

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

JANET L. COMPO
License Number: 21-01-089722

Complaint Number: 317519
Docket Number: 15-032798-CSCLB

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged Janet Compo (Respondent) with violating sections 604(h) and 2409 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 July 2, 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 August 11, 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(h) and 2409 of the Occupational Code, supra, Respondent's license to practice as a builder in the state of

Michigan is REVOKED, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent 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 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).

CONTINUED ON NEXT PAGE

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: 10-28-15

**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 Janet Compo, Complaint Number 317519, Docket Number 15-032798-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

**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

**AUTHENTIC HOMES & DESIGN, LLC
STEVEN EDWARD TUCKER, QUALIFYING OFFICER**

License Number: 21-02-197766

Complaint Number: 320095

Docket Number: 15-001750-CSCLB

AND

STEVEN EDWARD TUCKER

License Number: 21-01-189711

Complaint Number: 320096

Docket Number: 15-001752-CSCLB

FINAL ORDER

On September 5, 2014, a Formal Complaint (Complaint) was executed that charged Authentic Homes & Design, LLC and Steven Edward Tucker, Qualifying Officer (Respondents) with violating sections 604(c) and 2411(2)(l) 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 April 14, 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 August 11,

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(1)(l) of the Occupational Code, supra, Respondents shall be placed on PROBATION until the end of the license renewal cycle, May 31, 2017, commencing on the effective date of this Order. The terms of probation shall be as follows:

1. CPA Attestation Reports: Respondents shall submit to the Department of Licensing and Regulatory Affairs (Department) Certified Public Accountant (CPA) Attestation Reports biannually. The reports shall be submitted in a format approved by the Department and include an opinion regarding Respondents' compliance or noncompliance with the Occupational Code.
2. REPORTING PROCEDURE: All reports required herein shall be filed on a biannual basis and cover a six-month period. The reporting schedule shall be as follows:
 - a. The first report shall be prepared for the period beginning May 1, 2015 through October 31, 2015 and shall be received by the Department no later than November 30, 2015.
 - b. The second report shall be prepared for the period beginning November 1, 2015 through April 30, 2016 and shall be received by the Department no later than May 31, 2016.
 - c. The third report shall be prepared for the period beginning May 1, 2016 through October 31, 2016 and shall be received by the Department no later than November 30, 2016.
 - d. The fourth report shall be prepared for the period beginning November 1, 2016 through April 30,

2017 and shall be received by the Department no later than May 31, 2017.

Respondent shall direct all communications, except fines, required by the terms of this Order to: Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.

3. COMPLIANCE WITH THE OCCUPATIONAL CODE: Respondent shall comply with all applicable provisions of the Occupational Code and rules promulgated thereunder.
4. COSTS: Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

IT IS FURTHER ORDERED that Respondents shall be automatically discharged from probation at the end of the probationary period, PROVIDED Respondents have complied with the terms of this Order and have not violated the Occupational Code.

IT IS FURTHER ORDERED that Respondents are FINED \$5,000.00 to be paid to the State of Michigan within 90 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 **320095 and 320096.**

IT IS FURTHER ORDERED that failure to comply with the terms and conditions of this Order shall result in **REVOCATION** of Respondents' licenses to practice as a builder, both as an individual and company, in the state of Michigan. Respondent Steven Edward Tucker may not serve as the 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 in the event Respondents' licenses are revoked, Respondents must petition the Board for reinstatement. No application for licensure, relicensure, reinstatement or renewal shall be considered or granted by the Department of Licensing and Regulatory Affairs 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).

CONTINUED ON NEXT PAGE

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: 10-28-15

**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 Authentic Homes & Design, LLC and Steven Edward Tucker, Qualifying Officer, Complaint Numbers 320095 and 320096, Docket Numbers 15-001750-CSCLB and 15-001752-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of five pages, this page included.

KD

**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

**AUTHENTIC HOMES & DESIGN, LLC
STEVEN EDWARD TUCKER, QUALIFYING OFFICER**

License Number: 21-02-197766

Complaint Number: 320095

Docket Number: 15-001750-CSCLB

AND

STEVEN EDWARD TUCKER

License Number: 21-01-189711

Complaint Number: 320096

Docket Number: 15-001752-CSCLB

FINAL ORDER

On September 5, 2014, a Formal Complaint (Complaint) was executed that charged Authentic Homes & Design, LLC and Steven Edward Tucker, Qualifying Officer (Respondents) with violating sections 604(c) and 2411(2)(l) 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 April 14, 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 August 11,

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(1)(l) of the Occupational Code, supra, Respondents shall be placed on PROBATION until the end of the license renewal cycle, May 31, 2017, commencing on the effective date of this Order. The terms of probation shall be as follows:

1. CPA Attestation Reports: Respondents shall submit to the Department of Licensing and Regulatory Affairs (Department) Certified Public Accountant (CPA) Attestation Reports biannually. The reports shall be submitted in a format approved by the Department and include an opinion regarding Respondents' compliance or noncompliance with the Occupational Code.
2. REPORTING PROCEDURE: All reports required herein shall be filed on a biannual basis and cover a six-month period. The reporting schedule shall be as follows:
 - a. The first report shall be prepared for the period beginning May 1, 2015 through October 31, 2015 and shall be received by the Department no later than November 30, 2015.
 - b. The second report shall be prepared for the period beginning November 1, 2015 through April 30, 2016 and shall be received by the Department no later than May 31, 2016.
 - c. The third report shall be prepared for the period beginning May 1, 2016 through October 31, 2016 and shall be received by the Department no later than November 30, 2016.
 - d. The fourth report shall be prepared for the period beginning November 1, 2016 through April 30,

2017 and shall be received by the Department no later than May 31, 2017.

Respondent shall direct all communications, except fines, required by the terms of this Order to: Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.

3. COMPLIANCE WITH THE OCCUPATIONAL CODE: Respondent shall comply with all applicable provisions of the Occupational Code and rules promulgated thereunder.
4. COSTS: Respondent shall be solely responsible for payment of all costs incurred in complying with the terms of this Order.

IT IS FURTHER ORDERED that Respondents shall be automatically discharged from probation at the end of the probationary period, PROVIDED Respondents have complied with the terms of this Order and have not violated the Occupational Code.

IT IS FURTHER ORDERED that Respondents are FINED \$5,000.00 to be paid to the State of Michigan within 90 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 **320095 and 320096.**

IT IS FURTHER ORDERED that failure to comply with the terms and conditions of this Order shall result in **REVOCATION** of Respondents' licenses to practice as a builder, both as an individual and company, in the state of Michigan. Respondent Steven Edward Tucker may not serve as the 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 in the event Respondents' licenses are revoked, Respondents must petition the Board for reinstatement. No application for licensure, relicensure, reinstatement or renewal shall be considered or granted by the Department of Licensing and Regulatory Affairs 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).

CONTINUED ON NEXT PAGE

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: 10-28-15

**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 Authentic Homes & Design, LLC and Steven Edward Tucker, Qualifying Officer, Complaint Numbers 320095 and 320096, Docket Numbers 15-001750-CSCLB and 15-001752-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of five pages, this page included.

KD

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

ERNEST EUGENE WILKERSON
D/B/A CONCEPT CONSTRUCTION CO
License Number: 21-01-148571

Complaint Number: 320130

FINAL ORDER

On October 14, 2014, a Formal Complaint (Complaint) was executed that charged Ernest Eugene Wilkerson, d/b/a Concept Construction Co (Respondent) with violating sections 2411(2)(a) and 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute violations of sections 604(c) and 2411(2)(a) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **320130**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

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

By: Forest R. Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Ernest Eugene Wilkerson, d/b/a Concept Construction Co, Complaint Number 320130, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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
Complainant,

v

ERNEST EUGENE WILKERSON
d/b/a CONCEPT CONSTRUCTION CO.
License No. 21-01-148571
Respondent

Complaint No. 320130
Docket No. 15-005223-CSCLB

Board: Residential Builders
and Maintenance and
Alteration Contractors

STIPULATION

This matter arises out of a Formal Complaint, dated October 14, 2014, filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 *et seq.*, against Ernest Eugene Wilkerson, Respondent, by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, and all parties being desirous of reaching an amicable settlement of the Formal Complaint; therefore,

1. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent does not contest paragraphs one (1) through five (5) and seven (7) of the Formal Complaint filed on October 14, 2014. Respondent understands that by pleading no contest, he does not admit the truth of the allegations but agrees

that the Board may treat the allegations as true for resolution of the Formal Complaint and may enter an order treating the allegations as true.

2. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent's conduct as described in paragraphs one (1) through five (5) and seven (7) of the Formal Complaint constitutes a violation of MCL 339.604(c) and MCL 339.2411(2)(a), as Respondent failed to complete demolition at 314 S. West Avenue, Jackson, MI 49201, as required by a contract with the homeowner.

3. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that all other allegations contained in the Formal Complaint are dismissed.

4. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of **\$500.00**. The fine shall be paid by cashier's check or money order, with Complaint No. 320130 clearly indicated on the check or money order, made payable to the State of Michigan, within one hundred twenty (120) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation.

5. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within one

hundred twenty (120) days of the date of mailing of the Final Order shall result in a suspension of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and/or denial of any license or registration renewal and the denial of future applications for licensure or registration.

6. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that if the FINE is overdue for at least six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

7. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that the Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intend that by signing this Stipulation, they are waiving the right, pursuant to the Occupational Code, *supra*, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Formal Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney, to cross-examine all

witnesses presented by the Department, and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

9. In agreeing to this Stipulation to resolve the issues raised in the Formal Complaint, the parties considered the following factors:

- A. Respondent has not had previous formal complaints against his licenses.
- B. The contract at issue called for Respondent to remove lathe and plaster from several rooms in the home. The building inspector indicated that Respondent's crew had removed about 95%, leaving only some small areas of lathe behind.
- C. Respondent maintains that he would have returned to the property sooner to complete his contractual obligations, but due to litigation between the parties, he was unable to do so. He maintains that his crew did return to the home at some point to finish clearing the lathe, but this was not verified.

Agreed to:



Ernest Eugene Wilkerson, Respondent

Date: 04/24/15

Approved by:



Barrington Carr, Director
Enforcement Division

Date: 5/5/15

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

KINGSMEN, INC.
D/B/A KINGSMEN CONSTRUCTION
License Number: 21-02-201853

Complaint Number: 320675
Docket Number: 15-004815-CSCLB

FINAL ORDER

On October 8, 2014, a Formal Complaint (Complaint) was executed that charged Kingsmen, Inc., d/b/a Kingsmen Construction (Respondent) with violating sections 601(1), 604(c), 604(h) 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 April 2, 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 August 11, 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 601(1), 604(c), 604(h) and 2411(2)(c) of the Occupational Code, supra, Respondent's license to practice as a builder in the state of Michigan remains in revoked status.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondent is FINED \$40,000.00 to be paid to the State of Michigan within 90 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 number **320675**.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondent shall pay RESTITUTION in the amount of \$3,860.58 to P. C. and K. C. within 90 days from the effective date of this Order.

