

Our goal is to protect consumers through the licensing and regulation of many professions, businesses, and services. The Bureau regulates over 400,000 licenses in the following areas:

- Accountants, Certified Public
- Architects
- Auctioneers
- Barbers
- Carnival/Amusement Rides
- Cemeteries (Private)
- Collection Agencies
- Community Planners
- Cosmetology
- Forensic Polygraph Examiners
- Foresters
- Funeral Homes & Directors
- Hearing Aid Dealers
- Immigration Clerical Assistants
- Interior Designers
- Landscape Architects
- Ocularists
- Personnel Agencies
- Prepaid Funeral Contract Providers
- Private Detectives
- Private Security Guards
- Professional Boxing
- Professional Engineers
- Professional Mixed Martial Arts
- Professional Surveyors
- Real Estate Appraisers
- Real Estate Brokers and Salespersons
- Residential Builders/Residential Maintenance and Alteration Contractors
- Security Alarm Contractors
- Ski Area Safety
- Vehicle Protection Product Warrantors

Step 1 – HOW TO AVOID A COMPLAINT

Consumer caution may be the best way to avoid problem situations or disputes. As a consumer, you should do the following:

- A. Call the Licensing Division at (517) 241-9288 or visit <https://www2.dleg.state.mi.us/colaLicVerify/> to verify that the individual or business entity is licensed.
- B. Ask the licensee to show you his/her “pocket card” which will contain the license number.
- C. Call the Enforcement Division at (517) 241-9202 or visit <https://www2.dleg.state.mi.us/colaLicVerify/> to determine if there have been disciplinary actions against the individual or business entity.
- D. Ask for and verify references.
- E. Check with the Better Business Bureau.

For services that involve a contract, you should do the following:

- Ensure that the written contract is clear, legible and complete.
- Ensure that the written contract provides information relating to the license of the individual, business entity or qualifying officer of the business entity.
- Ensure that the contract is definite in terms and sufficient to express the intent of the parties, the type/amount of work to be done and type/quality of material to be used.
- Ensure that the contract has an approximate start and completion date.
- Ensure that all changes to the contract are made in writing and dated/signed by both parties.
- Ensure that you receive a copy of the signed contract and any change orders.

It is important that you keep copies of all documents relating to the transaction. The documents should indicate the name of the individual or business entity providing them and the date of receipt. Keep notes of

communications with the individual, business or representative providing the service. Identify the person with whom you spoke, the content of the discussion and the date. This information can be beneficial in assisting in the investigation and resolution of a complaint you may file with the Department.

Step 2 - JURISDICTION

The Bureau of Commercial Services is responsible for the investigation and prosecution of consumer complaints only in those areas within its regulatory authority.

The Department does not have the authority to enforce all aspects of services provided by a profession or occupation, e.g., ethical standards, or to investigate contractual or fee/cost disputes. These matters may be addressed by professional associations that have established standards for its members.

The Department cannot guarantee restitution. Restitution will not be pursued in all situations, and a decision is made on a case-by-case basis. The Department will not seek restitution if you are engaged in civil litigation or arbitration concerning the matter. You are free at all times to take action in civil court, at your own expense, and through your own legal counsel, to attempt to recover any and all losses you may have suffered. Pursuing criminal charges through the local police department, prosecuting attorney and/or filing a claim in Small Claims Court may also be an option available to you. You may file these claims concurrently with the filing of your complaint with this Department.

If you think that an individual or business entity has violated the Occupational Code, 1980 PA 299, as amended, or other statutes or rules or licensing laws the Bureau regulates, you may file a complaint with the Department.

Step 3 - HOW TO FILE A COMPLAINT

Your complaint may be submitted to the Department using the appropriate Statement of Complaint form which can be obtained by calling (517) 241-9202. The complaint form may also be downloaded online at

www.michigan.gov/dleg. Briefly list all of the specific items that form the basis of your complaint. Do not include confidential information that you do not want to be released. Do not attach lengthy court pleadings, binders or other bulky material. If additional documentation is needed, it will be requested by separate correspondence.

If your complaint is against a residential builder or residential maintenance and alteration contractor, it must be received by the Department no later than 18 months after completion, occupancy or purchase, whichever occurs latest. With regard to projects requiring an occupancy permit, the 18-month period ends with the latest of either the issuance of a temporary certificate of occupancy, a certificate of occupancy, or closing.

