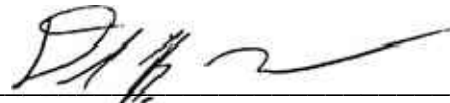
- 7) Respondent's conduct as described above constitutes abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by a licensee, in violation of section 2411(2)(a) of the Code as alleged in Count VII of the Formal Complaint.
- 8) Respondent's conduct as described above constitutes failure to account for or remit money coming into their possession that belongs to others, in violation of section 2411(2)(c) of the Code as alleged in Count VIII of the Formal Complaint.
- 9) Respondent's conduct as described above constitutes becoming insolvent, filing a bankruptcy action, failing to satisfy judgments or liens, or failing to pay an obligation as it becomes due in the ordinary course of business, in violation of section 2411(2)(l) of the Code as alleged in Count IX of the Formal Complaint.
- 10) Respondent's conduct as described above constitutes workmanship not meeting the standards of the MRC as promulgated under the SDHA, in violation of section 2411(2)(m) of the Code as alleged in Count X of the Formal Complaint.
- 11) Respondent's conduct as described above constitutes failure to reply to the department within 15 days from receipt of a complaint and confirm or deny the justification of the complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of sections 604(c) and (h) of the Code as alleged in Count XI of the Formal Complaint.

## **DECISION**

Petitioner has proven the allegations of fact and violations of the Code and/or administrative rules as alleged in the Formal Complaint dated August 7, 2024

## **Recommended Sanctions**

As to recommendation of sanctions, the AAG recommended revocation of Respondent's license, restitution in the amount of \$362,832.27 and that the maximum fine be levied as allowed by law. The undersigned ALJ concurs with the recommendations of the AAG.



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**David B. Marmon**  
**Administrative Law Judge**

**Notice to Agency to Provide MOAHR with Subsequent Agency or Court Orders**

The state agency that is a party to this matter, and/or referred this matter to MOAHR, shall serve MOAHR with any subsequent orders entered as a result of this ALJ's decision or proposed decision, including but not limited to the agency's final order, order to remand the matter to MOAHR for further proceedings, or order on appeal, as soon as practicable following entry of the order to:

Michigan Office of Administrative Hearings and Rules, General Adjudication, by **email (preferred)** to: [MOAHR-GA@michigan.gov](mailto:MOAHR-GA@michigan.gov); **or by regular mail** to: MOAHR-GA, P.O. Box 30695, Lansing, Michigan 48909-8195.

See: Mich Admin Code, R 792.10120(2)(i).



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

WILLIAM MICHAEL HOMICK

Residential Builder

License No. 21-01-216987

Complaint No. 2300293

Consolidated with complaint nos. 2300327,  
2300346, 2300585, 2400296

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FORMAL COMPLAINT

Assistant Attorney General Adam G. Masserang, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Complainant), files this formal complaint against William Michael Homick (Respondent), 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 339.101 *et seq.*
2. Respondent is currently licensed to practice as a residential builder pursuant to the Code. Respondent also owned and operated ASAP Insulators Inc., a licensed Residential Builder Company that obtained licensure on December 11, 2019. ASAP Insulators Inc. dissolved on July 15, 2022, due to failure to file required annual reports with the Department.
3. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.

4. Section 601(1) of the Code prohibits a person from engaging in or attempting to engage in the practice of an occupation regulated under the Code unless the person possesses a license or registration issued by the department for the occupation.

5. Section 604(b) of the Code subjects a licensee to sanction for practicing fraud or deceit in obtaining a license or registration.

6. Section 604(c) of the Code subjects a licensee to sanction for violating a rule of conduct of an occupation.

7. Section 604(d) of the Code subjects a licensee to sanction for demonstrating a lack of good moral character, which 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.”

8. Section 604(e) of the Code subjects a licensee to sanction for committing an act of gross negligence in practicing an occupation.

9. Section 604(f) of the Code subjects a licensee to sanction for practicing false advertising.

10. Section 604(g) of the Code subjects a licensee to sanction for committing an act which demonstrates incompetence.

11. Section 604(h) of the Code subjects a licensee to sanction for violating a provision of the Code or a rule promulgated under the Code for which a penalty is not otherwise prescribed.

12. Section 2411(2)(a) of the Code subjects a licensee to sanction for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

13. Section 2411(2)(c) of the Code subjects a licensee to sanction for failure to account for or remit money coming into the licensee's possession that belongs to others.

14. Section 2411(2)(l) of the Code subjects a licensee to sanction for becoming insolvent, filing a bankruptcy action, failing to satisfy judgments or liens, or failing to pay an obligation as it becomes due in the ordinary course of business.

15. Section 2411(2)(m) of the Code subjects a licensee to sanction for workmanship not meeting the standards of the Michigan Residential Code (MRC) as promulgated under the Stille DeRossett-Hale Single State Construction Code Act, MCL 125.1501 *et seq.* (SDHA)

16. Section 4(2) of the SDHA, MCL 125.1504, adopts the International Residential Code (IRC) by reference.

17. 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.

18. Mich Admin Code, R 338.1551(5) requires compliance with the MRC, which includes the IRC as adopted by reference.

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

20. Section 505 of the Code permits the summary suspension of a license to practice an occupation where an imminent threat to the public health, safety and welfare exists.

### FACTUAL ALLEGATIONS

### **BANKRUPTCY PETITION**

21. On February 26, 2018, Respondent first obtained his residential builder license.

22. On September 25, 2018, Respondent filed a bankruptcy petition in United States Bankruptcy Court for the Eastern District of Michigan. *In re Homick*, Case No. [REDACTED]. Per his filed summary of assets and liabilities, his primary liability consisted of \$63,705.19 in unpaid taxes between 2007 and 2014.

23. On Schedule A of his summary of assets and liabilities, Respondent represented that he did not have a professional license.

24. During the course of the proceeding, an M.S. and B.S<sup>1</sup> filed an adversarial proceeding against Respondent in his bankruptcy case, alleging that they had contracted with Respondent to build a deck for their home, paying

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<sup>1</sup> Initials used to protect privacy.

respondent \$7,500 without him performing the work. This payment included \$2,500 paid to Respondent just four days prior to his initiating his bankruptcy petition.

25. Despite taking the money of M.S. and B.S. and being obligated to perform under his contract, Respondent failed to list either of them as a creditor in his summary of assets and liabilities in his bankruptcy petition.

26. The United States Bankruptcy Court ruled Respondent's debt to the homeowners nondischargeable due to fraud or defalcation while acting in a fiduciary capacity, embezzlement, or larceny.

27. Between April of 2022 and February of 2023, Respondent entered into at least five residential builder contracts as put forth below.

28. Between May 31, 2021 and June 11, 2023, Respondent's license was in a lapsed status. Therefore, for each contract below, Respondent was operating without a valid license.

#### **B.H.**

29. In April of 2022, Respondent, through ASAP Insulators Inc, contracted with B.H. to construct a pole barn at his residence in Milford, Michigan for the agreed upon price of \$45,400.00.

30. Between April 2022 and December 2022, B.H. paid Respondent \$34,125.00.

31. Materials were not delivered to the project site until October of 2022.

32. Respondent did not begin construction until December of 2022, working approximately three days and failing to perform the agreed-upon work in any material respect.

33. Respondent began construction on the property without first obtaining the required permits to begin work.

34. Respondent prepared an application for a building permit in January 2023 but did not pay the application fee.

35. Respondent abandoned the project and failed to return B.H.'s money or otherwise account for the funds given to him by B.H. for the work on his home.

36. On or about July 10, 2023, B.H. sued Respondent for breach of contract, obtaining a default judgment in the approximate amount of \$47,094.55.

*Hendricks v ASAP Insulators Inc et al*, Oakland County Circuit Court Case No. 23-

██████████

37. Upon information and belief, Respondent has not paid anything towards the judgment against him.

**S.D.**

38. In December of 2022, Respondent, ostensibly through ASAP Insulators Inc.<sup>2</sup>, contracted with S.D. for a garage conversion and bedroom buildout project at her residence in Saginaw, Michigan for the agreed upon price of \$20,249.00.

39. Between December 2022 and January 2023, S.D. paid Respondent \$15,186.00 towards the contract.

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<sup>2</sup> ASAP Insulators Inc ceased to exist upon its dissolution on July 15, 2022.

40. Respondent began construction without first obtaining the required permits to begin work.

41. In February of 2023, Respondent asked S.D. and her spouse to obtain permits themselves, which they indicated they would not do.

42. In March of 2023, S.D. demanded a refund of their money, less any applicable sums for work performed.

43. Respondent failed to return S.D.'s money or otherwise account for the funds given to him by S.D. for the work on their home.

44. On or about April 25, 2023, S.D. sued Respondent for breach of contract, obtaining a default judgment in the amount of \$38,961.00. *Dutton v ASAP Insulators Inc et al*, Saginaw County Circuit Court Case No. 23-000850-CK.

45. Upon information and belief, Respondent has not paid anything towards the judgment against him.

46. On or about April 13, 2023, the Department sent Respondent a Notice of Complaint. Respondent failed to respond.

**P.T.**

47. In August of 2022, Respondent, ostensibly through ASAP Insulators Inc.<sup>3</sup>, contracted with P.T. for a sunroom addition at her residence in Brownstown, Michigan for the agreed upon price of \$35,000.00.

48. Between August 2022 and April 2023, P.T. paid Respondent \$26,250.00 towards the contract.

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<sup>3</sup> ASAP Insulators Inc ceased to exist upon its dissolution on July 15, 2022.

49. Respondent began construction without first obtaining the required permits to begin work.

50. In May of 2023, Respondent applied for a building permit, obtaining the permit in June of 2023.

51. In July 2023, the Crawford County Department of Building and Safety inspected Respondent's work and observed the following violations:

a. Electrical service moved inside living area and not a minimum of 18" above the overhanging portion of the roof, in violation of IRC

E3604.2.1;

b. Failure to call for a foundation inspection in violation of IRC R109.1.1;

c. Failure to construct headers in conformity with IRC R602.7, in violation of IRC R602.7;

d. Failure to construct a minimum of 2:12 pitch with two layers of underlayment, in violation of IRC R905.2.2.

e. Failure to properly size girders and headers, in violation of R602.7(1), (2), and (3).

f. Failure to install particleboard underlayment in accordance with the manufacturer's recommendations, in violation of IRC R503.3.2.

52. Respondent improperly moved the electrical service without applying for an electrical permit and without being a licensed electrician.



53. As a result of the above violations, the Crawford County Department of Building and Safety issued a stop work order, halting the project.

54. P.T. subsequently demanded Respondent refund her money.

55. Respondent failed to return P.T.'s money or otherwise account for the funds given to him by P.T. for the work on her home.

56. On or about October 30, 2023, P.T. sued Respondent for breach of contract, obtaining a default judgment in the amount of \$200,000.00. *Teschker v Homick et al*, Macomb County Circuit Court Case No. [REDACTED]

57. Upon information and belief, Respondent has not paid anything towards the judgment against him.

58. On or about August 1, 2023, the Department sent Respondent a Notice of Complaint. Respondent failed to respond.

#### T.S.

59. In November of 2022, Respondent, ostensibly through ASAP Insulators Inc.<sup>4</sup>, contracted with T.S. for a basement renovation project at his residence in Brighton, Michigan for the agreed upon price of \$13,170.60. Three days later, the parties contracted for spraying the basement ceiling black, relocating hot water heat to the floor, and the building of a hidden shelf door for the agreed upon price of \$3,450.00.

60. Between December 2022 and March 2023, T.S. paid Respondent \$14,690.00 toward the project.

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<sup>4</sup> ASAP Insulators Inc ceased to exist upon its dissolution on July 15, 2022.

61. Respondent sent various subcontractors to begin construction despite representing on their website that “[w]e don’t subcontract our work because we can do it all ourselves” and that he is “licensed and insured.”

62. Respondent sent subcontractors to perform work at T.S.’ property without first obtaining the required permits to begin work.

63. T.S. subsequently obtained a permit, and the Livingston County Building Department conducted an inspection, finding insufficient fireblocking, lack of fire stops for wires, and paper on insulation where none should exist.

64. T.S. terminated the contract and demanded a refund.

65. Respondent failed to return T.S.’ money or otherwise account for the funds given to him by T.S. for the work on his home.

### **B.J.**

66. In July of 2022, Respondent, ostensibly through ASAP Insulators Inc.<sup>5</sup>, contracted with B.J. for a family room addition project at his residence in Williamsburg, Michigan for the agreed upon price of \$94,500.00. In February of 2023, the parties contracted for installation of siding, windows, and porch construction for the agreed upon price of \$33,200.00.

67. Between July 2022 and March 2023, B.J. paid Respondent \$63,850.00 toward the project.

68. Respondent began work at B.J. property in October 2022 without first obtaining the required permits to begin work.

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<sup>5</sup> ASAP Insulators Inc ceased to exist upon its dissolution on July 15, 2022.

69. Respondent applied for a building permit in March of 2023.

70. By July of 2023, Respondent abandoned the project.

71. Respondent failed to return B.J.'s money or otherwise account for the funds given to him by B.J. for the work on his home.

72. On or about May 1, 2024, the Department sent Respondent a Notice of Complaint. Respondent requested an extension of time to respond. Despite receiving an extension to May 31, 2024, Respondent failed to respond.

#### COUNT I

73. Respondent's conduct as described above constitutes practicing a regulated occupation without a license, in violation of section 601(1) of the Code.

#### COUNT II

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

#### COUNT III

75. Respondent's conduct as described above constitutes demonstrating a lack of good moral character, in violation of section 604(d) of the Code.

#### COUNT IV

76. Respondent's conduct as described above constitutes committing an act of gross negligence in practicing an occupation, in violation of section 604(e) of the Code.

COUNT V

77. Respondent's conduct as described above constitutes practicing false advertising, in violation of section 604(f) of the Code.

COUNT VI

78. Respondent's conduct as described above constitutes committing an act which demonstrates incompetence, in violation of section 604(g) of the Code.

COUNT VII

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

COUNT VIII

80. Respondent's conduct as described above constitutes failure to account for or remit money coming into their possession that belongs to others, in violation of section 2411(2)(c) of the Code.

COUNT IX

81. Respondent's conduct as described above constitutes becoming insolvent, filing a bankruptcy action, failing to satisfy judgments or liens, or failing to pay an obligation as it becomes due in the ordinary course of business, in violation of section 2411(2)(l) of the Code.

COUNT X

82. Respondent's conduct as described above constitutes workmanship not meeting the standards of the MRC as promulgated under the SDHA, in violation of section 2411(2)(m) of the Code.

COUNT XI

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

FURTHER, Complainant requests that pending the hearing and final determination Respondent's license to practice as a residential builder in the State of Michigan continue to be summarily suspended pursuant to section 92 of the Administrative Procedures Act of 1969 and section 505 of the Occupational Code for the reason that, based upon the allegations set forth herein, an imminent threat to the public health, safety, or welfare exists which requires emergency action.

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

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-Compliance@michigan.gov](mailto:LARA-BCC-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

Respectfully submitted,

/s/ Adam G. Masserang  
Adam G. Masserang (P75520)  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: August 7, 2024

LF: 2024-0402449-B/Homick, William Michael, (Res Bldr), 2300293/Formal Complaint – 2024-08-07

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

DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS,  
BUREAU OF CONSTRUCTION CODES

Complainant,

v

CAPITOL ROOFING AUTHORITY LLC  
License No. 262200144

Complaint No. 2300075  
Docket No. 23-026711

AND

KEITH ALLEN GREEN  
License No. 242200251

Complaint No. 2300076  
Docket No. 23-026712

Respondents

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**FINAL ORDER**

The Michigan Board of Residential Builders and Maintenance & Alteration Contractors ("Board"), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on April 17, 2025, and considered the Finding of Facts and Conclusions of Law in the Hearing Report of Chris Johnson, Administrative Law Judge, dated January 23, 2024.

**IT IS ORDERED** that for violating MCL 339.604 (b), (c), (d), (e), (g), (h), and (l); MCL 339.2411(2) (a), (c), and (e); Mich Admin Code R 338.1551 (2) and (5); and Mich Admin Code R 408.30500, Respondents are jointly and severally liable to pay a FINE in the amount of TEN THOUSAND dollars and 00/100 (\$10,000.00) within ninety (90) days of the effective date of this Order, and mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, P.O. Box 30255, Lansing, MI 48909. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display the complaint numbers **2300075 & 2300076**.

**IT IS FURTHER ORDERED** that Respondents are jointly and severally liable to pay RESTITUTION in the total amount of ONE HUNDRED TWENTY-FOUR THOUSAND NINE HUNDRED TWENTY-EIGHT dollars and 43/100 (\$124,928.43) to the recipients listed in Attachment A within ninety (90) days of the effective date of this Order.

**IT IS FURTHER ORDERED** that Respondents shall submit satisfactory evidence of fine and restitution payments within ninety (90) days of the effective date of this Order, mailed to Department

of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, P.O. Box 30254, Lansing, MI 48909.

**IT IS FURTHER ORDERED** that all licenses held by Respondents under the jurisdiction of Article 24 of the Occupational Code shall be and are hereby IMMEDIATELY REVOKED. Respondent may not serve as the Qualifying Officer of any licensed corporate entity while any other Article 24 license held by Respondent is in suspended or revoked status.

**IT IS FURTHER ORDERED** that Respondents may petition for reinstatement of the license once all Final Orders of the Board have been fully satisfied.

**IT IS FURTHER ORDERED** that reinstatement of a license which has been revoked is not automatic and in the event that Respondent applies for reinstatement of the license, application shall be in accordance with MCL 339.411(5).

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

If Respondent violates any term or condition set forth in this Order, Respondent shall be in violation of MCL 339.604(k) of the Occupational Code and may be subject to further disciplinary action.

This Final Order is a public record required to be published and made available to the public pursuant to the Freedom of Information Act, MCL 15.231 *et seq.*

This Final Order shall not be construed as limiting the Department of Licensing and Regulatory Affairs, any other agency of the State of Michigan or any individual as to the use of a lawful method of collection of the payment imposed by this Final Order.

Given under my hand at Lansing, Michigan, this 23<sup>rd</sup> day of April, 2025.


BY: *Felicia Badger*

Felicia Badger, Manager  
Enforcement Section  
Bureau of Construction Codes

Effective date: 4/23/2025



**ATTACHMENT A**

<b><u>Recipient</u></b>	<b><u>Restitution Amount</u></b>
	\$8,000.00
	\$11,490.26
	\$24,066.32
	\$15,865.64
	\$25,000.00
	\$8,262.22
	\$9,010.00
	\$8,233.99
	\$15,000.00
	<b>Total:</b>

**STATE OF MICHIGAN**  
**MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**BUREAU OF CONSTRUCTION CODES,  
PETITIONER**

**V**

**CAPITOL ROOFING AUTHORITY, LLC,  
RESPONDENT**

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**Docket No.: 23-026711**

**Case No.: 2300075**

**Agency: BUREAU OF  
CONSTRUCTION  
CODES**

**Case Type: BCC RESIDENTIAL  
BUILDERS**

**Filing Type: FORMAL COMPLAINT**

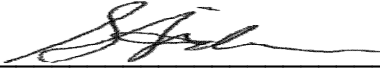
**AMENDED CERTIFICATION OF RECORD**

I, Shelli Adams, certify that the attached file is the original record of the Michigan Office of Administrative Hearings and Rules in the above captioned matter, and that said record consists of those entries shown below.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Michigan Office of Administrative Hearings and Rules to be hereunto affixed this Thursday, December 12, 2024.

<u>Date</u>	<u>Document</u>
1. 09/19/24	Returned Mail - Hearing Report
2. 08/30/24	Certification of Record
3. 05/28/24	Returned Mail, Notice of Hearing, Order of Adjournment, & Hearing Report
4. 01/23/24	Hearing Report
5. 11/28/23	Petitioner's Exhibits 1-48 and 50, Offered and Admitted
6. 11/13/23	Petitioner's First Amended Witness List

7. 10/26/23 Order Reassigning Case and Notice of Change in Telephone Call In/Access Code Information
8. 10/23/23 Order of Adjournment and Re-Notice of Hearing
9. 10/02/23 Petitioner's Witness and Exhibit Lists
10. 09/25/23 Second Superseding Formal Complaint
11. 09/14/23 First Superseding Formal Complaint
12. 09/07/23 Notice of Hearing with Proof of Service
13. 08/31/23 Request for Hearing

  
Shelli Adams  
Michigan Office of Administrative  
Hearings and Rules



**STATE OF MICHIGAN**  
**MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**Bureau of Construction Codes,  
Petitioner**

**V**

**Keith Allen Green,  
Respondent**

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**Docket No.: 23-026712**

**Case No.: 2300076**

**Agency: Bureau of Construction  
Codes**

**Case Type: BCC Residential  
Builders**

**Filing Type: Formal Complaint**

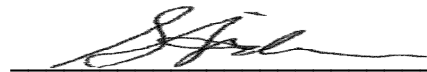
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In Witness Whereof, I have hereunto set my hand and caused the Seal of the Michigan Office of Administrative Hearings and Rules to be hereunto affixed this Thursday, December 12, 2024.

<u>Date</u>	<u>Document</u>
1. 09/18/24	Returned Mail - Hearing Report
2. 08/30/24	Certification of Record
3. 05/28/24	Returned Mail: Order of Adjournment; Hearing Report
4. 01/23/24	Hearing Report
5. 11/28/23	Petitioner's Exhibits 1-48 and 50, Offered and Admitted
6. 11/13/23	Petitioner's First Amended Witness List
7. 10/26/23	Order Reassigning Cases and Notice of Change in Telephone Call In/Access Code Information

8. 10/23/23 Order of Adjournment and Re-Notice of Hearing
9. 10/02/23 Petitioner's Witness and Exhibit Lists
10. 09/25/23 Second Superseding Formal Complaint
11. 09/14/23 First Superseding Formal Complaint
12. 09/07/23 Notice of Hearing with Proof of Service
13. 08/31/23 Request for Hearing



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Shelli Adams  
Michigan Office of Administrative  
Hearings and Rules



**STATE OF MICHIGAN  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**Bureau of Construction Codes,  
Petitioner**

**v**

**Capitol Roofing Authority, LLC,  
Respondent**

**Docket No.: 23-026711**

**Case No.: 2300075**

**Agency: Bureau of Construction  
Codes**

**Case Type: BCC Residential  
Builders**

**Filing Type: Formal Complaint**

**IN THE MATTER OF:**

**Bureau of Construction Codes,  
Petitioner**

**v**

**Keith Allen Green,  
Respondent**

**Docket No.: 23-026712**

**Case No.: 2300076**

**Agency: Bureau of Construction  
Codes**

**Case Type: BCC Residential  
Builders**

**Filing Type: Formal Complaint**

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**Issued and entered  
this 23<sup>rd</sup> day of January 2024  
by: Chris Johnson  
Administrative Law Judge**

**HEARING REPORT**

**Procedural History**

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to the Occupational Code, MCL 339.101 *et seq.* (Code). Formal Complaints were filed on behalf of the Department of Licensing and Regulatory Affairs – Bureau of Construction Codes (Petitioner) on July 17, 2023. Petitioner also filed Orders of Summary

Suspension, dated July 18, 2023, and Affidavits of Alexandria McGoron, dated July 19, 2023, and July 26, 2023. The Formal Complaints and accompanying documentation allege that Capitol Roofing Authority, LLC, (Respondent Capitol Roofing) and Keith Allen Green (Respondent Green; collectively, Respondents), violated provisions of the Code.

On August 31, 2023, the Michigan Office of Administrative Hearings and Rules (MOAHR) received a Request for Hearing. Included with the Request for Hearing were copies of the Formal Complaints, copies of the Affidavits of Alexandria McGoron, and copies of the Orders of Summary Suspension. The above-captioned cases were consolidated for the purposes of hearing and issuance of a Hearing Report pursuant to Mich Admin Code, R 792.10118.<sup>1</sup>

On September 7, 2023, a Notice of Telephone Hearing was sent to all parties scheduling a hearing by telephone teleconference on October 16, 2023, before ALJ Raman Buttar.

On September 14, 2023, Petitioner filed First Superseding Formal Complaints against Respondents. On September 25, 2023, Petitioner filed Second Superseding Formal Complaints against Respondents (Complaints).

On October 2, 2023, Petitioner filed a Witness List, Exhibit List, and proposed exhibits.

On October 23, 2023, ALJ Buttar issued an Order of Adjournment and Re-Notice of Hearing. ALJ Buttar adjourned the hearing scheduled for October 16, 2023, and rescheduled it for November 28, 2023. The Order indicates that Respondent Green appeared for the hearing on October 16, 2023, and requested an adjournment to allow an opportunity to obtain legal counsel.

On October 26, 2023, Administrative Law Manager Lauren G. VanSteel issued an Order Reassigning Cases and Notice of Change in Telephone Call In/Access Code Information. This Order reassigned the above-captioned cases from ALJ Buttar to the undersigned ALJ. The date and time of the hearing were not changed.

On November 13, 2023, Petitioner filed Petitioner's First Amended Witness List.

The hearing proceeded by telephone as scheduled on November 28, 2023. Aleksandrs K. Bomis, Assistant Attorney General, appeared as representative of

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<sup>1</sup> The undersigned ALJ notes that a contested case in the matter of the Bureau of Construction Codes v Wenn, MOAHR Docket Number 23-031347, was consolidated with the above-captioned cases for the purposes of hearing, only. A Hearing Report specific to MOAHR Docket Number 23-031347 will be sent under separate cover.

Petitioner. Appearing as witnesses on Petitioner's behalf were J.D., E.S., C.W., M.B, R.W., W.B., J.P., H.S., and T.G.-1.<sup>2</sup> Each witness was a client of Respondents' and each provided testimony on Petitioner's behalf. ALJ Chris Johnson presided over the hearing.

Respondents failed to appear for the hearing. The undersigned ALJ waited 15 minutes from the scheduled start time for hearing before going on the record, and found that Respondents had been properly served with the Notice of Telephone Hearing, the Order of Adjournment and Re-Notice of Hearing, and the Order Reassigning Cases and Notice of Change in Telephone Call/In Access Code Information. No request for adjournment had been filed. The hearing proceeded in Respondents' absence pursuant to Section 72(1) of the Administrative Procedures Act (APA), MCL 24.272(1).

Section 72(1) of the APA provides as follows:

Sec. 72. (1) If a party fails to appear in a contested case after proper service of notice, the agency, if no adjournment is granted, may proceed with the hearing and make its decision in the absence of the party.

Further, the undersigned ALJ granted AAG Bomis' motion for a default judgment in favor of Petitioner and against Respondents pursuant to Section 78(2) of the APA, MCL 24.278(2), and Rule 134 of the uniform hearing rules, Mich Admin Code, R 792.10134.

Section 78(2) of the APA provides as follows:

Sec. 78. (2) Except as otherwise provided by law, disposition may be made of a contested case by stipulation, agreed settlement, consent order, waiver, default or other method agreed upon by the parties. (Emphasis supplied).

Additionally, Rule 134 of the uniform hearing rules, Mich Admin Code, R 792.10134, states as follows:

Rule 134. (1) If a party fails to attend or participate in a scheduled proceeding after a properly served notice, the administrative law judge may conduct the proceedings without participation of the absent party. The administrative law judge may issue a default order or other dispositive order which shall state the grounds for the order. (Emphasis added).

(2) Within 7 days after service of a default order, the party against whom it was entered may file a written motion requesting the order be vacated. If

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<sup>2</sup> Initials used throughout Hearing Report to protect privacy.



the party demonstrates good cause for failing to attend a hearing or failing to comply with an order, the administrative law judge may reschedule, rehear, or otherwise reconsider the matter as required to serve the interests of justice and the orderly and prompt conduct of proceedings. Mich Admin Code, R 792.10134.

As a result of the default judgment granted in favor of Petitioner and against Respondents at hearing, the factual and legal allegations contained in Petitioner's Second Superseding Formal Complaint were deemed proven and true.

The following exhibits were offered by Petitioner during the hearing and were admitted into evidence with no objection:

1. Petitioner's Exhibit 1 – Certification of Licensure pertaining to Respondent Capitol Roofing dated June 1, 2023.
2. Petitioner's Exhibit 2 – Certification of Licensure pertaining to Respondent Green dated June 1, 2023.
3. Petitioner's Exhibit 3 – Certification of Licensure pertaining to Chris Converse dated June 1, 2023.
4. Petitioner's Exhibit 4 – Certification of Licensure pertaining to Dominic Orsini dated June 1, 2023.
5. Petitioner's Exhibit 5 – Certification of Licensure pertaining to Chase Clawson dated June 1, 2023.
6. Petitioner's Exhibit 6 – Certification of Licensure pertaining to Alan Wenn dated August 14, 2023.
7. Petitioner's Exhibit 7 – Certification of Licensure pertaining to Stojan Prusac dated September 15, 2023.
8. Petitioner's Exhibit 8 – Articles of Organization pertaining to Respondent Capitol Roofing dated February 4, 2022.
9. Petitioner's Exhibit 9 – Restated Articles of Organization pertaining to Respondent Capitol Roofing dated June 30, 2022.
10. Petitioner's Exhibit 10 – Residential Builders – Statement of Complaint filed by J.D. against Respondents, dated January 5, 2023.

11. Petitioner's Exhibit 11 – Contract between Respondents and J.D. dated September 9, 2022.
12. Petitioner's Exhibit 12 – Business cards of Stojan Prusac and Chris Converse, both listed as being employed by Respondent Capitol Roofing, obtained by J.D.
13. Petitioner's Exhibit 13 – Claim of Lien placed on J.D.'s property by Respondents dated October 25, 2022.
14. Petitioner's Exhibit 14 – Letter from Richfield Township to J.D. dated November 21, 2022.
15. Petitioner's Exhibit 15 – Petitioner's Notice to Respondents dated January 26, 2023, informing of the Statement of Complaint filed by J.D.
16. Petitioner's Exhibit 16 – Residential Builders – Statement of Complaint filed by E.S. against Respondents, dated April 13, 2023.
17. Petitioner's Exhibit 17 – Contract between Respondents and E.S. dated August 23, 2022.
18. Petitioner's Exhibit 18 – Copy of check paid by E.S. to Respondent Capitol Roofing in the amount of \$11,490.00, dated August 29, 2022.
19. Petitioner's Exhibit 19 – Petitioner's Notice to Respondents dated April 17, 2023, informing of the Statement of Complaint filed by E.S.
20. Petitioner's Exhibit 20 – Statement of Complaint filed by C.W. against Respondents, dated April 25, 2023.
21. Petitioner's Exhibit 21 – Contract between Respondents and C.W. dated July 15, 2022.
22. Petitioner's Exhibit 22 – Copy of check paid by C.W. to Respondent Capitol Roofing in the amount of \$24,066.32, dated July 15, 2022.
23. Petitioner's Exhibit 23 – Petitioner's Notice to Respondents dated April 27, 2023, informing of the Statement of Complaint filed by C.W.
24. Petitioner's Exhibit 24 – Residential Builders – Statement of Complaint filed by M.B. against Respondents, undated.

