

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

Docket No. 2007-515  
Complaint No. 300235

Complainant,

v

MICHAEL HOWARD ANDRING  
D/B/A UTOPIA CONSTRUCTION  
License No. 21-01-133551

Respondent.

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FINAL ORDER

WHEREAS, this matter having come before the Michigan State Board of Residential Builders and Maintenance & Alteration Contractors, hereafter the "Board", on July 15, 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 April 29, 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, 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 \$1,000.00. The fine is payable to the State of Michigan within 60 days from the mailing of this Final Order. Complaint No. 300235 must be clearly indicated on the check or money order, and the payment sent to the Department of Labor & Economic Growth, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.

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

3. 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 17<sup>th</sup> day of September, 2008.

BY: 

Mark T. Glynn, Chairperson

Date mailed: September 17, 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.	2007-515
Bureau of Commercial Services, Petitioner	Agency No.	300235
v	Agency:	Bureau of Commercial Services
Michael Howard Andring d/b/a Utopia Construction, Respondent	Case Type:	Sanction

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Issued and entered  
this 29<sup>th</sup> day of April, 2008  
by Erick Williams  
Administrative Law Judge

HEARING REPORT

BACKGROUND

The Bureau of Commercial Services issued a complaint against Michael Andring on February 1, 2007, under MCL 339.604 (a) and (d). Hearing sessions convened under MCL 24.271 et seq. on August 7, 2007, February 27, 2008 and April 23, 2008. Jennifer Fitzgerald represented the Bureau of Commercial Services. Mr. Andring participated without counsel. This opinion finds that Mr. Andring misrepresented his criminal history in a 1996 license application, in violation of MCL 339.604(a).

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:

(a) Practices fraud or deceit in obtaining a license or

registration.

(d) Demonstrates a lack of good moral character.

### **FINDINGS OF FACT**

#### Convictions

Mr. Andring has five felony convictions. In 1986, he was convicted in Detroit Records Court on a charge of leaving the scene of a fatal accident. The sentence was one to two years, and he was offered a drug treatment program. Exhibit 1.

In March 1990, Andring was convicted in Ingham County Circuit on a charge of drunk driving, third offense. He was sentenced to three years probation. Exhibit 2.

In July 1990, Mr. Andring was convicted in Detroit Records Court on a charge of illegal possession of cocaine. He spent 28 months in prison. Exhibit 3.

In 1996, Mr. Andring applied for a builder's license. On his license application he marked "no" to the question that asked, "Have you ever been convicted of a felony for which you could have gone to jail (excluding traffic violations)? Exhibit 4. The answer was false. By 1996, Mr. Andring had been convicted three times.

In 2003 Andring was arrested in Ingham County; a search of his car revealed Vicodin, Valium, marijuana, and hashish. In May 2003 Mr. Andring was convicted in Ingham County for possession of illegal drugs. He was sentenced to six months in the Ingham County jail. Exhibit 5.

In February 2005, Andring was convicted in the Western District of Michigan on the charge of felon in possession of a firearm for an offense that occurred in 2003. Exhibit 6. Andring was sentenced to 37 months in prison and released from prison in July 2007; he spent the following six months in a halfway house. He remains on supervised

release until 2010.

#### Rehabilitation

Mr. Andring claims that, in 2003, he underwent a religious conversion and a change in attitude.

In 2003, Andring was in a halfway house in Mason, Michigan, serving the remainder of his sentence for drug possession. While in the halfway house, he attended a nearby church which was sponsoring a recovery program for prisoners. Andring recalls that, in July 2003, he underwent a conversion; his wife had divorced him; he hit rock bottom. He made a confession to the police and offered to let them search his house. The police searched his house in August 2003. They found 86 marijuana plants and seven guns, including two stolen guns that Andring had acquired in a drug deal.

Andring was charged under a four-count federal indictment. He recalls that he was facing 50 years in prison. According to the conviction documents, Andring pleaded guilty to one count of "felon in possession of a firearm" and the remaining three counts of the indictment were dismissed. People from his church testified at the sentencing hearing, and Andring received a 37-month sentence.

Andring was released from prison in July 2007 and placed in a halfway house in Grand Rapids which operated a residential drug treatment aftercare program. The program involved weekly group therapy sessions and weekly individual counseling sessions. Andring was released from the halfway house in January 2008.

Mark Trumpie owns several rental houses and a Laundromat in Lansing.

Mr. Trumpie also has a background in pastoral counseling. He has an MA degree in religion and served for 15 years as a minister.

Trumpie first met Andring in the early 2000s; Andring was a contractor and submitted a bid for remodeling work on one of Trumpie's houses. Trumpie hired Andring for the project. Trumpie recalls that Andring did excellent work.