At any point during the complaint process, although not required, the complainants and the respondents have the right to be represented by an attorney at their own expense. However, an attorney whom the complainants hire, cannot participate in a scheduled administrative hearing. The attorney may communicate on behalf of the complainants with the Department’s hearing representative about any concerns of the complainants.

Step 4 - NOTIFICATION

The Department will send you a written confirmation of receipt of your complaint within 15 to 30 days after it has received it. *The complaint process may be lengthy.* Please understand that the Department can only assist you if the complaint alleges violations of the Occupational Code or other licensing laws that it regulates. If the Department does not have jurisdiction over the complaint matter, you will be notified in writing. If the complaint is within its jurisdiction, an investigation will be initiated. The Department may send a copy of your complaint to the respondent for an initial response.

Step 5 – COMPLIANCE/SETTLEMENT CONFERENCE

Once the Department issues a Formal Complaint, a compliance/settlement conference will be scheduled but only if the respondent elects the conference option. The complaining witness may be invited to attend the conference. If you are the complaining witness and you are invited to the conference, you should bring up-to-date relevant documentation, including receipts or estimates for repairs for only those items listed as violations in the formal complaint or on a building inspection report.

The purpose of the conference is to provide the respondent with the opportunity to demonstrate compliance with the law and discuss a settlement before an administrative contested case hearing is held. If a settlement is reached, it will be presented to the appropriate licensing board or official for approval. If an agreement is not reached, an administrative hearing will be scheduled.

At any time, the respondent may request that a formal administrative hearing be held to contest the charges. If the respondent fails to appear at a conference without just cause, a hearing will be scheduled.

Step 6 – CONTESTED CASE HEARING

A formal administrative, contested case hearing may become necessary to determine if a respondent is responsible for allegations contained in a formal complaint. An attorney may represent the respondent at a hearing.

You may be needed as a witness on behalf of the Department, as determined by the Department's hearing representative. If you are needed as a witness, the Department's hearing representative will generally contact you to discuss what is expected and the documents you should bring. These may include all original documents and notes related to the complaint. You may be required to furnish written documentation to support any estimates for repair and/or proof of payment for repairs, if restitution is at issue. During a hearing, you should be prepared to answer questions about the material facts of the

complaint and any documents used as exhibits at the hearing. If you have a private attorney, that person is not permitted to participate in the administrative hearing.

An administrative law examiner presides over the contested case hearing. The administrative law examiner will determine whether a violation of the law or rules has occurred and issue a hearing report. The administrative law examiner may recommend a penalty in the report. A hearing report is sent to the appropriate licensing board or official for a final determination on a penalty or penalties.

Step 7 – LICENSING BOARD

The appropriate licensing board will review one of the following:

- The settlement agreement between the Department and the respondent; or
- The hearing report from the administrative law examiner.

The licensing board may accept or reject a settlement agreement. If a settlement agreement is rejected, the matter will be scheduled for a contested case hearing, previously discussed in Step 6.

The licensing board must accept the administrative law examiner's findings of fact and conclusions of law. It must also accept or amend the examiner's recommendation regarding a penalty, if there are findings that the respondent violated the law.

Penalties may include: license limitation, suspension, revocation, fine, probation, or restitution. The licensing board or official will issue a "Final Order" about the decision made, which will be mailed to the respondent with a copy to you.

Only the respondent may appeal a Final Order to a Circuit Court. Neither the Department nor you, as the originating complainant, can appeal the Final Order.

For professions or occupations that do not have a board, settlement agreements and hearing reports are reviewed by the director of the Department or a designee, and that person

will determine the penalties that will be imposed, if there is a violation finding.

If you have a complaint pending, you should immediately advise the Department in writing of any changes to your address or telephone number.

UNAUTHORIZED PRACTICE

The Department does not have authority to conduct criminal prosecution.

The Department recommends that you consider pursuing criminal prosecution through your local police agency or local prosecutor as a remedy against unauthorized or unlicensed practice for professions or occupations it regulates. The Department will assist your local police agency or local prosecutor in unlicensed investigation, when requested.

WE ARE HERE TO ASSIST YOU

A CITIZEN'S GUIDE

FOR FILING

A COMPLAINT



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Bureau of Commercial Services
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