25. Petitioner's Exhibit 25 – Contract between Respondents and M.B. dated August 10, 2022.
26. Petitioner's Exhibit 26 – Business card of Dominic Orsini, listed as being employed by Respondent Capitol Roofing, obtained by M.B.
27. Petitioner's Exhibit 27 – Copy of check paid by M.B. to Respondent Capitol Roofing in the amount of \$15,865.64, dated August 10, 2022.
28. Petitioner's Exhibit 28 – Petitioner's Notice to Respondents dated May 8, 2023, informing of Statement of Complaint filed by M.B.
29. Petitioner's Exhibit 29 – Statement of Complaint filed by R.W. against Respondents, dated May 20, 2023.
30. Petitioner's Exhibit 30 – Contract between Respondents and R.W. dated June 3, 2022.
31. Petitioner's Exhibit 31 – Copy of check paid by R.W. to Respondent Capitol Roofing in the amount of \$25,000.00, dated June 3, 2022.
32. Petitioner's Exhibit 32 – Petitioner's Notice to Respondents dated June 1, 2023, informing of Statement of Complaint filed by R.W.
33. Petitioner's Exhibit 33 – Residential Builders – Statement of Complaint filed by W.B. against Respondents, dated May 31, 2023.
34. Petitioner's Exhibit 34 – Contract between Respondents and W.B. dated September 22, 2022.
35. Petitioner's Exhibit 35 – Copy of check paid by W.B. to Respondent Capitol Roofing in the amount of \$8,262.22, dated August 31, 2022.
36. Petitioner's Exhibit 36 – Petitioner's Notice to Respondents dated June 1, 2023, informing of Statement of Complaint filed by W.B.
37. Petitioner's Exhibit 37 – Statement of Complaint filed by J.P. against Respondents, dated June 7, 2023.
38. Petitioner's Exhibit 38 – Contract between Respondents and J.P. dated October 31, 2022.

39. Petitioner's Exhibit 39 – Copy of check paid by J.P. to Respondent Capitol Roofing in the amount of \$9,010.00, dated June 9, 2022.
40. Petitioner's Exhibit 40 – Petitioner's Notice to Respondents dated June 12, 2023, informing of the Statement of Complaint filed by J.P.
41. Petitioner's Exhibit 41 – Residential Builders – Statement of Complaint filed by H.S. against Respondents, dated August 11, 2023.
42. Petitioner's Exhibit 42 – Contract between H.S.<sup>3</sup> and Respondents dated February 24, 2023.
43. Petitioner's Exhibit 43 – Copy of check paid by H.S. to Respondent Capitol Roofing in the amount of \$8,233.99, dated March 20, 2023.
44. Petitioner's Exhibit 44 – Petitioner's Notice to Respondents dated August 14, 2023, informing of the Statement of Complaint filed by H.S.
45. Petitioner's Exhibit 45 – Statement of Complaint filed by T.G.-1 against Respondents, dated August 23, 2023.
46. Petitioner's Exhibit 46 – Contract between T.G.-1 and Respondents dated November 14, 2022.
47. Petitioner's Exhibit 47 – Copy of check paid by T.G.-1 to Respondent Capitol Roofing in the amount of \$15,000.00, dated November 15, 2022.
48. Petitioner's Exhibit 48 – Petitioner's Notice to Respondents dated September 14, 2023, informing of the Statement of Complaint filed by T.G.-1.
49. Petitioner's Exhibit 49 – Not Offered.
50. Petitioner's Exhibit 50 – Certification of Licensure pertaining to Martin Wenn dated September 28, 2023.

Respondents failed to appear for the hearing and did not submit any proposed exhibits.

The record was closed at the conclusion of the hearing on November 28, 2023.

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<sup>3</sup> The undersigned ALJ notes that Respondent's Exhibit 42 redacts the complainant's name with the initials J.S. typed over the redaction. This appears to have been an error. This Statement of Complaint was filed by H.S.

**Issue and Applicable Law**

The issue presented is whether Respondents violated the Code and/or Administrative Rules as alleged in the Second Superseding Formal Complaints, dated September 25, 2023.

Section 604 of the Code, MCL 339.604, states in relevant part:

Sec. 604. A person who violates 1 or more of the provisions of an article which regulates an occupation or who commits 1 or more of the following shall be subject to the penalties prescribed in section 602:

\* \* \*

(b) Practices fraud, deceit, or dishonesty in practicing an occupation.

(c) Violates a rule of conduct of an occupation.

(d) Demonstrates a lack of good moral character.

(e) Commits an act of gross negligence in practicing an occupation.

\* \* \*

(g) Commits an act which demonstrates incompetence.

(h) Violates any other provision of this act or a rule promulgated under this act for which a penalty is not otherwise prescribed.

\* \* \*

(l) Aids or abets another person in the unlicensed practice of an occupation.

Section 2411(2) of the Code, MCL 339.2411(2), states in relevant part:

(2) A licensee or applicant who commits 1 or more of the following is subject to the penalties set forth in article 6:

(a) Abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

\* \* \*

(c) Failure to account for or remit money coming into the person's possession that belongs to others.

\* \* \*

(e) A willful violation of the building laws of this state or of a political subdivision of this state.

\* \* \*

Mich Admin Code, R 338.1551 states, in relevant part:

\* \* \*

(2) Upon receipt of a valid and written complaint, the department shall assign a complaint number, acknowledge the complaint, and forward a copy of the complaint to the licensee. The licensee shall reply to the department within 15 days from receipt of the complaint and shall confirm or deny the justification for the complaint. If a complaint or a portion of the complaint is not acknowledged by the licensee as being justified, then the department shall notify the complainant of the area of disagreement.

\* \* \*

(5) All construction, renovations, alterations, or repairs must comply with the Michigan construction code.

Section 4(2) of the Stille Derossett-Hale Single State Construction Code Act, MCL 125.1504(2), includes in its definition of the Michigan Construction Code the International Residential Code.

Rule 105.1 of the International Residential Code (IRC) requires that any owner or authorized agent first obtain required permits if they "intend[] to construct, enlarge, alter, repair, remove, demolish, or change the occupancy of a building or structure . . . ."

Section 602 of the Code, MCL 339.602, indicates the following:

Sec. 602. A person, school, or institution that violates this act or a rule or order promulgated or issued under this act shall be assessed 1 or more of the following penalties:

(a) Placement of a limitation on a license or certificate of registration for an occupation regulated under articles 8 to 25.

- (b) Suspension of a license or certificate of registration.
- (c) Denial of a license, certificate of registration, or renewal of a license or certificate of registration.
- (d) Revocation of a license or certificate of registration.
- (e) In the case of a person licensed or registered under this act and except as otherwise provided in this act, an administrative fine to be paid to the department of not more than \$10,000.00.
- (f) Censure.
- (g) Probation.
- (h) A requirement that restitution be made, based on proofs submitted to and findings made by the hearing examiner after a contested case.

### **Findings of Fact**

Based on the default entered in this matter, the witness testimony, and the admitted exhibits, the following facts are found to be established:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code.
2. After receiving a complaint against Respondents, Petitioner investigated the allegations of the complaint pursuant to section 502 of the Code.
3. Respondent Capitol Roofing is a Michigan limited liability company formed on or about February 4, 2022. It obtained its license to practice as a residential builder company on March 11, 2022. [Pet. Exh. 1; Pet. Exh. 8; Pet. Exh. 9].
4. Respondent Green is an organizer, member, and qualifying officer of Respondent Capitol Roofing. He obtained a license to practice as a residential builder on March 9, 2022. [Pet. Exh. 2].
5. Martin Wenn is an organizer and member of Respondent Capitol Roofing. He obtained a license to practice as a residential builder on April 27, 2016. His license entered lapsed status on May 31, 2022, and remained lapsed as of the date of the administrative hearing. [Pet. Exh. 50].

6. Stojan Prusac is an organizer and member of Respondent Capitol Roofing. At no point has Mr. Prusac held a residential builder salesperson license or a residential builder license. [Pet. Exh. 7].
7. Chris Converse, Chase Clawson, and Dominic Orsini, and Alan Wenn are current or former employees of Respondent Capitol Roofing. None of them have held a license issued by the Bureau of Construction Codes, including a residential builder salesperson license. [Pet. Exh. 3; Pet. Exh. 4; Pet. Exh. 5].
8. On or about September 9, 2022, Respondents, through unlicensed residential builder salesperson Chris Converse, entered into a written contract with J.D. for the tear off and replacement of a roof on residential property located in Richfield Township, Michigan, near Davison, Michigan. [Pet. Exh. 11].
9. Pursuant to the parties' written contract, Respondents would charge \$16,804.68 for its services and required a down payment of \$8,000.00. J.D. paid Respondents \$8,000.00 as required. [Pet. Exh. 11].
10. Respondents performed work on or about September 22, 2022.
11. The following day, J.D. called Chris Converse to discuss problems with Respondents' work.
12. Respondents never performed work addressing the various deficiencies identified by J.D.
13. On or about October 25, 2022, Respondents filed a lien against J.D.'s property, falsely asserting that the contract amount was \$22,429.68 and that J.D. had paid \$14,429.68, leaving a net lien amount of \$8,000.00. [Pet. Exh. 13].
14. On or about November 21, 2022, a Richfield Township building official wrote to J.D. that Respondents did not pull permits for the residential building project as required. The building official further wrote that multiple code violations existed which need to be addressed, and "had the company pulled the proper building permits these issues would have been caught when [the building official] did the required inspections." [Pet. Exh. 14].
15. On or about January 5, 2023, Petitioner received a complaint relating to the above conduct. [Pet. Exh. 10].



16. On January 26, 2023, Petitioner issued a notice to Respondents directing Respondents to confirm or deny the justification for the complaint. Respondents failed to respond. [Pet. Exh. 15].
17. On or about August 23, 2022, Respondents, through unlicensed salesperson Dominic Orsini, entered into a written contract with T.S. and E.S. for the tear off and replacement of a roof on residential property located in Presque Isle, Michigan. [Pet. Exh. 17].
18. Pursuant to the parties' written contract, Respondents would charge \$25,001.60 for its services and required a down payment of \$11,490.26. T.S. and E.S. paid Respondents \$11,490.26 as required. [Pet. Exh. 17; Pet. Exh. 18].
19. Respondents never performed work on the Presque Isle property, never obtained permits to commence work on the property, and never returned T.S. and E.S. any of the \$11,490.26.
20. On or about April 13, 2023, Petitioner received a complaint relating to the above conduct. [Pet. Exh. 16].
21. On April 17, 2023, Petitioner issued a notice to Respondents directing Respondents to confirm or deny the justification for the complaint. Respondents failed to respond. [Pet. Exh. 19].
22. On or about July 15, 2022, Respondents, through unlicensed salesperson Dominic Orsini, entered into a written contract with C.W. for the tear off and replacement of a roof on residential property located in Presque Isle, Michigan. [Pet. Exh. 21].
23. Pursuant to the parties' written contract, Respondents would charge \$48,132.64 for its services and required a down payment of \$24,066.32. C.W. paid Respondents \$24,066.32 as required. [Pet. Exh. 21; Pet. Exh. 22].
24. Respondents never performed work on the Presque Isle property, never obtained permits to commence work on the property, and never returned C.W. any of the \$24,066.32.
25. On or about April 25, 2023, Petitioner received a complaint relating to the above conduct. [Pet. Exh. 20].

26. On April 27, 2023, Petitioner issued a notice to Respondents directing Respondents to confirm or deny the justification for the complaint. Respondents failed to respond. [Pet. Exh. 23].
27. On or about August 10, 2022, Respondents, through unlicensed salesperson Dominic Orsini, entered into a written contract with M.B. for the tear off and replacement of a roof on residential property located in Presque Isle, Michigan. [Pet. Exh. 25].
28. Pursuant to the parties' written contract, Respondents would charge \$31,731.32 for its services and required a down payment of \$15,865.64. C.W. paid Respondents \$15,865.64 as required. [Pet. Exh. 25; Pet. Exh. 27].
29. Respondents never performed work on the Presque Isle property, never obtained permits to commence work on the property, and never returned M.B. any of the \$15,865.64.
30. On or about April 27, 2023, Petitioner received a complaint relating to the above conduct. [Pet. Exh. 24].
31. On May 8, 2023, Petitioner issued a notice to Respondents directing Respondents to confirm or deny the justification for the complaint. Respondents failed to respond. [Pet. Exh. 28].
32. On or about June 3, 2022, Respondents, through residential builder Keith Green, entered into a written contract with R.W. and S.W. for the tear off and replacement of a roof on residential property located in Plymouth, Michigan. [Pet. Exh. 30].
33. Pursuant to the parties' written contract, Respondents would charge \$50,000.00 for its services and required a down payment of \$25,000.00. R.W. and S.W. paid Respondents \$25,000.00 as required. [Pet. Exh. 30; Pet. Exh. 31].
34. Respondents never performed work on the Plymouth property, never obtained permits to commence work on the property, and never returned R.W. and S.W. any of the \$25,000.00.
35. On or about May 24, 2023, Petitioner received a complaint relating to the above conduct. [Pet. Exh. 29].

36. On June 1, 2023, Petitioner issued a notice to Respondents directing Respondents to confirm or deny the justification for the complaint. Respondents failed to respond. [Pet. Exh. 32].
37. On or about September 22, 2022, Respondents, through unlicensed salesperson Chase Clawson, entered into a written contract with W.B. for the tear off and replacement of a roof on residential property located in Presque Isle, Michigan. [Pet. Exh. 34].
38. Pursuant to the parties' written contract, Respondents would charge \$16,040.58 for its services and required a down payment of \$8,262.22. W.B. paid Respondents \$8,262.22 as required. [Pet. Exh. 34; Pet. Exh. 35].
39. Respondent never performed work on the Presque Isle property, never obtained permits to commence work on the property, and never returned W.B. any of the \$8,262.22.
40. On or about May 31, 2023, Petitioner received a complaint relating to the above conduct. [Pet. Exh. 33].
41. On June 1, 2023, Petitioner issued a notice to Respondents directing Respondents to confirm or deny the justification for the complaint. Respondents failed to respond. [Pet. Exh. 36].
42. On or about October 31, 2022, Respondents entered into a written contract with J.P. for the replacement of a window in residential property located in Presque Isle, Michigan. [Pet. Exh. 38].
43. Pursuant to the parties' written contract, Respondent would charge \$14,431.10 for its services and required a down payment of \$9,010.00. J.P. paid Respondents \$9,010.00 as required. [Pet. Exh. 38; Pet. Exh. 39].
44. Respondents never performed work on the Presque Isle property, never obtained permits to commence work on the property, and never returned J.P. any of the \$9,010.00.
45. On or about June 12, 2023, Petitioner received a complaint relating to the above conduct. [Pet. Exh. 37].
46. On June 12, 2023, Petitioner issued a notice to Respondents directing Respondents to confirm or deny the justification for the complaint. Respondents failed to respond. [Pet. Exh. 40].

47. On or about February 21, 2023, Respondents, through unlicensed residential builder salesperson Alan Wren and lapsed residential builder Martin Wenn, entered into a written contract with H.S. for a roof replacement for residential property located in Fenton, Michigan. [Pet. Exh. 42].
48. Pursuant to the parties' written contract, Respondents would charge \$13,488.97 for its services and required a down payment of \$8,233.99. H.S. paid Respondents \$8,233.99 as required. [Pet. Exh. 42; Pet. Exh. 43].
49. Respondents never performed work on the Fenton property, never obtained permits to commence work on the property, and never returned H.S. any of the \$8,233.99.
50. On or about August 11, 2023, Petitioner received a complaint relating to the above conduct. [Pet. Exh. 41].
51. On August 14, 2023, Petitioner issued a notice to Respondents directing Respondents to confirm or deny the justification for the complaint. Respondents failed to respond. [Pet. Exh. 44].
52. On or about November 14, 2022, Respondents, through unlicensed residential builder salesperson Stojan Prusac, entered into a written contract with T.G.-1 and T.G.-2 for a roof replacement for residential property located in Presque Isle, Michigan. [Pet. Exh. 46].
53. Pursuant to the parties' written contract, Respondents would charge \$43,690.00 for its services and required a down payment of \$15,000.00. T.G.-1 and T.G.-2 paid Respondents \$15,000.00 as required. [Pet. Exh. 46; Pet. Exh. 47].
54. Respondents never performed work on the Presque Isle property, never obtained permits to commence work on the property, and never returned T.G.-1 or T.G.-2 any of the \$15,000.00.
55. On or about August 29, 2023, Petitioner received a complaint relating to the above conduct. [Pet. Exh. 45].
56. On September 14, 2023, Petitioner issued a notice to Respondents directing Respondents to confirm or deny the justification for the complaint. Respondents failed to respond. [Pet. Exh. 48].
57. Respondents' former customers J.D., E.S., C.W., M.B., R.W., W.B., J.P., H.S., and T.G. each testified on behalf of Petitioner. Each witness independently

affirmed the allegations set forth in Petitioner's Complaints. Each witness credibly testified that they entered into a contract with Respondents, that they paid Respondents a portion of the contract price prior to work commencing, that Respondents failed to start and/or complete the contracted construction project, and that Respondents failed to return any funds to them. Each witness credibly testified that they have not received restitution through any court or administrative body in the state of Michigan.

### **Conclusions of Law**

Petitioner submitted the Second Superseding Formal Complaints in these matters and has the burden of proof to show by a preponderance of the evidence that Respondents violated the Occupational Code as alleged in that Complaint, dated September 25, 2023.

Pursuant to the default judgment entered against Respondents under Section 78(2) of the APA and Rule 134 of the uniform hearing rules, *supra*, the factual and legal allegations contained in the Complaint are taken as true and proven. Under Section 72 of the APA, *supra*, there is no requirement to provide a full evidentiary hearing when all alleged facts are taken as true and proven. *Smith v Lansing School Dist*, 428 Mich 248; 406 NW2d 825 (1987).

Based on the above findings of fact, the following conclusions of law are found to be established:

Petitioner has established, by a preponderance of the evidence, that Respondents violated sections 604(b), 604(c), 604(d), 604(e), 604(g), 604(l), 2411(2)(a), 2411(2)(c), and 2411(2)(e) of the Code as alleged in Counts 1 through XII of the Complaints.

Petitioner has also established, by a preponderance of the evidence, that Respondent violated Mich Admin Code, R 338.1551(2), Mich Admin Code, R 338.1551(5), and IRC R 105.1<sup>4</sup> as alleged in Counts X through XII of the Complaints.

### **Proposed Decision**

Based upon the above findings of fact and conclusions of law, as well as the default judgment entered in favor of Petitioner and against Respondents, it has been established that Respondents violated the Occupational Code as alleged in Counts I

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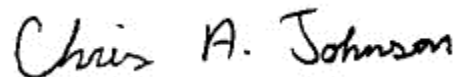
<sup>4</sup> The undersigned ALJ notes that Count XII of the Complaint alleges that Respondents acted contrary to IRC R 105.2. This rule refers to exemptions from the requirement to obtain a building permit prior to beginning construction. IRC R 105.1 requires that a building permit be obtained before beginning construction for repair of residential property.

through XII of the Formal Complaint. Respondent is therefore subject to sanction under MCL 339.602.

**Recommendation as to Sanctions:**

The undersigned ALJ recommends that the Board impose the following sanctions on Respondent, as requested by Petitioner:

1. That Respondents be required, jointly and severally, to pay restitution in the amount of \$124,928.43, the total amount of money received by Respondents for work not completed pursuant contractual obligations.
2. Imposition of a fine on Respondents, jointly and severally, in the amount of \$375,000.00, or another amount deemed appropriate by the Board in accordance with MCL 339.602(e). Petitioner noted that Respondents committed nine violations of the Code in 12 Counts, and argued that although the proposed amount of the fine is high, it represents approximately three times the amount of money received by Respondents and is therefore proportionate to the underlying prohibited behavior.
3. Revocation of all licenses held by Respondents under the jurisdiction of the Board.
4. Any other sanction the Board deems appropriate pursuant to MCL 339.602.



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**Chris A. Johnson**  
**Administrative Law Judge**

**Notice to Agency to Provide MOAHR with Subsequent Agency or Court Orders**

The state agency that is a party to this matter, and/or referred this matter to MOAHR, shall serve MOAHR with any subsequent orders entered as a result of this ALJ's decision or proposed decision, including but not limited to the agency's final order, order to remand the matter to MOAHR for further proceedings, or order on appeal, as soon as practicable following entry of the order to:

Michigan Office of Administrative Hearings and Rules, General Adjudication, by **email (preferred)** to: [MOAHR-GA@michigan.gov](mailto:MOAHR-GA@michigan.gov); or **by regular mail** to: MOAHR-GA, P.O. Box 30695, Lansing, Michigan 48909-8195.

See: Mich Admin Code, R 792.10120(2)(i).

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

CAPITOL ROOFING AUTHORITY L.L.C.

Residential Builder Company

License No. 26-22-00144

Complaint No. 2300075

(Consolidated with complaint nos. 2300328

2300368

2300380

2300444

2300451

2300478

2300624

2300675)

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SECOND SUPERSEDING FORMAL COMPLAINT

Assistant Attorney General Aleksandrs K. Bomis, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Complainant), files this second superseding formal complaint against Capitol Roofing Authority L.L.C. (Respondent), 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 339.101 *et seq.*
2. Respondent is currently licensed to practice as a residential builder company pursuant to the Code.

3. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.

4. Section 604(b) of the Code subjects a licensee to sanction for exhibiting fraud, deceit, or dishonesty in practicing an occupation.

5. Section 604(c) of the Code subjects a licensee to sanction for violating a rule of conduct of an occupation.

6. Section 604(d) of the Code subjects a licensee to sanction who demonstrates a lack of good moral character, meaning “the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.” MCL 338.41.

7. Section 604(e) of the Code subjects a licensee to sanction for committing an act of gross negligence in practicing an occupation.

8. Section 604(g) of the Code subjects a licensee to sanction for committing an act which demonstrates incompetence.

9. Section 604(h) of the Code subjects a licensee to sanction for violating any other provision of the Code or a rule promulgated under the Code for which a penalty is not otherwise prescribed.

10. Section 604(l) of the Code subjects a licensee to sanction for aiding or abetting another person in the unlicensed practice of an occupation.

11. Section 2411(2)(a) of the Code subjects a licensee to sanction for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.



12. Section 2411(2)(c) of the Code subjects a licensee to sanction for failure to account for or remit money coming into the licensee's possession that belongs to others.

13. Section 2411(2)(e) of the Code subjects a licensee to sanction for a willful violation of the building laws of this state or of a political subdivision of this state.

14. 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.

15. Mich Admin Code, R 338.1551(5) requires that a licensee adhere to Michigan construction code standards.

16. Mich Admin Code, R 408.30500 adopts the international residential code, 2015 edition (IRC) by reference.

17. R105.2 of the IRC requires applying to and obtaining from the building official the required permit prior to commencing residential building work.

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

19. Section 505 of the Code permits the summary suspension of a license to practice an occupation where an imminent threat to the public health, safety and welfare exists.

## FACTUAL ALLEGATIONS

20. Respondent is a Michigan limited liability company formed on or about February 4, 2022. It obtained its license to practice as a residential builder company on March 11, 2022.

21. Keith Allen Green is an organizer, member, and qualifying officer of Respondent. He obtained a license to practice as a residential builder on March 9, 2022.

22. Martin Wenn is an organizer and, upon information and belief, member of Respondent. He obtained a license to practice as a residential builder on April 27, 2016. His license entered a lapsed status on May 31, 2022 and remains lapsed as of this writing.

23. Stojan Prusac is an organizer and, upon information and belief, member of CRA. At no point has Mr. Prusac ever held a residential builder salesperson license or a residential builder license.

24. Chris Converse, Chase Clawson, and Dominic Orsini, and Alan Wenn are current or former employees of Respondent. None of them have ever held a license issued by the Bureau of Construction Codes, including a residential builder salesperson license.

### Homeowner J.D.

25. On or about September 9, 2022, Respondent, through unlicensed residential builder salesperson Chris Converse, entered into a written contract with J.D. (initials used to protect privacy) for the tear off and replacement of a roof on

residential property located in Richfield Township, Michigan, near Davison, Michigan.

26. Pursuant to the parties' written contract, Respondent would charge \$16,804.68 for its services and required a down payment of \$8,000.00. J.D. paid Respondent the \$8,000.00 as required.

27. Respondent performed work on or about September 22, 2022.

28. The following day, J.D. called Chris Converse to discuss problems with Respondent's work.

29. Respondent never performed work addressing the various deficiencies identified by J.D.

30. On or about October 25, 2022, Respondent filed a lien against J.D.'s property, falsely asserting that the contract amount was \$22,429.68 and that J.D. had paid \$14,429.68, leaving a net lien amount of \$8,000.00.

31. On or about November 21, 2022, the Richfield Township building official wrote to J.D. that Respondent did not pull permits for the residential building project as required. The building official further wrote that multiple code violations existed which need to be addressed, and "had the company pulled the proper building permits these issues would have been caught when [the building official] did the required inspections."

32. On or about January 5, 2023, the Department received a complaint relating to the above conduct.

33. On January 26, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowners T.S. and E.S.

34. On or about August 23, 2022, Respondent, through unlicensed salesperson Dominic Orsini, entered into a written contract with T.S. and E.S. for the tear off and replacement of a roof on residential property located in Presque Isle, Michigan.

35. Pursuant to the parties' written contract, Respondent would charge \$25,001.60 for its services and required a down payment of \$11,490.26. T.S. and E.S. paid Respondent the \$11,490.26 as required.

36. Respondent never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned T.S. and E.S. any of the \$11,490.26.

37. On or about April 13, 2023, the Department received a complaint relating to the above conduct.

38. On April 17, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowner C.W.

39. On or about July 15, 2022, Respondent, through unlicensed salesperson Dominic Orsini, entered into a written contract with C.W. for the tear

off and replacement of a roof on residential property located in Presque Isle, Michigan.

40. Pursuant to the parties' written contract, Respondent would charge \$48,132.64 for its services and required a down payment of \$24,066.32. C.W. paid Respondent the \$24,066.32 as required.

41. Respondent never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned C.W. any of the \$24,066.32.

42. On or about April 25, 2023, the Department received a complaint relating to the above conduct.

43. On April 27, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowner M.B.

44. On or about August 10, 2022, Respondent, through unlicensed salesperson Dominic Orsini, entered into a written contract with M.B. for the tear off and replacement of a roof on residential property located in Presque Isle, Michigan.

45. Pursuant to the parties' written contract, Respondent would charge \$31,731.32 for its services and required a down payment of \$15,865.64. C.W. paid Respondent the \$15,865.64 as required.

46. Respondent never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned M.B. any of the \$15,865.64.

47. On or about April 27, 2023, the Department received a complaint relating to the above conduct.

48. On May 8, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowners R.W. and S.W.

49. On or about June 3, 2022, Respondent, through residential builder Keith Green, entered into a written contract with R.W. and S.W. for the tear off and replacement of a roof on residential property located in Plymouth, Michigan.

50. Pursuant to the parties' written contract, Respondent would charge \$50,000.00 for its services and required a down payment of \$25,000.00. R.W. and S.W. paid Respondent the \$25,000.00 as required.

51. Respondent never performed work on the Plymouth property; upon information and belief never obtained permits to commence work on the property; and never returned R.W. and S.W. any of the \$25,000.00.

52. On or about May 24, 2023, the Department received a complaint relating to the above conduct.

53. On June 1, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowner W.B.

54. On or about September 22, 2022, Respondent, through unlicensed salesperson Chase Clawson, entered into a written contract with W.B. for the tear off and replacement of a roof on residential property located in Presque Isle, Michigan.

55. Pursuant to the parties' written contract, Respondent would charge \$16,040.58 for its services and required a down payment of \$8,262.22. W.B. paid Respondent the \$8,262.22 as required.

56. Respondent never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned W.B. any of the \$8,262.22.

57. On or about May 31, 2023, the Department received a complaint relating to the above conduct.

58. On June 1, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowner J.P.

59. On or about October 31, 2022, Respondent entered into a written contract with J.P. for the replacement of a window in residential property located in Presque Isle, Michigan.

60. Pursuant to the parties' written contract, Respondent would charge \$14,431.10 for its services and required a down payment of \$9,010.00. J.P. paid Respondent the \$9,010.00 as required.

61. Respondent never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned J.P. any of the \$9,010.00.

62. On or about June 12, 2023, the Department received a complaint relating to the above conduct.

63. On June 12, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowner H.S.

64. On or about February 21, 2023, Respondent, through unlicensed residential builder salesperson Alan Wren and lapsed residential builder Martin Wenn, entered into a written contract with H.S. for a roof replacement for residential property located in Fenton, Michigan.



65. Pursuant to the parties' written contract, Respondent would charge \$13,488.97 for its services and required a down payment of \$8,233.99. H.S. paid Respondent the \$8,233.99 as required.

66. Respondent never performed work on the Fenton property; upon information and belief never obtained permits to commence work on the property; and never returned H.S. any of the \$8,233.99.

67. On or about August 11, 2023, the Department received a complaint relating to the above conduct.

68. On August 14, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny he justification for the complaint. Respondent failed to respond.

Homeowners T.G.-1 and T.G.-2

69. On or about November 14, 2022, Respondent, through unlicensed residential builder salesperson Stojan Prusac, entered into a written contract with T.G.-1 and T.G.-2 for a roof replacement for residential property located in Presque Isle, Michigan.

70. Pursuant to the parties' written contract, Respondent would charge \$43,690.00 for its services and required a down payment of \$15,000.00. T.G.-1 and T.G.-2 paid Respondent the \$15,000.00 as required.

71. Respondent never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned T.G.-1 or T.G.-2 any of the \$15,000.00.

72. On or about August 29, 2023, the Department received a complaint relating to the above conduct.

73. On September 14, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

COUNT I

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

COUNT II

75. Respondent's conduct as described above constitutes violating a rule of conduct of an occupation, in violation of section 604(c) of the Code.

COUNT III

76. Respondent's conduct as described above constitutes demonstrating a lack of good moral character, in violation of section 604(d) of the Code.

COUNT IV

77. Respondent's conduct as described above constitutes committing an act of gross negligence in practicing an occupation, in violation of section 604(e) of the Code.

COUNT V

78. Respondent's conduct as described above constitutes committing an act which demonstrates incompetence, in violation of section 604(g) of the Code.

COUNT VI

79. Respondent's conduct as described above constitutes aiding or abetting another person in the unlicensed practice of an occupation, in violation of section 604(l) of the Code.

COUNT VII

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

COUNT VIII

81. Respondent's conduct as described above constitutes failure to account for or remit money coming into Respondent's hands that belong to others, contrary to section 2411(2)(c) of the Code, in violation of section 604(h) of the Code.

COUNT IX

82. 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 X

83. Respondent's conduct as described above constitutes failure to respond 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 XI

84. Respondent's conduct as described above constitutes failing to comply with Michigan construction code standards, contrary to Mich Admin Code, R. 338.1551(5), in violation of sections 604(c) and (h) of the Code.

COUNT XII

85. Respondent's conduct as described above constitutes failure to obtain a required permit prior to commencing residential building work, contrary to R105.2 of the IRC and Mich Admin Code, R. 408.30500, in violation of sections 604(c) and (h) of the Code.

FURTHER, Complainant requests that pending the hearing and final determination Respondent's license to practice as a residential builder company in the State of Michigan continue to be summarily suspended pursuant to section 92 of the Administrative Procedures Act of 1969 and section 505 of the Occupational Code for the reason that, based upon the allegations set forth herein, an imminent threat to the public health, safety, or welfare exists which requires emergency action.

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

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-RBS-Compliance@michigan.gov](mailto:LARA-BCC-RBS-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

FURTHER, the first superseding formal complaint previously filed against Respondent on September 6, 2023 is hereby WITHDRAWN and replaced in full by this superseding complaint.

Respectfully submitted,

/s/ Aleksandrs K. Bomis  
Aleksandrs K. Bomis (P74311)  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: September 25, 2023

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

KEITH ALLEN GREEN.

