

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING  
BOARD OF RESIDENTIAL BUILDERS AND  
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

BATTAGLIA BUILDERS, INC.  
License Number: 21-02-119657

File Number: 21-12-318180  
Docket Number: 15-039890-CSCLB

AND

JOSEPH C. BATTAGLIA  
License Number: 21-01-102366

File Number: 21-12-318181  
Docket Number: 15-039888-CSCLB

FINAL ORDER

On April 15, 2015, a First Amended Formal Complaint (Complaint) was executed that charged Battaglia Builders, Inc., and Joseph C. Battaglia (Respondents) with violating sections 604(c) and 2411(2)(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

An administrative hearing was held in this matter before an administrative law judge who, on August 24, 2015, issued a Hearing Report setting forth Findings of Fact and Conclusions of Law.

The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board), having reviewed the administrative record, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on November 10, 2015, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Report. Therefore,

IT IS ORDERED that for violating sections 604(c) and 2411(2)(c) of the Occupational Code, supra, Respondents licenses to practice as builders in the state of Michigan are SUSPENDED, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent, Joseph C. Battaglia, may not serve as a Qualifying Officer of any licensed corporation or business entity while any Article 24 license held by Respondent is in suspended or revoked status.

IT IS FURTHER ORDERED that Respondents' licenses shall be automatically reinstated IF WITHIN 60 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondents pay the fine and provide proof of payment of the restitution, in a form acceptable to the Department of Licensing and Regulatory Affairs, as set forth below.

IT IS FURTHER ORDERED that for the cited violations Respondents are FINED a total of \$10,000.00, joint and several, to be paid to the State of Michigan within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that the fine shall be mailed to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30189, Lansing, MI 48909**. The fine shall be paid by check or money order made payable to the State of Michigan, and the check or money order shall clearly display file numbers **21-12-318180 and 21-12-318181**.

IT IS FURTHER ORDERED that for the cited violation Respondents shall pay RESTITUTION pursuant to case number 14-002262-CK of the State of Michigan Circuit Court of the County of Macomb and submit proof of a satisfied judgement to the Department of Licensing and Regulatory Affairs (Department) within 60 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall submit evidence, acceptable to the Department, of payment of the restitution to the Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.

IT IS FURTHER ORDERED that failure to pay the fine and submit proof of a satisfied judgement, as set forth above, shall result in REVOCATION of Respondents' licenses to practice as builders in the state of Michigan.

IT IS FURTHER ORDERED that in the event Respondent's license is revoked, Respondent must petition the Board for reinstatement. 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 satisfied in full.

IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to section 604(k) of the Occupational Code, supra.

This Final Order is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended; MCL 15.241(1)(a).

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the Chairperson of the Board or authorized representative, as set forth below.

Dated: 1/8/16

**MICHIGAN BOARD OF  
RESIDENTIAL BUILDERS AND  
MAINTENANCE AND ALTERATION  
CONTRACTORS**

By:   
Kim Gaedeke, Director  
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Battaglia Builders, Inc., and Joseph C. Battaglia, File Numbers 21-12-318180 and 21-12-318181, Docket Numbers 15-039890-CSCLB and 15-039888-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of four pages, this page included.

KD

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
CORPORATIONS, SECURITIES & COMMERCIAL LICENSING BUREAU

DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS,  
CORPORATIONS, SECURITIES &  
COMMERCIAL LICENSING BUREAU

Complaint Nos. 318180 and 318181

Complainant,

v

BATTAGLIA BUILDERS INC.  
JOSEPH C. BATTAGLIA, QUALIFYING OFFICER  
License No. 21-02-119657

Respondent,

and

JOSEPH C. BATTAGLIA  
License No. 21-01-102366

Respondent.

FIRST AMENDED FORMAL COMPLAINT

NOW COMES the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Complainant, pursuant to MCL 339.101-605, and its rules promulgated thereunder, upon information and belief alleges as follows:

1. Battaglia Builders Inc., Joseph C. Battaglia, Qualifying Officer, (Respondent), at times relevant to this Complaint, was licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412. A certification of license status is attached hereto as Exhibit 1.
2. Joseph C. Battaglia, (Respondent), has, at all times relevant to this Complaint, been licensed as a residential builder under the Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2412.

3. A Complaint against Respondents, conforming to the requirements of § 2411 of 1980 PA 299, as amended; MCL 339.2411 has been filed with the Department of Licensing and Regulatory Affairs by \_\_\_\_\_ and is attached hereto as Exhibit.2.

4. An authority charged with the enforcement of the laws governing construction of residential or residential and commercial buildings in the political subdivision in which the building is located, has submitted an evaluation of the Complaint submitted. The evaluation is attached hereto as Exhibit 3.

5. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with \_\_\_\_\_ on or about July 30, 2005, pursuant to attached Exhibit 4.

6. Respondents, in performance of the contract, failed to comply with §§ R504.1, R506.2.1, R603.17, R702.3.5, R703.7.6, R905.2.6, and R905.2.8.5 of the 2003 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective February 29, 2004, contrary to 2006 AACRS, R 338.1551(5).

7. Respondents, in performance of the contract, failed to comply with §§ R504.1 and R603.17 of the Michigan Mechanical Code, contrary to 2006 AACRS, R 338.1551(5).

8. Respondents have failed to account for monies received from or on behalf of \_\_\_\_\_ contrary to MCL 339.2411(2)(c).

9. Respondents have violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

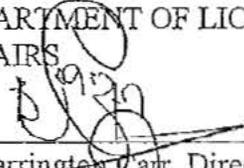
10. Respondent Joseph C. Battaglia was a party to the acts and omissions alleged hereinabove and was in a position to ensure compliance with the Occupational Code or otherwise prevent the violations that are the subject of this complaint but failed to do so.

Based upon the conduct as aforesaid, Respondents have acted contrary to §§ 604(c) and 2411(2)(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c), MCL 339.2411(2)(c) and rule 51(5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACRS, R 338.1551(5), constituting grounds for the assessment of a penalty as defined in § 602 of the Occupational Code.

WHEREFORE, Complainant, Department of Licensing and Regulatory Affairs, hereby commences proceedings pursuant to the Administrative Procedures Act of 1969, PA 306, as amended, MCL 24.201-328 and the Occupational Code, *supra*, to determine whether disciplinary action should be taken by the Department of Licensing and Regulatory Affairs, pursuant to the Occupational Code, for the reasons set forth herein.

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

BY

  
Barrington Carr, Director  
Enforcement Division

Dated: 4-15-15

Responsive Pleadings Should Be Filed With:

Department of Licensing and Regulatory Affairs  
Corporations, Securities & Commercial Licensing Bureau  
Regulatory Compliance Division  
P.O. Box 30018  
Lansing, MI 48909