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

IT IS FURTHER ORDERED that 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: 10-28-15

**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 Kingsmen, Inc., d/b/a Kingsmen Construction, Complaint Number 320675, Docket Number 15-004815-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

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

BRENTON TYLER SPAULDING
License Number: 21-01-107429

Complaint Number: 320946
Docket Number: 15-032791-CSCLB

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged Brenton Tyler Spaulding (Respondent) with violating sections 601(1) and 604(h) 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 July 2, 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 August 11, 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 601(1) and 604(h) of the Occupational Code, supra, Respondent's license to practice as a builder in the state of

Michigan is IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine and provides proof of satisfying the restitution requirement, in a form acceptable to the Department of Licensing and Regulatory Affairs, as set forth below.

IT IS FURTHER ORDERED that Respondent 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 Respondent is FINED \$6,000.00 to be paid to the State of Michigan within 90 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 number 320946.

IT IS FURTHER ORDERED that Respondent shall pay RESTITUTION in the amount of \$610.00 to S.Y. within 90 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall direct all other

communications with the *exception of fines* required by this Order 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 restitution as set forth above shall result in **REVOCAION** of Respondent's license to practice as a builder 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: 10-28-15

**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 Brenton Tyler Spaulding, Complaint Number 320946, Docket Number 15-032791-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
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

RAYMOND EDWARD KOVACH
License Number: 21-01-127543

Complaint Number: 321032
Docket Number: 15-018141-CSCLB

FINAL ORDER

On January 30, 2015, a Formal Complaint (Complaint) was executed that charged Raymond Edward Kovach (Respondent) with violating section 604(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 June 2, 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 August 11, 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) of the Occupational Code, supra, Respondent is FINED \$1,000.00 to be paid to the State of Michigan within sixty 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, Regulatory and Compliance 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 number 321032.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **SUSPENSION** of Respondent's license to practice as a builder in the state of Michigan.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated upon receipt of evidence that Respondent has paid the fine set forth above.

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: 10-28-15

**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 Raymond Edward Kovach, Complaint Number 321032, Docket Number 15-018141-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaint alleging a violation of section 2411(2)(l) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **321545 and 321546**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Hessling Macksood, LLC and Ronald Anthony Hessling, Qualifying Officer, Complaint Numbers 321545 and 321546, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**HESSLING MACKSOOD LLC
RONALD ANTHONY HESSLING, QUALIFYING OFFICER
License No. 21-02-179536,
Respondent,**

**Complaint No. 321545
Docket No. 14-035595-CSCLB**

and

**RONALD ANTHONY HESSLING
License No. 21-01-187716,
Respondent.**

**Complaint No. 321546
Docket No. 14-035597-CSCLB**

Board: Residential Builders

STIPULATION

This case was scheduled for a formal administrative hearing before the Michigan Administrative Hearing System ("MAHS"), following the issuance of a Formal Complaint, dated May 1, 2014, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against HESSLING MACKSOOD LLC, RONALD ANTHONY HESSLING, QUALIFYING OFFICER, and RONALD ANTHONY HESSLING ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department"). The Department and Respondent agreed to a settlement in advance of the hearing scheduled to be held on March 30, 2015 and the case was withdrawn from the MAHS hearing docket, without prejudice.

The parties agree to the following:

1. Respondents acknowledge the following facts:
 - A. Respondent Hesslering Macksood LLC entered into a contract in the amount of \$420,000, dated on or about November 9, 2011, with Matthew and Allison Moody, for the construction of a new home in Linden, Michigan.
 - B. The homeowners filed a Complaint on or about August 9, 2013 and the Department conducted an investigation and issued a Formal Complaint.

C. The local building inspector did not allege any building code violations and the complaint issues were contractual and financial in nature.

D. A Compliance Conference was held on July 29, 2014, however a settlement was not able to be reached at that time.

2. Respondents admit to the following violations:

A. Respondents failed to reduce contract changes to a writing signed by the parties, contrary to 2006 AACRS, R 338.1533(1).

B. Respondents failed to account for money received from the homeowners, Matthew and Allison Moody, contrary to MCL 339. 2411(2)(c).

C. Respondents failed to respond to the Complaint in a timely manner, contrary to 2006 AACRS, R 338.1551(2).

D. Respondents violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c). *[re: rule violations in A and C]*

E. Pursuant to Section 2405(1) a qualifying officer is responsible for exercising the supervision or control of the building or construction operations necessary to secure full compliance with this article and the rules promulgated under this article and therefore Respondent Ronald Anthony Hessling, as Qualifying Officer of Respondent Hessling Macksood LLC, was a party to the violations and was in a position to ensure compliance with the Occupational Code.

3. The allegation that Respondents failed to satisfy two (2) liens, contrary to MCL 2411(2)(l), is dismissed, taking into consideration that the lien claimants did not file a foreclosure action within 12 months of recording the liens and the liens are no longer in effect. In addition, Respondents stated that they disputed the charges by the lien claimants. On January 28, 2013, Justice Custom Cabinetry recorded a lien in the amount of \$9,000 (contract amount: \$18,000) and on March 15, 2013, Gilmour Electric recorded a lien in the amount of \$5,925 (contract amount: \$12,925). A "Certificate Of Genesee County Clerk That An Action To Enforce A Construction Lien Was Not Timely Commenced," dated January 13, 2015, has been issued regarding the lien recorded by Gilmour Electric; and a "Certificate Of Genesee County Clerk That An Action To Enforce A Construction Lien Was Not Timely Commenced," dated February 24, 2015, has been issued regarding the lien recorded by Justice Custom Cabinetry. Pursuant to Section 128 of the Construction Lien Act, MCL 570.1128, a claim of lien shall have no effect upon the issuance and recording of the certificate. In addition, pursuant to

Section 302(2) of the Construction Lien Act, MCL 570.1302(2), the certificate does not prevent a lien claimant from maintaining a separate action on the underlying contract (between Respondents and the lien claimants).

4. It is acknowledged that Respondents responded to the Complaint during the Compliance Conference stage and also provided a financial accounting of monies received and disbursed.

5. Respondents shall pay a FINE (joint and several) in the amount of Two Thousand Dollars (\$2,000.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 321545 and 321546 clearly indicated on the check or money order, made payable to the State of Michigan, and the fine payment must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, in the event that the fine payment is overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondents.

6. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondents fail to comply with the terms of the Stipulation (payment of the fine) within 90 days of the date of mailing of the Final Order, the fine shall increase to \$2,500, due within 120 days of the date of mailing of the Final Order.

7. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; ph: (517) 241-9278; fax: (517) 241-9296.

8. The following factors were considered in reaching this agreement:

- A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the Complaint.
- B. License records indicate that Hessling Macksood LLC, Ronald A. Hessling, Qualifying Officer, was issued a company builder license effective February 1, 2006 and the license is currently in lapsed status due to non-renewal, effective June 1, 2014. Ronald A. Hessling was issued an individual license effective April 26, 2008 and the license is currently active (expiration: May 31, 2017). There is no record of any prior disciplinary action taken against the licenses.
- C. Respondents noted that the local building inspector did not allege any building code violations and that the complaint involved only contractual and financial issues. The builder company, Hessling Macksood LLC, is no longer in business (license lapsed June 1, 2014). Respondents also noted that they disputed the liens and that liens no longer have any effect on the homeowner's chain of title as the lien claimants did not file foreclosure actions on the liens within 12 months of recording, and in addition, the Genesee County Clerk has issued Certificates to that effect.
- D. Although Respondents failed to respond to the Complaint and failed to provide a financial accounting during the complaint investigation, Respondents subsequently complied during the Compliance Conference stage.

9. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

10. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a contested case hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

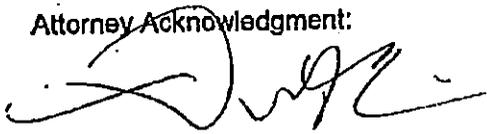
On behalf of Hessling Macksood LLC
and Individually



Ronald Anthony Hessling, Member of
Hessling Macksood LLC and Qualifying Officer

Date: 04/14/15

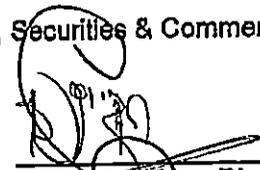
Attorney Acknowledgment:



David A. Salim
Hicks, Schmidlin & Salim, PC

Date: 04/14/15

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

Barrington Carr, Director
Enforcement Division

Date: 4-22-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

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

HESSLING MACKSOOD, LLC
RONALD ANTHONY HESSLING, QUALIFYING OFFICER
License Number: 21-02-179536 Complaint Number: 321545

AND

RONALD ANTHONY HESSLING
License Number: 21-01-187716 Complaint Number: 321546

FINAL ORDER

On May 1, 2014, a Formal Complaint (Complaint) was executed that charged Hessling Macksood, LLC and Ronald Anthony Hessling, Qualifying Officer, (Respondents) with violating sections 2411(2)(c), 2411(2)(l) and 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute violations of sections 2411(2)(c) and 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaint alleging a violation of section 2411(2)(l) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **321545 and 321546**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Hessling Macksood, LLC and Ronald Anthony Hessling, Qualifying Officer, Complaint Numbers 321545 and 321546, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**HESSLING MACKSOOD LLC
RONALD ANTHONY HESSLING, QUALIFYING OFFICER
License No. 21-02-179536,
Respondent,**

**Complaint No. 321545
Docket No. 14-035595-CSCLB**

and

**RONALD ANTHONY HESSLING
License No. 21-01-187716,
Respondent.**

**Complaint No. 321546
Docket No. 14-035597-CSCLB**

Board: Residential Builders

STIPULATION

This case was scheduled for a formal administrative hearing before the Michigan Administrative Hearing System ("MAHS"), following the issuance of a Formal Complaint, dated May 1, 2014, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against HESSLING MACKSOOD LLC, RONALD ANTHONY HESSLING, QUALIFYING OFFICER, and RONALD ANTHONY HESSLING ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department"). The Department and Respondent agreed to a settlement in advance of the hearing scheduled to be held on March 30, 2015 and the case was withdrawn from the MAHS hearing docket, without prejudice.