Residential Builder

License No. 24-22-00251

Complaint No. 2300076

(Consolidated with complaint nos. 2300329

2300369

2300381

2300445

2300452

2300477

2300625

2300676)

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SECOND SUPERSEDING FORMAL COMPLAINT

Assistant Attorney General Aleksandrs K. Bomis, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Complainant), files this second superseding formal complaint against Keith Allen Green (Respondent) 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 339.101 *et seq.*
2. Respondent is currently licensed to practice as a residential builder pursuant to the Code.
3. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.

4. Section 604(b) of the Code subjects a licensee to sanction for exhibiting fraud, deceit, or dishonesty in practicing an occupation.

5. Section 604(c) of the Code subjects a licensee to sanction for violating a rule of conduct of an occupation.

6. Section 604(d) of the Code subjects a licensee to sanction who demonstrates a lack of good moral character, meaning “the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.” MCL 338.41.

7. Section 604(e) of the Code subjects a licensee to sanction for committing an act of gross negligence in practicing an occupation.

8. Section 604(g) of the Code subjects a licensee to sanction for committing an act which demonstrates incompetence.

9. Section 604(h) of the Code subjects a licensee to sanction for violating any other provision of the Code or a rule promulgated under the Code for which a penalty is not otherwise prescribed.

10. Section 604(l) of the Code subjects a licensee to sanction for aiding or abetting another person in the unlicensed practice of an occupation.

11. Section 2411(2)(a) of the Code subjects a licensee to sanction for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

12. Section 2411(2)(c) of the Code subjects a licensee to sanction for failure to account for or remit money coming into the licensee's possession that belongs to others.

13. Section 2411(2)(e) of the Code subjects a licensee to sanction for a willful violation of the building laws of this state or of a political subdivision of this state.

14. 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.

15. Mich Admin Code, R 338.1551(5) requires that a licensee adhere to Michigan construction code standards.

16. Mich Admin Code, R 408.30500 adopts the international residential code, 2015 edition (IRC) by reference.

17. R105.2 of the IRC requires applying to and obtaining from the building official the required permit prior to commencing residential building work.

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

19. Section 505 of the Code permits the summary suspension of a license to practice an occupation where an imminent threat to the public health, safety, and welfare exists.



## FACTUAL ALLEGATIONS

20. Respondent has been a licensed residential builder since March 9, 2022.

21. Respondent is an organizer, member, and qualifying officer of Capitol Roofing Authority, LLC (CRA), a Michigan limited liability company formed on or about February 4, 2022. CRA obtained its license to practice as a residential builder company on March 11, 2022.

22. Martin Wenn is an organizer and, upon information and belief, member of CRA. He obtained a license to practice as a residential builder on April 27, 2016. His license entered a lapsed status on May 31, 2022 and remains lapsed as of this writing.

23. Stojan Prusac is an organizer and, upon information and belief, member of CRA. At no point has Mr. Prusac ever held a residential builder salesperson license or a residential builder license.

24. Chris Converse, Chase Clawson, and Dominic Orsini and Alan Wenn are current or former employees of Respondent. None of them have ever held a license issued by the Bureau of Construction Codes, including a residential builder salesperson license.

### Homeowner J.D.

25. On or about September 9, 2022, CRA, through unlicensed residential builder salesperson Chris Converse, entered into a written contract with J.D. (initials used to protect privacy) for the tear off and replacement of a roof on

residential property located in Richfield Township, Michigan, near Davison, Michigan.

26. Pursuant to the parties' written contract, CRA would charge \$16,804.68 for its services and required a down payment of \$8,000.00. J.D. paid CRA the \$8,000.00 as required.

27. CRA performed work on or about September 22, 2022.

28. The following day, J.D. called Chris Converse to discuss problems with CRA's work.

29. CRA never performed work addressing the various deficiencies identified by J.D.

30. On or about October 25, 2022, CRA filed a lien against J.D.'s property, falsely asserting that the contract amount was \$22,429.68 and that J.D. had paid \$14,429.68, leaving a net lien amount of \$8,000.00.

31. On or about November 21, 2022, the Richfield Township building official wrote to J.D. that CRA did not pull permits for the residential building project as required. The building official further wrote that multiple code violations existed which need to be addressed, and "had the company pulled the proper building permits these issues would have been caught when [the building official] did the required inspections."

32. On or about January 5, 2023, the Department received a complaint relating to the above conduct.

33. On January 26, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowners T.S. and E.S.

34. On or about August 23, 2022, CRA, through unlicensed salesperson Dominic Orsini, entered into a written contract with T.S. and E.S. for the tear off and replacement of a roof on residential property located in Presque Isle, Michigan.

35. Pursuant to the parties' written contract, CRA would charge \$25,001.60 for its services and required a down payment of \$11,490.26. T.S. and E.S. paid CRA the \$11,490.26 as required.

36. CRA never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned T.S. and E.S. any of the \$11,490.26.

37. On or about April 13, 2023, the Department received a complaint relating to the above conduct.

38. On April 17, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowner C.W.

39. On or about July 15, 2022, CRA, through unlicensed salesperson Dominic Orsini, entered into a written contract with C.W. for the tear off and replacement of a roof on residential property located in Presque Isle, Michigan.

40. Pursuant to the parties' written contract, CRA would charge \$48,132.64 for its services and required a down payment of \$24,066.32. C.W. paid CRA the \$24,066.32 as required.

41. CRA never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned C.W. any of the \$24,066.32.

42. On or about April 25, 2023, the Department received a complaint relating to the above conduct.

43. On April 27, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowner M.B.

44. On or about August 10, 2022, CRA, through unlicensed salesperson Dominic Orsini, entered into a written contract with M.B. for the tear off and replacement of a roof on residential property located in Presque Isle, Michigan.

45. Pursuant to the parties' written contract, CRA would charge \$31,731.32 for its services and required a down payment of \$15,865.64. M.B. paid CRA the \$15,865.64 as required.

46. CRA never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned M.B. any of the \$15,865.64.

47. On or about April 27, 2023, the Department received a complaint relating to the above conduct.

48. On May 8, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowners R.W. and S.W.

49. On or about June 3, 2022, CRA, through residential builder Keith Green, entered into a written contract with R.W. and S.W. for the tear off and replacement of a roof on residential property located in Plymouth, Michigan.

50. Pursuant to the parties' written contract, CRA would charge \$50,000.00 for its services and required a down payment of \$25,000.00. R.W. and S.W. paid CRA the \$25,000.00 as required.

51. CRA never performed work on the Plymouth property; upon information and belief never obtained permits to commence work on the property; and never returned R.W. and S.W. any of the \$25,000.00.

52. On or about May 24, 2023, the Department received a complaint relating to the above conduct.

53. On June 1, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowner W.B.

54. On or about September 22, 2022, CRA, through unlicensed salesperson Chase Clawson, entered into a written contract with W.B. for the tear off and replacement of a roof on residential property located in Presque Isle, Michigan.

55. Pursuant to the parties' written contract, CRA would charge \$16,040.58 for its services and required a down payment of \$8,262.22. W.B. paid CRA the \$8,262.22 as required.

56. CRA never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned W.B. any of the \$8,262.22.

57. On or about May 31, 2023, the Department received a complaint relating to the above conduct.

58. On June 1, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowner J.P.

59. On or about October 31, 2022, CRA entered into a written contract with J.P. for the replacement of a window in residential property located in Presque Isle, Michigan.

60. Pursuant to the parties' written contract, CRA would charge \$14,431.10 for its services and required a down payment of \$9,010.00. J.P. paid CRA the \$9,010.00 as required.

61. CRA never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned J.P. any of the \$9,010.00.

62. On or about June 12, 2023, the Department received a complaint relating to the above conduct.

63. On June 12, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

Homeowner H.S.

64. On or about February 21, 2023, CRA, through unlicensed residential builder salesperson Alan Wren and lapsed residential builder Martin Wenn, entered into a written contract with H.S. for a roof replacement for residential property located in Fenton, Michigan.

65. Pursuant to the parties' written contract, CRA would charge \$13,488.97 for its services and required a down payment of \$8,233.99. H.S. paid CRA the \$8,233.99 as required.

66. CRA never performed work on the Fenton property; upon information and belief never obtained permits to commence work on the property; and never returned H.S. any of the \$8,233.99.

67. On or about August 11, 2023, the Department received a complaint relating to the above conduct.

68. On August 14, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny he justification for the complaint. Respondent failed to respond.

Homeowners T.G.-1 and T.G.-2

69. On or about November 14, 2022, CRA, through unlicensed residential builder salesperson Stojan Prusac, entered into a written contract with T.G.-1 and T.G.-2 for a roof replacement for residential property located in Presque Isle, Michigan.

70. Pursuant to the parties' written contract, CRA would charge \$43,690.00 for its services and required a down payment of \$15,000.00. T.G.-1 and T.G.-2 paid CRA the \$15,000.00 as required.

71. CRA never performed work on the Presque Isle property; upon information and belief never obtained permits to commence work on the property; and never returned T.G.-1 or T.G.-2 any of the \$15,000.00.

72. On or about August 29, 2023, the Department received a complaint relating to the above conduct.

73. On September 14, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

COUNT I

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



COUNT II

75. Respondent's conduct as described above constitutes violating a rule of conduct of an occupation, in violation of section 604(c) of the Code.

COUNT III

76. Respondent's conduct as described above constitutes demonstrating a lack of good moral character, in violation of section 604(d) of the Code.

COUNT IV

77. Respondent's conduct as described above constitutes committing an act of gross negligence in practicing an occupation, in violation of section 604(e) of the Code.

COUNT V

78. Respondent's conduct as described above constitutes committing an act which demonstrates incompetence, in violation of section 604(g) of the Code.

COUNT VI

79. Respondent's conduct as described above constitutes aiding or abetting another person in the unlicensed practice of an occupation, in violation of section 604(l) of the Code.

COUNT VII

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

COUNT VIII

81. Respondent's conduct as described above constitutes failure to account for or remit money coming into Respondent's hands that belong to others, contrary to section 2411(2)(c) of the Code, in violation of section 604(h) of the Code.

COUNT IX

82. 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 X

83. Respondent's conduct as described above constitutes failure to respond 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 XI

84. Respondent's conduct as described above constitutes failing to comply with Michigan construction code standards, contrary to Mich Admin Code, R. 338.1551(5), in violation of sections 604(c) and (h) of the Code.

COUNT XII

85. Respondent's conduct as described above constitutes failure to obtain a required permit prior to commencing residential building work, contrary to R105.2 of the IRC and Mich Admin Code, R. 408.30500, in violation of sections 604(c) and (h) of the Code.

FURTHER, Complainant requests that pending the hearing and final determination Respondent's license to practice as a residential builder company in the State of Michigan continue to be summarily suspended pursuant to section 92 of the Administrative Procedures Act of 1969 and section 505 of the Occupational Code for the reason that, based upon the allegations set forth herein, an imminent threat to the public health, safety, or welfare exists which requires emergency action.

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

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-RBS-Compliance@michigan.gov](mailto:LARA-BCC-RBS-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

FURTHER, the first superseding formal complaint previously filed against Respondent on September 6, 2023 is hereby WITHDRAWN and replaced in full by this superseding complaint.

Respectfully submitted,

/s/ Aleksandrs K. Bomis  
Aleksandrs K. Bomis (P74311)  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: September 25, 2023

LF: 2023-0377643-A/Green, Keith Allen, (Res Bldr), 2300076/Second Superseding Formal Complaint – 2023-09-25

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

Jeremy Mark Neiderquill  
Residential Builder  
License No. 21-01-187901

Complaint No. 2201017

/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

A first superseding formal complaint was filed with the Board of Residential Builders and Maintenance and Alteration Contractors on February 14, 2024, charging Jeremy Mark Neiderquill (Respondent) with having violated sections 339.2411(2)(b), (2)(c), 604(b), (c), and (d) of the Occupational Code, MCL 339.101 *et seq.* and Mich Admin Code, R 338.1551(2), 1533(1), and 1533(2).

The parties have stipulated that the Board may enter this consent order. 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. Therefore, the Board finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 339.2411(2)(b), (2)(c), and 604(c) of the Occupational Code and Mich Admin Code, R 338.1551(2), 1533(1), and 1533(2).

Accordingly, for these violations, IT IS ORDERED:

Respondent is FINED \$1,250.00 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 2201017 clearly indicated on the check or money order) and shall be payable within

60 days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance Division, P.O. Box 30255, Lansing, Michigan 48909. If Respondent fails to timely pay this fine, his license shall be suspended until the fine is paid.

Counts III and VII of the complaint, alleging a violation of sections 604(b) and (d) of the Occupational Code, are DISMISSED.

Respondent shall direct all communications, except fines, required by the terms of this order to: LARA-BCC-RBS-Compliance@michigan.gov.

If Respondent's license is suspended and he petitions for reinstatement of his license, the petition shall be in accordance with section 411(5) of the Occupational Code. Under this provision, Respondent shall file an application on a form provided by the Department, pay the application processing fee, and file a petition to the Department and the Board stating reasons for reinstatement and including evidence that the person can and is likely to serve the public in the regulated activity with competence and in conformance with all other requirements prescribed by law, rule, or an order of the Department or Board.

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 4/17/25

MICHIGAN BOARD OF RESIDENTIAL  
BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

By   
Chairperson

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the complaint. Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Board may treat the allegations as true for resolution of the complaint and may enter an order treating the allegations as true.
2. The Director of the Bureau of Construction Codes, or his 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, 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. 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, MCL 15.231 *et seq.*

5. The Board may enter the above consent order and an attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. The parties considered the following factors in reaching this agreement:

- A. Restitution was resolved in a prior civil suit.
- B. Respondent has been licensed since 2008 without any prior disciplinary actions.

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

AGREED TO BY:

/s/ Jennifer Fitzgerald  
Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Attorney for Complainant  
Dated: July 10, 2024

AGREED TO BY:

Jeremy Mark Neiderquill  
Jeremy Mark Neiderquill  
Respondent

Dated: 7/10/2024

Bureau of Construction Codes

Approved by:

Andrew Brisbo  
Digitally signed by Andrew Brisbo  
DN: cn = Andrew Brisbo email = abrisbo@mic.gov,  
c = US o = Bureau of Construction Codes OU =  
Director  
Date: 2024.07.10 10:26:40 -0400

7/10/2024

Andrew Brisbo, Director

Date

LF: 2023-0079411-A/Neiderquill, Jeremy Mark, 2201017 (Res Bldr)/Consent Order and Stipulation - 2024-06-28



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

Jeremy Mark Neiderquill  
Residential Builder  
License No. 21-01-187901

Complaint No. 2201017

FIRST SUPERSEDING FORMAL COMPLAINT

Assistant Attorney General Jennifer Fitzgerald, on behalf of Complainant Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (the Bureau), files this first superseding formal complaint against Jeremy Mark Neiderquill (Respondent), alleging upon information and belief as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (the Board) is an administrative agency established by Article 24 of the Occupational Code (Code), MCL 339.101, *et seq.*
2. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.
3. Pursuant to MCL 339.514 and 339.602, the Board is empowered to penalize persons for violations of the Code.
4. MCL 339.2411(2)(c) subjects a licensee to sanction for failing to account for or remit money coming into the person's possession that belongs to others.

5. MCL 339.2411(2)(b) subjects a licensee to sanction for “diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of a construction project or operation, and the funds or property application or use for any other construction project or operation, obligation, or purposes.”

6. Mich Admin Code, R 338.1551(2) requires a licensee to reply to the Department within 15 days of receiving a citizen complaint forwarded by the Department. The reply shall confirm or deny the complaint and provide an explanation for the denial.

7. Mich Admin Code, R 338.1533(1) requires “all agreements and changes to the agreements between a builder, or contractor, and the customer shall be in writing and signed by the parties. Copies of all agreements and changes to agreements shall be in writing and provided to the customer.”

8. Mich Admin Code, R 338.1533(2) requires a builder to make certain that the written agreements between the builder and customer “clearly state the terms of the transaction, including specifications, and when construction is involved, both plans and specifications, including cost, the type and amount of work to be done, and the type and quality of materials to be used.”

9. MCL 339.604(b) subjects a licensee to sanction for engaging in fraud, deceit, or dishonesty in practicing an occupation.

10. MCL 339.604(c) subjects a licensee to sanction for violating a rule of conduct of an occupation.

11. MCL 339.604(d) subjects a licensee to sanction for a “lack of good moral character,” which is defined by MCL 338.41 as “the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.”

### FACTUAL ALLEGATIONS

12. Respondent is currently licensed in the State of Michigan as an individual residential builder. Respondent was similarly licensed during the events alleged in this complaint.

13. Neiderquill Contracting Inc. is currently licensed in the State of Michigan as a residential builder-company and was similarly licensed during the events alleged this complaint. During the events in question, its qualifying officer was Mark Neiderquill, Respondent’s father.<sup>1</sup>

14. On or about August 1, 2018, homeowners J.B. and A.B. (the Homeowners) signed a contract with Respondent and Neiderquill Contracting, Inc. to remodel and build an addition to the Homeowners’ farmhouse in Saginaw, Michigan. The contract included the construction of a stairway, kitchen renovations, and exterior work, among other items. Respondent signed the contract on behalf of Neiderquill Contracting.

15. Construction began in or around August 2018. Respondent provided the Homeowners with a 4-to-5-month completion date.

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<sup>1</sup> A formal complaint (file numbers 2000386 and 2000387) has been filed against Mark Richard Neiderquill and Neiderquill Contracting, Inc. based on the events alleged in this matter.

16. As part of the contract, the Homeowners were to pay for three dumpsters through the duration of the project. While Respondent and Neiderquill Contracting did minimal work on the Homeowners' project, the dumpsters were being filled with trash and materials from other construction projects.

17. Respondent installed incorrect exterior doors on the project and told the Homeowners it was because the doors they wanted were not currently available in-store and had to be ordered, so he installed temporary doors until the correct doors arrived. After a few weeks of waiting, the Homeowners contacted the store, and found out the doors were, in fact, available in-store.

18. The Homeowners picked out new doors. Prior to purchasing them, the Homeowners contacted Respondent to determine the status of the other order they believed had been placed. Respondents told the Homeowners to purchase the doors they wanted, which caused the Homeowners to request an accounting of the money Respondent and Neiderquill Contracting received to pay for the doors that purportedly had been ordered. Respondent did not respond to their request or provide an accounting.

19. In June of 2019, Respondent requested a draw of about \$37,000.00 to purchase kitchen cabinets and counter tops for the project. The Homeowners approved the draw against their construction loan.

20. In July of 2019, Respondent informed the Homeowners that the money they paid Neiderquill Contracting, Inc., had been used on another construction project and that their cabinets and counter tops had not been purchased. The Homeowners placed a hold on their loan's remaining funds.

21. Respondent installed incorrect exterior trim and siding on the house.

22. Respondent performed work different or in addition to what was specified in the original contract with the Homeowners and did not prepare change orders signed by both parties.

23. On December 7, 2022, the Bureau of Construction Codes sent a Notice to Respondent at his address on record, informing him of the citizen complaint. It requested a written response within 15 days, as per Mich Admin Code R 338.1551(2). Respondent failed to respond to the Notice.

#### COUNT I

24. Respondent's conduct as described above, evidences a failure to account for or remit money coming into the person's possession that belongs to others, in violation of MCL 339.2411(2)(c).

#### COUNT II

25. 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 MCL 339.2411(2)(b).

#### COUNT III

26. Respondent's conduct, as described above, constitutes engaging in fraud, deceit, or dishonesty in practicing an occupation, contrary to MCL 339.604(b).

COUNT IV

27. Respondent's conduct, as set forth above, constitutes a failure to reply to the department within 15 days of receipt of a complaint to confirm or deny the justification of the complaint, contrary to Mich Admin Code R 338.1551(2), in violation of MCL 339.604(c).

COUNT V

28. Respondent's conduct, as set forth above, constitutes a failure to have all agreements and changes to the agreements between a builder and the customer to be in writing, signed by the parties, and provided to the customer, contrary to Mich Admin Code, R 338.1533(1), in violation of MCL 339.604(c).

COUNT VI

29. Respondent's conduct, as set forth above, constitutes a failure to make certain that the written agreements between the builder and customer clearly state the terms of the transaction, including specifications, and when construction is involved, both plans and specifications, including cost, the type and amount of work to be done, and the type and quality of materials to be used, contrary to Mich Admin Code, R 338.1533(2), in violation of MCL 339.604(c).

COUNT VII

30. Respondent's conduct as described above constitutes a lack of good moral character, contrary to MCL 339.604(d).

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby continues proceedings pursuant to the Administrative Procedures Act of 1969, MCL 24.201 *et seq.* and the Occupational Code 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.

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-RBS-Compliance@michigan.gov](mailto:LARA-BCC-RBS-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

FURTHER, the formal complaint previously filed against Respondent on January 24, 2023 is hereby WITHDRAWN and replaced in full by this superseding complaint.

Respectfully submitted,

/s/ Jennifer Fitzgerald  
Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: February 14, 2024

LF: 2023-0379411-A/Neiderquill, Jeremy Mark, 2201017 (Res Bldr)/First Superseding Formal Complaint – 2024-02-14

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

Mark Richard Neiderquill  
Residential Builder  
License No. 21-01-070870

Complaint No. 2000386

And

Neiderquill Contracting Inc.  
Residential Builder Company  
License No. 21-02-124694

Complaint No. 2000387

/ CONSENT ORDER AND STIPULATION

CONSENT ORDER

A first superseding formal complaint was filed with the Board of Residential Builders and Maintenance and Alteration Contractors on February 14, 2024, charging Mark Richard Neiderquill and Neiderquill Contracting, Inc. (collectively referred to as "Respondents" unless otherwise stated) with having violated sections 339.2411(2)(b), (2)(c), 604(b), (c), (d), and (h) of the Occupational Code, MCL 339.101 *et seq.* and Mich Admin Code, R 338.1551(2), 1533(1), and 1533(2).

The parties have stipulated that the Board may enter this consent order. 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. Therefore, the Board finds that the allegations of fact contained in the complaint are true and that Respondents have violated sections 339.2411(2)(b), (2)(c), 604(c) and (h) of the Occupational Code and Mich Admin Code, R 338.1551(2), 1533(1), and 1533(2).



Accordingly, for these violations, IT IS ORDERED:

Respondents are FINED \$1,250.00, joint and severally, to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint numbers 2000386 and 2000387 clearly indicated on the check or money order) and shall be payable within 60 days of the effective date of this order. The timely payment of the fine shall be Respondents' responsibility. Respondents shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance Division, P.O. Box 30255, Lansing, Michigan 48909. If Respondents fail to timely pay this fine, their licenses shall be suspended until the fine is paid.

Counts III and VII of the complaint, alleging a violation of sections 604(b) and (d) of the Occupational Code, are DISMISSED.

Respondents shall direct all communications, except fines, required by the terms of this order to: LARA-BCC-RBS-Compliance@michigan.gov.

If Respondents' licenses are suspended and they petition for reinstatement of their licenses, the petitions shall be in accordance with section 411(5) of the Occupational Code. Under this provision, Respondents shall file an application on a form provided by the Department, pay the application processing fee, and file a petition to the Department and the Board stating reasons for reinstatement and including evidence that Respondents can and are likely to serve the public in the regulated activity with competence and in conformance with all other requirements prescribed by law, rule, or an order of the Department or Board.

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

Respondents 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 Respondents violate any term or condition set forth in this order, they 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 9/17/25

MICHIGAN BOARD OF RESIDENTIAL  
BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

By   
Chairperson

STIPULATION

The parties stipulate as follows:

1. Respondents do not contest the allegations of fact and law in the complaint. Respondents understand that, by pleading no contest, they do not admit the truth of the allegations but agree that the Board may treat the allegations as true for resolution of the complaints and may enter an order treating the allegations as true.

2. The Director of the Bureau of Construction Codes, or his designee, must approve this consent order and stipulation before it is submitted to the Board for final approval.

3. Respondents understand and intend that, by signing this stipulation, they are waiving the right under the Occupational Code, rules promulgated under the Occupational Code, and the Administrative Procedures Act, 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. 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, MCL 15.231 *et seq.*

5. The Board may enter the above consent order and an attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. The parties considered the following factors in reaching this agreement:

- A. Restitution was resolved in a prior civil suit.
- B. Respondent Mark Neiderquill has been licensed since 1985 without any prior disciplinary action. Respondent Neiderquill Contracting Inc. has been licensed since 1995 without any prior disciplinary action.

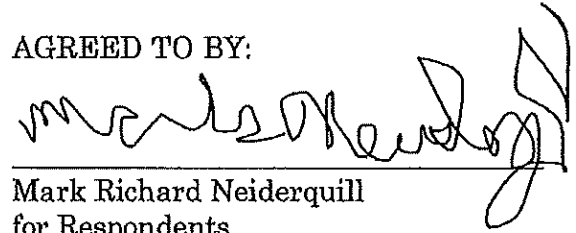
By signing this stipulation, the parties confirm that they have read, understand, and agree with the terms of the consent order.

AGREED TO BY:

/s/ Jennifer Fitzgerald

Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Attorney for Complainant  
Dated: July 15, 2024

AGREED TO BY:

  
Mark Richard Neiderquill  
for Respondents

Dated: 7-12-24

Bureau of Construction Codes  
Approved by:

Andrew Brisbo

Digitally signed by: Andrew Brisbo  
DN: CN = Andrew Brisbo email =  
abrisbo@michigan.gov C = US O = Bureau  
of Construction Codes OU = Director  
Date: 2024.07.15 10:46:05 -0400

Andrew Brisbo, Director

7/15/2024

Date

LF: 2023-0379405-A/Neiderquill, Mark Richard, 2000386 (Res Bldr)/Consent Order and Stipulation – 2024-06-28

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

Mark Richard Neiderquill  
Residential Builder  
License No. 21-01-070870

Complaint No. 2000386

And

Neiderquill Contracting Inc.  
Residential Builder Company  
License No. 21-02-124694

Complaint No. 2000387

FIRST SUPERSEDING FORMAL COMPLAINT

Assistant Attorney General Jennifer Fitzgerald, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Complainant), files this first superseding formal complaint against Mark Richard Neiderquill and Neiderquill Contracting, Inc. (collectively referred to as "Respondents," unless otherwise stated), alleging upon information and belief as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established by the Occupational Code, MCL 339.101, et seq. Pursuant to MCL 339.602, the Board is empowered to penalize persons for violations of the Occupational Code.

2. After receiving a complaint against Respondents, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.

3. Pursuant to MCL 339.514 and 339.602, the Board is empowered to penalize persons for violations of the Code.

4. MCL 339.2411(2)(c) subjects a licensee to sanction for failing to account for or remit money coming into the person's possession that belongs to others.

5. MCL 339.2411(2)(b) subjects a licensee to sanction for "diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of a construction project or operation, and the funds or property application or use for any other construction project or operation, obligation, or purposes."

6. Mich Admin Code R 338.1551(2) requires a licensee to reply to the Department within 15 days of receiving a citizen complaint forwarded by the Department. The reply shall confirm or deny the complaint and provide an explanation for the denial.

7. Mich Admin Code, R 338.1533(1) requires "all agreements and changes to the agreements between a builder, or contractor, and the customer shall be in writing and signed by the parties. Copies of all agreements and changes to agreements shall be in writing and provided to the customer."

8. Mich Admin Code, R 338.1533(2) requires a builder to make certain that the written agreements between the builder and customer "clearly state the terms of the transaction, including specifications, and when construction is involved, both plans and specifications, including cost, the type and amount of work to be done, and the type and quality of materials to be used."

9. MCL 339.604(b) subjects a licensee to sanction for engaging in fraud, deceit, or dishonesty in practicing an occupation.

10. MCL 339.604(c) subjects a licensee to sanction for violating a rule of conduct of an occupation.

11. MCL 339.604(d) subjects a licensee to sanction for a “lack of good moral character,” which is defined by MCL 338.41 as “the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.”

### FACTUAL ALLEGATIONS

12. At all times relevant to the events alleged in this formal complaint, including currently, Respondent Mark Neiderquill was licensed in Michigan as an Individual Residential Builder and was the designated qualifying officer for Respondent Neiderquill Contracting, Inc. As such, he was responsible for its compliance with the Occupational Code.

13. At all times relevant to the events alleged in this formal complaint, including currently, Respondent Neiderquill Contracting, Inc. was licensed as a Residential Builder Company.

14. Jeremy Neiderquill is Mark Neiderquill’s son. At all times relevant to the events alleged in this formal complaint, including currently, he held an Individual Residential Builder license and worked for Respondent Neiderquill Contracting, Inc.<sup>1</sup>

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<sup>1</sup> A formal complaint (file number 2201017) has been filed against Jeremy Neiderquill based on the events alleged in this matter.

15. On or around August 1, 2018, homeowners J.B. and A.B. (the Homeowners) entered into a contract with Respondent Neiderquill Contracting, Inc. to remodel and build an addition to their 1905 family farmhouse located in Saginaw, Michigan, which included the construction of a stairway, kitchen renovations, and exterior work, among other items.

16. Respondent Neiderquill Contracting began construction in or around August 2018. Jeremy Neiderquill provided Complainants with a four-to-five-month completion date.

17. As part of the contract, the Homeowners were to pay for three dumpsters throughout the duration of the project. When minimal work was done on the project, the dumpsters were still being filled with trash and materials from other construction projects.

18. Respondent Neiderquill Contracting installed incorrect exterior doors on the project. Jeremy Neiderquill told the Homeowners it was because the doors they wanted were not currently available in-store and had to be ordered, so he installed temporary doors until the correct doors arrived. After a few weeks of waiting, the Homeowners contacted the store, and found out the doors were, in fact, available in-store.

19. The Homeowners picked out new doors. Prior to purchasing them, the Homeowners contacted Jeremy Neiderquill to determine the status of the other order they believed had been placed. He told the Homeowners to purchase the doors they wanted, which caused the Homeowners to request an accounting of the



money Respondent Neiderquill Contracting received to pay for the doors that purportedly had been ordered. Neither Respondent responded to their request or provided an accounting.

20. In June of 2019, Respondent Neiderquill Contracting requested a draw of about \$37,000.00 to purchase the kitchen cabinets and counter tops. The Homeowners approved the draw against the construction loan.

21. On or about July 19, 2019, Jeremy Neiderquill informed the Homeowners their money had been used to complete another project and that the cabinets and counter tops had not been purchased. The Homeowners placed a hold on their loan's remaining funds.

22. In July of 2019, the Homeowners contacted Respondent Mark Neiderquill about the situation with their countertops and missing money. Respondent Mark Neiderquill stated that he was expecting a check from another homeowner and ensured the Homeowners their matter would be resolved as soon as possible.

23. The Homeowners met with Respondent Mark Neiderquill to discuss the project and discovered Respondents had installed incorrect exterior trim and siding. Respondent Mark Neiderquill assured the Homeowners the desired trim and siding would be installed at no additional cost, but Respondent Neiderquill Contracting, Inc. later charged the Homeowners for it.

24. Respondents performed work different than what was specified in the original contract with the Homeowners and did not prepare change orders signed by both parties.

25. In September of 2019, the Homeowners terminated the contract. Respondents informed them they owed money for installing interior doors and siding. The Homeowners requested receipts prior to paying; Respondents refused to provide any.

26. On February 11, 2020, the Homeowners filed a police report with the Saginaw County Sheriff's Office. During the investigation, Respondent Mark Neiderquill admitted Respondents used the Homeowners' money on another construction project and stated Respondents' intent to use money from a different construction project to complete the Homeowners' project.

27. On September 2, 2020, the Bureau of Construction Codes sent a Notice to Respondents at their address of record with the Bureau. The Notice informed Respondents of the complaint and requested a written response within 15 days. Neither Respondent responded to the notice.

#### COUNT I

28. Respondents' conduct as described above, evidences the failure to account for or remit money coming into the person's possession that belongs to others, in violation of MCL 339.2411(2)(c).

