

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

In the Matter of:

File No. 21-18-337142

MID-MICHIGAN GLASS WORKS LLC,  
Unlicensed

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NOTICE AND ORDER TO CEASE AND DESIST

The Department of Licensing and Regulatory Affairs, by Keith E. Lambert, Director of the Bureau of Construction Codes, pursuant to authority under the Occupational Code, MCL 339.101 *et seq.*, orders Mid-Michigan Glass Works LLC (Respondent) to cease and desist from engaging in or attempting to engage in providing residential builder company services without possessing a residential builder company 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 sections 601(1), 604(c), and 2411(2)(e) of the Code for the following reasons:

1. Respondent does not possess a license under Article 24 of the Code and Respondent has never been licensed under Article 24 of the Code.
2. At all relevant times, Respondent was owned by Gary L. Turner.
3. "Residential builder" means a person engaged in the construction of a residential structure . . . who, 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 an addition to, subtraction from, improvement, wrecking of, or demolition of, a residential structure . . . .” MCL 339.2401(a).

4. “Residential maintenance and alteration contractor’ means a person who, for a fixed sum, price, fee, percentage, valuable consideration, or other compensation, other than wages for personal labor only, undertakes with another for the repair, alteration, or an addition to, subtraction from, improvement of, wrecking of, or demolition of a residential structure . . . or laying of concrete on residential property . . . .” MCL 339.2401(b).

5. “Residential structure’ means a premises used or intended to be used for a residence purpose and related facilities appurtenant to the premises, used or intended to be used, as an adjunct of residential occupancy.” MCL 339.2401(c).

6. On or about July 26 and 27, 2017 Respondent, through Gary L. Turner, installed windows in the home of Nicholas Roberts in Haslett, Michigan.

7. Mr. Roberts informed Respondent of deficiencies with the installed windows, but Respondent failed to fix the problems.

8. Meridian Township Building Inspector Ronald Rau inspected the home on October 24, 2018.

9. Mr. Rau verified multiple violations of the 2015 Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, including violations of R 402.4.1.1, R402.4.3, and R402.4.

10. 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.

11. Respondent failed to obtain a building permit which constitutes a willful violation of the building laws of this state or of a political subdivision of this state, in violation of section 2411(2)(e) of the Code.

12. Respondent failed to adhere to the standards of construction of the local building code or the building code of the nearest political subdivision having a building code, contrary to Mich Admin Code, R 338.1551(5),<sup>1</sup> in violation of section 604(c) 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.

(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

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<sup>1</sup> Mich Admin Code, R 338.1551(5) was amended effective January 4, 2019, but the prior version of the rule was in effect at the time of Respondent's conduct.

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, as well as engaging in other misconduct constituting violations of the 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.

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 E. Lambert  
By: Keith E. Lambert, Director  
Bureau of Construction Codes

Date: 3-4-2019

LF: 2019-0242388-A\Mid-Michigan Glass Works LLC, 337142\Pleading - Notice and Order to Cease & Desist - 2019-02-25

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

In the Matter of:

File No. 21-18-337141

GARY L. TURNER,  
Unlicensed

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NOTICE AND ORDER TO CEASE AND DESIST

The Department of Licensing and Regulatory Affairs, by Keith E. Lambert, Director of the Bureau of Construction Codes, pursuant to authority under the Occupational Code, MCL 339.101 *et seq.*, orders Gary L. Turner (Respondent) to cease and desist from engaging in or attempting to engage in the practice of a residential builder or maintenance and alteration contractor without possessing a residential builder or maintenance and alteration contractor 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 sections 601(1), 604(c), and 2411(2)(e) of the Code for the following reasons:

1. Respondent does not possess a license under Article 24 of the Code.
2. Respondent once held a builder salesperson license (21-05-136762), but this license lapsed on May 31, 2008 and Respondent has never been otherwise licensed under Article 24 of the Code.

3. At all relevant times, Respondent owned Mid-Michigan Glass Works, LLC, an unlicensed entity.

4. "Residential builder' means a person engaged in the construction of a residential structure . . . who, 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 an addition to, subtraction from, improvement, wrecking of, or demolition of, a residential structure . . . ." MCL 339.2401(a).

5. "Residential maintenance and alteration contractor' means a person who, for a fixed sum, price, fee, percentage, valuable consideration, or other compensation, other than wages for personal labor only, undertakes with another for the repair, alteration, or an addition to, subtraction from, improvement of, wrecking of, or demolition of a residential structure . . . or laying of concrete on residential property . . . ." MCL 339.2401(b).

6. "Residential structure' means a premises used or intended to be used for a residence purpose and related facilities appurtenant to the premises, used or intended to be used, as an adjunct of residential occupancy." MCL 339.2401(c).

7. On or about July 26 and 27, 2017 Respondent installed windows in the home of Nicholas Roberts in Haslett, Michigan.

8. Mr. Roberts informed Respondent of deficiencies with the installed windows, but Respondent failed to fix the problems.

9. Meridian Township Building Inspector Ronald Rau inspected the home on October 24, 2018.

10. Mr. Rau verified multiple violations of the 2015 Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, including violations of R 402.4.1.1, R402.4.3, and R402.4.

11. 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.

12. Respondent failed to obtain a building permit which constitutes a willful violation of the building laws of this state or of a political subdivision of this state, in violation of section 2411(2)(e) of the Code.

13. Respondent failed to adhere to the standards of construction of the local building code or the building code of the nearest political subdivision having a building code, contrary to Mich Admin Code, R 338.1551(5),<sup>1</sup> in violation of section 604(c) 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.

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<sup>1</sup> Mich Admin Code, R 338.1551(5) was amended effective January 4, 2019, but the prior version of the rule was in effect at the time of Respondent's conduct.



(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.

(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 or maintenance and alteration contractor without possessing a license issued by the Department in violation of the Occupational Code, as well as engaging in other misconduct constituting violations of the 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.

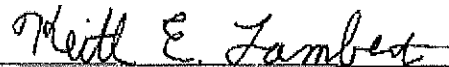
(b) In the case of a second or subsequent offense, a misdemeanor punishable by a fine of not less than \$5,000.00 or more than \$25,000.00, or imprisonment for not more than 2 years, or both.

(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.

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



By: Keith E. Lambert, Director  
Bureau of Construction Codes

Date: 3-4-2019

LF: 2019-0242395-A\Turner, Gary L., 337141 (Res Bldr)\Pleading - Notice and Order to Cease & Desist - 2019-02-25