The parties agree to the following:

1. Respondents acknowledge the following facts:
 - A. Respondent Hesslering Macksood LLC entered into a contract in the amount of \$420,000, dated on or about November 9, 2011, with Matthew and Allison Moody, for the construction of a new home in Linden, Michigan.
 - B. The homeowners filed a Complaint on or about August 9, 2013 and the Department conducted an investigation and issued a Formal Complaint.

C. The local building inspector did not allege any building code violations and the complaint issues were contractual and financial in nature.

D. A Compliance Conference was held on July 29, 2014, however a settlement was not able to be reached at that time.

2. Respondents admit to the following violations:

A. Respondents failed to reduce contract changes to a writing signed by the parties, contrary to 2006 AACRS, R 338.1533(1).

B. Respondents failed to account for money received from the homeowners, Matthew and Allison Moody, contrary to MCL 339. 2411(2)(c).

C. Respondents failed to respond to the Complaint in a timely manner, contrary to 2006 AACRS, R 338.1551(2).

D. Respondents violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c). *[re: rule violations in A and C]*

E. Pursuant to Section 2405(1) a qualifying officer is responsible for exercising the supervision or control of the building or construction operations necessary to secure full compliance with this article and the rules promulgated under this article and therefore Respondent Ronald Anthony Hessling, as Qualifying Officer of Respondent Hessling Macksood LLC, was a party to the violations and was in a position to ensure compliance with the Occupational Code.

3. The allegation that Respondents failed to satisfy two (2) liens, contrary to MCL 2411(2)(l), is dismissed, taking into consideration that the lien claimants did not file a foreclosure action within 12 months of recording the liens and the liens are no longer in effect. In addition, Respondents stated that they disputed the charges by the lien claimants. On January 28, 2013, Justice Custom Cabinetry recorded a lien in the amount of \$9,000 (contract amount: \$18,000) and on March 15, 2013, Gilmour Electric recorded a lien in the amount of \$5,925 (contract amount: \$12,925). A "Certificate Of Genesee County Clerk That An Action To Enforce A Construction Lien Was Not Timely Commenced," dated January 13, 2015, has been issued regarding the lien recorded by Gilmour Electric; and a "Certificate Of Genesee County Clerk That An Action To Enforce A Construction Lien Was Not Timely Commenced," dated February 24, 2015, has been issued regarding the lien recorded by Justice Custom Cabinetry. Pursuant to Section 128 of the Construction Lien Act, MCL 570.1128, a claim of lien shall have no effect upon the issuance and recording of the certificate. In addition, pursuant to

Section 302(2) of the Construction Lien Act, MCL 570.1302(2), the certificate does not prevent a lien claimant from maintaining a separate action on the underlying contract (between Respondents and the lien claimants).

4. It is acknowledged that Respondents responded to the Complaint during the Compliance Conference stage and also provided a financial accounting of monies received and disbursed.

5. Respondents shall pay a FINE (joint and several) in the amount of Two Thousand Dollars (\$2,000.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 321545 and 321546 clearly indicated on the check or money order, made payable to the State of Michigan, and the fine payment must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, in the event that the fine payment is overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondents.

6. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondents fail to comply with the terms of the Stipulation (payment of the fine) within 90 days of the date of mailing of the Final Order, the fine shall increase to \$2,500, due within 120 days of the date of mailing of the Final Order.

7. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; ph: (517) 241-9278; fax: (517) 241-9296.

8. The following factors were considered in reaching this agreement:

- A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the Complaint.
- B. License records indicate that Hessling Macksood LLC, Ronald A. Hessling, Qualifying Officer, was issued a company builder license effective February 1, 2006 and the license is currently in lapsed status due to non-renewal, effective June 1, 2014. Ronald A. Hessling was issued an individual license effective April 26, 2008 and the license is currently active (expiration: May 31, 2017). There is no record of any prior disciplinary action taken against the licenses.
- C. Respondents noted that the local building inspector did not allege any building code violations and that the complaint involved only contractual and financial issues. The builder company, Hessling Macksood LLC, is no longer in business (license lapsed June 1, 2014). Respondents also noted that they disputed the liens and that liens no longer have any effect on the homeowner's chain of title as the lien claimants did not file foreclosure actions on the liens within 12 months of recording, and in addition, the Genesee County Clerk has issued Certificates to that effect.
- D. Although Respondents failed to respond to the Complaint and failed to provide a financial accounting during the complaint investigation, Respondents subsequently complied during the Compliance Conference stage.

9. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

10. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a contested case hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

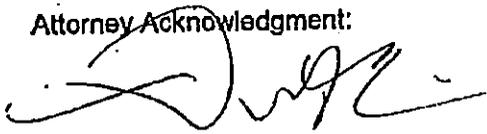
On behalf of Hessling Macksood LLC
and Individually



Ronald Anthony Hessling, Member of
Hessling Macksood LLC and Qualifying Officer

Date: 04/14/15

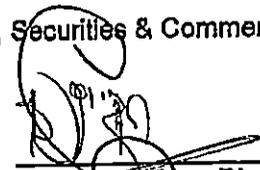
Attorney Acknowledgment:



David A. Salim
Hicks, Schmidlin & Salim, PC

Date: 04/14/15

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

Barrington Carr, Director
Enforcement Division

Date: 4-22-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

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

JERRY LEROY MORGAN
License Number: 21-01-088667

Complaint Number: 321700

FINAL ORDER

On June 9, 2014, a Formal Complaint (Complaint) was executed that charged Jerry Leroy Morgan (Respondent) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **321700**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

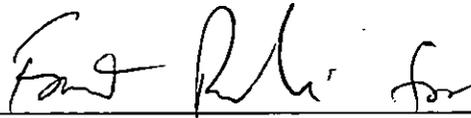
This Final Order is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended; MCL 15.241(1)(a).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

**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 Jerry Leroy Morgan, Complaint Number 321700, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**JERRY LEROY MORGAN
License No. 21-01-088667,
Respondent.**

**Complaint No. 321700
Docket No. 14-020841**

Board: Residential Builders

STIPULATION

This case was scheduled for a formal administrative hearing before the Michigan Administrative Hearing System ("MAHS"), following the issuance of a Formal Complaint ("Complaint"), dated June 9, 2014, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against JERRY LEROY MORGAN ("Respondent") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department"). The Department and Respondent agreed to a settlement prior to the date of the hearing scheduled to be held on January 28, 2015 and the case was withdrawn from the MAHS hearing docket, without prejudice. The Department and Respondent agree to the following:

1. Respondent acknowledges the following facts:

- A. Respondent entered into a contract, dated on or about October 31, 2012, with Karla Major, for certain renovation services and materials for a residential home located at 2836 Grant Road, Rochester Hills, Michigan.
- B. The homeowner filed a complaint on or about September 9, 2013; and on or about August 6, 2013, a building inspector from the City of Rochester Hills conducted a building inspection related to the complaint submitted by the homeowner, and the Building Inspection Report cited certain alleged building code violations.
- C. A Formal Complaint was issued on June 9, 2014 and a Compliance Conference was held on July 30, 2014, however a settlement was not able to be reached at that time, and a formal administrative hearing was scheduled.

2. Respondent admits to the following alleged violations:

A. Respondent, in performance of the contract, failed to comply with § R311.7.4.1 of the 2009 Michigan Residential Code, regarding rear deck steps that had unequal riser heights, contrary to 2006 AACRS, R 338.1551(5).

B. Respondent violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c). [re: rule violation cited in paragraph 2A]

C. All other alleged building code violations are dismissed pursuant to the principle of settlement and compromise.

3. Respondent shall pay a FINE in the amount of Five Hundred Dollars (\$500.00). The fine shall be paid by cashier's check (check) or money order, with Complaint No. 321700 clearly indicated on the check or money order, made payable to the State of Michigan, and the fine payment must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, in the event that the fine payment is overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondent.

4. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondent fails to comply with the terms of the Stipulation (payment of the fine) within 60 days of the date of mailing of the Final Order, the fine shall increase to \$1,000.

5. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and

Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring,
P.O. Box 30018, Lansing, MI 48909; ph: (517) 241-9278; fax: (517) 241-9296.

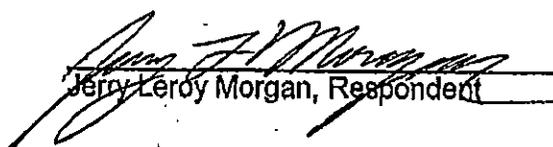
6. The following factors were considered in reaching this agreement:

- A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the Complaint.
- B. Respondent stated that subject project was related to a rehabilitation grant and the home was in need of substantial repair. In addition, Respondent stated that some of the alleged building code violations existed prior to his retention and were not in the contract scope of work.
- C. Respondent was issued an individual builder license effective November 7, 1989 (expiration: May 31, 2017). There is no record of any prior disciplinary action in the 26 years that Respondent has been a licensed builder.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau; or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a contested case hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

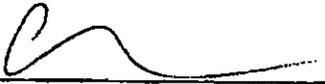
Agreed to:


Jerry Leroy Morgan, Respondent

Date:

3/24/15

Attorney Acknowledgment:



Craig R. Fiederlein
Christenson & Fiederlein PC

Date: 3/24/15

Corporations, Securities & Commercial Licensing Bureau:



Approved by: Barrington Parr, Director
Enforcement Division

Date: 4-13-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

**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

**AMERI PRO RESTORATION, LLC
RONALD ALLEN BROWN, QUALIFYING OFFICER**

License Number: 21-02-190549

Complaint Number: 321727

Docket Number: 14-014996-CSCLB

AND

RONALD ALLEN BROWN

License Number: 21-01-088065

Complaint Number: 321736

Docket Number: 14-014997-CSCLB

FINAL ORDER

On April 1, 2014, a Formal Complaint (Complaint) was executed that charged Ameri Pro Restoration, LLC and Ronald Allen Brown, Qualifying Officer, (Respondents) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Administrative hearings were held in these matters before administrative law judges who, on March 10, 2015, issued a Hearing Report regarding Complaint Number 321736 and on April 10, 2015, issued a Hearing Report regarding Complaint Number 321727, both 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 records, considered these matters at a regularly scheduled meeting held in Lansing, Michigan on August 11,

2015 and received the administrative law judges' Findings of Fact and Conclusions of Law in the Hearing Reports. Therefore,

IT IS ORDERED that for violating section 604(c) of the Occupational Code, supra, Respondents are FINED \$1.00 to be paid to the State of Michigan within six months 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 **321727 and 321736**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **SUSPENSION** of Respondents' licenses to practice as builders in the state of Michigan. Respondent, Ronald Allen Brown, may not serve as the qualifying officer of any licensed corporation or business entity while any Article 24 license held by Respondent in suspended or revoked status.