#### COUNT II

29. Respondents' conduct, as described above, constitutes diversion of funds or property received for prosecution or completion of a specific construction project or operation, contrary to MCL 339.2411(2)(b), in violation of MCL 339.604(h).

COUNT III

30. Respondent's conduct, as described above, constitutes engaging in fraud, deceit, or dishonesty in practicing an occupation, contrary to MCL 339.604(b).

COUNT IV

31. Respondents' conduct, as set forth above, evidences a failure to reply to the department within 15 days from receipt of the complaint and shall confirm or deny the justification of the complaint, contrary to Mich Admin Code R 338.1551(2), in violation of MCL 339.604(c).

COUNT V

32. Respondents' conduct, as set forth above, constitutes a failure to have all agreements and changes to the agreements between a builder and the customer to be in writing, signed by the parties, and provided to the customer, contrary to Mich Admin Code, R 338.1533(1), in violation of MCL 339.604(c).

COUNT VI

33. Respondents' conduct, as set forth above, constitutes a failure to make certain that the written agreements between the builder and customer clearly state the terms of the transaction, including specifications, and when construction is involved, both plans and specifications, including cost, the type and amount of work to be done, and the type and quality of materials to be used, contrary to Mich Admin Code, R 338.1533(2), in violation of MCL 339.604(c).

COUNT VII

34. Respondents' conduct as described above constitutes a lack of good moral character, contrary to MCL 339.604(d).

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby continues proceedings pursuant to the Administrative Procedures Act of 1969, MCL 24.201 *et seq.* and the Occupational Code 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.

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-RBS-Compliance@michigan.gov](mailto:LARA-BCC-RBS-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

FURTHER, the formal complaint previously filed against Respondents on January 24, 2023 is hereby WITHDRAWN and replaced in full by this superseding complaint.

Respectfully submitted,

/s/ Jennifer Fitzgerald  
Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: February 14, 2024

LF: 2023-0379405-A/Neiderquill, Mark Richard, 2000386/First Superseding Formal Complaint -2024-02-14

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

DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS,  
BUREAU OF CONSTRUCTION CODES

Complainant,

v

MARTIN E. WENN  
License No. 2105212287

Complaint No. 2300712  
Docket No. 23-031347

Respondent

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**FINAL ORDER**

The Michigan Board of Residential Builders and Maintenance & Alteration Contractors (“Board”), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on April 17, 2025, and considered the Finding of Facts and Conclusions of Law in the Hearing Report of Chris Johnson, Administrative Law Judge, dated January 26, 2024.

**IT IS ORDERED** that for violating MCL 339.601(1); MCL 339.604 (b), (c), (d), (e), (g), and (h); MCL 339.2411(2) (a) and (c); and Mich Admin Code R 338.1551 (2), Respondent shall pay a FINE in the amount of TEN THOUSAND dollars and 00/100 (\$10,000.00) within ninety (90) days of the effective date of this Order, and mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, P.O. Box 30255, Lansing, MI 48909. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display the complaint number **2300712**.

**IT IS FURTHER ORDERED** that Respondent shall pay RESTITUTION in the amount of EIGHT THOUSAND TWO HUNDRED THIRTY-THREE dollars and 99/100 (\$8,233.99) to the homeowner(s) within ninety (90) days of the effective date of this Order.

**IT IS FURTHER ORDERED** that Respondents shall submit satisfactory evidence of fine and restitution payments within ninety (90) days of the effective date of this Order, mailed to Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, P.O. Box 30254, Lansing, MI 48909.

**IT IS FURTHER ORDERED** that all licenses held by Respondent under the jurisdiction of Article 24 of the Occupational Code shall be and is hereby IMMEDIATELY REVOKED. Respondent may not serve as the Qualifying Officer of any licensed corporate entity while any other Article 24 license held by Respondent is in suspended or revoked status.

**IT IS FURTHER ORDERED** that Respondent may petition for reinstatement of the license once all Final Orders of the Board have been fully satisfied.

**IT IS FURTHER ORDERED** that reinstatement of a license which has been revoked is not automatic and in the event that Respondent applies for reinstatement of the license, application shall be in accordance with MCL 339.411(5).

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

If Respondent violates any term or condition set forth in this Order, Respondent shall be in violation of MCL 339.604(k) of the Occupational Code and may be subject to further disciplinary action.

This Final Order is a public record required to be published and made available to the public pursuant to the Freedom of Information Act, MCL 15.231 *et seq.*

This Final Order shall not be construed as limiting the Department of Licensing and Regulatory Affairs, any other agency of the State of Michigan or any individual as to the use of a lawful method of collection of the payment imposed by this Final Order.

Given under my hand at Lansing, Michigan, this 23<sup>rd</sup> day of April, 2025.

BY: *Felicia Badger*

Felicia Badger, Manager  
Enforcement Section  
Bureau of Construction Codes

Effective date: 4/23/2025

**STATE OF MICHIGAN**  
**MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**Bureau of Construction Codes,  
Petitioner**

**V**

**Martin E. Wenn,  
Respondent**

**Docket No.: 23-031347**

**Case No.: 2300712**

**Agency: Bureau of Construction  
Codes**

**Case Type: BCC Residential Builders**

**Filing Type: Formal Complaint**

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**CERTIFICATION OF RECORD**

I, Madeline Kulhanek, certify that the attached file is the original record of the Michigan Office of Administrative Hearings and Rules in the above captioned matter, and that said record consists of those entries shown below.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Michigan Office of Administrative Hearings and Rules to be hereunto affixed this Monday, January 29, 2024.

<u>Date</u>	<u>Document</u>
1. 01/26/24	Hearing Report
2. 11/28/23	Petitioner's Exhibits 1-50, Offered and Admitted
3. 11/15/23	Petitioner's Witness and Exhibit Lists ( <i>Attachments not made part of Certified Record</i> )
4. 11/08/23	Notice of Telephone Hearing with Proof of Service
5. 11/01/23	Request for Hearing



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Madeline Kulhanek  
Michigan Office of Administrative  
Hearings and Rules



**STATE OF MICHIGAN  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**Docket No.: 23-031347**

**Bureau of Construction Codes,  
Petitioner**

**Case No.: 2300712**

**v**

**Agency: Bureau of Construction  
Codes**

**Martin E. Wenn,  
Respondent**

**Case Type: BCC Residential Builders**

**Filing Type: Formal Complaint**

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**Issued and entered  
this 26<sup>th</sup> day of January 2024  
by: Chris Johnson  
Administrative Law Judge**

**HEARING REPORT**

**Procedural History**

This matter is before the undersigned Administrative Law Judge (ALJ) pursuant to the Occupational Code, MCL 339.101 *et seq.* (Code). A Formal Complaint (Complaint) was filed on behalf of the Department of Licensing and Regulatory Affairs – Bureau of Construction Codes (Petitioner) on October 13, 2023. The Complaint alleges that Martin E. Wenn (Respondent) violated provisions of the Code.

On November 1, 2023, the Michigan Office of Administrative Hearings and Rules (MOAHR) received a Request for Hearing in this matter. The above-captioned matter was consolidated with two other Bureau of Construction Codes cases for the purposes of hearing and issuance of a Hearing Report pursuant to Mich Admin Code, R 792.10118.<sup>1</sup>

On November 8, 2023, a Notice of Telephone Hearing was sent to all parties scheduling a hearing by telephone teleconference on November 28, 2023.

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<sup>1</sup> The undersigned ALJ notes that contested cases in the matters of the Bureau of Construction Codes v Capitol Roofing Authority, LLC, MOAHR Docket Number 23-026711, and BCC v Keith Green, MOAHR Docket Number 23-026712, were consolidated with the above-captioned case for the purposes of hearing, only. A Hearing Report specific to MOAHR Docket Numbers 23-026711 and 23-026712 will be issued under separate cover.



On November 14, 2023, Petitioner filed a Witness List, Exhibit List, and proposed exhibits.

The hearing proceeded by telephone as scheduled on November 28, 2023. Aleksandrs K. Bomis, Assistant Attorney General, appeared as representative of Petitioner. Appearing as witnesses on Petitioner's behalf were J.D., E.S., C.W., M.B, R.W., W.B., J.P., H.S., and T.G.-1.<sup>2</sup> Each witness provided testimony on Petitioner's behalf. ALJ Chris Johnson presided over the hearing.

Respondent failed to appear for the hearing. The undersigned ALJ waited 15 minutes from the scheduled start time for hearing before going on the record, and found that Respondent had been properly served with the Notice of Telephone Hearing. No request for adjournment had been filed. The hearing proceeded in Respondent's absence pursuant to Section 72(1) of the Administrative Procedures Act (APA), MCL 24.272(1).

Section 72(1) of the APA provides as follows:

Sec. 72. (1) If a party fails to appear in a contested case after proper service of notice, the agency, if no adjournment is granted, may proceed with the hearing and make its decision in the absence of the party.

Further, the undersigned ALJ granted AAG Bomis' motion for a default judgment in favor of Petitioner and against Respondent pursuant to Section 78(2) of the APA, MCL 24.278(2), and Rule 134 of the uniform hearing rules, Mich Admin Code, R 792.10134.

Section 78(2) of the APA provides as follows:

Sec. 78. (2) Except as otherwise provided by law, disposition may be made of a contested case by stipulation, agreed settlement, consent order, waiver, default or other method agreed upon by the parties. (Emphasis supplied).

Rule 134 of the uniform hearing rules, Mich Admin Code, R 792.10134, provides as follows:

Rule 134. (1) If a party fails to attend or participate in a scheduled proceeding after a properly served notice, the administrative law judge may conduct the proceedings without participation of the absent party. The administrative law judge may issue a default order or other dispositive order which shall state the grounds for the order. (Emphasis added).

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<sup>2</sup> Initials used throughout Hearing Report to protect privacy.

(2) Within 7 days after service of a default order, the party against whom it was entered may file a written motion requesting the order be vacated. If the party demonstrates good cause for failing to attend a hearing or failing to comply with an order, the administrative law judge may reschedule, rehear, or otherwise reconsider the matter as required to serve the interests of justice and the orderly and prompt conduct of proceedings. Mich Admin Code, R 792.10134.

As a result of the default judgment granted in favor of Petitioner and against Respondent at hearing, the factual and legal allegations contained in Petitioner's Complaint were deemed proven and true.

The following exhibits were offered by Petitioner during the hearing and were admitted into evidence with no objection:

1. Petitioner's Exhibit 1 – Certification of Licensure pertaining to Capitol Roofing Authority, LLC, dated June 1, 2023.
2. Petitioner's Exhibit 2 – Certification of Licensure pertaining to Keith Green dated June 1, 2023.
3. Petitioner's Exhibit 3 – Certification of Licensure pertaining to Chris Converse dated June 1, 2023.
4. Petitioner's Exhibit 4 – Certification of Licensure pertaining to Dominic Orsini dated June 1, 2023.
5. Petitioner's Exhibit 5 – Certification of Licensure pertaining to Chase Clawson dated June 1, 2023.
6. Petitioner's Exhibit 6 – Certification of Licensure pertaining to Alan Wenn dated August 14, 2023.
7. Petitioner's Exhibit 7 – Certification of Licensure pertaining to Stojan Prusac dated September 15, 2023.
8. Petitioner's Exhibit 8 – Articles of Organization pertaining to Capitol Roofing Authority, LLC, dated February 4, 2022.
9. Petitioner's Exhibit 9 – Restated Articles of Organization pertaining to Capitol Roofing Authority, LLC, dated June 30, 2022.

10. Petitioner's Exhibit 10 – Residential Builders – Statement of Complaint filed by J.D. against Capitol Roofing Authority, LLC, and Keith Green, dated January 5, 2023.
11. Petitioner's Exhibit 11 – Contract between Capitol Roofing Authority, LLC, and J.D. dated September 9, 2022.
12. Petitioner's Exhibit 12 – Business cards of Stojan Prusac and Chris Converse, both listed as being employed by Capitol Roofing Authority, LLC, obtained by J.D.
13. Petitioner's Exhibit 13 – Claim of Lien placed on J.D.'s property by Capitol Roofing Authority, LLC, and Keith Green, dated October 25, 2022.
14. Petitioner's Exhibit 14 – Letter from Richfield Township to J.D. dated November 21, 2022.
15. Petitioner's Exhibit 15 – Petitioner's Notice to Capitol Roofing Authority, LLC, and Keith Green, dated January 26, 2023, informing of the Statement of Complaint filed by J.D.
16. Petitioner's Exhibit 16 – Residential Builders – Statement of Complaint filed by E.S. against Capitol Roofing Authority, LLC, and Keith Green, dated April 13, 2023.
17. Petitioner's Exhibit 17 – Contract between Capitol Roofing Authority, LLC, and E.S. dated August 23, 2022.
18. Petitioner's Exhibit 18 – Copy of check paid by E.S. to Capitol Roofing Authority, LLC, in the amount of \$11,490.00, dated August 29, 2022.
19. Petitioner's Exhibit 19 – Petitioner's Notice to Capitol Roofing Authority, LLC, and Keith Green dated April 17, 2023, informing of the Statement of Complaint filed by E.S.
20. Petitioner's Exhibit 20 – Statement of Complaint filed by C.W. against Capitol Roofing Authority, LLC, and Keith Green, dated April 25, 2023.
21. Petitioner's Exhibit 21 – Contract between Capitol Roofing Authority, LLC, and C.W. dated July 15, 2022.

22. Petitioner's Exhibit 22 – Copy of check paid by C.W. to Capitol Roofing Authority, LLC, in the amount of \$24,066.32, dated July 15, 2022.
23. Petitioner's Exhibit 23 – Petitioner's Notice to Capitol Roofing Authority, LLC, and Keith Green dated April 27, 2023, informing of the Statement of Complaint filed by C.W.
24. Petitioner's Exhibit 24 – Residential Builders – Statement of Complaint filed by M.B. against Capitol Roofing Authority, LLC, and Keith Green, undated.
25. Petitioner's Exhibit 25 – Contract between Capitol Roofing Authority and M.B. dated August 10, 2022.
26. Petitioner's Exhibit 26 – Business card of Dominic Orsini, listed as being employed by Capitol Roofing Authority, LLC, obtained by M.B.
27. Petitioner's Exhibit 27 – Copy of check paid by M.B. to Capitol Roofing Authority, LLC, in the amount of \$15,865.64, dated August 10, 2022.
28. Petitioner's Exhibit 28 – Petitioner's Notice to Capitol Roofing Authority, LLC, and Keith Green dated May 8, 2023, informing of Statement of Complaint filed by M.B.
29. Petitioner's Exhibit 29 – Statement of Complaint filed by R.W. against Capitol Roofing Authority, LLC, and Keith Green, dated May 20, 2023.
30. Petitioner's Exhibit 30 – Contract between Capitol Roofing Authority, LLC, and R.W. dated June 3, 2022.
31. Petitioner's Exhibit 31 – Copy of check paid by R.W. to Capitol Roofing Authority, LLC, in the amount of \$25,000.00, dated June 3, 2022.
32. Petitioner's Exhibit 32 – Petitioner's Notice to Capitol Roofing Authority, LLC, and Keith Green dated June 1, 2023, informing of Statement of Complaint filed by R.W.
33. Petitioner's Exhibit 33 – Residential Builders – Statement of Complaint filed by W.B. against Capitol Roofing Authority, LLC, and Keith Green, dated May 31, 2023.
34. Petitioner's Exhibit 34 – Contract between Capitol Roofing Authority, LLC, and W.B. dated September 22, 2022.

35. Petitioner's Exhibit 35 – Copy of check paid by W.B. to Capitol Roofing Authority, LLC, in the amount of \$8,262.22, dated August 31, 2022.
36. Petitioner's Exhibit 36 – Petitioner's Notice to Capitol Roofing Authority, LLC, and Keith Green dated June 1, 2023, informing of Statement of Complaint filed by W.B.
37. Petitioner's Exhibit 37 – Statement of Complaint filed by J.P. against Capitol Roofing Authority, LLC, and Keith Green, dated June 7, 2023.
38. Petitioner's Exhibit 38 – Contract between Capitol Roofing Authority, LLC, and J.P. dated October 31, 2022.
39. Petitioner's Exhibit 39 – Copy of check paid by J.P. to Capitol Roofing Authority, LLC, in the amount of \$9,010.00, dated June 9, 2022.
40. Petitioner's Exhibit 40 – Petitioner's Notice to Capitol Roofing Authority, LLC, and Keith Green dated June 12, 2023, informing of the Statement of Complaint filed by J.P.
41. Petitioner's Exhibit 41 – Residential Builders – Statement of Complaint filed by H.S. against Capitol Roofing Authority, LLC, and Respondent, dated August 11, 2023.
42. Petitioner's Exhibit 42 – Contract between H.S.<sup>3</sup> and Capitol Roofing Authority, LLC, dated February 24, 2023.
43. Petitioner's Exhibit 43 – Copy of check paid by H.S. to Capitol Roofing Authority, LLC, in the amount of \$8,233.99, dated March 20, 2023.
44. Petitioner's Exhibit 44 – Petitioner's Notice to Capitol Roofing Authority, LLC, and Keith Green dated August 14, 2023, informing of the Statement of Complaint filed by H.S.
45. Petitioner's Exhibit 45 – Statement of Complaint filed by T.G.-1 against Capitol Roofing Authority, LLC, and Keith Green, dated August 23, 2023.
46. Petitioner's Exhibit 46 – Contract between T.G.-1 and Capitol Roofing Authority, LLC, dated November 14, 2022.

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<sup>3</sup> The undersigned ALJ notes that Respondent's Exhibit 42 redacts the complainant's name with the initials J.S. typed over the redaction. This appears to have been an error. This Statement of Complaint was filed by H.S.

47. Petitioner's Exhibit 47 – Copy of check paid by T.G.-1 to Capitol Roofing Authority, LLC, in the amount of \$15,000.00, dated November 15, 2022.
48. Petitioner's Exhibit 48 – Petitioner's Notice to Capitol Roofing Authority, LLC, and Keith Green dated September 14, 2023, informing of the Statement of Complaint filed by T.G.-1.
49. Petitioner's Exhibit 49 – Petitioner's Notice to Respondent dated September 28, 2023, informing of the Statement of Complaint filed by H.S.
50. Petitioner's Exhibit 50 – Certification of Licensure pertaining to Respondent dated September 28, 2023.

Respondent failed to appear for the hearing and did not submit any proposed exhibits.

The record was closed at the conclusion of the hearing on November 28, 2023.

**Issue and Applicable Law**

The issue presented is whether Respondent violated the Code and/or Administrative Rules as alleged in the Formal Complaint, dated October 13, 2023.

Section 601 of the Code, MCL 339.601, states in relevant part:

Sec. 601. (1) A person shall not engage in or attempt to engage in the practice of an occupation regulated under this act or use a title designated in this act unless the person possesses a license or registration issued by the department for the occupation.

\* \* \*

Section 604 of the Code, MCL 339.604, states in relevant part:

Sec. 604. A person who violates 1 or more of the provisions of an article which regulates an occupation or who commits 1 or more of the following shall be subject to the penalties prescribed in section 602:

\* \* \*

- (b) Practices fraud, deceit, or dishonesty in practicing an occupation.
- (c) Violates a rule of conduct of an occupation.

(d) Demonstrates a lack of good moral character.

(e) Commits an act of gross negligence in practicing an occupation.

\* \* \*

(g) Commits an act which demonstrates incompetence.

(h) Violates any other provision of this act or a rule promulgates under this act for which a penalty is not otherwise prescribed.

\* \* \*

Section 2411(2) of the Code, MCL 339.2411(2), states in relevant part:

(2) A licensee or applicant who commits 1 or more of the following is subject to the penalties set forth in article 6:

(a) Abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

\* \* \*

(c) Failure to account for or remit money coming into the person's possession that belongs to others.

\* \* \*

(e) A willful violation of the building laws of this state or of a political subdivision of this state.

\* \* \*

Mich Admin Code, R 338.1551 states, in relevant part:

\* \* \*

(2) Upon receipt of a valid and written complaint, the department shall assign a complaint number, acknowledge the complaint, and forward a copy of the complaint to the licensee. The licensee shall reply to the department within 15 days from receipt of the complaint and shall confirm or deny the justification for the complaint. If a complaint or a portion of the

complaint is not acknowledged by the licensee as being justified, then the department shall notify the complainant of the area of disagreement.

\* \* \*

Section 602 of the Code, MCL 339.602, indicates the following:

Sec. 602. A person, school, or institution that violates this act or a rule or order promulgated or issued under this act shall be assessed 1 or more of the following penalties:

(a) Placement of a limitation on a license or certificate of registration for an occupation regulated under articles 8 to 25.

(b) Suspension of a license or certificate of registration.

(c) Denial of a license, certificate of registration, or renewal of a license or certificate of registration.

(d) Revocation of a license or certificate of registration.

(e) In the case of a person licensed or registered under this act and except as otherwise provided in this act, an administrative fine to be paid to the department of not more than \$10,000.00.

(f) Censure.

(g) Probation.

(h) A requirement that restitution be made, based on proofs submitted to and findings made by the hearing examiner after a contested case.

### **Findings of Fact**

Based on the default entered in this matter, the witness testimony, and the admitted exhibits, the following facts are found to be established:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Code.



2. Respondent possesses a lapsed license to practice as a residential builder salesperson pursuant to the Code. He first obtained this license on April 27, 2016. The license entered a lapsed status on May 31, 2022, and remained lapsed as of the date of hearing. [Pet. Exh. 50].
3. After receiving a complaint against Respondent, Petitioner investigated the allegations of the complaint pursuant to section 502 of the Code.
4. Capitol Roofing Authority, LLC, is a Michigan limited liability company formed on or about February 4, 2022. Capitol Roofing Authority, LLC, obtained its license to practice as a residential builder company on March 11, 2022. [Pet. Exh. 1].
5. Respondent is an organizer and member of Capitol Roofing Authority, LLC.
6. On or about February 21, 2023, Capitol Roofing Authority, LLC, through Respondent, entered into a written contract with H.S. for a roof replacement for residential property located in Fenton, Michigan. [Pet. Exh. 42].
7. Pursuant to the parties' written contract, Capitol Roofing Authority, LLC, would charge \$13,488.97 for its services and required a down payment of \$8,233.99. H.S. paid \$8,233.99 as required. [Pet. Exh. 42; Pet. Exh. 43].
8. Upon information and belief, the \$8,233.99 received by Respondent went into an account in Respondent's possession and control.
9. Respondent and Capitol Roofing Authority, LLC, failed to perform any work on the Fenton property, never obtained permits to commence work on the property, and never returned any of the \$8,233.99 to H.S.
10. On or about August 11, 2023, Petitioner received a complaint relating to the above conduct. [Pet. Exh. 41].
11. On August 14, 2023, Petitioner issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond. [Pet. Exh. 49].
12. H.S. testified on behalf of Petitioner and affirmed the allegations set forth in Petitioner's Complaint. H.S. testified that she entered into a contract with Capitol Roofing Authority, LLC, and Respondent, that she paid Respondent a portion of the contract price prior to work commencing, that Respondent failed to start and/or complete the contracted construction project, and that Respondent failed

to return any funds to her. H.S. credibly testified that she has not received restitution through any court or administrative body in the state of Michigan.

### **Conclusions of Law**

Petitioner submitted the Formal Complaint in this matter and has the burden of proof to show by a preponderance of the evidence that Respondent violated the Occupational Code as alleged in that Complaint, dated October 13, 2023.

Pursuant to the default judgment entered against Respondent under Section 78(2) of the APA and Rule 134 of the uniform hearing rules, *supra*, the factual and legal allegations contained in the Complaint are taken as true and proven. Under Section 72 of the APA, *supra*, there is no requirement to provide a full evidentiary hearing when all alleged facts are taken as true and proven. *Smith v Lansing School Dist*, 428 Mich 248; 406 NW2d 825 (1987).

Based on the above findings of fact, the following conclusions of law are found to be established:

Petitioner has established, by a preponderance of the evidence, that Respondent violated sections 601(1), 604(b), 604(c), 604(d), 604(e), 604(g), 2411(2)(a), and 2411(2)(c) of the Code as alleged in Counts 1 through IX of the Complaint.

Petitioner has also established, by a preponderance of the evidence, that Respondent violated Mich Admin Code, R 338.1551(2) as alleged in Count IX of the Complaint.

### **Decision**

Based upon the above findings of fact and conclusions of law, as well as the default judgment entered in favor of Petitioner and against Respondent, it has been established that Respondents violated the Occupational Code as alleged in Counts I through IX of the Formal Complaint. Respondent is therefore subject to sanction under MCL 339.602.

### **Recommendation as to Sanctions:**

The undersigned ALJ recommends that the Board impose the following sanctions on Respondent, as requested by Petitioner:

1. That Respondent be required to pay restitution in the amount of \$8,233.99, the total amount of money received by Respondent from H.S. for work not completed pursuant contractual obligations.

2. Imposition of a fine on Respondent in the amount of \$25,000.00, or another amount deemed appropriate by the Board in accordance with MCL 339.602(e).
3. Revocation of all licenses held by Respondent under the jurisdiction of the Board.
4. Any other sanction the Board deems appropriate pursuant to MCL 339.602.

*Chris A. Johnson*

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**Chris A. Johnson**  
**Administrative Law Judge**

**Notice to Agency to Provide MOAHR with Subsequent Agency or Court Orders**

The state agency that is a party to this matter, and/or referred this matter to MOAHR, shall serve MOAHR with any subsequent orders entered as a result of this ALJ's decision or proposed decision, including but not limited to the agency's final order, order to remand the matter to MOAHR for further proceedings, or order on appeal, as soon as practicable following entry of the order to:

Michigan Office of Administrative Hearings and Rules, General Adjudication, by **email (preferred)** to: [MOAHR-GA@michigan.gov](mailto:MOAHR-GA@michigan.gov); **or by regular mail** to: MOAHR-GA, P.O. Box 30695, Lansing, Michigan 48909-8195.

See: Mich Admin Code, R 792.10120(2)(i).

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

MARTIN E. WENN  
Residential Builder Salesperson  
License No. 21-05-212287

Complaint No. 2300712

\_\_\_\_\_ /

FORMAL COMPLAINT

Assistant Attorney General Aleksandrs K. Bomis, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Complainant), files this formal complaint against Martin E. Wenn (Respondent) 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 339.101 *et seq.*
2. Respondent possesses a license to practice as a residential builder salesperson pursuant to the Code. He first obtained this license on April 27, 2016. The license entered a lapsed status on May 31, 2022 and remains lapsed as of this writing.
3. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.

4. Section 601 of the code subjects a person to sanction for engaging in or attempting to engage in the practice of an occupation regulated under the Code unless the person possesses an active license issued by the department for the occupation.

5. Section 604(b) of the Code subjects a licensee to sanction for exhibiting fraud, deceit, or dishonesty in practicing an occupation.

6. Section 604(c) of the Code subjects a licensee to sanction for violating a rule of conduct of an occupation.

7. Section 604(d) of the Code subjects a licensee to sanction who demonstrates a lack of good moral character, meaning “the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.” MCL 338.41.

8. Section 604(e) of the Code subjects a licensee to sanction for committing an act of gross negligence in practicing an occupation.

9. Section 604(g) of the Code subjects a licensee to sanction for committing an act which demonstrates incompetence.

10. Section 604(h) of the Code subjects a licensee to sanction for violating any other provision of the Code or a rule promulgated under the Code for which a penalty is not otherwise prescribed.

11. Section 2411(2)(a) of the Code subjects a licensee to sanction for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

12. Section 2411(2)(c) of the Code subjects a licensee to sanction for failure to account for or remit money coming into the licensee's possession that belongs to others.

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 based on an administrative law hearings examiner's hearing report.

#### FACTUAL ALLEGATIONS

15. Capitol Roofing Authority, LLC (CRA), is a Michigan limited liability company formed on or about February 4, 2022. CRA obtained its license to practice as a residential builder company on March 11, 2022.

16. Respondent is an organizer and, upon information and belief, member of CRA.

17. On or about February 21, 2023, CRA, through Respondent, entered into a written contract with H.S. for a roof replacement for residential property located in Fenton, Michigan.

18. Pursuant to the parties' written contract, CRA would charge \$13,488.97 for its services and required a down payment of \$8,233.99. H.S. paid the \$8,233.99 as required.

19. Upon information and belief, the \$8,233.99 received by Respondent went into an account in Respondent's possession and control.

20. Respondent and CRA never performed work on the Fenton property; upon information and belief never obtained permits to commence work on the property; and never returned H.S. any of the \$8,233.99.

21. On or about August 11, 2023, the Department received a complaint relating to the above conduct.

22. On August 14, 2023, the Department issued a notice to Respondent directing Respondent to confirm or deny the justification for the complaint. Respondent failed to respond.

#### COUNT I

23. Respondent's conduct as described above constitutes engaging in or attempting to engage in the practice of an occupation regulated under the Code without possessing an active license issued by the department for the occupation, in violation of section 601 of the Code.

#### COUNT II

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

#### COUNT III

25. Respondent's conduct as described above constitutes violating a rule of conduct of an occupation, in violation of section 604(c) of the Code.

COUNT IV

26. Respondent's conduct as described above constitutes demonstrating a lack of good moral character, in violation of section 604(d) of the Code.

COUNT V

27. Respondent's conduct as described above constitutes committing an act of gross negligence in practicing an occupation, in violation of section 604(e) of the Code.

COUNT VI

28. Respondent's conduct as described above constitutes committing an act which demonstrates incompetence, in violation of section 604(g) of the Code.

COUNT VII

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

COUNT VIII

30. Respondent's conduct as described above constitutes failure to account for or remit money coming into Respondent's hands that belong to others, contrary to section 2411(2)(c) of the Code, in violation of section 604(h) of the Code.



COUNT IX

31. Respondent's conduct as described above constitutes failure to respond 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.

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

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-RBS-Compliance@michigan.gov](mailto:LARA-BCC-RBS-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

Respectfully submitted,

/s/ Aleksandrs K. Bomis  
Aleksandrs K. Bomis (P74311)  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: October 13, 2023

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND  
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

MICHAEL A. DESMIT  
License No. 21-01-137443  
Respondent

Complaint No. 2100728

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 MICHAEL A. DESMIT (Respondent) violated the Occupational Code. 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: Mich Admin Code, R 338.1533(1) and R 338.1533(2), in violation of MCL 339.604(h); and in violation of MCL 339.2411(2)(j).

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) 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 Mich Admin Code, R 338.1533(1), and R 338.1533(2), in violation of MCL 339.604(h); and in violation of MCL 339.2411(2)(j). Respondent has acted in violation of the Occupational Code, constituting grounds for the assessment of a penalty, or penalties, as prescribed in MCL 339.602(a)-(h).

Accordingly, IT IS ORDERED that:

Respondent shall pay a FINE in the amount of \$500.00, 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. 2100728.

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 Article 24 of the Occupational Code, and in the denial of any license renewal or relicensure until compliance with the Consent Order is achieved. If the license is Suspended, and the compliance with the terms of the Consent Order is achieved after the license expiration date, Respondent must apply for relicensure in accordance with MCL 339.411.

If Respondent violates any term or condition set forth in this Order, Respondent shall be in violation of MCL 339.604(k) of the Occupational Code 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 BOARD OF RESIDENTIAL BUILDERS AND  
MAINTENANCE AND ALTERATION CONTRACTORS

By:  \_\_\_\_\_  
Chairperson (or Designee)

Date: 4-17-25

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.

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.

3. According to residential builder licensing records maintained by the Department, Respondent was issued a Residential Builder Individual license (21-01-137443), effective February 24, 1997, which included the assumed name (doing business as) of "J & M Home Improvement." The license lapsed on June 1, 2020, and Relicensure was granted effective July 31, 2023, with an expiration date of May 31, 2026. Department records indicate that there has been no prior disciplinary action against Respondent's license.

