

Warm weather brings out rip-off artists

By ELIZABETH KURNETZ

Economic Crime Division of Oakland County Prosecutor's Office. "A lot of our complaints come from people who have been dealing with contractors, specifically home improvement contractors."

weather. Most people have home improvement work done in spring or summer because the weather conditions lend themselves to this kind of work," he said.

The attorney said his office gets more than 100 complaints a year. McCall said the types of complaints his office receives range from shoddy workmanship to consumers paying contractors for work that is never started.

"The two main examples of poor workmanship are in roof spraying and asphalt sealing. The contractor guarantees that the chemical sprayed on the roof will prohibit leaks and seal the roof for 25 years or that the sealant will protect the asphalt drive for X number of years. These claims are outlandish," he said.

"They spray a liquid on the roof that is just a chemical that doesn't have any positive effect on sealing roofs and likewise for the driveway," he added.

McCall said the contractor's trick is to take payment for the job, drop off a few materials, promise to return and then never shows, and leaves many victims behind.

"Last year, a lot of consumers had this problem with swimming pool contractors. They took the money up front and never delivered," he said.

"The main thing a consumer should do before dealing with a contractor is to make a determination whether that person is licensed," said McCall.

"In Michigan, home improvement contractors are required to be licensed. That is, for any kind of home improvement work on a residential structure where the contractor provides both the labor and materials and the contract price is in excess of \$200," he said.

In order to obtain a license, state law requires contractors be insured.

In the case where a contractor is not insured and not licensed, and there is an accident on or damage to the home caused by the contractor, McCall said the consumer would most likely end up with "the headache."

A likely situation would be where the contractor is doing roof work and damages part of the house. If the contractor is not insured, the consumer will have a very hard time getting the money directly from him," he said.

Contractors are licensed through the State of Michigan Department of

Licensing and Regulation. McCall advises consumers to call this office to inquire whether the contractor they plan to deal with is licensed. The phone number in Detroit is 255-2855 and in Lansing 317-373-0678.

In addition, McCall said before hiring a contractor, consumers should ask for references on jobs they have done in the "general vicinity."

"It's a good idea to go and observe the workmanship or to contact homeowners to see if they were satisfied with the contractor's work," he said.

"Another important question is to determine whether the contractor is doing the work himself or contracting it out to subcontractors," said McCall.

"It isn't necessary for the subcontractor to be licensed if the general contractor is licensed. Nevertheless, the consumer should make sure that the general contractor will be responsible for supervising and making sure the subcontractors are on the job and doing the work," he said.

McCall warned against completely paying for a job before the work is done. "Paying a certain amount is understandable but if a person wants all the money before the work is started, it is a situation to beware of."

If you have trouble with a contractor, call McCall's office at 858-0650.

"We look into the matter. If the person or business is licensed and there is no other evidence of criminal conduct, we refer the complaint to the State of Michigan Department of Licensing and Regulation because the complaint may involve circumstances under which the department could revoke or suspend the license of the individual or business," he said.

"They have a hearing and if they find the contractor is in violation of the Residential Maintenance and Alteration Contractors Act, of which being licensed is only one part, they can suspend or revoke the contractor's license," he explained.

McCall said the act has 18 conditions under which a contractor's license can be revoked or suspended.

One example would be abandonment without legal excuse of any construction project or operations engaged in or undertaken by the licensee.

According to Don Irwin, administrative secretary to the home builders division of the Department of Licen-

ing and Regulation, his office received 1,800 complaints in 1976 from Michigan residents concerning contractors. He said there were approximately 25 revocations and three suspensions of license in the entire state. Statistics for Oakland County alone were not available.

If a complaint comes in to the Oakland County economic crime division and the particular contractor is not licensed, then McCall's office handles the case because doing business as an unlicensed contractor is a crime.

"Ninety-five per cent of the complaints we get are about contractors who aren't licensed," he said.

McCall explained the procedure his office follows: "We interview the complainant and ask him or her to bring in the contract, cancelled checks and other evidence involved. Then we write the Department of Licensing and Regulation for certification that the individual is not licensed by the State of Michigan. We arrange out a criminal warrant and refer the matter to the police department whose area covers the consumer's home."

The police responsible contact the defendant and place him under arrest. They have him booked and registered

and brought before the district or municipal court for arraignment."

If it is the contractor's first offense, which is a misdemeanor punishable by a \$1,000 fine and/or one year jail sentence, McCall said the offender most likely would be placed on probation and fined up to \$500.

However, a second offense is a felony and punishable by two years in jail and/or a \$5,000 fine.

"In 1976, of the 25 warrants against unlicensed contractors, 11 convictions resulted. The parties were placed on probation in 10 of the 11 instances and they were required to pay restitution in the total amount of \$7,000, with fines ranging from \$275 to \$1,800."

He said the other 14 cases were either pending or the defendant has not yet been apprehended.

"Quite often, we get several complaints against one contractor. However, it is rare to find a repeat offender after we write a criminal warrant against a person one time," said McCall.

The attorney also said there was no particular area in Oakland County that is hit more than any other area.



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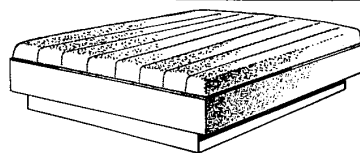
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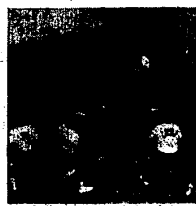
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