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: 10-28-15

**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 Ameri Pro Restoration, LLC and Ronald Allen Brown, Qualifying Officer, Complaint Numbers 321727 and 321736, and Docket Numbers 14-014996-CSCLB and 14-014997-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

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

AMERI PRO RESTORATION, LLC
RONALD ALLEN BROWN, QUALIFYING OFFICER

License Number: 21-02-190549

Complaint Number: 321727

Docket Number: 14-014996-CSCLB

AND

RONALD ALLEN BROWN

License Number: 21-01-088065

Complaint Number: 321736

Docket Number: 14-014997-CSCLB

FINAL ORDER

On April 1, 2014, a Formal Complaint (Complaint) was executed that charged Ameri Pro Restoration, LLC and Ronald Allen Brown, Qualifying Officer, (Respondents) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Administrative hearings were held in these matters before administrative law judges who, on March 10, 2015, issued a Hearing Report regarding Complaint Number 321736 and on April 10, 2015, issued a Hearing Report regarding Complaint Number 321727, both 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 records, considered these matters at a regularly scheduled meeting held in Lansing, Michigan on August 11,

2015 and received the administrative law judges' Findings of Fact and Conclusions of Law in the Hearing Reports. Therefore,

IT IS ORDERED that for violating section 604(c) of the Occupational Code, supra, Respondents are FINED \$1.00 to be paid to the State of Michigan within six months 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 **321727 and 321736**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **SUSPENSION** of Respondents' licenses to practice as builders in the state of Michigan. Respondent, Ronald Allen Brown, may not serve as the qualifying officer of any licensed corporation or business entity while any Article 24 license held by Respondent in suspended or revoked status.

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: 10-28-15

**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 Ameri Pro Restoration, LLC and Ronald Allen Brown, Qualifying Officer, Complaint Numbers 321727 and 321736, and Docket Numbers 14-014996-CSCLB and 14-014997-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

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

METAL ROOFS OF MICHIGAN, LLC
ERIC EMIL RASCHE, QUALIFYING OFFICER
License Number: 21-04-157964

Complaint Number: 321737

AND

ERIC EMIL RASCHE
License Number: 21-03-188681

Complaint Number: 321738

FINAL ORDER

On October 8, 2014, a Formal Complaint (Complaint) was executed that charged Metal Roofs of Michigan, LLC and Eric Emil Rasche, Qualifying Officer (Respondents) with violating sections 601(1), 604(c), 604(h), 604(l) and 2411(2)(j) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaints are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, *supra*, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaints are true and constitute violations of sections 601(1), 2411(2)(j) and 604(h) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaint alleging a violation of sections 604(c) and 604(l) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **321737 and 321738**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Metal Roofs of Michigan, LLC and Eric Emil Rasche, Qualifying Officer, Complaint Numbers 321737 and 321738, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**METAL ROOFS OF MICHIGAN LLC
ERIC EMIL RASCHE, QUALIFYING OFFICER
License No. 21-04-157964,
Respondent,**

Complaint No. 321737

and

**ERIC EMIL RASCHE
License No. 21-03-188681
Respondent.**

Complaint No. 321738

Board: Residential Builders

STIPULATION

This matter was scheduled for a Compliance Conference on December 3, 2014, following the issuance of a Formal Complaint ("Complaint"), dated October 8, 2014, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against Metal Roofs of Michigan LLC, Eric Emil Rasche, Qualifying Officer, and Eric Emil Rasche ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the Conference were the following: James C. Nelson, Jr., Department Conferee, and Eric Emil Rasche, on behalf of Respondents. All parties agree to the following:

1. Respondents admit to the following facts:

- A. Metal Roofs of Michigan LLC was first issued a maintenance and alteration contractor company license (specialty: roofing) effective May 7, 2001 and the license lapsed effective June 1, 2011 due to non-renewal. Relicensure was granted effective October 18, 2013 and the license is currently active (expiration: May 31, 2017). Eric E. Rasche was issued a maintenance and alteration individual contractor license (specialty: roofing) effective May 17, 2008 and the license is currently active (expiration: May 31, 2017).
- B. On or about May 13, 2013, Respondents entered into a contract to install a metal roof and performed the services.

2. Respondents admit to the following violations:

- A. At the time Respondent Metal Roofs of Michigan LLC entered into the contract, Metal Roofs of Michigan LLC was not licensed (lapsed license), contrary to MCL 339.601(1).
- B. Respondent Eric Emil Rasche acted as an agent, partner, or associate with Metal Roofs of Michigan LLC, an entity not licensed under the Occupational Code (lapsed license), contrary to MCL 339.2411(2)(j).
- C. Respondent Metal Roofs of Michigan LLC violated a provision or rule for which a penalty is not otherwise prescribed, contrary to MCL 339.604(h).
- D. All other alleged violations are dismissed.

3. Respondents shall pay a FINE in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 321737 and 321738 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

4. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

- A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and Respondents cooperated in the resolution of the Complaint.
- B. The license of Metal Roofs of Michigan LLC was in lapsed status at the time of the contract and performance of services (May 2013), however, relicensure was subsequently obtained (October 2013).

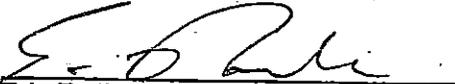
C. Metal Roofs of Michigan LLC has been licensed since May 7, 2001; Eric E. Rasche has been licensed since May 17, 2008; and Respondents have no prior record of disciplinary action taken against their licenses.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

On behalf of Metal Roofs of Michigan LLC
and Eric Emil Rasche Individually

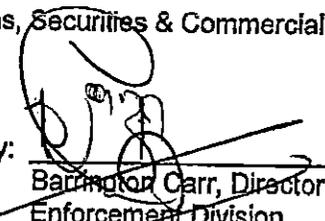

Eric Emil Rasche

Date: 4/8/15

Acknowledged by Respondent's Attorney (if applicable):

(Sign/date above; Print name, address, telephone no. below) Date: _____

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 
Barrington Carr, Director
Enforcement Division

Date: 4/28/15

Drafted by: James C. Nelson, Regulatory Compliance Division

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

METAL ROOFS OF MICHIGAN, LLC
ERIC EMIL RASCHE, QUALIFYING OFFICER
License Number: 21-04-157964

Complaint Number: 321737

AND

ERIC EMIL RASCHE
License Number: 21-03-188681

Complaint Number: 321738

FINAL ORDER

On October 8, 2014, a Formal Complaint (Complaint) was executed that charged Metal Roofs of Michigan, LLC and Eric Emil Rasche, Qualifying Officer (Respondents) with violating sections 601(1), 604(c), 604(h), 604(l) and 2411(2)(j) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaints are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, *supra*, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaints are true and constitute violations of sections 601(1), 2411(2)(j) and 604(h) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaint alleging a violation of sections 604(c) and 604(l) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **321737 and 321738**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Metal Roofs of Michigan, LLC and Eric Emil Rasche, Qualifying Officer, Complaint Numbers 321737 and 321738, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**METAL ROOFS OF MICHIGAN LLC
ERIC EMIL RASCHE, QUALIFYING OFFICER
License No. 21-04-157964,
Respondent,**

Complaint No. 321737

and

**ERIC EMIL RASCHE
License No. 21-03-188681
Respondent.**

Complaint No. 321738

Board: Residential Builders

STIPULATION

This matter was scheduled for a Compliance Conference on December 3, 2014, following the issuance of a Formal Complaint ("Complaint"), dated October 8, 2014, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against Metal Roofs of Michigan LLC, Eric Emil Rasche, Qualifying Officer, and Eric Emil Rasche ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the Conference were the following: James C. Nelson, Jr., Department Conferee, and Eric Emil Rasche, on behalf of Respondents. All parties agree to the following:

1. Respondents admit to the following facts:

- A. Metal Roofs of Michigan LLC was first issued a maintenance and alteration contractor company license (specialty: roofing) effective May 7, 2001 and the license lapsed effective June 1, 2011 due to non-renewal. Relicensure was granted effective October 18, 2013 and the license is currently active (expiration: May 31, 2017). Eric E. Rasche was issued a maintenance and alteration individual contractor license (specialty: roofing) effective May 17, 2008 and the license is currently active (expiration: May 31, 2017).
- B. On or about May 13, 2013, Respondents entered into a contract to install a metal roof and performed the services.

2. Respondents admit to the following violations:

- A. At the time Respondent Metal Roofs of Michigan LLC entered into the contract, Metal Roofs of Michigan LLC was not licensed (lapsed license), contrary to MCL 339.601(1).
- B. Respondent Eric Emil Rasche acted as an agent, partner, or associate with Metal Roofs of Michigan LLC, an entity not licensed under the Occupational Code (lapsed license), contrary to MCL 339.2411(2)(j).
- C. Respondent Metal Roofs of Michigan LLC violated a provision or rule for which a penalty is not otherwise prescribed, contrary to MCL 339.604(h).
- D. All other alleged violations are dismissed.

3. Respondents shall pay a FINE in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 321737 and 321738 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

4. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

- A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and Respondents cooperated in the resolution of the Complaint.
- B. The license of Metal Roofs of Michigan LLC was in lapsed status at the time of the contract and performance of services (May 2013), however, relicensure was subsequently obtained (October 2013).

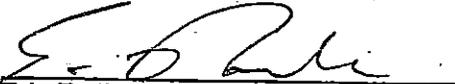
C. Metal Roofs of Michigan LLC has been licensed since May 7, 2001; Eric E. Rasche has been licensed since May 17, 2008; and Respondents have no prior record of disciplinary action taken against their licenses.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

On behalf of Metal Roofs of Michigan LLC
and Eric Emil Rasche Individually


Eric Emil Rasche

Date: 4/8/15

Acknowledged by Respondent's Attorney (if applicable):

(Sign/date above; Print name, address, telephone no. below) Date: _____

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 
Barrington Carr, Director
Enforcement Division

Date: 4/28/15

Drafted by: James C. Nelson, Regulatory Compliance Division

**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

**DANIEL KIETH LOCKE
D/B/A LOCKE HOME IMPROVEMENTS
License Number: 21-01-199875**

**Complaint Number: 321872
Docket Number: 15-002398-CSCLB**

FINAL ORDER

On October 8, 2014, a Formal Complaint (Complaint) was executed that charged Daniel Kieth Locke, d/b/a Locke Home Improvements (Respondent) with violating sections 601(1), 604(c), 604(h) and 2411(2)(a) 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 April 3, 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 August 11, 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 601(1), 604(c), 604(h) and 2411(2)(a) of the Occupational Code, supra, Respondent's license to practice as a builder in the state of Michigan is IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine as set forth below.