4. On or about August 17, 2021, Respondent entered into a Contract with Shirley Thompson (Homeowner) to complete a Kitchen renovation project. Between August 17 and September 17, 2021, the Homeowner made six (6) payments to Respondent, totaling \$18,534.00. Respondent was referred to the Homeowner by Mans Lumber.

5. On or about August 21, 2021, Respondent commenced the kitchen project. Before the Kitchen project was completed, the Homeowner requested a Proposal for a Bathroom renovation project. Respondent presented a Proposal for the Bathroom project in the amount of \$5,000.00. On or about September 22, 2021, the Homeowner paid Respondent a \$5,000.00 deposit on the Bathroom project.

6. On or about September 29, 2021, the Homeowner became dissatisfied with the quality and timing of Respondent's work on the Kitchen project and cancelled the Bathroom project, and also requested return of her \$5,000.00 deposit.

7. On or about October 12, 2021, Respondent completed the Kitchen renovation project.

8. The Homeowner provided documentation of paying Respondent a total of \$23,534.00.

9. The Homeowner complained to Mans Lumber regarding Respondent's work, invoices and costs on the Kitchen project. Mans Lumber met with Respondent to discuss the project costs. On or about October 22, 2021, Respondent returned \$884.00 to the Homeowner regarding the Kitchen project.

10. Respondent did not issue any refund to the Homeowner regarding the cancelled Bathroom project.

11. The Proposals/Contracts contained the following name on the letterhead: "J & M Home Improvement LLC;" with no address.

12. Business entity records maintained by LARA Corporations, Securities, & Commercial Licensing Bureau (CSCL) indicate that J & Home Improvement LLC was organized as a Limited Liability Company (LLC) effective June 12, 2012, and remains in existence. Michael A. Desmit is listed as the Resident Agent, and signed filings as the "authorized member, manager, or agent."

13. According to residential builder licensing records maintained by the Department, J & M Home Improvement LLC does not have a Residential Builder Company License. Since J & M Home Improvement LLC is a registered Limited Liability Company, which is contracting for and performing Residential Builder services, J & M Home Improvement LLC must apply for and obtain a Residential Builder Company License. Respondent Michael DeSmit would maintain his Individual Residential Builder License and be designated the Qualifying Officer responsible for the compliance and operation of J & M Home Improvement LLC.

14. Pursuant to the "Carrying On Business Under Assumed Name or Fictitious Name Act," PA 101 of 1907; MCL 445.1 *et seq*, regulates the use of an "assumed name" (doing business as d/b/a) by an "Individual," which is registered with a County Clerk, and Corporations and Limited Liability Companies, which are registered with the State, are excepted from the

statute. Once an Individual registers a Corporation, or a Limited Liability Company, and operates the entity, the Individual's assumed name (d/b/a) is no longer valid.

15. On or about November 5, 2021, the Department received a Statement of Complaint from the Homeowner, alleging contractual and financial problems, and seeking recovery of funds from Respondent.

16. After the issuance of the Formal Complaint, Respondent requested a Compliance/Settlement Conference, and indicated that matter had been resolved. The Department requested additional information and documents.

17. On or about January 3, 2022, the Homeowner filed an Affidavit and Claim in Small Claims, in the 34<sup>th</sup> District Court (Romulus), Case No. 22-0002-SC, against Michael DeSmit and J & M Home Improvement.

18. On or about April 5, 2022, a Judgment (after trial/hearing), in the amount of \$5,110.00, was issued against Michael DeSmit and J & M Home Improvement.

19. On or about July 6, 2022, the Judgment was paid/satisfied (\$5,110.00) via garnishment of Respondent's account at Comerica Bank.

20. Respondent contends that he used the \$5,000.00 deposit for the Bathroom project to order/purchase materials that were not returnable.

21. Respondent indicated that he now considers himself as "retired," and if he performs any regulated Residential Builder services, he will not operate as H & M Home Improvement LLC, therefore, he determined to not apply for a Company Builder License for H & M Home Improvement LLC.

22. In settlement of the Formal Complaint, Respondent admits to the following alleged violations of the Occupational Code:

### COUNT I

Respondent failed to make certain that all written agreements (Proposal/Contract) were signed by both the Builder and the Homeowner, and that a complete signed copy was provided to the Homeowner, contrary to Mich Admin Code, R 338.1533(1), in violation of MCL 339.604(h)<sup>1</sup>.

### COUNT II

Respondent failed to make certain that the written agreements clearly state the terms of the transaction, including specification, cost, and type and quality of materials to be used, contrary to Mich Admin Code, R 338.1533(2); in violation of MCL 339.604(h).

### COUNT III

Respondent acted as an agent, partner, or associate for an unlicensed person (company), in violation of MCL 339.2411(2)(j).

23. Respondent acknowledges that he has acted in violation of the Occupational Code, constituting grounds for the assessment of a penalty, or penalties, as prescribed in MCL 339.602(a)-(h).

24. Respondent acknowledges that the Consent Order imposes a Fine in the amount of \$500.00, 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 Article 24 of the Occupational Code, and in the denial of any license renewal or relicensure until compliance with the Consent Order is achieved. If the license is Suspended, and the compliance with the terms of the Consent Order

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<sup>1</sup> Sec. 604. A person who violates 1 or more of the provisions of an article which regulates an occupation or who commits 1 or more of the following shall be subject to the penalties prescribed in section 602: (h) Violates any other provision of this act or a rule promulgated under this act for which a penalty is not otherwise prescribed. MCL 339.604(h).

is achieved after the license expiration date, Respondent must apply for relicensure in accordance with MCL 339.411.

25. The sanction of Restitution (compensation to the Homeowner) is not applicable in this matter because the issue of Restitution has already been adjudicated. The Homeowner obtained a Small Claims Judgment against Respondent, which has been paid/satisfied.

26. Respondent understands that in the future event that Respondent is found to be in violation of the Occupational Code and associated administrative rules, it is Department policy to pursue increased disciplinary sanctions.

27. Respondent agrees that William Wilhelm, Administrative Law Specialist, Enforcement Section, Bureau of Construction Codes, and/or an Assistant Attorney General, Licensing and Regulation Division, may discuss this matter and the Consent Order and Stipulation with the Board, to recommend and support the acceptance of the Consent Order and Stipulation.

28. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, 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.

29. 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 Board in this matter.



30. 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*, as well as Section 2411a of the Occupational Code, MCL 339.2411a.

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

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

AGREED TO BY:

Andrew Brisbo

Digitally signed by: Andrew Brisbo  
DN: CN = Andrew Brisbo email =  
Brisboe@michigan.gov C = US O = Bureau of  
Construction Codes OU = Director  
Date: 2025.02.05 16:08:50 -05'00'

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

Date: 2/5/2025

AGREED TO BY:

Michael A. DeSmit, Respondent

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

*Drafted by: William Wilhelm, ALS, Enforcement Section, Bureau of Construction Codes (4/01/24)*

30. 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, as well as Section 2411a of the Occupational Code, MCL 339.2411a.

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

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

AGREED TO BY:

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

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

AGREED TO BY:

  
\_\_\_\_\_  
Michael A. DeSmit, Respondent

Date: Jan 24, 2025

*Drafted by: William Wilhelm, ALS, Enforcement Section, Bureau of Construction Codes (4/01/24)*

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION  
CONTRACTORS

In the Matter of

Michael A DeSmit  
License No. 2101137443

Respondent

File No. 2100728

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes complains against Respondent as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established by the Occupational Code, MCL 339.101 *et seq.* Pursuant to MCL 339.602 of the Occupational Code, the Board is empowered to penalize persons for violations of the Occupational Code.

2. Respondent Michael A DeSmith, is a licensed residential builder in the state of Michigan with an expiration date of May 31, 2023.

3. On August 17, 2021 Respondent entered into a contract with Shirley Thompson (Homeowner) to complete a kitchen remodel pursuant to a written proposal. Later, Respondent entered into a verbal change order with the Homeowner to remodel the bathroom, Respondent failed to have either the proposal or the change order signed by all parties. Respondent also failed to provide terms of the transaction, including

specifications, cost, and type and quality of materials to be used. A copy of the proposal, marked Exhibit A, is attached, and incorporated.

4. The proposal was drafted and present to Homeowner on letterhead bearing the name of " J & M Home Improvement, LLC", which is not licensed as a residential building company in the state of Michigan. A copy of Certification of Licensure, marked Exhibit B, is attached and incorporated.

#### COUNT I

Respondent's conduct, as described above, evidences a failure to have all agreements and changes to the agreements between a builder, or contractor, and the customer in writing and signed by the parties, contrary to Mich Admin Code, R338.1533(1) in violation with MCL 604(h).

#### COUNT II

Respondent's conduct, as described above, evidences a failure of Respondent to make certain that the written agreements clearly state the terms of the transaction, including specifications, cost, and type and quality of materials to be used, in violation of MI Admin Code, R 338.1533(2), in violation of MCL 339.604(h).

#### COUNT III

Respondent's conduct, as described above, evidences aiding or abetting an unlicensed person to evade this article, or knowingly combining or conspiring with, or acting as agent, partner, or associate for an unlicensed person, in violation of MCL 2411(j).

RESPONDENT IS NOTIFIED that, pursuant to MCL 339.508(2), Respondent has 15 days from the date of receipt of this Complaint to notify the Department of Respondent's 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 Respondent's selection shall be submitted to the Bureau of Construction Codes, Department of Licensing and Regulatory Affairs, P.O. Box 30254, Lansing, MI 48909. If Respondent fails to notify the Department of their decision within 15 days, the Department shall proceed to an administrative hearing.

Date: January 26, 2022

*Stella Cortez for Felicia Badger*

Felicia Badger, Manager  
Licensing and Compliance Division  
Bureau of Construction Codes

Attachment  
SC

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

DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS,  
BUREAU OF CONSTRUCTION CODES

Complainant,

v

SCOTT SMITH  
License No. 21-01-210601

Complaint No. 341106  
Docket No. 24-015519

Respondent

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**FINAL ORDER**

The Michigan Board of Residential Builders and Maintenance & Alteration Contractors (“Board”), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on April 17, 2025, and considered the Finding of Facts and Conclusions of Law in the Hearing Report of David B. Marmon, Administrative Law Judge, dated July 26, 2024.

**IT IS ORDERED** that for violating MCL 339.601(1); MCL 339.604 (b) and (h); MCL 339.2411(2) (a); and Mich Admin Code R 338.1551(2), Respondent shall pay a FINE in the amount of FOUR THOUSAND dollars and 00/100 (\$4,000.00) within ninety (90) days of the effective date of this Order, and mailed to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Enforcement Section, P.O. Box 30255, Lansing, MI 48909. The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display the complaint number **341106**.

**IT IS FURTHER ORDERED** that Respondent’s failure to comply with all terms of this Order shall result in the REVOCATION of license 2101210601.

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

If Respondent violates any term or condition set forth in this Order, Respondent shall be in violation of MCL 339.604(k) of the Occupational Code and may be subject to further disciplinary action.

This Final Order is a public record required to be published and made available to the public pursuant to the Freedom of Information Act, MCL 15.231 *et seq.*

This Final Order shall not be construed as limiting the Department of Licensing and Regulatory Affairs, any other agency of the State of Michigan or any individual as to the use of a lawful method of collection of the payment imposed by this Final Order.

Given under my hand at Lansing, Michigan, this 23<sup>rd</sup> day of April, 2025.

BY: *Felicia Badger*

Felicia Badger, Manager  
Enforcement Section  
Bureau of Construction Codes

Effective date: 4/23/2025

**STATE OF MICHIGAN**  
**MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**BUREAU OF CONSTRUCTION CODES,**  
Petitioner

**V**

**SCOTT SMITH,**  
Respondent

**Docket No.: 24-015519**

**Case No.: 341106**

**Agency: Bureau of Construction  
Codes**

**Case Type: BCC Residential  
Builders**

**Filing Type: Formal Complaint**

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**CERTIFICATION OF RECORD**

I, Debbie Sterba, certify that the attached file is the original record of the Michigan Office of Administrative Hearings and Rules in the above captioned matter, and that said record consists of those entries shown below.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Michigan Office of Administrative Hearings and Rules to be hereunto affixed this Monday, August 26, 2024.

<u>Date</u>	<u>Document</u>
1. 08/01/24	Returned Mail - Notice of Telephone Hearing
2. 07/26/24	Hearing Report
3. 07/24/24	Petitioner's Admitted Exhibits 1-8
4. 07/17/24	Petitioner's Witness and Exhibit Lists - Attachments not made part of Certification of Record
5. 06/21/24	Notice of Hearing with Proof of Service
6. 06/14/24	Request for Hearing





*Debbie Sterba*

Debbie Sterba

Michigan Office of Administrative  
Hearings and Rules

**STATE OF MICHIGAN  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**Docket No.: 24-015519**

**BUREAU OF CONSTRUCTION CODES,  
Petitioner**

**Case No.: 341106**

**v**

**Agency: Bureau of  
Construction Codes**

**SCOTT SMITH,  
Respondent**

**Case Type: BCC Residential  
Builders**

**Filing Type: Formal Complaint**

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**Issued and entered  
this 26<sup>th</sup> day of July 2024  
by: David B. Marmon  
Administrative Law Judge**

**HEARING REPORT**

**Procedural History**

On October 21, 2022, a Formal Complaint was filed by the Department of Licensing and Regulatory Affairs (LARA), Bureau of Construction Codes (Bureau), Petitioner, against Scott Smith, Respondent, which alleged one or more violations of the Michigan Occupational Code (Code), MCL 339.101 *et seq.*, and the Administrative Rules (Rules) promulgated thereunder.

On June 14, 2024, these matters were referred to the Michigan Office of Administrative Hearings and Rules (MOAHR) to schedule a contested case hearing. On June 21, 2024, MOAHR issued a Notice of Telephone Hearing, scheduling the hearing to convene on July 24, 2024 at 9:00 a.m.

On July 24, 2024, the hearing commenced as scheduled. The undersigned Administrative Law Judge (ALJ) presided. Adam G. Masserang, Assistant Attorney General, appeared on behalf of Petitioner. Homeowner Z.P.<sup>1</sup> appeared as a witness on

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<sup>1</sup> Initials are used to protect confidentiality.

behalf of Petitioner.

Neither the Respondent, nor an attorney or authorized representative appeared on the Respondent's behalf. MOAHR has not received any documentation or a telephone call from Respondent requesting an adjournment. Respondent was properly served with notice of these proceedings at his last known address and email address of record with Petitioner. Petitioner noted that the Bureau had not heard from Respondent since the Formal Complaint was filed in 2022.

After the undersigned waited 15 minutes from the scheduled hearing time, the hearing proceeded in Respondent's absence pursuant to Section 72(1) of the Administrative Procedures Act (APA), MCL 24.272 and Rule 134 of the Administrative Hearing Rules, Mich Admin Code, R 792.10134. Petitioner further moved for a decision by default against Respondents pursuant to Section 78(2) of the APA, MCL 24.278(2), and Rule 134. These statutory provisions and rules state as follows:

Sec. 72. (1) If a party fails to appear in a contested case after proper service of notice, the agency, if no adjournment is granted, *may proceed with the hearing and make its decision in the absence of the party.* MCL 24.272(1) (emphasis added.)

Sec. 78. (2) Except as otherwise provided by law, disposition may be made of a contested case by stipulation, agreed settlement, consent order, waiver, *default* or other method agreed upon by the parties. MCL 24.278(2) (emphasis added.)

Rule 134. (1) If a party fails to attend or participate in a scheduled proceeding after a properly served notice, the administrative law judge may conduct the proceedings without participation of the absent party. The administrative law judge may issue a default order or other dispositive order which shall state the grounds for the order.

(2) Within 7 days after service of a default order, the party against whom it was entered may file a written motion requesting the order be vacated. If the party

demonstrates good cause for failing to attend a hearing or failing to comply with an order, the administrative law judge may reschedule, rehear, or otherwise reconsider the matter as required to serve the interests of justice and the orderly and prompt conduct of proceedings. 2015 Mich Admin Code, R 792.10134

Petitioner's motion for default was granted pursuant to Section 78(2) of the APA and Rule 134 and is affirmed in this Hearing Report. Because of the default, the factual and legal allegations contained in the Formal Complaint dated October 21, 2022, are deemed true and proven.

The following exhibits were offered by Petitioner and admitted into evidence:

- Exhibit P-1 Certification of Licensure dated October 20, 2022.
- Exhibit P-2 Contract between Z.P. and S & L Renovations signed by Respondent, dated 3/5/2019.
- Exhibit P-3 Cancelled check dated 3/5/2019 from Z.P. to S & L Renovations in the amount of \$4,000.00, endorsed by Respondent.
- Exhibit P-4 Application for Residential Building Permit dated 3/21/19 for Z.P.'s residence, prepared by Respondent.
- Exhibit P-5 Residential Builders – Statement of Complaint dated 7/26/2019 against Respondent by Z.P.
- Exhibit P-6 Letter dated 8/1/2019 from Jeffrey M. Schroeder, Attorney on behalf of Z.P., to Petitioner.
- Exhibit P-7 Notice to Respondent addressed to Respondent dated 8/7/2019, with Proof of Service from Licensing and Compliance Division of LARA.
- Exhibit P-8 Notice to Respondent addressed to S & L Renovations at Respondent's address, dated 8/7/2019, with Proof of Service from Licensing and Compliance Division of LARA.

Respondent did not appear for the hearing and thus did not offer any exhibits into evidence. No proposed exhibits were received by MOAHR from Respondent prior to the hearing. The record was closed at the conclusion of the hearing on July 24, 2024.

### **Issues and Applicable Law**

The issue presented is whether Respondent has violated the Code as alleged in the Formal Complaint.

**Section 2401(a) of the Code, MCL 339.2401(a)** gives the following definition of a residential builder:

As used in this article:

(a) "Residential builder" means any of the following:

(i) A person engaged in the construction of a residential structure that, for a fixed sum, price, fee, percentage, valuable consideration, or other compensation, other than wages for personal labor only, undertakes with another or offers to undertake, or purports to have the capacity to undertake with another, for the erection, construction, replacement, repair, alteration, or addition to, subtraction from, improvement, wrecking of, or demolition of, a residential structure.

(ii) A person that manufactures, assembles, constructs, deals in, or distributes a residential structure that is prefabricated, preassembled, precut, packaged, or shell housing.

(iii) A person that erects a residential structure except for the person's own use and occupancy on the person's property.

**Section 601 of the Code, MCL 33.601** states in pertinent part:

(1) A person shall not engage in or attempt to engage in the practice of an occupation regulated under this act or use a title designated in this act unless the person possesses a license or registration issued by the department for the occupation.

\* \* \*

(3) Subject to section 411, a person whose license or registration is suspended, revoked, or lapsed, as determined by the records of the department, is considered unlicensed or unregistered.

**Section 204(5) of the Code, MCL 339.204(5)** states:

(5) A licensee or registrant shall report to the department a change in name or mailing address, or a change of electronic mail address if the licensee or registrant has provided an electronic mail address under subsection (6), not later than 30 days after the change occurs.

**Section 2404b(c) of the Code, MCL 338.2404b** states:

(1) Beginning June 1, 2008, an applicant for initial licensure either as a residential builder or as a residential maintenance and alteration contractor must successfully complete the prelicensure course of study requirements under this subsection to obtain a license unless he or she is exempt from those requirements under this section. All of the following apply for purposes of this subsection:

\* \* \*

(c) Unless he or she is exempt under subdivision (a) or (b), an applicant must not receive an initial license under this act unless he or she successfully completed 60 hours of approved prelicensure courses that include at least 6 hours of courses in each of the following areas of competency:

- (i) Business management, estimating, and job costing.
- (ii) Design and building science.
- (iii) Contracts, liability, and risk management.
- (iv) Marketing and sales.
- (v) Project management and scheduling.
- (vi) The current Michigan residential code.
- (vii) Construction safety standards promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094.

**MCL 339.2411(2)** states, in pertinent part:

(1) A licensee or applicant who commits 1 or more of the following is subject to the penalties set forth in article 6:

- (a) Abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

\* \* \*

- (d) A willful departure from or disregard of plans or specifications in a material respect and prejudicial to another, without consent of the owner or an authorized representative and without the consent of the person entitled to have the particular construction project or operation completed in accordance with the plans and specifications.

\* \* \*

- (h) Failure to deliver to the purchaser the entire agreement of the parties including any finance or other charge arising out of or incidental to the agreement if the agreement involves repair, alteration, or addition to, subtraction from, improvement of, wrecking of, or demolition of a residential structure, building of a garage, laying of concrete on residential property, or manufacture, assembly, construction, sale, or distribution of a residential structure that is prefabricated, preassembled, precut, packaged, or shell housing.

\* \* \*

**Section 602 of the Code, MCL 339.602** states:

Sec. 602.

A person, school, or institution that violates this act or a rule or order promulgated or issued under this act shall be assessed 1 or more of the following penalties:

- (a) Placement of a limitation on a license or certificate of registration for an occupation regulated under articles 8 to 25.
- (b) Suspension of a license or certificate of registration.
- (c) Denial of a license, certificate of registration, or renewal of a license or certificate of registration.
- (d) Revocation of a license or certificate of registration.
- (e) In the case of a person licensed or registered under this act and except as otherwise provided in this act, an administrative fine to be paid to the department of not more than \$10,000.00.
- (f) Censure.
- (g) Probation.
- (h) A requirement that restitution be made, based on proofs submitted to and findings made by the hearing examiner after a contested case.

**Section 604 of the Code, MCL 339.604** states in pertinent part:

A person who violates 1 or more of the provisions of an article which regulates an occupation or who commits 1 or more of the following shall be subject to the penalties prescribed in section 602:

\* \* \*

- (b) Practices fraud, deceit, or dishonesty in practicing an occupation.

\* \* \*

- (h) Violates any other provision of this act or a rule promulgated under this act for which a penalty is not otherwise prescribed.



\* \* \*

Additionally, **MCL 339.514** provides, in pertinent part:

- (1) Within 60 days after receipt of an administrative law hearings examiner's hearing report, the board receiving the hearing report shall meet and make a determination of the penalties to be assessed under article 6. The board's determination shall be made on the basis of the administrative law hearings examiner's report. A transcript of a hearing or a portion of the transcript shall be made available to a board upon request. If a transcript or a portion of the transcript is requested, the board's determination of the penalty or penalties to be assessed under article 6 shall be made at a meeting within 60 days after receipt of a transcript or portion of the transcript.

\* \* \*

**Mich Admin Code R 338.1551** states in pertinent part:

- (2) Upon receipt of a valid and written complaint, the department shall assign a complaint number, acknowledge the complaint, and forward a copy of the complaint to the licensee. The licensee shall reply to the department within 15 days from receipt of the complaint and shall confirm or deny the justification for the complaint. If a complaint or a portion of the complaint is not acknowledged by the licensee as being justified, then the department shall notify the complainant of the area of disagreement.

**Mich Admin Code R 792.10803** states:

Rule 803. In determining a violation of, or compliance with, the licensing law, a rule promulgated pursuant to the licensing law, or an order issued pursuant to the licensing law, the determination shall be made on the basis of compliance or violation at the time of the alleged violation.

**Findings of Fact**

Based upon the evidence submitted by way of a default entered against Respondent, together with the exhibits admitted in the record, the undersigned finds the following facts by a preponderance of evidence:

1. The Department has conducted a complaint investigation pursuant to Article 5 of the Occupational Code, which substantiated evidence of violations of the Occupational Code. MCL 339.502-504; and 508. [Established by default].
2. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) is an administrative agency established by the Occupational Code. Pursuant to MCL 339.307, 309, 508, and 514, the Board is empowered to impose disciplinary sanctions for violations of the Occupational Code, as set forth in MCL 339.602. [Established by Default].
3. According to residential builder licensing records maintained by the Department, Scott Smith was issued a residential builder individual license (21-01-210601), effective January 29, 2016; the license lapsed on May 31, 2018; the license is now inactive as of 05/30/2021. The license address of record is: [REDACTED] St [REDACTED], Clio, Michigan 48420; email address: info@midmichrenovations.com telephone no.: (810) 931-1806. [Exhibit P-1].
4. On or about March 05, 2019, the Homeowner and Scott Smith, on behalf of S & L Renovations, executed a document entitled, "Contract" in connection to a "remodeling project." The agreement further provided the contract was for the sum of \$8015.93. [Exhibit P-2].
5. On or about March 05, 2019, Scott Smith and S & L Renovations received one (1) payment from the Homeowner totaling \$4,000.00. [Exhibit P-3].
6. On or about March 28, 2019, Scott Smith applied for a Building Permit with Bloomfield Township for interior remodeling including the removal of two (2) load bearing walls. Scott Smith provided his license number on the application, as follows: 2101210601. The expiration date of the license was reported to be 05/31/19. [Exhibit P-4].
7. Section 2401(a) of the Occupational Code provides: "Residential builder" means any of the following: (i) A person (includes business entities such as a corporation or a limited liability company) engaged in the construction of a

residential structure that ... undertakes with another or offers to undertake, or purports to have the capacity to undertake with another, for the erection, construction, replacement, repair, alteration, or addition to, subtraction from, improvement, wrecking of, or demolition of, a residential structure." [Established by default].

8. Section 601(3) of the Occupational Code provides: "Subject to section 411, a person whose license or registration is suspended, revoked, or lapsed, as determined by the records of the department, is considered unlicensed or unregistered." [Established by default].
9. Scott Smith engaged in the practice of residential building; however, pursuant to Section 601(3), Scott Smith does not possess a residential builder individual license required by Article 24 of the Occupational Code. [Established by default; Exhibit P-1].
10. On or about August 05, 2019, the Department received a Statement of Complaint, filed by the Homeowner, signed/dated July 26, 2019, alleging in part: having paid for work not completed; the licensee practicing fraud, deceit, and dishonesty; and concerns regarding unlicensed activity. [Exhibit P-5].
11. Included in the Statement of Complaint is a letter drafted by the attorney representing the Homeowner. The letter includes concerns that the client has asked for his payment back with no remittance of fees; and concerns that Scott Smith (Respondent) admitted to using the funds paid by the Homeowner for other projects. [Exhibit P-6].
12. Pursuant to Administrative Rule R-338.1551, "the licensee shall reply to the department within 15 days of receipt of the complaint and shall confirm or deny the justification for the complaint".
13. On or about August 7, 2019, a Notice to Respondent and a copy of the complaint were mailed to Scott Smith (Respondent), providing until August 27, 2019, to confirm or deny the justification of the complaint. A response was not received as the Notice to Respondent was returned to the department as not deliverable, unable to forward.
14. Section 204(5) of the Occupational Code provides: "A licensee or registrant shall report to the department a change in name or mailing address, or a change of electronic mail address if the licensee or registrant has provided an electronic mail address under subsection (6), not later than 30 days after the change occurs."

15. Based upon the years of licensure of Scott Smith, Scott Smith is expected, and required, to be knowledgeable regarding the Michigan Residential Code (building code). Scott Smith was issued a residential builder individual license effective January 29, 2016 [Established by Default].
16. Section 2404b(c) of the Occupational Code provides that beginning June 1, 2008, an applicant must not receive an initial builder license unless he or she successfully completed 60 hours of approved prelicensure courses that include at least 6 hours in each of the following areas of competency:
  - (i) Business management, estimating, and job costing.
  - (ii) Design and building science.
  - (iii) Contracts, liability, and risk management.
  - (iv) Marketing and sales.
  - (v) Project management and scheduling.
  - (vi) The current Michigan residential code.
  - (vii) Construction safety standards promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094. MCL 339.2404b(c)
17. Rule 803 of the Michigan Office of Administrative Hearings and Rules, Part 8 provides that: “[i]n determining a violation of, or compliance with, the licensing law, a rule promulgated pursuant to the licensing law, or an order issued pursuant to the licensing law, the determination shall be made on the basis of compliance or violation at the time of the alleged violation.” Mich Admin Code R 792.10803.
18. Section 601(1) of the Occupational Code provides: "A person shall not engage in or attempt to engage in the practice of an occupation regulated under this act or use a title designated in this act unless the person possesses a license or registration issued by the department for the occupation."

### **Conclusions of Law**

Petitioner bears the burden of proving, by a preponderance of evidence, that Respondent violated the Code, as alleged in the Formal Complaint. As the Michigan Supreme Court has stated, “[p]roof by a preponderance of the evidence requires that the fact finder believe that the evidence supporting the existence of the contested fact outweighs the evidence supporting its nonexistence.” *Blue Cross and Blue Shield of*

*Michigan v Milliken*, 422 Mich 1; 367 NW2d 1 (1985). A preponderance of evidence is evidence which is of a greater weight or more convincing than evidence offered in opposition to it. It is simply that evidence which outweighs the evidence offered to oppose it. *Martucci v Detroit Commissioner of Police*, 322 Mich 270; 33 NW2d 789 (1948).

Additionally, the principles that govern judicial proceedings also apply to administrative hearings. 8 *Callaghan's Michigan Pleading and Practice 2<sup>nd</sup> ed.*, Section 60.48, p 230. A default having been granted against Respondents, the factual and legal allegations set forth in the Formal Complaint, are taken as true and proven. Under Section 72 of the APA, there is no requirement to provide a full evidentiary hearing when all alleged facts are taken as true and proven. *Smith v Lansing School Dist*, 428 Mich 248; 406 NW2d 825 (1987).

By virtue of default, Petitioner has established its burden of proving, by a preponderance of the evidence, the facts alleged in the Formal Complaint. Accordingly, the undersigned concludes the following:

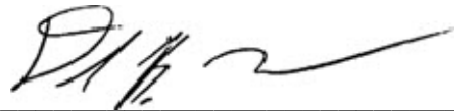
- 1) Respondent's conduct, by entering into a contractual agreement and securing payment but not completing the work, evidences abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee, in violation of MCL 339.2411(2)(a), as alleged in Count I of the Formal Complaint.
- 2) Respondent acted as a residential individual builder without being licensed, in violation of MCL 339.601(1), as alleged in Count II of the Formal Complaint.
- 3) Respondent failed to respond in writing to the department to confirm or deny the justification of this complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of MCL 339.604(h), as alleged in Count III of the Formal Complaint.
- 4) Respondent's conduct, by entering into a contractual agreement and securing payment but not completing the work; by acting as a residential individual builder without being licensed; and by presenting himself to be actively licensed when applying for a Building Permit; evidences fraud, deceit, or dishonesty in practicing an occupation, contrary to MCL 339.604(b) as alleged in Count IV of the Formal Complaint.

**DECISION**

Petitioner has proven the allegations of fact and violations of the Code and/or administrative rules as alleged in the Formal Complaint dated October 21, 2022.

**Recommended Sanctions**

As to recommendation of sanctions, Petitioner had no specific recommendations. Therefore, the undersigned ALJ recommends that the Board impose, in its discretion, penalties allowed pursuant to MCL 339.602.



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**David B. Marmon**  
**Administrative Law Judge**

**Notice to Agency to Provide MOAHR with Subsequent Agency or Court Orders**

The state agency that is a party to this matter, and/or referred this matter to MOAHR, shall serve MOAHR with any subsequent orders entered as a result of this ALJ's decision or proposed decision, including but not limited to the agency's final order, order to remand the matter to MOAHR for further proceedings, or order on appeal, as soon as practicable following entry of the order to:

Michigan Office of Administrative Hearings and Rules, General Adjudication, by **email (preferred)** to: [MOAHR-GA@michigan.gov](mailto:MOAHR-GA@michigan.gov); **or by regular mail** to: MOAHR-GA, P.O. Box 30695, Lansing, Michigan 48909-8195.

