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: File No. 21-19-340041

SAILER CONSTRUCTION
Unlicensed
_____/

NOTICE AND ORDER TO CEASE AND DESIST

The Department of Licensing and Regulatory Affairs, by Keith Lambert, Director of the Bureau of Construction Codes, pursuant to authority under the Occupational Code, MCL 339.101 *et seq.*, orders Sailer Construction (Respondent) to cease and desist from engaging in or attempting to engage in providing residential builder and maintenance and alteration contractor services without possessing a residential builder and maintenance and alteration license in violation of the Code.

The Department received a complaint and conducted an investigation in accordance with sections 501 through 504 of the Code. The investigation revealed that Respondent violated section 601(1) of the Code for the following reasons:

1. Respondent does not possess a license under Article 24 of the Code.

2. On or about November 9, 2018 and thereafter, Respondent engaged in or attempted to engage in the practice of residential building by contracting with [redacted] and performing residential building services regulated by the

Occupational Code with respect to property located at [redacted] in Petersburg, Michigan.

3. Respondent engaged in or attempted to engage in the practice of an occupation regulated under the Code without possessing a license issued by the Department, contrary to section 601(1) of the Code.

Section 506 of the Code authorizes the Department to issue a cease and desist order as follows:

> (1) After an investigation has been conducted, the director may order a person to cease and desist from a violation of this act or a rule promulgated or an order issued under this act.
>
> (2) A person ordered to cease and desist shall be entitled to a hearing before the department if a written request for a hearing is filed within 30 days after the effective date of the order.
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> (3) Upon a violation of a cease and desist order issued under this act, the department of the attorney general may apply in the circuit court of this state to restrain and enjoin, temporarily or permanently, or both, a person from further violating a cease and desist order.

ACCORDINGLY, IT IS ORDERED that Respondent shall immediately cease and desist from engaging in or attempting to engage in practicing as a residential builder company without possessing a license issued by the Department in violation of the Occupational Code.

RESPONDENT IS ADVISED that violations of the Code may lead to administrative, civil, and criminal sanctions.

RESPONDENT IS FURTHER ADVISED that under section 601(6) of the Code, a person not licensed under Article 24 of the Code as a residential builder or a

residential maintenance and alteration contractor who violates 601(1) or (2) may be subject to the following criminal penalties:

> (a) In the case of a first offense, a misdemeanor punishable by a fine of not less than $5,000.00 or more than $25,000.00, or imprisonment for not more than 1 year, or both.
>
> (b) In the case of a second or subsequent offense, a misdemeanor punishable by a fine of not less than $5,000.00 or more than $25,000.00, or imprisonment for not more than 2 years, or both.
>
> (c) In the case of an offense that causes death or serious injury, a felony punishable by a fine of not less than $5,000.00 or more than $25,000.00, or imprisonment for not more than 4 years, or both.

RESPONDENT IS FURTHER ADVISED that the Department will refer this matter to the Michigan Department of Attorney General for review and possible action against Respondent, which may include criminal and administrative sanctions.

Pursuant to section 506(2) of the Code, Respondent is entitled to a hearing before a hearings examiner if Respondent files a written request for a hearing within 30 days after the effective date of this order. The written request for a hearing shall be submitted to the Bureau of Construction Codes, Department of Licensing and Regulatory Affairs, P.O. Box 30254, Lansing, Michigan 48909. Failure to file a timely written request for hearing will waive Respondent's right to a hearing, and this order will become final.

This order shall take effect on the date signed as set forth below.

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS

Keith Lambert

By: Keith Lambert
Director
Bureau of Construction Codes

Date: 5-6-2019

LF: 2019-0249206-A/Sailer Construction 340041 (Unlicensed Builder)/Notice – and Order to Cease and Desist – 2019-05-01