IT IS FURTHER ORDERED that for the cited violations Respondent is FINED \$6,000.00 to be paid to the State of Michigan within six months 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 number **321872**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **REVOCAION** of Respondent's license to practice as a builder 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 of Licensing and Regulatory Affairs until all final orders of the Board have been satisfied in full.

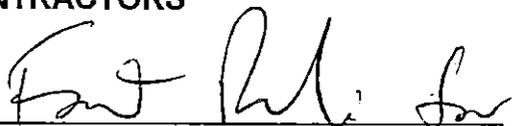
IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to section 604(k) of the Occupational Code, supra.

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: 10-28-15

**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 Daniel Kieth Locke, d/b/a Locke Home Improvements, Complaint Number 321872, Docket Number 15-002398-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

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

JBJ BUILDERS, INC.
JAMIE JAY SIMMONS, QUALIFYING OFFICER
License Number: 21-02-180565

Complaint Number: 322688

AND

JAMIE JAY SIMMONS
License Number: 21-01-194214

Complaint Number: 322689

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged JBJ Builders, Inc. and Jamie Jay Simmons, Qualifying Officer (Respondents) with violating sections 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaints are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaints are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaints alleging a violation of section 2411(2)(e) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **322688 and 322689**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

**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 JBJ Builders, Inc. and Jamie Jay Simmons, Qualifying Officer, Complaint Numbers 322688 and 322689, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD.

May. 4. 2015 1:46PM

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
Complainant,

v

JB BUILDERS INC.
JAMIE JAY SIMMONS, QUALIFYING OFFICER
License No. 21-02-180565
Respondent,

Complaint No. 322688

and

JAMIE JAY SIMMONS
License No. 21-01-194214
Respondent.

Complaint No. 322689

Board: Residential Builders

STIPULATION

A Formal Complaint, dated February 13, 2015, was filed by the Department of Licensing and Regulatory Affairs (LARA), Corporations, Securities and Commercial Licensing Bureau (Department), pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against JB BUILDERS INC., JAMIE JAY SIMMONS, QUALIFYING OFFICER; and JAMIE JAY SIMMONS ("Respondents"). A Compliance Conference was held on April 30, 2015 and the participants included: William Wilhelm, Jr., Conferee, on behalf of the Department, and Jamie Jay Simmons, on behalf of Respondents. The Respondents has been provided an opportunity to demonstrate compliance and the Department and Respondents have negotiated a settlement of the Formal Complaint and agree to the following:

1. Respondents acknowledge the following facts:
 - A. Respondents entered into a contract in the amount of \$69,726, for renovation services for an existing structure in Rockford, Michigan.
 - B. The homeowners filed a Complaint and the Department conducted an investigation and issued a Formal Complaint.
2. Respondents admit to the following violations:
 - A. Respondents failed to provide the homeowners with a copy of the contract, which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

B.. Respondents failed to comply with § R105.1 of the 2009 Michigan Residential Code, contrary to 2006 AACRS, R 338.1551(5).

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

3. The alleged violation of MCL 339.2411(2)(e) [willful failure to obtain a building permit] was dismissed pursuant to the principle of settlement and compromise.

4. Respondents stated that the project commenced after the homeowners accepted and approved a detailed "Estimate," consisting of 4 pages, that included the renovation of the kitchen and master bathroom, as well as removing, rebuilding and supporting the floors in the kitchen, living room and two bedrooms. Respondents stated that they were not enlarging the structure and intended to obtain all necessary permits but claim that the homeowners demanded that no permits be applied for due to a concern that the subject home, which was located in very close proximity to the lakeshore, was classified as "non-conforming," and the building department could require that the house be moved back from the lakeshore. It is noted that the homeowners deny demanding that no building permits be applied for. Respondents stated that they acquiesced to the homeowners' demand because of poor economic conditions and a lack of work at that time. Respondents acknowledged that the builder is responsible for compliance with the building code, including not working on a project without obtaining any necessary permits, even if a homeowner does not want a permit to be applied for. Respondents stated that they stopped work due to continuing contractual and financial disputes and issued a final invoice in the amount of \$52,536.15 (original estimate: \$69,726) that acknowledged receipt of payments totaling \$51,500, and indicated a balance due of \$1,036.14.

5. The homeowners filed a civil complaint in the 17th Circuit Court, Kent County, against JBJ Builders Inc., there was extensive litigation between the parties, resulting in a Settlement Agreement that was executed and the court case was dismissed with prejudice on March 24, 2014.

6. Respondents shall pay a FINE in the amount of Two Thousand Dollars (\$2,000.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 322688 and 322689 clearly indicated on the check or money order, made payable to the State of Michigan, and the fine payment must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, in the event that the fine payment is overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondents.

7. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondents fail to comply with the terms of the Stipulation (payment of the fine) within 60 days of the date of mailing of the Final Order, the fine shall increase to \$2,500, due within 90 days of the date of mailing of the Final Order.

8. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; ph: (517) 241-9278; fax: (517) 241-9296.

9. The following factors were also considered in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the Complaint.

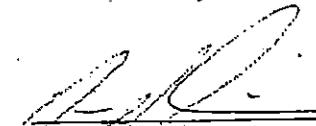
B. License records indicate that JBJ Builders Inc., Jamie Jay Simmons, Qualifying Officer, was issued a company builder license effective April 19, 2006 and the license lapsed on May 31, 2014 (non-renewal). Jamie Jay Simmons was issued an individual license effective April 28, 2009 and the license is currently active (expiration: May 31, 2017). In addition, JBJ Building and Remodeling Inc., Jamie Jay Simmons, Qualifying Officer, was issued a company builder license effective June 2, 2014, and the license is currently active (expiration: May 31, 2017). There is no record of any prior disciplinary action against the licenses.

10. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

11. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a contested case hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

On Behalf of JBJ Builders Inc.
and Jamie Jay Simmons Individually



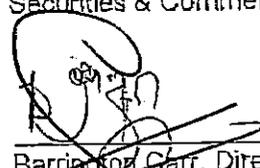
Jamie Jay Simmons

Date: 5/6/15

Acknowledged by Respondent's Attorney (if applicable):

(Sign/date above; Print name, address, telephone no. below) Date: _____

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

Barrington Carr, Director
Enforcement Division

Date: 5-27-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

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. 322688 and 322689

Complainant,

v

JBJ BUILDERS INC.
JAMIE JAY SIMMONS, QUALIFYING OFFICER
License No. 21-02-180565

Respondent,

and

JAMIE JAY SIMMONS
License No. 21-01-194214

Respondent.

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. JBJ Builders Inc., Jamie Jay Simmons, Qualifying Officer, (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.
2. Jamie Jay Simmons, (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 Gloria L. Herman and is attached hereto as Exhibit 1.

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 2.

5. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Gary and Gloria Herman on or about June 20, 2011. A copy of the contract is included herein with Exhibit 1.

6. Respondents failed to provide Gary and Gloria Herman with a copy of the contract referred to in paragraph five above which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

7. Respondents, in performance of the contract, failed to comply with § R105.1 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to MCL 339.2411(2)(e) and 2006 AACRS, R 338.1551(5).

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

9. Respondent Jamie Jay Simmons 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.

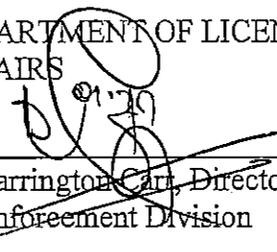
Based upon the conduct as aforesaid, Respondents have acted contrary to §§ 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c), MCL 339.2411(2)(e) and rules 33(1) and 51(5) of the Residential Builders and Maintenance and Alteration

Contractors Board Rules, promulgated thereunder, being 2006 AACRS, R 338.1533(1) and 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: _____

2-13-15

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

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

JBJ BUILDERS, INC.
JAMIE JAY SIMMONS, QUALIFYING OFFICER
License Number: 21-02-180565

Complaint Number: 322688

AND

JAMIE JAY SIMMONS
License Number: 21-01-194214

Complaint Number: 322689

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged JBJ Builders, Inc. and Jamie Jay Simmons, Qualifying Officer (Respondents) with violating sections 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaints are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaints are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaints alleging a violation of section 2411(2)(e) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **322688 and 322689**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

**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 JBJ Builders, Inc. and Jamie Jay Simmons, Qualifying Officer, Complaint Numbers 322688 and 322689, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD.

May. 4. 2015 1:46PM

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
Complainant,

v

JB BUILDERS INC.
JAMIE JAY SIMMONS, QUALIFYING OFFICER
License No. 21-02-180565
Respondent,

Complaint No. 322688

and

JAMIE JAY SIMMONS
License No. 21-01-194214
Respondent.

Complaint No. 322689

Board: Residential Builders

STIPULATION

A Formal Complaint, dated February 13, 2015, was filed by the Department of Licensing and Regulatory Affairs (LARA), Corporations, Securities and Commercial Licensing Bureau (Department), pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against JB BUILDERS INC., JAMIE JAY SIMMONS, QUALIFYING OFFICER; and JAMIE JAY SIMMONS ("Respondents"). A Compliance Conference was held on April 30, 2015 and the participants included: William Wilhelm, Jr., Conferee, on behalf of the Department, and Jamie Jay Simmons, on behalf of Respondents. The Respondents has been provided an opportunity to demonstrate compliance and the Department and Respondents have negotiated a settlement of the Formal Complaint and agree to the following:

1. Respondents acknowledge the following facts:
 - A. Respondents entered into a contract in the amount of \$69,726, for renovation services for an existing structure in Rockford, Michigan.
 - B. The homeowners filed a Complaint and the Department conducted an investigation and issued a Formal Complaint.
2. Respondents admit to the following violations:
 - A. Respondents failed to provide the homeowners with a copy of the contract, which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

B.. Respondents failed to comply with § R105.1 of the 2009 Michigan Residential Code, contrary to 2006 AACRS, R 338.1551(5).

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

3. The alleged violation of MCL 339.2411(2)(e) [willful failure to obtain a building permit] was dismissed pursuant to the principle of settlement and compromise.