See: Mich Admin Code, R 792.10120(2)(i).

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND  
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

SCOTT SMITH  
License No. 21-01-210601

COMPL-LIC 341106<sup>1</sup>

Respondent

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FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Complainant (Department), based upon information and belief, files this First Amended Formal Complaint against SCOTT SMITH (Respondent) alleging violations of the Michigan Occupational Code, MCL 339.101 *et seq.*, as follows:

1. The Department has conducted a complaint investigation pursuant to Article 5 of the Occupational Code, which substantiated evidence of violations of the Occupational Code. MCL 339.502-504; and 508.

2. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) is an administrative agency established by the Occupational Code. Pursuant to MCL 339.307, 309, 508, and 514, the Board is empowered to impose disciplinary sanctions for violations of the Occupational Code, as set forth in MCL 339.602.

FACTUAL ALLEGATIONS

3. According to residential builder licensing records maintained by the Department, Scott Smith was issued a residential builder individual license (21-01-210601),

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<sup>1</sup> Change in complaint numbering format due to new licensing and complaint database system.

effective January 29, 2016; the license lapsed on May 31, 2018; the license is now Inactive as of 05/30/2021. The license address of record is: [REDACTED], Clio, Michigan 48420; email address: info@midmichrenovations.com; telephone no.: (810) 931-1806. A copy of the **Verification of Licensure, marked Exhibit 1**, is attached and incorporated.

4. On or about March 05, 2019, the Homeowner and Scott Smith, on behalf of S & L Renovations, executed a document entitled, "Contract" in connection to a "remodeling project." The agreement further provided the contract was for the sum of \$8015.93. A copy of the **Contract, marked Exhibit 2**, is attached and incorporated.

5. On or about March 05, 2019, Scott Smith and S & L Renovations received one (1) payment from the Homeowner totaling \$4000.00. A copy of the cashed **Check, marked Exhibit 3**, is attached and incorporated.

6. On or about March 28, 2019, Scott Smith applied for a Building Permit with Bloomfield Township for interior remodeling including the removal of two (2) load bearing walls. Scott Smith provided his license number on the application, as follows: 2101210601. The expiration date of the license was reported to be 05/31/19. A copy of the **Building Permit Application, marked Exhibit 4**, is attached and incorporated.

7. Section 2401(a) of the Occupational Code provides: "Residential builder" means any of the following: (i) A person<sup>2</sup> (includes business entities such as a corporation or a limited liability company) engaged in the construction of a residential structure that ... undertakes with another or offers to undertake, or purports to have the capacity to undertake with another, for the erection, construction, replacement, repair,

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<sup>2</sup> Section 105(5)(a)-(c) of the Occupational Code provides: "Person" means any of the following: (a) an individual; (b) a sole proprietorship, partnership, association, corporation, limited liability company, or common law trust; (c) a combination of persons described in subdivision (a) or (b)."



alteration, or addition to, subtraction from, improvement, wrecking of, or demolition of, a residential structure.”

8. Section 601(3) of the Occupational Code provides: “Subject to section 411, a person whose license or registration is suspended, revoked, or lapsed, as determined by the records of the department, is considered unlicensed or unregistered.”

9. Scott Smith engaged in the practice of residential building; however, pursuant to Section 601(3), Scott Smith does not possess a residential builder individual license required by Article 24 of the Occupational Code.

10. On or about August 05, 2019, the Department received a Statement of Complaint, filed by the Homeowner, signed/dated July 26, 2019, alleging in part: having paid for work not completed; the licensee practicing fraud, deceit, and dishonesty; and concerns regarding unlicensed activity. An excerpted copy of the **Statement of Complaint, marked Exhibit 5**, is attached and incorporated.

11. Included in the Statement of Complaint is a letter drafted by the attorney representing the Homeowner. The letter includes concerns that the client has asked for his payment back with no remittance of fees; and concerns that Scott Smith (Respondent) admitted to using the funds paid by the Homeowner for other projects. A copy of the **Letter, marked Exhibit 6**, is attached and incorporated.

12. Pursuant to Administrative Rule R-338.1551, “the licensee shall reply to the department within 15 days of receipt of the complaint and shall confirm or deny the justification for the complaint.

13. On or about August 7, 2019, a Notice to Respondent and a copy of the complaint was mailed to Scott Smith (Respondent), providing until August 27, 2019, to

confirm or deny the justification of the complaint. A response was not received as the Notice to Respondent was returned to the department as not deliverable, unable to forward.

14. Section 204(5) of the Occupational Code provides: “A licensee or registrant shall report to the department a change in name or mailing address, or a change of electronic mail address if the licensee or registrant has provided an electronic mail address under subsection (6), not later than 30 days after the change occurs.”

15. Based upon the years of licensure of Scott Smith, Scott Smith is expected, and required, to be knowledgeable regarding the Michigan Residential Code (building code). Scott Smith was issued a residential builder individual license effective January 29, 2016

16. Section 2404b(c) of the Occupational Code provides that beginning June 1, 2008, an applicant must not receive an initial builder license unless he or she successfully completed 60 hours of approved prelicensure courses that include at least 6 hours in each of the following areas of competency:

- (i) Business management, estimating, and job costing.
- (ii) Design and building science.
- (iii) Contracts, liability, and risk management.
- (iv) Marketing and sales.
- (v) Project management and scheduling.
- (vi) The current Michigan residential code.
- (vii) Construction safety standards promulgated under the Michigan occupational safety and health act, 1974 PA 154, MCL 408.1001 to 408.1094. [*Emphasis added*]. MCL 339.2404b(c)

17. Rule 803 of the Michigan Administrative Hearing System,<sup>3</sup> Administrative Hearing Rules, Part 8 provides that: [i]n determining a violation of, or

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<sup>3</sup> The Michigan Administrative Hearing System (MAHS) is now known as the Michigan Office of Administrative Hearings and Rules (MOAHR).

compliance with, the licensing law, a rule promulgated pursuant to the licensing law, or an order issued pursuant to the licensing law, the determination shall be made on the basis of compliance or violation at the time of the alleged violation. Mich Admin Code R 792.10803.

18. Section 601(1) of the Occupational Code provides: "A person shall not engage in or attempt to engage in the practice of an occupation regulated under this act or use a title designated in this act unless the person possesses a license or registration issued by the department for the occupation."

### ALLEGED VIOLATIONS

#### COUNT I

Respondent's conduct, by entering into a contractual agreement and securing payment but not completing the work, evidences abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee, in violation of MCL 339.2411(2)(a).

#### COUNT II

Respondent acted as a residential individual builder without being licensed, in violation of MCL 339.601(1).

#### COUNT III

Respondent failed to respond in writing to the department to confirm or deny the justification of this complaint, contrary to Mich Admin Code, R 338.1551(2), in violation of MCL 339.604(h).

#### COUNT IV

Respondent's conduct, by entering into a contractual agreement and securing payment but not completing the work; by acting as a residential individual builder without

being licensed; and by presenting himself to be actively licensed when applying for a Building Permit; evidences fraud, deceit, or dishonesty in practicing an occupation, contrary to MCL 339.604(b).

Respondent is hereby notified that, pursuant to MCL 339.508(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 Occupational Code, or to request a formal administrative hearing. Written notification of Respondent's selection shall be submitted to the Bureau of Construction Codes, Department of Licensing and Regulatory Affairs, P.O. 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 the Formal Complaint and will request the scheduling of a formal administrative hearing by the Michigan Office of Administrative Hearings and Rules (MOAHR). A Notice of Formal Complaint and Compliance Election Form is included with this Formal Complaint.

Date: October 21, 2022

*Alexandria McGoron for Felicia Badger*

Felicia Badger, Manager  
Residential Builder Section  
Bureau of Construction Codes  
Department of Licensing and Regulatory Affairs

*Attachments – Exhibits*

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE  
AND ALTERATION CONTRACTORS

In the Matter of

William Mark VanderGraaff  
Residential Builder  
License No. 21-01-205523

Complaint No. 2000385

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed with the Board of Residential Builders and Maintenance and Alteration Contractors on August 15, 2024, charging William Mark VanderGraaff (Respondent) with having violated sections 2411(2)(a), (b), (c), (e), (h), 604(b), (d), and (g) of the Occupational Code, MCL 339.101 *et seq.*

The parties have stipulated that the Board may enter this consent order. 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. Therefore, the Board finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 2411(2)(a), (b), (c), (e), (h), 604(b), (d), and (g) of the Occupational Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for 18 months, commencing on the effective date of this order. At the conclusion of the 18-month probationary period, Respondent shall be automatically discharged from probation, *provided* the Department has received satisfactory written evidence of Respondent's successful

compliance with the terms and conditions as provided below. If Respondent fails to complete any term or condition of probation as set forth in this order within 18 months of the effective date of this order, Respondent will be in violation of section 604(k) of the Occupational Code. The terms and conditions of the probation are as follows:

- A. RESTITUTION. Respondent shall pay RESTITUTION in the amount of \$10,000.00 to homeowner D.C. according to the payment schedule ordered by the Sanilac County Circuit Court in its May 15, 2024, Amended Stipulation and Order for Restitution in court file numbers 23-8513-FH, 23-8514-FH, and 23-8515-FH. According to the Order, a first payment is to be paid no later than March 19, 2025, and a second is to be paid no later than March 18, 2026. Respondent shall submit satisfactory written proof of timely restitution payment to the Department by email to: LARA-BCC-Compliance@michigan.gov.
- B. COMPLIANCE WITH THE OCCUPATIONAL CODE. Respondent shall comply with all applicable provisions of the Occupational Code and rules promulgated under the Occupational Code. Any violation of the Occupational Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED \$2,500.00 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 2000385 clearly indicated on the check or money order). Payment is due 90 days from March 18, 2026, the date of the last restitution payment to homeowner D.C. in the Sanilac County cases referenced above. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance

Division, P.O. Box 30255, Lansing, Michigan 48909. If Respondent fails to timely pay this fine or restitution to D.C., his license shall be suspended until the fine or restitution are paid.

Respondent shall direct all communications, except fines, required by the terms of this order to: LARA-BCC-Compliance@michigan.gov.

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 and Respondent will be in violation of section 604(k) of the Occupational Code.

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

Signed on 4/17/25

MICHIGAN BOARD OF RESIDENTIAL  
BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

By [Signature]  
Chairperson

## 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 Construction Codes, or his 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, 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. 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, MCL 15.231 *et seq.*

5. The Board may enter the above consent order. An attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.



6. The parties considered the following factors in reaching this agreement:

- A. Respondent has been licensed since 2013 without any prior disciplinary actions.
- B. On May 20, 2024, Respondent was placed on probation by the Sanilac County Court for 48 months. He will be sentenced to jail if he does not comply with the Court's probationary terms, which include complying with the Court-ordered restitution payment schedule referenced above.

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

AGREED TO BY:

/s/ Jennifer Fitzgerald  
Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Attorney for Complainant  
Dated: December 16, 2024

AGREED TO BY:

William M. Vandergraaff  
William Mark VanderGraaff (Res Bldr)  
Respondent  
Dated: 12/9/2024

Thomas L. Beadle  
Thomas L. Beadle (P39203)  
Attorney for Respondent  
Dated: 12/10/2024

Bureau of Construction Codes  
Approved 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: 2024.12.16 13:37:29 -0500

Andrew Brisbo, Director

12/16/2024

Date

From: William VanderGraaff wvandergraaff@icloud.com  
Subject: Paper  
Date: Dec 9, 2024 at 9:04:49 PM  
To: Thomas Beadle tbeadle@bbssplc.com

6. The parties considered the following before reaching this agreement:

A. Respondent has been in good standing since 2017 in his current position.

B. In May 2024, Respondent was placed on probation by the San Diego County Court for 18 months. He will be sentenced in full if he does not comply with the Court's probationary terms, which include complying with the Court-ordered restitution payment schedule referenced above.

By entering this agreement, the parties confirm that they have read, understood, and agree with its terms at the consent order.

ACCEPTED TO BY:

Thomas Beadle (123123)  
Assistant Attorney General  
San Diego County  
District

ACCEPTED TO BY:

William VanderGraaff  
Respondent

Dated: 12-9-24

Thomas J. Beadle (123123)  
Assistant Attorney General  
District

San Diego County  
Approved by:

Andrew Beadle (123123)

Dated:

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

William Mark VanderGraaff  
Residential Builder  
License No. 21-01-205523

Complaint No. 2000385

\_\_\_\_\_ /

FORMAL COMPLAINT

Assistant Attorney General Jennifer Fitzgerald, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Complainant), files this formal complaint against William Mark VanderGraaff<sup>1</sup> (Respondent), 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 339.101 *et seq.*
2. Respondent is currently licensed to practice as a residential builder pursuant to the Code.
3. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.
4. Section 2411(2)(a) of the Code subjects a licensee to sanction for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by a licensee.

\_\_\_\_\_  
<sup>1</sup> May also be spelled as “VanDerGraaff” in the Department’s records and elsewhere.

5. Section 2411(2)(b) of the Code subjects a licensee to sanction for diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of a construction project or operation, and the funds or property application or use for any other construction project or operation, obligation, or purposes.

6. Section 2411(2)(c) of the Code subjects a licensee to sanction for failure to account for or remit money coming into the licensee's possession that belongs to others.

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

8. Section 2411(2)(h) of the Code subjects a licensee to sanction for failing to deliver to the purchaser the entire agreement of the parties including any finance or other charge arising out of or incidental to the agreement if the agreement involves repair, alteration, or addition to, subtraction from, improvement of, wrecking of, or demolition of a residential structure, building of a garage, laying of concrete on residential property, or manufacture, assembly, construction, sale, or distribution of a residential structure that is prefabricated, preassembled, precut, packaged, or shell housing.

9. Section 604(b) of the Code subjects a licensee to sanction for exhibiting fraud, deceit, or dishonesty in practicing an occupation.

10. Section 604(d) of the Code subjects a licensee to sanction for demonstrating a lack of good moral character, which 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.”

11. Section 604(g) of the Code subjects a licensee to sanction for committing an act which demonstrates incompetence.

12. Section 514 of the Code authorizes the Board to assess penalties against licensees based on an administrative law hearings examiner’s hearing report.

#### FACTUAL ALLEGATIONS

13. On or about June 1, 2020, Respondent entered a written contract with Homeowner D.C. to build an addition and patio for \$115,800 on residential property in Lexington, Michigan.

14. D.C. paid Respondent a \$30,000 down payment. The contract established that Respondent was to obtain building permits and acknowledged he received \$2,000 from D.C. for permits.

15. Respondent began construction without applying for or obtaining a building permit, contrary to Section 10 of the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1500, *et seq.*

16. Respondent did not complete the project. Only patio concrete was laid and the addition space was excavated. As a result, D.C. paid Respondent for work and / or materials that Respondent did not provide. Respondent did not refund D.C. any money paid for work not done or materials not provided.

17. On or about March 20, 2023, Respondent pled guilty to one count of “false pretenses, \$1,000.00 or more but less than \$20,000.00” and one count of “false pretenses, \$200.00 or more but less than \$1,000.00” in Sanilac County Circuit Court, case # 23008513-FH. Respondent’s conviction was based, in part, on his conduct related to D.C.’s project as alleged above, and he was ordered to pay D.C. \$10,000.00 in restitution.

#### COUNT I

18. Respondent’s conduct as described above constitutes abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by Respondent, in violation of section 2411(2)(a) of the Code.

#### COUNT II

19. Respondent’s conduct as described above constitutes diversion of funds or property received for the completion of a specific construction project, contrary to section 2411(2)(b) of the Code.

#### COUNT III

20. Respondent’s conduct as described above constitutes failure to account for or remit money coming into Respondent’s hands that belong to others, contrary to section 2411(2)(c) of the Code.

COUNT IV

21. 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.

COUNT V

22. Respondent's conduct as described above constitutes a failure to deliver to the purchaser the entire agreement of the parties involving repair, alteration, or addition to, subtraction from, improvement of a residential structure, or laying of concrete on residential property, contrary to section 2411(2)(h) of the Code.

COUNT VI

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

COUNT VII

24. Respondent's conduct as described above constitutes demonstrating a lack of good moral character, in violation of section 604(d) of the Code.

COUNT VIII

25. Respondent's conduct as described above constitutes committing an act of incompetence, in violation of section 604(g) of the Code.

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

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-RBS-Compliance@michigan.gov](mailto:LARA-BCC-RBS-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

Respectfully submitted,

*/s/ Jennifer Fitzgerald*  
Jennifer Fitzgerald P60109  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: August 15, 2024

LF: 2024-0404839-B/VanderGraaff, William Mark, (Res Bldr), 2000385/Formal Complaint – 2024-08-15



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

**PROOF OF SERVICE**

WILLIAM MARK VANDERGRAAFF  
License No. 2101205523

Complaint No. 2000385

\_\_\_\_\_/   
STATE OF MICHIGAN)  
COUNTY OF INGHAM)

I, Alaysha Oviedo, of Lansing, County of Ingham, State of Michigan, do hereby state that on April 17, 2025, I sent the following documents to the party(ies) listed below, via electronic mail or enclosed in an envelope(s) bearing postage fully prepaid, plainly addressed as follows:

**Notice of Consent Order**  
**Fine Payment Form**  
**Consent Order, signed on April 17, 2025**  
**Formal Complaint**

BY:     First Class Mail  
       Certified Mail, Return receipt requested  
       Electronic Mail

TO:

William VanderGraaff  
3402 Old Orchard Lane  
Lexington, MI 48450  
vgccontracting@yahoo.com

David Christensen  
6389 Lakeshore Rd.  
Lexington, MI 48450  
davechristensen31@gmail.com

Courtesy copy to:

- Department of Attorney General



Alaysha Oviedo  
Bureau of Construction Codes  
Enforcement Section



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

April 17, 2025

William VanderGraaff  
3402 Old Orchard Lane  
Lexington, MI 48450

RE: **NOTICE OF CONSENT ORDER**

William Mark VanderGraaff, License No. 2101205523  
Complaint File No. 2000385

The enclosed document is regarding the complaint filed against the above referenced person/company.

The Michigan Board of Residential Builders and Maintenance & Alteration Contractors held a meeting on April 17, 2025. Enclosed is the executed Consent Order ("Order") that has been issued to William VanderGraaff. The terms of the Order include:

1. Respondent is to pay a fine in the amount of \$2,500.00 to the State of Michigan by June 16, 2026.
2. Respondent is placed on probation for 18 months. At the conclusion of the 18-month probationary period, Respondent shall be automatically discharged from probation, provided the Department has received satisfactory evidence of Respondent's successful compliance with the terms and conditions of the Order.
3. Respondent is to pay restitution in the amount of \$10,000.00 to the homeowner(s) according to the payment schedule ordered by the Sanilac County Circuit Court in its May 15, 2024, Amended Stipulation and Order for Restitution in court file numbers 23-8513-FH, 28-8514-FH, and 23-8515-FH.
4. Respondent must submit satisfactory written proof of restitution payment to the Department.
5. Respondent must comply with all applicable provisions of the Occupational Code and rules promulgated under the Occupational Code.
6. Failure to comply with the terms of this Order shall result in the suspension of the license until the fine and restitution have been paid and the minimum probationary period has been satisfied.

If you have any questions regarding this correspondence, please contact the Enforcement Section at (517) 241-9309.

Alaysha Oviedo  
Bureau of Construction Codes  
Enforcement Section



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

## FEE TRANSMITTAL FORM

**Licensee:** William VanderGraaff  
**License No:** 2101205523  
**Complaint No:** 2000385

**Fine Amount:** \$2,500.00  
**Due Date:** June 16, 2026

**Make checks payable to: State of Michigan**

**Mail to:**

**Michigan Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes  
Enforcement Section  
P.O. Box 30255  
Lansing, MI 48909**

**THIS FORM MUST BE RETURNED WITH YOUR PAYMENT**

**Cashier's Office/Remittance:**

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**C3 Code: 2101-36  
BCC Licensing Fine- Enforcement Section**

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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE  
AND ALTERATION CONTRACTORS

In the Matter of

William Mark VanderGraaff  
Residential Builder  
License No. 21-01-205523

Complaint No. 2000385

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed with the Board of Residential Builders and Maintenance and Alteration Contractors on August 15, 2024, charging William Mark VanderGraaff (Respondent) with having violated sections 2411(2)(a), (b), (c), (e), (h), 604(b), (d), and (g) of the Occupational Code, MCL 339.101 *et seq.*

The parties have stipulated that the Board may enter this consent order. 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. Therefore, the Board finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 2411(2)(a), (b), (c), (e), (h), 604(b), (d), and (g) of the Occupational Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for 18 months, commencing on the effective date of this order. At the conclusion of the 18-month probationary period, Respondent shall be automatically discharged from probation, *provided* the Department has received satisfactory written evidence of Respondent's successful

compliance with the terms and conditions as provided below. If Respondent fails to complete any term or condition of probation as set forth in this order within 18 months of the effective date of this order, Respondent will be in violation of section 604(k) of the Occupational Code. The terms and conditions of the probation are as follows:

- A. RESTITUTION. Respondent shall pay RESTITUTION in the amount of \$10,000.00 to homeowner D.C. according to the payment schedule ordered by the Sanilac County Circuit Court in its May 15, 2024, Amended Stipulation and Order for Restitution in court file numbers 23-8513-FH, 23-8514-FH, and 23-8515-FH. According to the Order, a first payment is to be paid no later than March 19, 2025, and a second is to be paid no later than March 18, 2026. Respondent shall submit satisfactory written proof of timely restitution payment to the Department by email to: LARA-BCC-Compliance@michigan.gov.
- B. COMPLIANCE WITH THE OCCUPATIONAL CODE. Respondent shall comply with all applicable provisions of the Occupational Code and rules promulgated under the Occupational Code. Any violation of the Occupational Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED \$2,500.00 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 2000385 clearly indicated on the check or money order). Payment is due 90 days from March 18, 2026, the date of the last restitution payment to homeowner D.C. in the Sanilac County cases referenced above. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance

Division, P.O. Box 30255, Lansing, Michigan 48909. If Respondent fails to timely pay this fine or restitution to D.C., his license shall be suspended until the fine or restitution are paid.

Respondent shall direct all communications, except fines, required by the terms of this order to: LARA-BCC-Compliance@michigan.gov.

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 and Respondent will be in violation of section 604(k) of the Occupational Code.

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

Signed on 4/17/25

MICHIGAN BOARD OF RESIDENTIAL  
BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

By   
Chairperson

## 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 Construction Codes, or his 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, 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. 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, MCL 15.231 *et seq.*

5. The Board may enter the above consent order. An attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. The parties considered the following factors in reaching this agreement:

- A. Respondent has been licensed since 2013 without any prior disciplinary actions.
- B. On May 20, 2024, Respondent was placed on probation by the Sanilac County Court for 48 months. He will be sentenced to jail if he does not comply with the Court's probationary terms, which include complying with the Court-ordered restitution payment schedule referenced above.

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

AGREED TO BY:

/s/ Jennifer Fitzgerald  
Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Attorney for Complainant  
Dated: December 16, 2024

AGREED TO BY:

William M. Vandergraaff  
William Mark VanderGraaff (by William M. Vandergraaff)  
Respondent  
Dated: 12/9/2024

Thomas L. Beadle  
Thomas L. Beadle (P39203)  
Attorney for Respondent  
Dated: 12/10/2024

Bureau of Construction Codes  
Approved 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: 2024.12.16 13:37:29 -0500

Andrew Brisbo, Director

12/16/2024

Date



From: William VanderGraaff wvandergraaff@icloud.com  
Subject: Paper  
Date: Dec 9, 2024 at 9:04:49 PM  
To: Thomas Beadle tbeadle@bbssplc.com

6. The parties considered the following before reaching this agreement:

A. Respondent has been in need since 2017 of legal and other disciplinary action.

B. In May 21, 2024, Respondent was placed in probation by the San Diego County Court for 18 months. He will be sentenced in full if he does not comply with the Court's probationary terms, which include complying with the Court-ordered restitution payment schedule referenced above.

By signing this agreement, the parties confirm that they have read, understood, and agree with its terms at the consent order.

ACCEPTED TO BY:

Thomas Beadle (123123)  
Assistant Attorney General  
Bureau of Employment  
HHS

ACCEPTED TO BY:

William VanderGraaff  
Respondent

Dated: 12-9-24

Thomas Beadle (123123)  
Assistant Attorney General  
HHS

Approved by:

Andrew Beadle (123123)

Dated:

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

William Mark VanderGraaff  
Residential Builder  
License No. 21-01-205523

Complaint No. 2000385

\_\_\_\_\_ /

FORMAL COMPLAINT

Assistant Attorney General Jennifer Fitzgerald, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Complainant), files this formal complaint against William Mark VanderGraaff<sup>1</sup> (Respondent), 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 339.101 *et seq.*
2. Respondent is currently licensed to practice as a residential builder pursuant to the Code.
3. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.
4. Section 2411(2)(a) of the Code subjects a licensee to sanction for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by a licensee.

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<sup>1</sup> May also be spelled as “VanDerGraaff” in the Department’s records and elsewhere.

5. Section 2411(2)(b) of the Code subjects a licensee to sanction for diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of a construction project or operation, and the funds or property application or use for any other construction project or operation, obligation, or purposes.

6. Section 2411(2)(c) of the Code subjects a licensee to sanction for failure to account for or remit money coming into the licensee's possession that belongs to others.

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

8. Section 2411(2)(h) of the Code subjects a licensee to sanction for failing to deliver to the purchaser the entire agreement of the parties including any finance or other charge arising out of or incidental to the agreement if the agreement involves repair, alteration, or addition to, subtraction from, improvement of, wrecking of, or demolition of a residential structure, building of a garage, laying of concrete on residential property, or manufacture, assembly, construction, sale, or distribution of a residential structure that is prefabricated, preassembled, precut, packaged, or shell housing.

9. Section 604(b) of the Code subjects a licensee to sanction for exhibiting fraud, deceit, or dishonesty in practicing an occupation.

10. Section 604(d) of the Code subjects a licensee to sanction for demonstrating a lack of good moral character, which 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.”

11. Section 604(g) of the Code subjects a licensee to sanction for committing an act which demonstrates incompetence.

12. Section 514 of the Code authorizes the Board to assess penalties against licensees based on an administrative law hearings examiner’s hearing report.

#### FACTUAL ALLEGATIONS

13. On or about June 1, 2020, Respondent entered a written contract with Homeowner D.C. to build an addition and patio for \$115,800 on residential property in Lexington, Michigan.

14. D.C. paid Respondent a \$30,000 down payment. The contract established that Respondent was to obtain building permits and acknowledged he received \$2,000 from D.C. for permits.

15. Respondent began construction without applying for or obtaining a building permit, contrary to Section 10 of the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1500, *et seq.*

16. Respondent did not complete the project. Only patio concrete was laid and the addition space was excavated. As a result, D.C. paid Respondent for work and / or materials that Respondent did not provide. Respondent did not refund D.C. any money paid for work not done or materials not provided.

17. On or about March 20, 2023, Respondent pled guilty to one count of “false pretenses, \$1,000.00 or more but less than \$20,000.00” and one count of “false pretenses, \$200.00 or more but less than \$1,000.00” in Sanilac County Circuit Court, case # 23008513-FH. Respondent’s conviction was based, in part, on his conduct related to D.C.’s project as alleged above, and he was ordered to pay D.C. \$10,000.00 in restitution.

#### COUNT I

18. Respondent’s conduct as described above constitutes abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by Respondent, in violation of section 2411(2)(a) of the Code.

#### COUNT II

19. Respondent’s conduct as described above constitutes diversion of funds or property received for the completion of a specific construction project, contrary to section 2411(2)(b) of the Code.

#### COUNT III

20. Respondent’s conduct as described above constitutes failure to account for or remit money coming into Respondent’s hands that belong to others, contrary to section 2411(2)(c) of the Code.

COUNT IV

21. 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.

COUNT V

22. Respondent's conduct as described above constitutes a failure to deliver to the purchaser the entire agreement of the parties involving repair, alteration, or addition to, subtraction from, improvement of a residential structure, or laying of concrete on residential property, contrary to section 2411(2)(h) of the Code.

COUNT VI

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

COUNT VII

24. Respondent's conduct as described above constitutes demonstrating a lack of good moral character, in violation of section 604(d) of the Code.

COUNT VIII

25. Respondent's conduct as described above constitutes committing an act of incompetence, in violation of section 604(g) of the Code.

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

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-RBS-Compliance@michigan.gov](mailto:LARA-BCC-RBS-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

Respectfully submitted,

*/s/ Jennifer Fitzgerald*  
Jennifer Fitzgerald P60109  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: August 15, 2024

LF: 2024-0404839-B/VanderGraaff, William Mark, (Res Bldr), 2000385/Formal Complaint – 2024-08-15

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

**PROOF OF SERVICE**

WILLIAM MARK VANDERGRAAFF  
License No. 2101205523

Complaint No. 2000385

\_\_\_\_\_/   
STATE OF MICHIGAN)  
COUNTY OF INGHAM)

I, Alaysha Oviedo, of Lansing, County of Ingham, State of Michigan, do hereby state that on April 17, 2025, I sent the following documents to the party(ies) listed below, via electronic mail or enclosed in an envelope(s) bearing postage fully prepaid, plainly addressed as follows:

**Notice of Consent Order**  
**Fine Payment Form**  
**Consent Order, signed on April 17, 2025**  
**Formal Complaint**

BY:     First Class Mail  
       Certified Mail, Return receipt requested  
       Electronic Mail

TO:

William VanderGraaff  
3402 Old Orchard Lane  
Lexington, MI 48450  
vgccontracting@yahoo.com

David Christensen  
6389 Lakeshore Rd.  
Lexington, MI 48450  
davechristensen31@gmail.com

Courtesy copy to:

- Department of Attorney General



Alaysha Oviedo  
Bureau of Construction Codes  
Enforcement Section





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

April 17, 2025

David Christensen  
6389 Lakeshore Rd.  
Lexington, MI 48450

**RE: NOTICE OF CONSENT ORDER**

William Mark VanderGraaff, License No. 2101205523  
Complaint File No. 2000385

The enclosed document is regarding the complaint you filed against the above referenced person/company. As the complainant you are entitled to be informed of the outcome.

The Michigan Board of Residential Builders and Maintenance & Alteration Contractors held a meeting on April 17, 2025. Enclosed is the executed Consent Order ("Order") that has been issued to William VanderGraaff. The terms of the Order include:

1. Respondent is to pay a fine in the amount of \$2,500.00 to the State of Michigan by June 16, 2026.
2. Respondent is placed on probation for 18 months. At the conclusion of the 18-month probationary period, Respondent shall be automatically discharged from probation, provided the Department has received satisfactory evidence of Respondent's successful compliance with the terms and conditions of the Order.
3. Respondent is to pay restitution in the amount of \$10,000.00 to the homeowner(s) according to the payment schedule ordered by the Sanilac County Circuit Court in its May 15, 2024, Amended Stipulation and Order for Restitution in court file numbers 23-8513-FH, 28-8514-FH, and 23-8515-FH.
4. Respondent must submit satisfactory written proof of restitution payment to the Department.
5. Respondent must comply with all applicable provisions of the Occupational Code and rules promulgated under the Occupational Code.
6. Failure to comply with the terms of this Order shall result in the suspension of the license until the fine and restitution have been paid and the minimum probationary period has been satisfied.

If you have any questions regarding this correspondence, please contact the Enforcement Section at (517) 241-9309.