Trumpie recalls that Andring's life was not good. Initially when he met Andring, Trumpie suspected he had a drug problem. When they talked, Andring confirmed that. Andring confided that he was using marijuana. Since that time, Andring has told Trumpie that he grew marijuana.

Trumpie recalls that, some years after their first contact Trumpie saw Andring wearing an "I love Jesus" hat. Trumpie and Andring struck up a friendship. Trumpie learned that Andring had recently had a religious conversion, and he was changing his life around. Andring was sober and drug free.

In Trumpie's view, Andring is a changed man. His character is "night and day different."

Kenneth Blik is a member of the Mason Church of the Nazarene. He has known Mr. Andring since 2003 when Andring started attending the church.

Blik claims to have seen a lot of people who have been in prison. In Blik's assessment, Andring is unlike the others; he has a positive attitude. Andring has told Blik about his history and his problems. That is not the road he wants to go down again.

Mitch Combs is also a pastor at the Mason First Church of the Nazarene. Rev. Combs is the youth minister. Combs met Andring in 2003 when Andring came from the halfway house. They struck up a friendship. They see each other once a week; they have conversations. Combs claims to have seen Andring change over the past three or four years. In Combs's view, Andring is trustworthy.

Gerhard Weigelt is the senior pastor of the Mason First Church of Nazarene. He first contacted Mr. Andring in the "House Of Commons" halfway house in Mason. Andring began attending Bible study classes and worship services at Weigelt's church. Andring also participated in a faith-based 12-step program operated by Weigelt's church. Weigelt has provided counseling to Andring since 2003; they have met twice a month since Andring was released from prison in 2007.

Weigelt claims to have seen people change and not change; Andring is among those who have changed. He is more willing to invest and participate. When Weigelt first met Andring, he was frustrated over things he could not control. Andring is more restrained now, self disciplined. Several people hold him accountable. In Weigelt's view, Andring has gone through a progression of character development.

Craig Skoczylas is an electrician; he has been in the building trades in the Lansing area for 25 years or more; before 2007 he knew Andring by reputation. Drugs and alcohol are a big thing in the contracting business. He met Andring for the first time in 2007 during a building job. They spent 3 or 4 hours working together, and they have had phone conversations. When he met Andring in person, Skoczylas found him to be a good, stand-up person, open about his past, trustworthy.

### **CONCLUSIONS OF LAW**

The February 1, 2007 complaint contains two allegations: first, that Mr. Andring misrepresented his criminal history on his license application in violation of MCL 339.604 (a); and second, that Mr. Andring's criminal activity demonstrates that he lacks good moral character in violation of MCL 339.604 (b). The first allegation has been established; the second has been adequately rebutted.

In 1986, Mr. Andring was convicted on a charge of leaving the scene of a fatal accident.

In March 1990, Andring was convicted on a charge of drunk driving, third offense. In July 1990, Mr. Andring was convicted on a charge of illegal possession of cocaine. Nonetheless, in 1996, when he applied for a builder's license, Mr. Andring falsely stated that he had never been convicted of a felony. Mr. Andring thus violated MCL 339.604 (a).

The moral character issue is controlled by MCL 338.42, which reads:

A judgment of guilt in a criminal prosecution or a judgment in a civil action shall not be used, in and of itself, by a licensing board or agency as proof of a person's lack of good moral character. It may be used as evidence in the determination, and when so used the person shall be notified and shall be permitted to rebut the evidence by showing that at the current time he or she has the ability to, and is likely to, serve the public in a fair, honest, and open manner, that he or she is rehabilitated, or that the substance of the former offense is not reasonably related to the occupation or profession for which he or she seeks to be licensed.

The policy behind the licensing former offenders act, MCL 338.41 *et seq.*, is to

... encourage and contribute to the rehabilitation of former offenders and to assist them in the assumption of the responsibilities of citizenship ...

Mr. Andring has presented adequate evidence of rehabilitation. He has undergone progressive character development, as corroborated by the testimony of Mark Trumpie, Kenneth Blik, Mitch Combs, and Gerhard Weigelt. Since 2003, Mr. Andring has been part of a network of people familiar with his past and interested in helping his rehabilitation, and Mr. Andring seems motivated to maintain their good opinion. In light of

the rehabilitation evidence, Mr. Andring, at the current time, is rehabilitated, and he does not demonstrate a lack of good moral character in violation of MCL 339.604 (d).

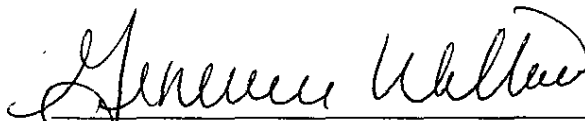
*Erick Williams*

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

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 29<sup>th</sup> day of April, 2008.



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