4. Respondents stated that the project commenced after the homeowners accepted and approved a detailed "Estimate," consisting of 4 pages, that included the renovation of the kitchen and master bathroom, as well as removing, rebuilding and supporting the floors in the kitchen, living room and two bedrooms. Respondents stated that they were not enlarging the structure and intended to obtain all necessary permits but claim that the homeowners demanded that no permits be applied for due to a concern that the subject home, which was located in very close proximity to the lakeshore, was classified as "non-conforming," and the building department could require that the house be moved back from the lakeshore. It is noted that the homeowners deny demanding that no building permits be applied for. Respondents stated that they acquiesced to the homeowners' demand because of poor economic conditions and a lack of work at that time. Respondents acknowledged that the builder is responsible for compliance with the building code, including not working on a project without obtaining any necessary permits, even if a homeowner does not want a permit to be applied for. Respondents stated that they stopped work due to continuing contractual and financial disputes and issued a final invoice in the amount of \$52,536.15 (original estimate: \$69,726) that acknowledged receipt of payments totaling \$51,500, and indicated a balance due of \$1,036.14.

5. The homeowners filed a civil complaint in the 17th Circuit Court, Kent County, against JBJ Builders Inc., there was extensive litigation between the parties, resulting in a Settlement Agreement that was executed and the court case was dismissed with prejudice on March 24, 2014.

6. Respondents shall pay a FINE in the amount of Two Thousand Dollars (\$2,000.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 322688 and 322689 clearly indicated on the check or money order, made payable to the State of Michigan, and the fine payment must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, in the event that the fine payment is overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondents.

7. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondents fail to comply with the terms of the Stipulation (payment of the fine) within 60 days of the date of mailing of the Final Order, the fine shall increase to \$2,500, due within 90 days of the date of mailing of the Final Order.

8. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; ph: (517) 241-9278; fax: (517) 241-9296.

9. The following factors were also considered in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the Complaint.

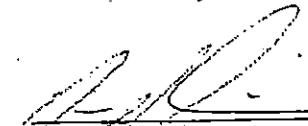
B. License records indicate that JBJ Builders Inc., Jamie Jay Simmons, Qualifying Officer, was issued a company builder license effective April 19, 2006 and the license lapsed on May 31, 2014 (non-renewal). Jamie Jay Simmons was issued an individual license effective April 28, 2009 and the license is currently active (expiration: May 31, 2017). In addition, JBJ Building and Remodeling Inc., Jamie Jay Simmons, Qualifying Officer, was issued a company builder license effective June 2, 2014, and the license is currently active (expiration: May 31, 2017). There is no record of any prior disciplinary action against the licenses.

10. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

11. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a contested case hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

On Behalf of JBJ Builders Inc.
and Jamie Jay Simmons Individually



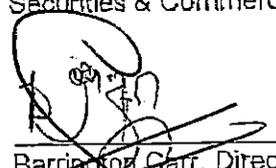
Jamie Jay Simmons

Date: 5/6/15

Acknowledged by Respondent's Attorney (if applicable):

(Sign/date above; Print name, address, telephone no. below) Date: _____

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

Barrington Carr, Director
Enforcement Division

Date: 5-27-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

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. 322688 and 322689

Complainant,

v

JBJ BUILDERS INC.
JAMIE JAY SIMMONS, QUALIFYING OFFICER
License No. 21-02-180565

Respondent,

and

JAMIE JAY SIMMONS
License No. 21-01-194214

Respondent.

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. JBJ Builders Inc., Jamie Jay Simmons, Qualifying Officer, (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.
2. Jamie Jay Simmons, (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 Gloria L. Herman and is attached hereto as Exhibit 1.

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 2.

5. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Gary and Gloria Herman on or about June 20, 2011. A copy of the contract is included herein with Exhibit 1.

6. Respondents failed to provide Gary and Gloria Herman with a copy of the contract referred to in paragraph five above which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

7. Respondents, in performance of the contract, failed to comply with § R105.1 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to MCL 339.2411(2)(e) and 2006 AACRS, R 338.1551(5).

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

9. Respondent Jamie Jay Simmons 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.

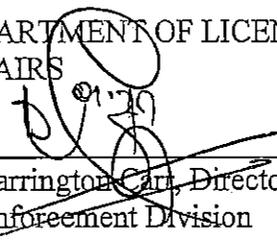
Based upon the conduct as aforesaid, Respondents have acted contrary to §§ 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c), MCL 339.2411(2)(e) and rules 33(1) and 51(5) of the Residential Builders and Maintenance and Alteration

Contractors Board Rules, promulgated thereunder, being 2006 AACRS, R 338.1533(1) and 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: _____

2-13-15

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

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **322843 and 322844**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

The allegation in the Complaint alleging a violation of section 2411(2)(e) of the Occupational Code, supra, is dismissed.

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Wenzlick Patio & Awning, Inc. and Christopher S. Wenzlick, Qualifying Officer, Complaint Numbers 322843 and 322844, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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. 322843 and 322844

Complainant,

v

WENZLICK PATIO & AWNING, INC.
CHRISTOPHER S. WENZLICK, QUALIFYING OFFICER
License No. 21-02-101177,

Respondent,

and

CHRISTOPHER S. WENZLICK
License No. 21-01-072996

Respondent.

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on April 6, 2015, following the issuance of a Formal Complaint ("Complaint"), dated February 13, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against WENZLICK PATIO & AWNING, INC. and CHRISTOPHER S. WENZLICK ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee; and Christopher S. Wenzlick and Attorney Steven M. Moulton, on behalf of Respondents. All parties agree to the following:

1. Respondents admit to the following factual and legal violations alleged in the Complaint:
 - A. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Thomas Shubert on or about June 1, 2012.
 - B. Respondents failed to provide Thomas Shubert with a copy of a contract referred to above which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).
 - C. Respondents have violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondents shall pay a FINE in the amount of One Thousand Dollars (\$1,000.00). This fine shall be paid by check or money order, with Complaint Nos. 322843 and 322844 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondents must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

- A. Respondents cooperated fully in the resolution of this administrative Complaint.
- B. Respondents have no prior record of disciplinary action taken against their licenses. Wenzlick Patio & Awning, Inc. first became licensed on November 8, 1991, and Christopher S. Wenzlick first became licensed on May 15, 1986.

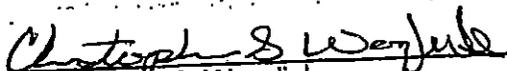
C. All building code violations listed in the Building Inspection Report signed by Mundy Township Building Inspector Marty Johnson on February 25, 2014, were procedural in nature, and Respondent stated that the violations were a result of changes in the scope of work and miscommunications between himself and the complaining person.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

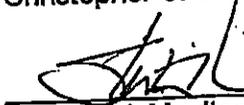
8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:

On Behalf of Wenzlick Patio & Awning, Inc.
and Christopher S. Wenzlick, Individually


Christopher S. Wenzlick

Date: 5-4-2015

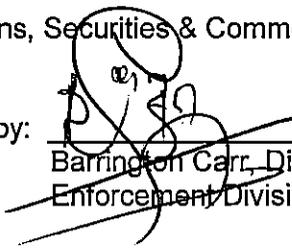

Steven W. Moulton, Attorney for Respondent

Date: 5/4/2015

Steven W. Moulton, PLLC
6258 W. Pierson Road
Flushing, MI 48433
(810) 407-7658 phone
(810) 733-6975 fax

Corporations, Securities & Commercial Licensing Bureau:

Approved by:



Barrington Carr, Director
Enforcement Division

Date:

5-8-15

Drafted by: Marcy Sims, Regulatory Compliance Division

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. 322843 and 322844

Complainant,

v

WENZLICK PATIO & AWNING INC.
CHRISTOPHER S. WENZLICK, QUALIFYING OFFICER
License No. 21-02-101177

Respondent,

and

CHRISTOPHER S. WENZLICK
License No. 21-01-072996

Respondent.

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. Wenzlick Patio & Awning Inc., Christopher S. Wenzlick, Qualifying Officer, (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.
2. Christopher S. Wenzlick, (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 Thomas Shubert and is attached hereto as Exhibit 1.

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 2.

5. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Thomas Shubert on or about June 1, 2012.

6. Respondents failed to provide Thomas Shubert with a copy of a contract referred to in paragraph five above which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

7. Respondents, in performance of the contract, failed to comply with §§ R105.1, R105.3(1), R105.5, R106.4, R109.1.2 and R109.1.6 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to MCL 339.2411(1)(e) and 2006 AACRS, R 338.1551(5).

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

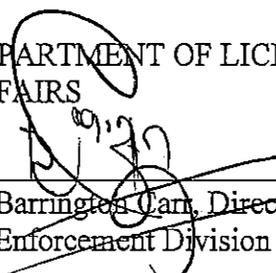
9. Respondent Christopher S. Wenzlick was a party to the acts and omissions alleged hereinabove and was in a position to ensure compliance with the Occupational Code or otherwise prevent the violations that are the subject of this complaint but failed to do so.

Based upon the conduct as aforesaid, Respondents have acted contrary to §§ 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and MCL 339.2411(2)(e) and rules 33(1) and 51(5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACRS, R 338.1533(1) and 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: _____

2-13-15

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

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **322843 and 322844**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

The allegation in the Complaint alleging a violation of section 2411(2)(e) of the Occupational Code, supra, is dismissed.

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Wenzlick Patio & Awning, Inc. and Christopher S. Wenzlick, Qualifying Officer, Complaint Numbers 322843 and 322844, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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. 322843 and 322844

Complainant,

v

WENZLICK PATIO & AWNING, INC.
CHRISTOPHER S. WENZLICK, QUALIFYING OFFICER
License No. 21-02-101177,

Respondent,

and

CHRISTOPHER S. WENZLICK
License No. 21-01-072996

Respondent.

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on April 6, 2015, following the issuance of a Formal Complaint ("Complaint"), dated February 13, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against WENZLICK PATIO & AWNING, INC. and CHRISTOPHER S. WENZLICK ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee; and Christopher S. Wenzlick and Attorney Steven M. Moulton, on behalf of Respondents. All parties agree to the following:

1. Respondents admit to the following factual and legal violations alleged in the Complaint:
 - A. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Thomas Shubert on or about June 1, 2012.
 - B. Respondents failed to provide Thomas Shubert with a copy of a contract referred to above which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).
 - C. Respondents have violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondents shall pay a FINE in the amount of One Thousand Dollars (\$1,000.00). This fine shall be paid by check or money order, with Complaint Nos. 322843 and 322844 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondents must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

- A. Respondents cooperated fully in the resolution of this administrative Complaint.
- B. Respondents have no prior record of disciplinary action taken against their licenses. Wenzlick Patio & Awning, Inc. first became licensed on November 8, 1991, and Christopher S. Wenzlick first became licensed on May 15, 1986.