Alaysha Oviedo  
Bureau of Construction Codes  
Enforcement Section

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE  
AND ALTERATION CONTRACTORS

In the Matter of

William Mark VanderGraaff  
Residential Builder  
License No. 21-01-205523

Complaint No. 2000385

CONSENT ORDER AND STIPULATION

CONSENT ORDER

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The parties have stipulated that the Board may enter this consent order. 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. Therefore, the Board finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 2411(2)(a), (b), (c), (e), (h), 604(b), (d), and (g) of the Occupational Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for 18 months, commencing on the effective date of this order. At the conclusion of the 18-month probationary period, Respondent shall be automatically discharged from probation, *provided* the Department has received satisfactory written evidence of Respondent's successful

compliance with the terms and conditions as provided below. If Respondent fails to complete any term or condition of probation as set forth in this order within 18 months of the effective date of this order, Respondent will be in violation of section 604(k) of the Occupational Code. The terms and conditions of the probation are as follows:

- A. RESTITUTION. Respondent shall pay RESTITUTION in the amount of \$10,000.00 to homeowner D.C. according to the payment schedule ordered by the Sanilac County Circuit Court in its May 15, 2024, Amended Stipulation and Order for Restitution in court file numbers 23-8513-FH, 23-8514-FH, and 23-8515-FH. According to the Order, a first payment is to be paid no later than March 19, 2025, and a second is to be paid no later than March 18, 2026. Respondent shall submit satisfactory written proof of timely restitution payment to the Department by email to: LARA-BCC-Compliance@michigan.gov.
- B. COMPLIANCE WITH THE OCCUPATIONAL CODE. Respondent shall comply with all applicable provisions of the Occupational Code and rules promulgated under the Occupational Code. Any violation of the Occupational Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED \$2,500.00 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 2000385 clearly indicated on the check or money order). Payment is due 90 days from March 18, 2026, the date of the last restitution payment to homeowner D.C. in the Sanilac County cases referenced above. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance

Division, P.O. Box 30255, Lansing, Michigan 48909. If Respondent fails to timely pay this fine or restitution to D.C., his license shall be suspended until the fine or restitution are paid.

Respondent shall direct all communications, except fines, required by the terms of this order to: LARA-BCC-Compliance@michigan.gov.

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 and Respondent will be in violation of section 604(k) of the Occupational Code.

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

Signed on 4/17/25

MICHIGAN BOARD OF RESIDENTIAL  
BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

By [Signature]  
Chairperson

## 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 Construction Codes, or his 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, 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. 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, MCL 15.231 *et seq.*

5. The Board may enter the above consent order. An attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. The parties considered the following factors in reaching this agreement:

- A. Respondent has been licensed since 2013 without any prior disciplinary actions.
- B. On May 20, 2024, Respondent was placed on probation by the Sanilac County Court for 48 months. He will be sentenced to jail if he does not comply with the Court's probationary terms, which include complying with the Court-ordered restitution payment schedule referenced above.

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

AGREED TO BY:

/s/ Jennifer Fitzgerald  
Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Attorney for Complainant  
Dated: December 16, 2024

AGREED TO BY:

William M. Vandergraaff  
William Mark VanderGraaff (by William M. Vandergraaff)  
Respondent  
Dated: 12/9/2024

Thomas L. Beadle  
Thomas L. Beadle (P39203)  
Attorney for Respondent  
Dated: 12/10/2024

Bureau of Construction Codes  
Approved 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: 2024.12.16 13:37:29 -0500

Andrew Brisbo, Director

12/16/2024

Date

From: William VanderGraaff wvandergraaff@icloud.com  
Subject: Paper  
Date: Dec 9, 2024 at 9:04:49 PM  
To: Thomas Beadle tbeadle@bbssplc.com

6. The parties considered the following before reaching this agreement:

A. Respondent has been in good standing since 2017 in his current position.

B. In May 2024, Respondent was placed on probation by the San Diego County Court for 18 months. He will be sentenced in full if he does not comply with the Court's probationary terms, which include complying with the Court-ordered restitution payment schedule referenced above.

By entering this agreement, the parties confirm that they have read, understood, and agree with its terms at the consent order.

ACCEPTED TO BY:

Thomas Beadle (123123)  
Assistant Attorney General  
San Diego County  
District

ACCEPTED TO BY:

William VanderGraaff  
Respondent

Dated:

12-9-24

Thomas Beadle (123123)  
Assistant Attorney General  
District

San Diego County Court  
Approved by:

Thomas Beadle (123123)

Dated:

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

William Mark VanderGraaff  
Residential Builder  
License No. 21-01-205523

Complaint No. 2000385

\_\_\_\_\_ /

FORMAL COMPLAINT

Assistant Attorney General Jennifer Fitzgerald, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Complainant), files this formal complaint against William Mark VanderGraaff<sup>1</sup> (Respondent), 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 339.101 *et seq.*
2. Respondent is currently licensed to practice as a residential builder pursuant to the Code.
3. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.
4. Section 2411(2)(a) of the Code subjects a licensee to sanction for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by a licensee.

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<sup>1</sup> May also be spelled as “VanDerGraaff” in the Department’s records and elsewhere.



5. Section 2411(2)(b) of the Code subjects a licensee to sanction for diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of a construction project or operation, and the funds or property application or use for any other construction project or operation, obligation, or purposes.

6. Section 2411(2)(c) of the Code subjects a licensee to sanction for failure to account for or remit money coming into the licensee's possession that belongs to others.

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

8. Section 2411(2)(h) of the Code subjects a licensee to sanction for failing to deliver to the purchaser the entire agreement of the parties including any finance or other charge arising out of or incidental to the agreement if the agreement involves repair, alteration, or addition to, subtraction from, improvement of, wrecking of, or demolition of a residential structure, building of a garage, laying of concrete on residential property, or manufacture, assembly, construction, sale, or distribution of a residential structure that is prefabricated, preassembled, precut, packaged, or shell housing.

9. Section 604(b) of the Code subjects a licensee to sanction for exhibiting fraud, deceit, or dishonesty in practicing an occupation.

10. Section 604(d) of the Code subjects a licensee to sanction for demonstrating a lack of good moral character, which 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.”

11. Section 604(g) of the Code subjects a licensee to sanction for committing an act which demonstrates incompetence.

12. Section 514 of the Code authorizes the Board to assess penalties against licensees based on an administrative law hearings examiner’s hearing report.

#### FACTUAL ALLEGATIONS

13. On or about June 1, 2020, Respondent entered a written contract with Homeowner D.C. to build an addition and patio for \$115,800 on residential property in Lexington, Michigan.

14. D.C. paid Respondent a \$30,000 down payment. The contract established that Respondent was to obtain building permits and acknowledged he received \$2,000 from D.C. for permits.

15. Respondent began construction without applying for or obtaining a building permit, contrary to Section 10 of the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1500, *et seq.*

16. Respondent did not complete the project. Only patio concrete was laid and the addition space was excavated. As a result, D.C. paid Respondent for work and / or materials that Respondent did not provide. Respondent did not refund D.C. any money paid for work not done or materials not provided.

17. On or about March 20, 2023, Respondent pled guilty to one count of “false pretenses, \$1,000.00 or more but less than \$20,000.00” and one count of “false pretenses, \$200.00 or more but less than \$1,000.00” in Sanilac County Circuit Court, case # 23008513-FH. Respondent’s conviction was based, in part, on his conduct related to D.C.’s project as alleged above, and he was ordered to pay D.C. \$10,000.00 in restitution.

#### COUNT I

18. Respondent’s conduct as described above constitutes abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by Respondent, in violation of section 2411(2)(a) of the Code.

#### COUNT II

19. Respondent’s conduct as described above constitutes diversion of funds or property received for the completion of a specific construction project, contrary to section 2411(2)(b) of the Code.

#### COUNT III

20. Respondent’s conduct as described above constitutes failure to account for or remit money coming into Respondent’s hands that belong to others, contrary to section 2411(2)(c) of the Code.

COUNT IV

21. 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.

COUNT V

22. Respondent's conduct as described above constitutes a failure to deliver to the purchaser the entire agreement of the parties involving repair, alteration, or addition to, subtraction from, improvement of a residential structure, or laying of concrete on residential property, contrary to section 2411(2)(h) of the Code.

COUNT VI

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

COUNT VII

24. Respondent's conduct as described above constitutes demonstrating a lack of good moral character, in violation of section 604(d) of the Code.

COUNT VIII

25. Respondent's conduct as described above constitutes committing an act of incompetence, in violation of section 604(g) of the Code.

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

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-RBS-Compliance@michigan.gov](mailto:LARA-BCC-RBS-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

Respectfully submitted,

/s/ Jennifer Fitzgerald  
Jennifer Fitzgerald P60109  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: August 15, 2024

LF: 2024-0404839-B/VanderGraaff, William Mark, (Res Bldr), 2000385/Formal Complaint – 2024-08-15

## COMPLIANCE MONITORING

Complaint No. 2000385  
License No. 2101205523  
Licensee: William VanderGraaff

Final Order Issued Date: 4/17/2025

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Compliance Due Date: Fine due: 6/16/2026

Restitution 1<sup>st</sup> payment due: 3/19/2025; 2nd payment due: 3/18/2026

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Fine Amount: \$2,500.00

Restitution Amount: \$10,000

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Other Terms: Probation until 1/16/2026

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Placed on probation for 18 months. After probation period, Respondent shall be automatically discharged from probation, provided the Department has received satisfactory evidence of the Respondents successful compliance with the terms and conditions as provided in the Order.  
Terms and conditions: Restitution and compliance with the Occupational Code.

NC= Suspend until fine and restitution are paid.

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

**PROOF OF SERVICE**

WILLIAM MARK VANDERGRAAFF  
License No. 2101205523

Complaint No. 2000385

\_\_\_\_\_/   
STATE OF MICHIGAN)  
COUNTY OF INGHAM)

I, Alaysha Oviedo, of Lansing, County of Ingham, State of Michigan, do hereby state that on April 17, 2025, I sent the following documents to the party(ies) listed below, via electronic mail or enclosed in an envelope(s) bearing postage fully prepaid, plainly addressed as follows:

**Notice of Consent Order**  
**Fine Payment Form**  
**Consent Order, signed on April 17, 2025**  
**Formal Complaint**

BY:     First Class Mail  
       Certified Mail, Return receipt requested  
       Electronic Mail

TO:

William VanderGraaff  
3402 Old Orchard Lane  
Lexington, MI 48450  
vgccontracting@yahoo.com

David Christensen  
6389 Lakeshore Rd.  
Lexington, MI 48450  
davechristensen31@gmail.com

Courtesy copy to:

- Department of Attorney General



Alaysha Oviedo  
Bureau of Construction Codes  
Enforcement Section



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

April 17, 2025

William VanderGraaff  
3402 Old Orchard Lane  
Lexington, MI 48450

**RE: NOTICE OF CONSENT ORDER**

William Mark VanderGraaff, License No. 2101205523  
Complaint File No. 2000385

The enclosed document is regarding the complaint filed against the above referenced person/company.

The Michigan Board of Residential Builders and Maintenance & Alteration Contractors held a meeting on April 17, 2025. Enclosed is the executed Consent Order ("Order") that has been issued to William VanderGraaff. The terms of the Order include:

1. Respondent is to pay a fine in the amount of \$2,500.00 to the State of Michigan by June 16, 2026.
2. Respondent is placed on probation for 18 months. At the conclusion of the 18-month probationary period, Respondent shall be automatically discharged from probation, provided the Department has received satisfactory evidence of Respondent's successful compliance with the terms and conditions of the Order.
3. Respondent is to pay restitution in the amount of \$10,000.00 to the homeowner(s) according to the payment schedule ordered by the Sanilac County Circuit Court in its May 15, 2024, Amended Stipulation and Order for Restitution in court file numbers 23-8513-FH, 28-8514-FH, and 23-8515-FH.
4. Respondent must submit satisfactory written proof of restitution payment to the Department.
5. Respondent must comply with all applicable provisions of the Occupational Code and rules promulgated under the Occupational Code.
6. Failure to comply with the terms of this Order shall result in the suspension of the license until the fine and restitution have been paid and the minimum probationary period has been satisfied.

If you have any questions regarding this correspondence, please contact the Enforcement Section at (517) 241-9309.

Alaysha Oviedo  
Bureau of Construction Codes  
Enforcement Section





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

April 17, 2025

David Christensen  
6389 Lakeshore Rd.  
Lexington, MI 48450

**RE: NOTICE OF CONSENT ORDER**

William Mark VanderGraaff, License No. 2101205523  
Complaint File No. 2000385

The enclosed document is regarding the complaint you filed against the above referenced person/company. As the complainant you are entitled to be informed of the outcome.

The Michigan Board of Residential Builders and Maintenance & Alteration Contractors held a meeting on April 17, 2025. Enclosed is the executed Consent Order ("Order") that has been issued to William VanderGraaff. The terms of the Order include:

1. Respondent is to pay a fine in the amount of \$2,500.00 to the State of Michigan by June 16, 2026.
2. Respondent is placed on probation for 18 months. At the conclusion of the 18-month probationary period, Respondent shall be automatically discharged from probation, provided the Department has received satisfactory evidence of Respondent's successful compliance with the terms and conditions of the Order.
3. Respondent is to pay restitution in the amount of \$10,000.00 to the homeowner(s) according to the payment schedule ordered by the Sanilac County Circuit Court in its May 15, 2024, Amended Stipulation and Order for Restitution in court file numbers 23-8513-FH, 28-8514-FH, and 23-8515-FH.
4. Respondent must submit satisfactory written proof of restitution payment to the Department.
5. Respondent must comply with all applicable provisions of the Occupational Code and rules promulgated under the Occupational Code.
6. Failure to comply with the terms of this Order shall result in the suspension of the license until the fine and restitution have been paid and the minimum probationary period has been satisfied.

If you have any questions regarding this correspondence, please contact the Enforcement Section at (517) 241-9309.

Alaysha Oviedo  
Bureau of Construction Codes  
Enforcement Section



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

MARLON I. BROWN, DPA  
DIRECTOR

## FEE TRANSMITTAL FORM

**Licensee:** William VanderGraaff  
**License No:** 2101205523  
**Complaint No:** 2000385

**Fine Amount:** \$2,500.00  
**Due Date:** June 16, 2026

**Make checks payable to: State of Michigan**

**Mail to:**

**Michigan Department of Licensing and Regulatory Affairs  
Bureau of Construction Codes  
Enforcement Section  
P.O. Box 30255  
Lansing, MI 48909**

**THIS FORM MUST BE RETURNED WITH YOUR PAYMENT**

**Cashier's Office/Remittance:**

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**C3 Code: 2101-36  
BCC Licensing Fine- Enforcement Section**

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STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE  
AND ALTERATION CONTRACTORS

In the Matter of

William Mark VanderGraaff  
Residential Builder  
License No. 21-01-205523

Complaint No. 2000385

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed with the Board of Residential Builders and Maintenance and Alteration Contractors on August 15, 2024, charging William Mark VanderGraaff (Respondent) with having violated sections 2411(2)(a), (b), (c), (e), (h), 604(b), (d), and (g) of the Occupational Code, MCL 339.101 *et seq.*

The parties have stipulated that the Board may enter this consent order. 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. Therefore, the Board finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 2411(2)(a), (b), (c), (e), (h), 604(b), (d), and (g) of the Occupational Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for 18 months, commencing on the effective date of this order. At the conclusion of the 18-month probationary period, Respondent shall be automatically discharged from probation, *provided* the Department has received satisfactory written evidence of Respondent's successful

compliance with the terms and conditions as provided below. If Respondent fails to complete any term or condition of probation as set forth in this order within 18 months of the effective date of this order, Respondent will be in violation of section 604(k) of the Occupational Code. The terms and conditions of the probation are as follows:

- A. RESTITUTION. Respondent shall pay RESTITUTION in the amount of \$10,000.00 to homeowner D.C. according to the payment schedule ordered by the Sanilac County Circuit Court in its May 15, 2024, Amended Stipulation and Order for Restitution in court file numbers 23-8513-FH, 23-8514-FH, and 23-8515-FH. According to the Order, a first payment is to be paid no later than March 19, 2025, and a second is to be paid no later than March 18, 2026. Respondent shall submit satisfactory written proof of timely restitution payment to the Department by email to: LARA-BCC-Compliance@michigan.gov.
- B. COMPLIANCE WITH THE OCCUPATIONAL CODE. Respondent shall comply with all applicable provisions of the Occupational Code and rules promulgated under the Occupational Code. Any violation of the Occupational Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED \$2,500.00 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 2000385 clearly indicated on the check or money order). Payment is due 90 days from March 18, 2026, the date of the last restitution payment to homeowner D.C. in the Sanilac County cases referenced above. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance

Division, P.O. Box 30255, Lansing, Michigan 48909. If Respondent fails to timely pay this fine or restitution to D.C., his license shall be suspended until the fine or restitution are paid.

Respondent shall direct all communications, except fines, required by the terms of this order to: LARA-BCC-Compliance@michigan.gov.

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 and Respondent will be in violation of section 604(k) of the Occupational Code.

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

Signed on 4/17/25

MICHIGAN BOARD OF RESIDENTIAL  
BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

By [Signature]  
Chairperson

## 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 Construction Codes, or his 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, 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. 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, MCL 15.231 *et seq.*

5. The Board may enter the above consent order. An attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. The parties considered the following factors in reaching this agreement:

- A. Respondent has been licensed since 2013 without any prior disciplinary actions.
- B. On May 20, 2024, Respondent was placed on probation by the Sanilac County Court for 48 months. He will be sentenced to jail if he does not comply with the Court's probationary terms, which include complying with the Court-ordered restitution payment schedule referenced above.

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

AGREED TO BY:

/s/ Jennifer Fitzgerald  
Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Attorney for Complainant  
Dated: December 16, 2024

AGREED TO BY:

William M. Vandergraaff  
William Mark VanderGraaff (by William M. Vandergraaff)  
Respondent  
Dated: 12/9/2024

Thomas L. Beadle  
Thomas L. Beadle (P39203)  
Attorney for Respondent  
Dated: 12/10/2024

Bureau of Construction Codes  
Approved 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: 2024.12.16 13:37:29 -0500

Andrew Brisbo, Director

12/16/2024

Date

From: William VanderGraaff wvandergraaff@icloud.com  
Subject: Paper  
Date: Dec 9, 2024 at 9:04:49 PM  
To: Thomas Beadle tbeadle@bbssplc.com

6. The parties considered the following before reaching this agreement:

A. Respondent has been in need since 2017 of legal and other disciplinary action.

B. In May 21, 2024, Respondent was placed in suspension by the San Diego County Court for 18 months. He will be sentenced in full if he does not comply with the Court's probationary terms, which include complying with the Court-ordered restitution payment schedule referenced above.

By entering this agreement, the parties confirm that they have read, understood, and agree with its terms at the consent order.

ACCEPTED TO BY:

Thomas Beadle (123123)  
Assistant Attorney General  
Bureau of Employment  
HHS

ACCEPTED TO BY:

William VanderGraaff  
Respondent

Dated: 12-9-24

Thomas J. Beadle (123123)  
Assistant Attorney General  
HHS

San Diego County Court  
Approved by:

Andrew Beadle (123123)

Dated:



STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

William Mark VanderGraaff  
Residential Builder  
License No. 21-01-205523

Complaint No. 2000385

\_\_\_\_\_ /

FORMAL COMPLAINT

Assistant Attorney General Jennifer Fitzgerald, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Complainant), files this formal complaint against William Mark VanderGraaff<sup>1</sup> (Respondent), 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 339.101 *et seq.*
2. Respondent is currently licensed to practice as a residential builder pursuant to the Code.
3. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.
4. Section 2411(2)(a) of the Code subjects a licensee to sanction for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by a licensee.

---

<sup>1</sup> May also be spelled as “VanDerGraaff” in the Department’s records and elsewhere.

5. Section 2411(2)(b) of the Code subjects a licensee to sanction for diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of a construction project or operation, and the funds or property application or use for any other construction project or operation, obligation, or purposes.

6. Section 2411(2)(c) of the Code subjects a licensee to sanction for failure to account for or remit money coming into the licensee's possession that belongs to others.

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

8. Section 2411(2)(h) of the Code subjects a licensee to sanction for failing to deliver to the purchaser the entire agreement of the parties including any finance or other charge arising out of or incidental to the agreement if the agreement involves repair, alteration, or addition to, subtraction from, improvement of, wrecking of, or demolition of a residential structure, building of a garage, laying of concrete on residential property, or manufacture, assembly, construction, sale, or distribution of a residential structure that is prefabricated, preassembled, precut, packaged, or shell housing.

9. Section 604(b) of the Code subjects a licensee to sanction for exhibiting fraud, deceit, or dishonesty in practicing an occupation.

10. Section 604(d) of the Code subjects a licensee to sanction for demonstrating a lack of good moral character, which 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.”

11. Section 604(g) of the Code subjects a licensee to sanction for committing an act which demonstrates incompetence.

12. Section 514 of the Code authorizes the Board to assess penalties against licensees based on an administrative law hearings examiner’s hearing report.

#### FACTUAL ALLEGATIONS

13. On or about June 1, 2020, Respondent entered a written contract with Homeowner D.C. to build an addition and patio for \$115,800 on residential property in Lexington, Michigan.

14. D.C. paid Respondent a \$30,000 down payment. The contract established that Respondent was to obtain building permits and acknowledged he received \$2,000 from D.C. for permits.

15. Respondent began construction without applying for or obtaining a building permit, contrary to Section 10 of the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1500, *et seq.*

16. Respondent did not complete the project. Only patio concrete was laid and the addition space was excavated. As a result, D.C. paid Respondent for work and / or materials that Respondent did not provide. Respondent did not refund D.C. any money paid for work not done or materials not provided.

17. On or about March 20, 2023, Respondent pled guilty to one count of “false pretenses, \$1,000.00 or more but less than \$20,000.00” and one count of “false pretenses, \$200.00 or more but less than \$1,000.00” in Sanilac County Circuit Court, case # 23008513-FH. Respondent’s conviction was based, in part, on his conduct related to D.C.’s project as alleged above, and he was ordered to pay D.C. \$10,000.00 in restitution.

#### COUNT I

18. Respondent’s conduct as described above constitutes abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by Respondent, in violation of section 2411(2)(a) of the Code.

#### COUNT II

19. Respondent’s conduct as described above constitutes diversion of funds or property received for the completion of a specific construction project, contrary to section 2411(2)(b) of the Code.

#### COUNT III

20. Respondent’s conduct as described above constitutes failure to account for or remit money coming into Respondent’s hands that belong to others, contrary to section 2411(2)(c) of the Code.

COUNT IV

21. 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.

COUNT V

22. Respondent's conduct as described above constitutes a failure to deliver to the purchaser the entire agreement of the parties involving repair, alteration, or addition to, subtraction from, improvement of a residential structure, or laying of concrete on residential property, contrary to section 2411(2)(h) of the Code.

COUNT VI

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

COUNT VII

24. Respondent's conduct as described above constitutes demonstrating a lack of good moral character, in violation of section 604(d) of the Code.

COUNT VIII

25. Respondent's conduct as described above constitutes committing an act of incompetence, in violation of section 604(g) of the Code.

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

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-RBS-Compliance@michigan.gov](mailto:LARA-BCC-RBS-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

Respectfully submitted,

*/s/ Jennifer Fitzgerald*  
Jennifer Fitzgerald P60109  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: August 15, 2024

LF: 2024-0404839-B/VanderGraaff, William Mark, (Res Bldr), 2000385/Formal Complaint – 2024-08-15

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

**PROOF OF SERVICE**

WILLIAM MARK VANDERGRAAFF  
License No. 2101205523

Complaint No. 2000385

\_\_\_\_\_/   
STATE OF MICHIGAN)  
COUNTY OF INGHAM)

I, Alaysha Oviedo, of Lansing, County of Ingham, State of Michigan, do hereby state that on April 17, 2025, I sent the following documents to the party(ies) listed below, via electronic mail or enclosed in an envelope(s) bearing postage fully prepaid, plainly addressed as follows:

**Notice of Consent Order**  
**Fine Payment Form**  
**Consent Order, signed on April 17, 2025**  
**Formal Complaint**

BY:     First Class Mail  
       Certified Mail, Return receipt requested  
       Electronic Mail

TO:

William VanderGraaff  
3402 Old Orchard Lane  
Lexington, MI 48450  
vgcicontracting@yahoo.com

David Christensen  
6389 Lakeshore Rd.  
Lexington, MI 48450  
davechristensen31@gmail.com

Courtesy copy to:

- Department of Attorney General



Alaysha Oviedo  
Bureau of Construction Codes  
Enforcement Section

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE  
AND ALTERATION CONTRACTORS

In the Matter of

William Mark VanderGraaff  
Residential Builder  
License No. 21-01-205523

Complaint No. 2000385

CONSENT ORDER AND STIPULATION

CONSENT ORDER

A formal complaint was filed with the Board of Residential Builders and Maintenance and Alteration Contractors on August 15, 2024, charging William Mark VanderGraaff (Respondent) with having violated sections 2411(2)(a), (b), (c), (e), (h), 604(b), (d), and (g) of the Occupational Code, MCL 339.101 *et seq.*

The parties have stipulated that the Board may enter this consent order. 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. Therefore, the Board finds that the allegations of fact contained in the complaint are true and that Respondent has violated sections 2411(2)(a), (b), (c), (e), (h), 604(b), (d), and (g) of the Occupational Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for 18 months, commencing on the effective date of this order. At the conclusion of the 18-month probationary period, Respondent shall be automatically discharged from probation, *provided* the Department has received satisfactory written evidence of Respondent's successful



compliance with the terms and conditions as provided below. If Respondent fails to complete any term or condition of probation as set forth in this order within 18 months of the effective date of this order, Respondent will be in violation of section 604(k) of the Occupational Code. The terms and conditions of the probation are as follows:

- A. RESTITUTION. Respondent shall pay RESTITUTION in the amount of \$10,000.00 to homeowner D.C. according to the payment schedule ordered by the Sanilac County Circuit Court in its May 15, 2024, Amended Stipulation and Order for Restitution in court file numbers 23-8513-FH, 23-8514-FH, and 23-8515-FH. According to the Order, a first payment is to be paid no later than March 19, 2025, and a second is to be paid no later than March 18, 2026. Respondent shall submit satisfactory written proof of timely restitution payment to the Department by email to: LARA-BCC-Compliance@michigan.gov.
- B. COMPLIANCE WITH THE OCCUPATIONAL CODE. Respondent shall comply with all applicable provisions of the Occupational Code and rules promulgated under the Occupational Code. Any violation of the Occupational Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Respondent is FINED \$2,500.00 to be paid by check, money order, or cashier's check made payable to the State of Michigan (with complaint number 2000385 clearly indicated on the check or money order). Payment is due 90 days from March 18, 2026, the date of the last restitution payment to homeowner D.C. in the Sanilac County cases referenced above. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, Compliance

Division, P.O. Box 30255, Lansing, Michigan 48909. If Respondent fails to timely pay this fine or restitution to D.C., his license shall be suspended until the fine or restitution are paid.

Respondent shall direct all communications, except fines, required by the terms of this order to: LARA-BCC-Compliance@michigan.gov.

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 and Respondent will be in violation of section 604(k) of the Occupational Code.

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

Signed on 4/17/25

MICHIGAN BOARD OF RESIDENTIAL  
BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

By [Signature]  
Chairperson

## 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 Construction Codes, or his 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, 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. 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, MCL 15.231 *et seq.*

5. The Board may enter the above consent order. An attorney from the Licensing and Regulation Division may discuss this matter with the Board in order to recommend acceptance of this resolution.

6. The parties considered the following factors in reaching this agreement:

- A. Respondent has been licensed since 2013 without any prior disciplinary actions.
- B. On May 20, 2024, Respondent was placed on probation by the Sanilac County Court for 48 months. He will be sentenced to jail if he does not comply with the Court's probationary terms, which include complying with the Court-ordered restitution payment schedule referenced above.

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

AGREED TO BY:

/s/ Jennifer Fitzgerald  
Jennifer Fitzgerald (P60109)  
Assistant Attorney General  
Attorney for Complainant  
Dated: December 16, 2024

AGREED TO BY:

William M. Vandergraaff  
William Mark VanderGraaff (Res Bldr)  
Respondent  
Dated: 12/9/2024

Thomas L. Beadle  
Thomas L. Beadle (P39203)  
Attorney for Respondent  
Dated: 12/10/2024

Bureau of Construction Codes  
Approved 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: 2024.12.16 13:37:29 -0500

Andrew Brisbo, Director

12/16/2024

Date

From: William VanderGraaff wvandergraaff@icloud.com  
Subject: Paper  
Date: Dec 9, 2024 at 9:04:49 PM  
To: Thomas Beadle tbeadle@bbssplc.com

6. The parties considered the following before reaching this agreement:

A. Respondent has been in need since 2017 of legal and other disciplinary action.

B. In May 21, 2024, Respondent was placed in probation by the San Diego County Court for 18 months. He will be sentenced in full if he does not comply with the Court's probationary terms, which include complying with the Court-ordered restitution payment schedule referenced above.

By entering this agreement, the parties confirm that they have read, understood, and agree with its terms at the consent order.

ACCEPTED TO BY:

Thomas Beadle (123123)  
Assistant Attorney General  
Bureau of Employment  
HHS

ACCEPTED TO BY:

William VanderGraaff  
Respondent

Dated:

12-9-24

Thomas Beadle (123123)  
Assistant Attorney General  
HHS

Approved by:

Andrew Beadle (123123)

Dated:

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

William Mark VanderGraaff  
Residential Builder  
License No. 21-01-205523

Complaint No. 2000385

\_\_\_\_\_ /

FORMAL COMPLAINT

Assistant Attorney General Jennifer Fitzgerald, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Complainant), files this formal complaint against William Mark VanderGraaff<sup>1</sup> (Respondent), 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 339.101 *et seq.*
2. Respondent is currently licensed to practice as a residential builder pursuant to the Code.
3. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.
4. Section 2411(2)(a) of the Code subjects a licensee to sanction for abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by a licensee.

\_\_\_\_\_  
<sup>1</sup> May also be spelled as “VanDerGraaff” in the Department’s records and elsewhere.

5. Section 2411(2)(b) of the Code subjects a licensee to sanction for diversion of funds or property received for prosecution or completion of a specific construction project or operation, or for a specified purpose in the prosecution or completion of a construction project or operation, and the funds or property application or use for any other construction project or operation, obligation, or purposes.

6. Section 2411(2)(c) of the Code subjects a licensee to sanction for failure to account for or remit money coming into the licensee's possession that belongs to others.

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

8. Section 2411(2)(h) of the Code subjects a licensee to sanction for failing to deliver to the purchaser the entire agreement of the parties including any finance or other charge arising out of or incidental to the agreement if the agreement involves repair, alteration, or addition to, subtraction from, improvement of, wrecking of, or demolition of a residential structure, building of a garage, laying of concrete on residential property, or manufacture, assembly, construction, sale, or distribution of a residential structure that is prefabricated, preassembled, precut, packaged, or shell housing.

9. Section 604(b) of the Code subjects a licensee to sanction for exhibiting fraud, deceit, or dishonesty in practicing an occupation.

10. Section 604(d) of the Code subjects a licensee to sanction for demonstrating a lack of good moral character, which 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.”

11. Section 604(g) of the Code subjects a licensee to sanction for committing an act which demonstrates incompetence.

12. Section 514 of the Code authorizes the Board to assess penalties against licensees based on an administrative law hearings examiner’s hearing report.

#### FACTUAL ALLEGATIONS

13. On or about June 1, 2020, Respondent entered a written contract with Homeowner D.C. to build an addition and patio for \$115,800 on residential property in Lexington, Michigan.

14. D.C. paid Respondent a \$30,000 down payment. The contract established that Respondent was to obtain building permits and acknowledged he received \$2,000 from D.C. for permits.

