

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
BOARD OF RESIDENTIAL BUILDERS AND  
MAINTENANCE & ALTERATION CONTRACTORS

DEPARTMENT OF LABOR &  
ECONOMIC GROWTH,  
BUREAU OF COMMERCIAL SERVICES *ex rel*  
DAVILIA WILSON AND SHARONDA WILSON

Docket No. 2008-171  
Complaint No. 303289

Complainant,

v

JAMES G. JOHNSON  
D/B/A JAMES JOHNSON CONSTRUCTION  
License No. 21-01-061470

Respondent.

---

FINAL ORDER

WHEREAS, this matter having come before the Michigan State Board of Residential Builders and Maintenance & Alteration Contractors, hereafter the "Board", on May 6, 2008;

WHEREAS, the Board having received a Hearing Report under MCL 339.514 for this case and the Board having considered the Findings of Fact and Conclusions of Law in the Hearing Report of Erick Williams, Administrative Law Judge, dated March 27, 2008;

WHEREAS, the hearing report is hereby incorporated by reference;

WHEREAS, the Respondent having been found in violation of the Michigan Occupational Code, PA 299 of 1980, hereafter the "Code," or rules promulgated there under, and the Board having elected to exercise its authority pursuant to MCL 339.514 to impose penalties different from those recommended by the Administrative Law Judge; now, therefore,

IT IS ORDERED, that the following penalties authorized by Section 602 of the Code are imposed:

1. Respondent shall pay a FINE in the amount of \$10,000.00. The fine is payable to the State of Michigan within 60 days from the mailing date of this Final Order. Complaint No. 303289 must be clearly indicated on the check or money order, and the payment sent to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, Michigan 48909.
2. Respondent shall make RESTITUTION to Davilia Wilson and Sharonda Wilson in the amount of \$10,000.00 by certified check made payable Davilia Wilson and Sharonda Wilson and

mailed to Davilia Wilson and Sharonda Wilson, 602 W. Hamilton Avenue, Flint, MI 48503 within 60 days from the mailing date of the Final Order.

3. The license of Respondent, and any and all Article 24 licenses held by Respondent shall be and hereby are 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. No application for licensure, relicensure, reinstatement or renewal shall be considered or granted by the Department until all Final Orders of the Board have been fully complied with.

4. Respondent's failure to comply with each and every condition of this Final Order within 60 days shall result in CONTINUED REVOCATION of any and all Article 24 licenses held by Respondent.

5. Respondent shall submit in writing to the Michigan Department of Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, Michigan 48909, proof of compliance with each and every requirement of this Final Order, in a form acceptable to the Department.

This Final Order shall not be construed as limiting the Department of Labor & Economic Growth, 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.

Failure to comply with the provisions of this Final Order is considered a violation of the Code pursuant to Section 604(k) and may result in further disciplinary action.

This Final Order is effective immediately upon its mailing.

Given under my hand at Okemos, Michigan, this 22<sup>nd</sup> day of July, 2008.

BY:   
Mark T. Glynn, Chairperson

Date mailed: July 22, 2008

Proof of Compliance should be filed with:

Department of Labor & Economic Growth, Bureau of Commercial Services  
Administrative Services Division  
P.O. Box 30018  
Lansing, MI 48909

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

In the matter of

Docket No. 2008-171

Bureau of Commercial Services,  
Petitioner

Agency No. 303289

v

Agency: Bureau of Commercial  
Services

James G Johnson,  
Respondent

Case type: Sanction

Issued and entered  
this 27<sup>th</sup> day of March 2008  
by Erick Williams  
Administrative Law Judge

**HEARING REPORT**

**BACKGROUND**

The Bureau of Commercial Services issued a complaint against James Johnson on November 30, 2007, under MCL 339.604 and MCL 339.2411. A hearing convened under MCL 24.271 et seq. on March 25, 2008. Kim Brietmeyer represented the Bureau of Commercial Services. Notice of the hearing was sent to Mr. Johnson at 4324 W Jennings Road in Flint, but Mr. Johnson did not participate in the hearing, and the hearing continued in his absence. Sharonda Robinson (homeowner) and Michael Reiter (building inspector) testified. This opinion finds the complaint substantiated.

**ISSUES AND APPLICABLE LAW**

MCL 339.604 reads:

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: ...

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

MCL 339.2411 reads in part:

(2) A licensee or applicant who commits 1 or more of the following shall be 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....

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

(m) Poor workmanship or workmanship not meeting the standards of the custom or trade verified by a building code enforcement official.

1979 AC R 338.1551 (5) reads:

(5) Standards of construction shall be in accordance with the local building code, or in the absence of a code in accordance with the building code of the nearest political subdivision having a building code.

### **FINDINGS OF FACT**

Sharonda Robinson and Davila Wilson own a house at 602 West Hamilton in Flint. They contracted with James Johnson and Clarence Brown for a fire repair job.

The job involved repair of damage from an April 2005 fire in the kitchen and repair of smoke damage in other parts of the house. The job also included refinishing floors, and replacing certain doors and windows.

Clarence Brown wrote the contract. The parties negotiated with Clarence Brown and intended Clarence Brown to do all the actual work; however, Brown did not have a license. Exhibit 3. James Johnson, who is licensed, signed the contract. The contract price was \$16,800. Exhibit 1.

Payments were disbursed by an insurance company; Johnson and Brown collected about \$17,000 in insurance payments. Exhibit 2.

Exhibit 4, a series of 25 photographs taken by Robinson, show the state of the building before work began and the state of the building after work stopped.

Michael Reiter, Flint building inspector, issued an inspection report in June 2006. He found violations of the local building code. A kitchen floor joist had been severely notched during installation of a plumbing fixture, in violation of 2003 MRC R502. The plumbing fixture had been installed without a permit in violation of 2003 MRC R105. He also found workmanship violations: The kitchen ceiling was dismantled. Flooring and cabinets were not finished. Doors and windows were not replaced and finished. Many parts of the house damaged by the fire and smoke had not been repaired.

Robinson testified that it would take about \$10,000 to finish the job and correct the defects.

### **CONCLUSIONS OF LAW**

Having signed the contract, Mr. Johnson is responsible for the Robinson-Wilson job.

Having abandoned the Robinson-Wilson job, Mr. Johnson violated MCL 339.2411 (2) (a).

Having violated the local building code Mr. Johnson violated MCL 339.2411 (2) (e), 1979 AC R 338.1551 (5) and MCL 339.604 (c).

Having performed substandard work on the Robinson-Wilson job, Mr. Johnson violated MCL 339.2411 (2) (m).

**Sanction**

The Bureau of Commercial Services, noting that Mr. Johnson is already the subject of a January 2008 administrative order in another case, recommends a \$4,250 fine and \$10,000 restitution in this case.



---

**Erick Williams**  
**Administrative Law Judge**