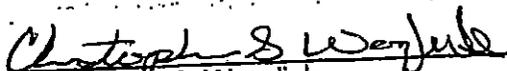
C. All building code violations listed in the Building Inspection Report signed by Mundy Township Building Inspector Marty Johnson on February 25, 2014, were procedural in nature, and Respondent stated that the violations were a result of changes in the scope of work and miscommunications between himself and the complaining person.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

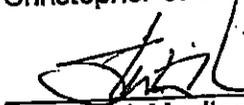
8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:

On Behalf of Wenzlick Patio & Awning, Inc.
and Christopher S. Wenzlick, Individually


Christopher S. Wenzlick

Date: 5-4-2015

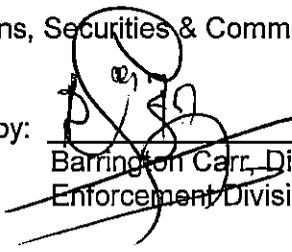

Steven W. Moulton, Attorney for Respondent

Date: 5/4/2015

Steven W. Moulton, PLLC
6258 W. Pierson Road
Flushing, MI 48433
(810) 407-7658 phone
(810) 733-6975 fax

Corporations, Securities & Commercial Licensing Bureau:

Approved by:


Barrington Carr, Director
Enforcement Division

Date:

5-8-15

Drafted by: Marcy Sims, Regulatory Compliance Division

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. 322843 and 322844

Complainant,

v

WENZLICK PATIO & AWNING INC.
CHRISTOPHER S. WENZLICK, QUALIFYING OFFICER
License No. 21-02-101177

Respondent,

and

CHRISTOPHER S. WENZLICK
License No. 21-01-072996

Respondent.

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. Wenzlick Patio & Awning Inc., Christopher S. Wenzlick, Qualifying Officer, (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.
2. Christopher S. Wenzlick, (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 Thomas Shubert and is attached hereto as Exhibit 1.

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 2.

5. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Thomas Shubert on or about June 1, 2012.

6. Respondents failed to provide Thomas Shubert with a copy of a contract referred to in paragraph five above which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

7. Respondents, in performance of the contract, failed to comply with §§ R105.1, R105.3(1), R105.5, R106.4, R109.1.2 and R109.1.6 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to MCL 339.2411(1)(e) and 2006 AACRS, R 338.1551(5).

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

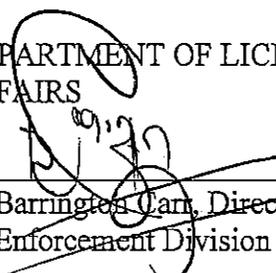
9. Respondent Christopher S. Wenzlick was a party to the acts and omissions alleged hereinabove and was in a position to ensure compliance with the Occupational Code or otherwise prevent the violations that are the subject of this complaint but failed to do so.

Based upon the conduct as aforesaid, Respondents have acted contrary to §§ 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and MCL 339.2411(2)(e) and rules 33(1) and 51(5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACRS, R 338.1533(1) and 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: _____

2-13-15

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

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF REAL ESTATE APPRAISERS

In the Matter of

MICHAEL J. KOS

License Number: 12-01-068349

Complaint Number: 322897

FINAL ORDER

On February 4, 2015, a Formal Complaint (Complaint) was executed that charged Michael J. Kos (Respondent) with violating section 2635(1)(d) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Real Estate Appraisers accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on September 22, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of sections 2635(1)(d) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **322897**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

**MICHIGAN BOARD OF
REAL ESTATE APPRAISERS**

By: 
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Michael J. Kos, Complaint Number 322897, before the Michigan Board of Real Estate Appraisers, consisting of three 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
Complainant,

v

MICHAEL J. KOS
License No. 12-01-068349
Respondent

Complaint No. 322897

Board: Real Estate Appraisers

STIPULATION

This matter arises out of a Formal Complaint, dated February 4, 2015, filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 *et seq.*, against Michael J. Kos, Respondent, by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, and all parties being desirous of reaching an amicable settlement of the Formal Complaint; therefore,

1. IT IS HEREBY STIPULATED, by and between the parties hereto, that Respondent admits that paragraphs one (1) through five (5) of the Formal Complaint filed on February 4, 2015, are true.

2. IT IS HEREBY STIPULATED, by and between the parties hereto, that Respondent's conduct as described in paragraphs one (1) through five (5) of the

Formal Complaint constitutes a violation of MCL 339.2635(1)(d), as Respondent failed to respond to the Department's request for books and records.

3. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent's license to practice as a real estate appraiser is REVOKED upon the date of mailing of the Final Order in this matter.

4. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of \$500.00. The fine shall be paid by cashier's check or money order, with Complaint No. 322897 clearly indicated on the check or money order, made payable to the State of Michigan, within one hundred eighty (180) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation.

5. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within one hundred eighty (180) days of the date of mailing of the Final Order shall result in a suspension or continued suspension of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and/or denial of any license or

registration renewal and the denial of future applications for licensure or registration.

6. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that if the FINE is overdue for at least one hundred eighty (180) days, the FINE will be referred to the Department of Treasury for collection action against Respondent.

7. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that the Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intends that by signing this Stipulation, he is waiving the right, pursuant to the Occupational Code, *supra*, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

9. In agreeing to this Stipulation to resolve the issues raised in the formal complaint, the parties considered the following factors:

- A. Respondent was fully cooperative in coming to a resolution of this action.
- B. Respondent maintains that due to personal difficulties, he did not receive the Department's request for records. Thus, he maintains he did not intentionally fail to comply with the Department's request.
- C. Respondent does not wish to continue working as an appraiser.

Agreed to:



Michael J. Kos, Respondent

Date: 6/23/15

Corporations, Securities & Commercial Licensing Bureau:
Approved by:



Barrington Carr, Director
Enforcement Division

Date: 6-29-15

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

KURT KLAAR VOLBEDA

License Number: 21-01-171712

Complaint Number: 322971

FINAL ORDER

On October 31, 2014, a Formal Complaint (Complaint) was executed that charged Kurt Klaar Volbeda (Respondent) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **322971**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Kurt Klaar Volbeda, Complaint Number 322971, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

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

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

Complaint No. 322971

v

KURT KLAAR VOLBEDA
License No. 21-01-171712
Respondent.

**Board of Residential Builders and
Maintenance & Alteration
Contractors**

ERRATA TO STIPULATION

A Stipulation signed by the Respondent on April 15, 2015 erroneously contained the following paragraph:

5. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that the Director of the Audit and Examination Division of the Bureau of Corporations, Securities and Commercial Licensing, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Audit and Examination Director, or the person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

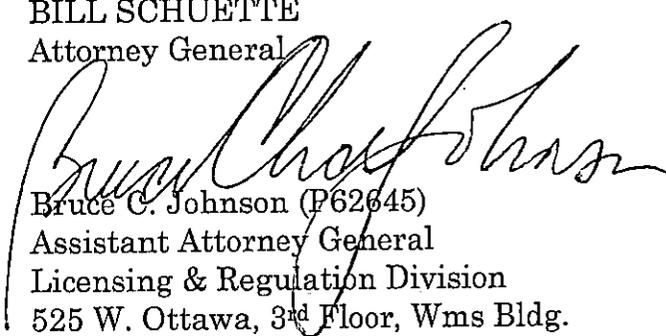
The paragraph is deleted and replaced in full with the following:

5. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that the Director of the Enforcement Division of the Bureau of Corporations, Securities and Commercial Licensing, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Director, or the person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

All other terms of the Stipulation remain the same.

Respectfully Submitted,

BILL SCHUETTE
Attorney General



Bruce C. Johnson (P62645)
Assistant Attorney General
Licensing & Regulation Division
525 W. Ottawa, 3rd Floor, Wms Bldg.
P.O. Box 30758
Lansing, Michigan 48909

Dated: April 28, 2015

LF: 2014-0097767-A/Volbeda, Kurt Klaar, 322971 (Bldr)/Errata - to Stipulation - 2015-04-28

① 5/17/15

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

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

Complaint No. 322971

v

KURT KLAAR VOLBEDA
License No. 21-01-171712
Respondent.

**Board of Residential Builders and
Maintenance & Alteration
Contractors**

STIPULATION

A Formal Complaint, hereafter "Complaint," having been filed with respect to Complaint No. 322971 in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against Kurt Klaar Volbeda, hereafter "Respondent," by the Department of Licensing and Regulatory Affairs, and both parties being desirous of reaching an amicable settlement of said Complaint; therefore

1. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent admits to having violated Sections R310.1 and R310.1.1 of the 2009 Michigan Residential Code, adopted pursuant to the Stille-DeRosett-Hale Single State Construction Code Act, contrary to 2006 AACS, R 338.1551(5), which

constitutes a violation of Section 604(c) of the Occupational Code, 1980 PA 299, as amended, being MCL 339.604(c).

2. Respondent admits that these violations constitute grounds for the assessment of a penalty as defined in section 602 of the Occupational Code, being MCL 339.602.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of One Thousand and 00/100 Dollars (\$1,000.00). Said fine shall be paid by cashier's check or money order, with Complaint No. 322971 clearly indicated on the check or money order, made payable to the State of Michigan, within one hundred and twenty (120) days of the date of mailing of the Final Order in this matter. Said check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities and Commercial Licensing Bureau, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation.

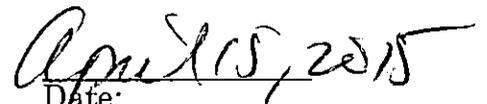
4. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with any of the terms set forth in this Stipulation shall result in a suspension of all licenses or registrations of Respondent and/or in the denial of any license or registration renewal and the denial of future applications for licensure or registration until compliance is made with the terms of this Stipulation.

5. IT IS FURTHER STIPULATED, by and between the parties hereto, that the Director of the Audit and Examination Division of the Bureau of Corporations, Securities and Commercial Licensing, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Audit and Examination Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

6. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, *supra*, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 *et seq.*, to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

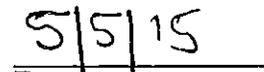
Agreed to:


Kurt Klaar Volbeda, Respondent


Date:

Corporations, Securities and Commercial Licensing Bureau
Approved by:


Barrington Carr
Enforcement Division Director


Date:

LF: 2014-0097767-A/Volbeda, Kurt Klaar, 322971 (Bldr)/Stipulation - 2015-03-27

Stipulation: CS&CL v Kurt Klaar Volbeda

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

P'N D QUALITY HOME IMPROVEMENT Complaint Number: 323009
TRACY ALAN COUNCE, QUALIFYING OFFICER Docket Number: 15-002405-CSCLB
License Number: 21-02-155430

FINAL ORDER

On Octobbr 31, 2014, a Formal Complaint (Complaint) was executed that charged P'N D Quality Home Improvement, Tracy Alan Counce, Qualifying Officer, (Respondent) with violating sections 604(c), 604(h) and 2411(2)(e) 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 March 26, 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 August 11, 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), 604(h) and 2411(2)(e)

of the Occupational Code, supra, Respondent's license to practice as a builder in the state of Michigan is IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN NINETY DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine as set forth below.