15. Respondent began construction without applying for or obtaining a building permit, contrary to Section 10 of the Stille-DeRossett-Hale Single State Construction Code Act, MCL 125.1500, *et seq.*



16. Respondent did not complete the project. Only patio concrete was laid and the addition space was excavated. As a result, D.C. paid Respondent for work and / or materials that Respondent did not provide. Respondent did not refund D.C. any money paid for work not done or materials not provided.

17. On or about March 20, 2023, Respondent pled guilty to one count of “false pretenses, \$1,000.00 or more but less than \$20,000.00” and one count of “false pretenses, \$200.00 or more but less than \$1,000.00” in Sanilac County Circuit Court, case # 23008513-FH. Respondent’s conviction was based, in part, on his conduct related to D.C.’s project as alleged above, and he was ordered to pay D.C. \$10,000.00 in restitution.

#### COUNT I

18. Respondent’s conduct as described above constitutes abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by Respondent, in violation of section 2411(2)(a) of the Code.

#### COUNT II

19. Respondent’s conduct as described above constitutes diversion of funds or property received for the completion of a specific construction project, contrary to section 2411(2)(b) of the Code.

#### COUNT III

20. Respondent’s conduct as described above constitutes failure to account for or remit money coming into Respondent’s hands that belong to others, contrary to section 2411(2)(c) of the Code.

COUNT IV

21. 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.

COUNT V

22. Respondent's conduct as described above constitutes a failure to deliver to the purchaser the entire agreement of the parties involving repair, alteration, or addition to, subtraction from, improvement of a residential structure, or laying of concrete on residential property, contrary to section 2411(2)(h) of the Code.

COUNT VI

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

COUNT VII

24. Respondent's conduct as described above constitutes demonstrating a lack of good moral character, in violation of section 604(d) of the Code.

COUNT VIII

25. Respondent's conduct as described above constitutes committing an act of incompetence, in violation of section 604(g) of the Code.

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

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-RBS-Compliance@michigan.gov](mailto:LARA-BCC-RBS-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

Respectfully submitted,

*/s/ Jennifer Fitzgerald*  
Jennifer Fitzgerald P60109  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: August 15, 2024

LF: 2024-0404839-B/VanderGraaff, William Mark, (Res Bldr), 2000385/Formal Complaint – 2024-08-15

**IT IS FURTHER ORDERED** that reinstatement of a license which has been revoked is not automatic and in the event that Respondent applies for reinstatement of the license, application shall be in accordance with MCL 339.411(5).

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

If Respondent violates any term or condition set forth in this Order, Respondent shall be in violation of MCL 339.604(k) of the Occupational Code and may be subject to further disciplinary action.

This Final Order is a public record required to be published and made available to the public pursuant to the Freedom of Information Act, MCL 15.231 *et seq.*

This Final Order shall not be construed as limiting the Department of Licensing and Regulatory Affairs, any other agency of the State of Michigan or any individual as to the use of a lawful method of collection of the payment imposed by this Final Order.

Given under my hand at Lansing, Michigan, this 23<sup>rd</sup> day of April, 2025.

BY: Felicia Badger

Felicia Badger, Manager  
Enforcement Section  
Bureau of Construction Codes

Effective date: 4/23/2025

**STATE OF MICHIGAN**  
**MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**Bureau of Construction Codes,  
Petitioner**

**V**

**Anthony Rainko,  
Respondent**

**Docket No.: 23-029270**

**Case No.: 2300057**

**Agency: Bureau of Construction  
Codes**

**Case Type: BCC Residential Builders**

**Filing Type: Formal Complaint**

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**CERTIFICATION OF RECORD**

I, Madeline Kulhanek, certify that the attached file is the original record of the Michigan Office of Administrative Hearings and Rules in the above captioned matter, and that said record consists of those entries shown below.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Michigan Office of Administrative Hearings and Rules to be hereunto affixed this Tuesday, January 30, 2024.

<u>Date</u>	<u>Document</u>
1. 01/30/24	Hearing Report
2. 12/12/23	Petitioner BCC's Exhibits 1-13, Offered and Admitted
3. 10/27/23	Petitioner BCC's Witness and Exhibit Lists ( <i>Attachments not made part of Certified Record</i> )
4. 10/25/23	Order Following Prehearing Conference, Order Adjourning Hearing, and Re-Notice of Hearing
5. 10/16/23	Order Scheduling Telephone Prehearing Conference
6. 10/11/23	Notice of Telephone Hearing with Proof of Service
7. 10/05/23	Request for Hearing

*M. A. Kulhanek*

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Madeline Kulhanek  
Michigan Office of Administrative  
Hearings and Rules



**STATE OF MICHIGAN  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**Docket No.: 23-029270**

**BUREAU OF CONSTRUCTION CODES,  
PETITIONER**

**Case No.: 2300057**

**V**

**Agency: Bureau of  
Construction Codes**

**ANTHONY RAINKO,  
RESPONDENT**

**Case Type: BCC Residential  
Builders**

**Filing Type: Formal Complaint**

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**Issued and entered  
this 30<sup>th</sup> day of January 2024  
by: Lindsay Wilson  
Administrative Law Judge**

**HEARING REPORT**

**Procedural History**

On April 21, 2023, a Formal Complaint was filed by the Department of Licensing and Regulatory Affairs (LARA), Bureau of Construction Codes (Bureau), Petitioner, against Anthony Rainko, Respondent, which alleged one or more violations of the Michigan Occupational Code (Code), MCL 339.101 *et seq.*

On October 5, 2023, the matter was referred to the Michigan Office of Administrative Hearings and Rules (MOAHR) to schedule a contested case hearing.

On October 11, 2023, MOAHR issued a Notice of Telephone Hearing, scheduling the hearing to convene on November 20, 2023.

On October 16, 2023, an Order Scheduling Telephone Prehearing Conference was issued to the parties, which scheduled a prehearing for October 25, 2023.

On October 25, 2023, the prehearing was held as scheduled. On October 25, 2023, an Order Following Prehearing Conference, Order Adjourning Hearing, and Re-Notice of Hearing was issued, which adjourned the hearing scheduled for November 20, 2023, and rescheduled the hearing for December 12, 2023, at 9:00 a.m.

On December 12, 2023, the hearing commenced as scheduled. Administrative Law Judge (ALJ) Lindsay Wilson presided. Eric St. Onge, Assistant Attorney General, appeared on behalf of Petitioner. Homeowner K.W.<sup>1</sup> appeared and testified as a witness on behalf of Petitioner. Respondent also appeared and testified on his own behalf.

The following exhibits were offered by Petitioner and admitted into evidence:

1. Petitioner's Exhibit 1 is a copy of a Statement of Complaint from A.R. against Lifetime Home Products LLC, dated October 20, 2020.
2. Petitioner's Exhibit 2 is a copy of a Sale and Installation Agreement for A.R. and A.R., dated January 10, 2020.
3. Petitioner's Exhibit 3 is a copy of a check from A.R. and A.R. made out to Lifetime Home Products, LLC, dated January 10, 2020.
4. Petitioner's Exhibit 4 is a copy of notes from A.R. and A.R. regarding their contact with Trace Antcliff and screenshots of text messages from Trace Antcliff sent to Andrew Robertson.
5. Petitioner's Exhibit 5 is a copy of a Statement of Complaint from T.W. and K.W. against Lifetime Home Products LLC (Trace Antcliff), dated April 19, 2020, and related attachments.
6. Petitioner's Exhibit 6 is a copy of a Sale and Installation Agreement for T.W. and K.W., dated October 19, 2019.
7. Petitioner's Exhibit 7 is copy of a check made out to Lifetime Home Products, dated October 19, 2019.
8. Petitioner's Exhibit 8 is a copy notes and sketches of the work to be performed at a home in Middleville, Michigan, a Sale and Installation Agreement with T.W. and K.W., dated November 6, 2019, and notes for work to be completed in November and December 2019.
9. Petitioner's Exhibit 9 is a copy of text messages between T.W. and Trace Antcliff.
10. Petitioner's Exhibit 10 is copies of Professional Code Inspections, dated February 21, 2020, March 18, 2020, and November 21, 2019.
11. Petitioner's Exhibit 11 is copy of a Statement of Complaint from J.B. against Lifetime Home Products LLC, dated December 26, 2019.

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<sup>1</sup> Initials are used throughout this Hearing Report to protect confidentiality.



12. Petitioner's Exhibit 12 is a copy of Invoice #4042 dated December 16, 2019, a copy of Invoice #4071 dated December 24, 2019, photographs with corresponding notes, and text message screenshots between J.B. and Trace Antcliff.

13. Petitioner's Exhibit 13 is a Certification of Licensure for Lifetime Home Products LLC and Qualifying Officer History.

Respondent did not offer any exhibits into evidence at the hearing.

The record was closed at the conclusion of the hearing on December 12, 2023.

### **Issues and Applicable Law**

The issue presented is whether Respondent has violated the Code as alleged in the Formal Complaint. More specifically, this matter concerns whether Respondent has violated Sections 604(b); 604(d); 2411(2)(a); 2411(2)(c); and 2411(2)(j) of the Code, as alleged in Counts I through V of the Formal Complaint. The referenced Code sections provide as follows:

MCL 339.604(d) states, in pertinent part:

Sec. 604.

A person who violates 1 or more of the provisions of an article which regulates an occupation or who commits 1 or more of the following shall be subject to the penalties prescribed in section 602:

\* \* \*

(b) Practices fraud, deceit, or dishonesty in practicing an occupation.

\* \* \*

(d) Demonstrates a lack of good moral character.

\* \* \*

MCL 338.41 defines "good moral character" as follows:

Sec. 1.

(1) The phrase "good moral character", when used as a requirement for an occupational or professional license or when used as a requirement to establish or operate an

organization or facility regulated by this state in a statute of this state or administrative rules promulgated under a statute of this state, means the propensity on the part of an individual to serve the public in the licensed area in a fair, honest, and open manner.

MCL 339.2411(2) states, in pertinent part:

(2) A licensee or applicant who commits 1 or more of the following is subject to the penalties set forth in article 6:

(a) Abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

\* \* \*

(c) Failure to account for or remit money coming into the person's possession that belongs to others.

\* \* \*

(j) Aiding or abetting an unlicensed person to evade this article, 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 or licensed residential maintenance and alteration contractor 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.

\* \* \*

Additionally, MCL 339.514 provides, in pertinent part:

(1) Within 60 days after receipt of an administrative law hearings examiner's hearing report, the board receiving the hearing report shall meet and make a determination of the penalties to be assessed under article 6. The board's determination shall be made on the basis of the administrative law hearings examiner's report. A transcript

of a hearing or a portion of the transcript shall be made available to a board upon request. If a transcript or a portion of the transcript is requested, the board's determination of the penalty or penalties to be assessed under article 6 shall be made at a meeting within 60 days after receipt of a transcript or portion of the transcript.

\* \* \*

MCL 339.602 states:

**339.602 Violation of act, rule, or order; penalties.**

Sec. 602.

A person, school, or institution that violates this act or a rule or order promulgated or issued under this act shall be assessed 1 or more of the following penalties:

- (a) Placement of a limitation on a license or certificate of registration for an occupation regulated under articles 8 to 25.
- (b) Suspension of a license or certificate of registration.
- (c) Denial of a license, certificate of registration, or renewal of a license or certificate of registration.
- (d) Revocation of a license or certificate of registration.
- (e) In the case of a person licensed or registered under this act and except as otherwise provided in this act, an administrative fine to be paid to the department of not more than \$10,000.00.
- (f) Censure.
- (g) Probation.
- (h) A requirement that restitution be made, based on proofs submitted to and findings made by the hearing examiner after a contested case.

**Findings of Fact**

Based on the entire record in this matter, including the witness testimony and admitted exhibits, the following findings of fact are established by a preponderance of evidence:

1. The Board of Residential Builders and Maintenance and Alteration Contractors is an administrative agency established under Article 24 of the Occupational Code, MCL 339.101 *et seq.*
2. At all times relative to the Formal Complaint, Lifetime Home Products LLC was a Residential Builder Company doing business in the State of Michigan. [Pet. Exh. P-13].
3. At all times relative to the Formal Complaint, Anthony Rainko, Respondent, possessed a Michigan Individual Residential Builder license and was listed as the qualifying officer for Lifetime Home Products LLC. Respondent is also currently licensed to practice as a residential builder pursuant to the Code. [Pet. Exh. P-13; Respondent Hearing Testimony].
4. On February 29, 2012, Tracy Antcliff was issued a Michigan Individual Residential Builder license. Mr. Antcliff's license was suspended on August 14, 2014. The license thereafter lapsed-suspended on May 31, 2015. [Pet. Exh. P-5, p. 7].
5. Respondent and Mr. Antcliff together started the company Lifetime Home Products LLC (hereinafter "Lifetime"). In July 2019, Respondent and Mr. Antcliff agreed to go their separate ways. In August 2019, Respondent began the process of having his name removed from Lifetime's bank account at the United Bank of Michigan. Respondent indicated that he also sent notification to Petitioner stating he was no longer the qualifying officer for Lifetime; however, Respondent later learned that his notification was not received by Petitioner. As such, Respondent was still listed as the qualifying officer for Lifetime at all times relevant to the Formal Complaint. [Resp. Hrg. Testimony].
6. Lifetime's Certification of Licensure shows that Respondent was removed as the qualifying officer effective March 24, 2020. [Pet. Exh. P-13].

Homeowners T.W. and K.W.

7. T.W. and K.W. own a home located in Middleville, Michigan. On or about October 19, 2019, Lifetime and Tracy Antcliff entered into a contract with T.W. and K.W. for remodeling of an addition to their home. The contract amount was \$129,902.00. [Pet. Exh. P-6 and P-8].
8. On October 19, 2019, T.W. and K.W. provided Lifetime and/or Mr. Antcliff with a check for \$30,000.00 as a down payment for the project. [Pet. Exh. P-7].

9. Despite the above, and the opportunity to cure, Lifetime and Mr. Antcliff failed to complete, performed poor workmanship, or abandoned numerous aspects of the project, including but not limited to the following:
  - i.) Failing to provide complete contract, adequate plans and specifications of the project
  - ii.) Failing to pay subcontractors for labor and materials for the project
  - iii.) Failing to install adequate attic insulation
  - iv.) Failing to install lower-level fireplace
  - v.) Failing to adequately install upstairs fireplace
  - vi.) Failing to install bracing above the fireplace
  - vii.) Failing to adequately install laundry tub
  - viii.) Failing to adequately install bathroom fans
  - ix.) Failing to adequately install egress window
  - x.) Failing to adequately install light switches and outlet plates
  - xi.) Failing to adequately install doorstops
  - xii.) Failing to adequately install flooring
  - xiii.) Failing to adequately install drywall/framing
  - xiv.) Failing to adequately install kitchen door
  - xv.) Failing to adequately install trim gapping
  - xvi.) Failing to adequately install hallway and living room ceiling
  - xvii.) Failing to adequately install bracing behind tv wall
  - xviii.) Failing to adequately install vanity wall work
  - xix.) Failing to install shower door
  - xx.) Failing to adequately install bathroom vanity
  - xxi.) Failing to adequately install pocket door from hallway
  - xxii.) Failing to adequately install trim joints
  - xxiii.) Failing to adequately install laundry GFI outlet cover

[Pet. Exh. P-5, pp. 2-6].

10. On or about April 19, 2020, T.W. and K.W. filed a Statement of Complaint with Petitioner against Lifetime and Mr. Antcliff. [Pet. Exh. P-5].
11. T.W. and K.W. filed suit against Lifetime and Mr. Antcliff for their poor workmanship and failure to complete the project. In the Spring of 2022, T.W. and K.W. were awarded a default judgment against Lifetime and Mr. Antcliff. T.W. and K.W. were awarded approximately \$50,000.00 in damages. [K.W. Hrg. Testimony].
12. K.W. did not enter into a contract for any work to be performed by Respondent. K.W. was unaware that Respondent was listed as Lifetime's qualifying officer at the time she entered into the contract with Mr. Antcliff and Lifetime. [K.W. Hrg. Testimony].

Homeowner J.B.

13. J.B. owns a home located in Holland, Michigan. On or about December 2019, Lifetime and/or Antcliff entered into a contract with J.B. to install a new water heater. [Pet. Exh. P-11 and P-12].
14. Despite the above, Lifetime and Mr. Antcliff failed to appropriately install the water heater and damaged it during the installation process. [Pet. Exh. P-12, pp. 1-7].
15. On or about December 26, 2019, J.B. filed a Statement of Complaint with Petitioner against Lifetime and Mr. Antcliff. [Pet. Exh. P-11].

Homeowners A.R. and A.R.

16. A.R. and A.R. own a home located in Grand Rapids, Michigan. On or about January 10, 2020, Lifetime and/or Mr. Antcliff entered into a contract with A.R. and A.R. for construction of a new garage. [Pet. Exh. P-2].
17. On or about January 10, 2020, A.R. and A.R. provided Lifetime and/or Mr. Antcliff with a deposit check for \$10,800.00. [Pet. Exh. P-3].
18. Despite receiving the deposit, Lifetime and/or Mr. Antcliff never completed any work on the project and refused to refund A.R. and A.R. the \$10,800.00 deposit. [Pet. Exh. P-4].
19. On or about October 20, 2020, A.R. filed a Statement of Complaint with Petitioner against Lifetime and Mr. Antcliff. [Pet. Exh. P-1].

**Conclusions of Law**

Petitioner, as the complaining party, has the burden of proving, by a preponderance of the evidence, the matters alleged in the formal complaint. R 792.10806. Petitioner also bears the burden of proof to show by a preponderance of the evidence that grounds exist for the imposition of sanctions. A preponderance of evidence is evidence which is of a greater weight or more convincing than evidence offered in opposition to it. It is simply that evidence which outweighs the evidence offered to oppose it. *Martucci v Detroit Commissioner of Police*, 322 Mich 270 (1948).

Count I

Alleged Violation of MCL 339.604(b)

Under Count I of the Formal Complaint, Petitioner alleges that Respondent's conduct constitutes demonstrating fraud, deceit, or dishonesty in practicing an occupation, in violation of MCL 339.604(b).

The conduct described above demonstrates fraud, deceit, or dishonesty in practicing an occupation. While the evidence establishes that Respondent was still listed as the qualifying officer of Lifetime at the time that Mr. Antcliff and Lifetime had entered into contracts with the three homeowners identified above, it was undisputed by the parties that Respondent was not personally involved in the underlying contractual agreements. Homeowner K.W. credibly testified that she had not contracted with Respondent to perform any work and indicated she was unaware that he was listed as the qualifying officer of Lifetime until some later time. Respondent also credibly established that he was unaware of what Mr. Antcliff was doing after they had parted ways in July 2019. Furthermore, Respondent credibly testified that he did attempt to send notification to Petitioner to indicate he was no longer the qualifying officer as of August 2019; however, Respondent later learned that his notification was never received by Petitioner. Respondent acknowledges that he should have confirmed receipt with Petitioner of his written notice of resignation as the qualifying officer of Lifetime.

While the undersigned agrees that Respondent should have confirmed with Petitioner that his resignation as the qualifying officer for Lifetime was received, the undersigned cannot conclude that Respondent's failure to do so was done with the intent to defraud, deceive or mislead. Since there is no evidence that Respondent had knowledge of Mr. Antcliff's or Lifetime's failure to adequately complete the projects as indicated above, the undersigned concludes that Respondent did not engage in any actions with fraudulent intent.

Accordingly, this Tribunal concludes the Petitioner has failed to establish, by a preponderance of the evidence, that Respondent's conduct violated Section 604(b) of the Code.

Count II  
Alleged Violation of MCL 339.604(d)

Under Count II of the Formal Complaint, Petitioner alleges that Respondent's conduct constitutes demonstrating a lack of good moral character, contrary to MCL 339.604(d).

Again, Respondent's involvement is solely limited to his having been the designated qualifying officer for Lifetime at all times relevant to the conduct referenced above. The undisputed evidence on the record establishes that Respondent had no involvement in the contracts entered into between the above referenced homeowners and Mr. Antcliff and/or Lifetime. Respondent provided open, honest, and credible testimony at the hearing regarding his involvement with Mr. Antcliff and Lifetime and his subsequent decision to part ways with Mr. Antcliff and Lifetime in August 2019. Respondent credibly testified that he removed his name from the bank account with Lifetime and believed that he had notified Petitioner of his resignation as the qualifying officer of Lifetime. Respondent also took responsibility for his failure to ensure that Petitioner received notification of his resignation. This conduct demonstrates a "propensity on the part of the individual to serve the public in the licensed area in a fair, honest, and open manner." MCL 339.104 and MCL 338.41(1), *supra*.

Thus, Petitioner has not met its burden of proving, by a preponderance of the evidence, that Respondent's conduct as articulated above, demonstrates a lack of good moral character, in violation of MCL 339.604(d).

Count III  
Alleged Violation of MCL 339.2411(2)(a)

Under Count III of the Formal Complaint, Petitioner alleges that Respondent's conduct constitutes abandonment without excuse of a contract, construction project or operation engaged in or undertaken by the licensee, contrary to MCL 339.2411(2)(a).

Based on the above findings of fact, Petitioner has shown, by a preponderance of the evidence, that the conduct referenced above constitutes abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee, in violation of MCL 339.2411(2)(a). With respect to Homeowners T.W. and K.W., Mr. Antcliff and Lifetime entered into a remodeling agreement and accepted a down payment of \$30,000.00. [See Pet. Exh. P-6, P-7, and P-8]. Despite receipt of the down payment, Lifetime and Mr. Antcliff failed to complete the project, performed poor workmanship on the project, and abandoned several aspects of the project. [Pet. Exh. P-5, pp. 2-6]. With respect to Homeowners A.R. and A.R., Lifetime and/or Mr. Antcliff entered into a contract for construction of a new garage and received a deposit for \$10,800.00. [Pet. Exh. P-2 and P-3]. Despite receipt of the deposit, the record evidence establishes that Lifetime and Mr. Antcliff abandoned the job before completion and refused to refund the deposit. [Pet. Exh. P-4].

Neither Mr. Antcliff nor Lifetime provided any legal excuse for their failure to complete the construction projects for the above referenced homeowners. Therefore, Respondent, solely by virtue of having been the designated qualifying officer of Lifetime, is considered to have abandoned the projects contrary to MCL 339.2411(2)(a).

Count IV  
Alleged Violation of MCL 339.2411(2)(c)

Under Count IV of the Formal Complaint, Petitioner alleges that Respondent's conduct constitutes failure to account for or remit money coming into the person's possession that belongs to others, contrary to MCL 339.2411(2)(c).

Here, Petitioner has shown, by a preponderance of the evidence, that Mr. Antcliff and/or Lifetime failed to account for or remit money coming into the person's possession that belongs to others in violation of MCL 339.2411(2)(c). The record evidence is clear that a \$10,800.00 deposit was received by Lifetime and/or Mr. Antcliff and the deposit was never returned to Homeowners A.R. and A.R. by either Mr. Antcliff or Lifetime, even after the project was effectively abandoned. [See Pet. Exh. P-3; P-4]. The evidence also establishes that Homeowners T.W. and K.W. paid a deposit of \$30,000.00, after which



Mr. Antcliff and Lifetime failed to complete the project, performed poor workmanship, and/or abandoned numerous aspects of the project. [Pet. Exh. P-5, pp. 2-6; Pet. Exh. P-7].

There was no evidence presented at the hearing to establish that Respondent personally received any portion of the \$10,800.00 deposit. However, Respondent is responsible for this conduct to the extent that he remained the qualifying officer for Lifetime when Lifetime failed to account for or remit money that to the aforementioned homeowners.

Count V  
Alleged Violation of MCL 339.2411(2)(j)

Under Count V of the Formal Complaint, Petitioner alleges that Respondent's conduct constitutes aiding or abetting an unlicensed person to evade this article, 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 or licensed residential maintenance and alteration contractor 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, contrary to MCL 339.2411(2)(j).

As stated in the above Findings of Fact, Tracy Antcliff was issued a Michigan Individual Residential Builder license in February 2012; however, the license lapsed-suspended on May 31, 2015. Although there was no evidence presented to establish that Respondent was aware of Mr. Antcliff's lapsed-suspended license, the undisputed facts establish that Mr. Antcliff's license would have been lapsed-suspended at the time Respondent went into business with Mr. Antcliff. Accordingly, this Tribunal concludes the Petitioner has established, by a preponderance of the evidence, that Respondent's conduct constituted "acting as agent, partner, or associate for an unlicensed person", which was in violation of MCL 339.2411(2)(j).

Mitigating Circumstances

As stated above, Respondent's involvement in this matter is solely limited to his being the designated qualifying officer at all times relevant in the Formal Complaint. Respondent credibly testified that he attempted to notify Petitioner that he was no longer involved as with Lifetime as the qualifying officer and acknowledges that he failed to confirm that his notice was received by Petitioner. Respondent's acknowledgment that he was at fault for assuming Petitioner had received his notification should be considered by the Board as a mitigating factor. Finally, Respondent indicated that he is just a small residential builder. Respondent expressed financial concerns and concerns about how this matter might affect his own business. The Tribunal encourages the Board to exercise discretion appropriate to this case.

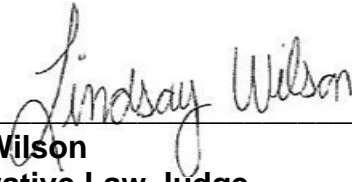
**Decision**

Based on the above findings of fact and conclusions of law, Petitioner has established that Respondent violated the Occupational Code as alleged in Counts III, IV, and V of the Formal Complaint. Respondent is therefore subject to penalty under MCL 339.602.

**Recommended Sanctions**

Petitioner did not make a specific fine recommendation as to Respondent.

The undersigned proposes that the Board of Residential Builders and Maintenance and Alteration Contractors adopt whatever sanction it deems appropriate pursuant to the above Findings of Fact and Conclusions of Law.



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**Lindsay Wilson**  
**Administrative Law Judge**

**Notice to Agency to Provide MOAHR with Subsequent Agency or Court Orders**

The state agency that is a party to this matter, and/or referred this matter to MOAHR, shall serve MOAHR with any subsequent orders entered as a result of this ALJ's decision or proposed decision, including but not limited to the agency's final order, order to remand the matter to MOAHR for further proceedings, or order on appeal, as soon as practicable following entry of the order to:

Michigan Office of Administrative Hearings and Rules, General Adjudication, by **email (preferred)** to: [MOAHR-GA@michigan.gov](mailto:MOAHR-GA@michigan.gov); or **by regular mail** to: MOAHR-GA, P.O. Box 30695, Lansing, Michigan 48909-8195.

See: Mich Admin Code, R 792.10120(2)(i).

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF CONSTRUCTION CODES  
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND  
ALTERATION CONTRACTORS

In the Matter of

ANTHONY RAINKO  
Residential Builder  
License No. 21-01-152182

Complaint No. 2300057  
(Consolidated with 2000055 and 2300056)

\_\_\_\_\_ /

FORMAL COMPLAINT

Assistant Attorney General Eric M. St. Onge, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes (Complainant), files this formal complaint against Anthony Rainko (Respondent), 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 339.101 *et seq.*
2. Respondent is currently licensed to practice residential building pursuant to the Code. At all times relative to this formal complaint Lifetime Home Products LLC was a Residential Builder Company doing business in the State of Michigan.
3. At all times relative to this formal complaint, Respondent possessed a Michigan Individual Residential Builder license and was listed as Qualifying Officer for Lifetime Home Products LLC (hereinafter "Lifetime").
4. On February 29, 2012, Tracy Antcliff (hereinafter "Antcliff") was issued a Michigan Individual Residential Builder license. The license was

suspended on August 14, 2014. The license thereafter lapsed-suspended on May 31, 2015.

5. After receiving a complaint against Respondent, the Bureau investigated the allegations of the complaint pursuant to section 502 of the Code.

6. Section 602 of the Code requires the Board to sanction licensees who have violated the Code.

7. Section 604(b) of the Code subjects a licensee to sanction for practicing fraud, deceit, or dishonesty in practicing an occupation.

8. Section 604(d) of the Code subjects a licensee to sanction for demonstrating a lack of good moral character, which 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.”

9. Section 2411(2)(a) of the Code subjects a licensee to sanction for abandonment without excuse of a contract, construction project or operation engaged in or undertaken by the licensee.

10. Section 2411(2)(c) of the Code subjects a licensee to sanction for failure to account for or remit money coming into the person’s possession that belongs to others.

11. Section 2411(2)(j) of the Code subjects a licensee to sanction for aiding or abetting an unlicensed person to evade this article, 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 or licensed residential maintenance and alteration contractor 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

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

### FACTUAL ALLEGATIONS

#### Homeowners TW and KW

13. TW and KW own a home located in Middleville, Michigan. On or about October 19, 2019, Lifetime and Tracy Antcliff entered into a contract with TW and KW for remodeling of an addition to their home. The contract amount was \$129,902.00.

14. On October 19, 2019, TW and KW provided Lifetime and/or Antcliff with a check for \$30,000.00 as a down payment for the project.

15. Despite the above, and the opportunity to cure, Lifetime and Antcliff failed to complete, performed poor workmanship, or abandoned numerous aspects of the project, including but not limited to the following:

- Failing to provide complete contract, adequate plans and specifications of the project
- Failing to pay subcontractors for labor and materials for the project
- Failing to install adequate attic insulation
- Failing to install lower level fireplace
- Failing to adequately install upstairs fireplace
- Failing to install bracing above the fireplace
- Failing to adequately install laundry tub
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- Failing to adequately install bracing behind tv wall
- Failing to adequately install vanity wall work
- Failing to adequately install shower door
- Failing to adequately install bathroom vanity
- Failing to adequately install pocket door from hallway
- Failing to adequately install trim joints
- Failing to adequately install laundry GFI outlet cover

#### Homeowner JB

16. JB owns a home located in Holland, Michigan. On or about December 2019 Lifetime and/or Antcliff entered into a contract with JB to install a new water heater.

17. Despite the above Lifetime and Antcliff failed to appropriately install the water heater and damaged it during the installation process.

#### Homeowners AR and AR

18. AR and AR own a home located in Grand Rapids, Michigan. On or about January 10, 2020, Lifetime and/or Antcliff entered into a contract with AR and AR for construction of a new garage.

19. On or about January 10, 2020, AR and AR provided Lifetime and/or Antcliff with a deposit check for \$10,800.00.

20. Despite the above, Lifetime and/or Antcliff never completed any work on the project and refused to refund AR and AR the \$10,800.00 deposit.

COUNT I

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

COUNT II

25. Respondent's conduct as described above constitutes demonstrating a lack of good moral character, contrary to section 604(d) of the Code.

COUNT III

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

COUNT IV

27. Respondent's conduct as described above constitutes failure to account for or remit money coming into the person's possession that belongs to others, contrary to section 2411(2)(c) of the Code.

COUNT V

21. Respondent's conduct as described above constitutes aiding or abetting an unlicensed person to evade this article, 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 or licensed residential maintenance and alteration contractor 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, contrary to section 2411(2)(j) of the Code.

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

Any written response shall be submitted by regular mail to the Department of Licensing and Regulatory Affairs, Bureau of Construction Codes, P.O. Box 30254, Lansing, MI 48909 or by email to [LARA-BCC-RBS-Compliance@michigan.gov](mailto:LARA-BCC-RBS-Compliance@michigan.gov), with a copy mailed to the undersigned assistant attorney general.

Respectfully submitted,

/s/ Eric M. St. Onge  
Eric M. St. Onge (P56630)  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, MI 48909  
Telephone: (517) 335-7569  
Facsimile: (517) 241-1997

Dated: April 21, 2023