IT IS FURTHER ORDERED that for the cited violations Respondent is FINED \$10,000.00 to be paid to the State of Michigan within 90 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 number **323009**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **REVOCAION** of Respondent's license to practice as a builder 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 Board Chairperson or authorized representative, as set forth below.

Dated: 10-28-15

**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 P'N D Quality Home Improvement, Tracy Alan Counce, Qualifying Officer, Complaint Number 323009, Docket Number 15-002405-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

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

EXTERIORS OF LANSING, INC.
TIMOTHY WAYNE BOOTH, QUALIFYING OFFICER

License Number: 21-02-156082

Complaint Number: 323013

AND

TIMOTHY WAYNE BOOTH

License Number: 21-01-186174

Complaint Number: 323014

FINAL ORDER

On February 5, 2015, a Formal Complaint (Complaint) was executed that charged Exteriors of Lansing, Inc. and Timothy Wayne Booth, Qualifying Officer (Respondents) with violating sections 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaint alleging a violation of section 2411(2)(e) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file numbers **323013 and 323014**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

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

By: Kim Gaedeke

Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Exteriors of Lansing, Inc. and Timothy Wayne Booth, Qualifying Officer, Complaint Numbers 323013 and 323014, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**EXTERIORS OF LANSING INC.
TIMOTHY WAYNE BOOTH, QUALIFYING OFFICER
License No. 21-02-156082,**

Complaint No. 323013

and

**TIMOTHY WAYNE BOOTH
License No. 21-01-186174
Respondents.**

Complaint No. 323014

Board: Residential Builders

STIPULATION

A Formal Complaint, dated February 5, 2015, was filed by the Department of Licensing and Regulatory Affairs (LARA), Corporations, Securities and Commercial Licensing Bureau (Department), pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against EXTERIORS OF LANSING INC., TIMOTHY WAYNE BOOTH, QUALIFYING OFFICER; and TIMOTHY WAYNE BOOTH (Respondents). A Compliance Conference was held on May 7, 2015 and the participants included: William Wilhelm, Jr., Conferee, on behalf of the Department, and Timothy Wayne Booth, on behalf of Respondents. The Respondents has been provided an opportunity to demonstrate compliance and the Department and Respondents have negotiated a settlement of the Formal Complaint and agree to the following:

1. Respondents acknowledge the following facts:

- A. Respondents entered into a series of three (3) contracts for roofing services for an existing residential structure in Lansing, Michigan.
- B. The homeowners filed a Complaint and the Department conducted an investigation and issued a Formal Complaint.

2. Respondents admit to the following violations:

- A. Respondents failed to comply with § R105, R109.1.1, and R905.2.1 of the 2009 Michigan Residential Code, contrary to 2006 AACS, R 338.1551(5).
- B. Respondents violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

3. The alleged violation of MCL 339.2411(2)(e) [willful failure to comply with the building code] was dismissed pursuant to the principle of settlement and compromise.

4. Mr. Booth stated that Exteriors of Lansing has been in business since 2000 and they have never had any disciplinary action and it is standard practice to always obtain a building permit and call for the required inspections. However, in this case, an installation manager (now terminated) failed to obtain the required building permit and call for inspections. Mr. Booth stated that he intended to correct the code violation concerning proper (new) sheathing, however, he has not been able to reach a mutually acceptable agreement because the homeowner was not willing to agree to pay for the cost of the new sheathing (plywood) as well as any other issues that may be discovered during the repair activities.

5. Respondents shall pay a FINE in the amount of Two Thousand Dollars (\$2,000.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 323013 and 323014 clearly indicated on the check or money order, made payable to the State of Michigan, and the fine payment must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, in the event that the fine payment is overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondents.

6. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondents fail to comply with the terms of the Stipulation (payment of the fine) within 60 days of the date of mailing of the Final Order, the fine shall increase to \$3,000, due within 90 days of the date of mailing of the Final Order.

7. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; ph: (517) 241-9278; fax: (517) 241-9296.

8. The following factors were also considered in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the Complaint.

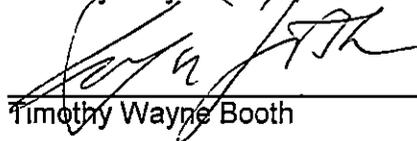
B. License records indicate that Exteriors of Lansing Inc., Timothy Wayne Booth, Qualifying Officer, was issued a company builder license effective October 3, 2000 and the license is currently active (expiration: May 31, 2017). Timothy Wayne Booth was issued an individual license effective March 29, 2008 and the license is currently active (expiration: May 31, 2017). There is no record of any prior disciplinary action against the licenses.

9. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

10. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a contested case hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

On behalf of Exteriors of Lansing Inc. and
Timothy Wayne Booth Individually



Timothy Wayne Booth

Date: 5-26-15

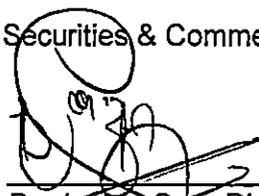
Acknowledged by Respondent's Attorney (if applicable):

N/A

(Sign/date above; Print name, address, telephone no. below)

Date: N/A

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

Barrington Carr, Director
Enforcement Division

Date: 6-12-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

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

EXTERIORS OF LANSING, INC.
TIMOTHY WAYNE BOOTH, QUALIFYING OFFICER
License Number: 21-02-156082

Complaint Number: 323013

AND

TIMOTHY WAYNE BOOTH
License Number: 21-01-186174

Complaint Number: 323014

FINAL ORDER

On February 5, 2015, a Formal Complaint (Complaint) was executed that charged Exteriors of Lansing, Inc. and Timothy Wayne Booth, Qualifying Officer (Respondents) with violating sections 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaint alleging a violation of section 2411(2)(e) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file numbers **323013 and 323014**.

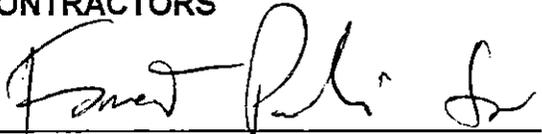
IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

**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 Exteriors of Lansing, Inc. and Timothy Wayne Booth, Qualifying Officer, Complaint Numbers 323013 and 323014, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**EXTERIORS OF LANSING INC.
TIMOTHY WAYNE BOOTH, QUALIFYING OFFICER
License No. 21-02-156082,**

Complaint No. 323013

and

**TIMOTHY WAYNE BOOTH
License No. 21-01-186174
Respondents.**

Complaint No. 323014

Board: Residential Builders

STIPULATION

A Formal Complaint, dated February 5, 2015, was filed by the Department of Licensing and Regulatory Affairs (LARA), Corporations, Securities and Commercial Licensing Bureau (Department), pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against EXTERIORS OF LANSING INC., TIMOTHY WAYNE BOOTH, QUALIFYING OFFICER; and TIMOTHY WAYNE BOOTH (Respondents). A Compliance Conference was held on May 7, 2015 and the participants included: William Wilhelm, Jr., Conferee, on behalf of the Department, and Timothy Wayne Booth, on behalf of Respondents. The Respondents has been provided an opportunity to demonstrate compliance and the Department and Respondents have negotiated a settlement of the Formal Complaint and agree to the following:

1. Respondents acknowledge the following facts:

- A. Respondents entered into a series of three (3) contracts for roofing services for an existing residential structure in Lansing, Michigan.
- B. The homeowners filed a Complaint and the Department conducted an investigation and issued a Formal Complaint.

2. Respondents admit to the following violations:

- A. Respondents failed to comply with § R105, R109.1.1, and R905.2.1 of the 2009 Michigan Residential Code, contrary to 2006 AACS, R 338.1551(5).
- B. Respondents violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

3. The alleged violation of MCL 339.2411(2)(e) [willful failure to comply with the building code] was dismissed pursuant to the principle of settlement and compromise.

4. Mr. Booth stated that Exteriors of Lansing has been in business since 2000 and they have never had any disciplinary action and it is standard practice to always obtain a building permit and call for the required inspections. However, in this case, an installation manager (now terminated) failed to obtain the required building permit and call for inspections. Mr. Booth stated that he intended to correct the code violation concerning proper (new) sheathing, however, he has not been able to reach a mutually acceptable agreement because the homeowner was not willing to agree to pay for the cost of the new sheathing (plywood) as well as any other issues that may be discovered during the repair activities.

5. Respondents shall pay a FINE in the amount of Two Thousand Dollars (\$2,000.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 323013 and 323014 clearly indicated on the check or money order, made payable to the State of Michigan, and the fine payment must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, in the event that the fine payment is overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondents.

6. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondents fail to comply with the terms of the Stipulation (payment of the fine) within 60 days of the date of mailing of the Final Order, the fine shall increase to \$3,000, due within 90 days of the date of mailing of the Final Order.

7. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; ph: (517) 241-9278; fax: (517) 241-9296.

8. The following factors were also considered in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the Complaint.

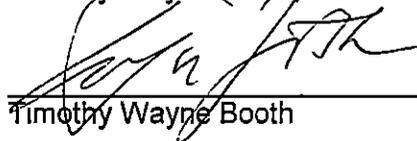
B. License records indicate that Exteriors of Lansing Inc., Timothy Wayne Booth, Qualifying Officer, was issued a company builder license effective October 3, 2000 and the license is currently active (expiration: May 31, 2017). Timothy Wayne Booth was issued an individual license effective March 29, 2008 and the license is currently active (expiration: May 31, 2017). There is no record of any prior disciplinary action against the licenses.

9. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

10. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a contested case hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

On behalf of Exteriors of Lansing Inc. and
Timothy Wayne Booth Individually



Timothy Wayne Booth

Date: 5-26-15

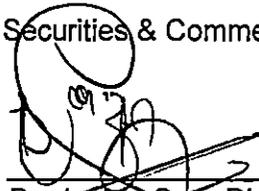
Acknowledged by Respondent's Attorney (if applicable):

N/A

(Sign/date above; Print name, address, telephone no. below)

Date: N/A

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

Barrington Carr, Director
Enforcement Division

Date: 6-12-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

Stipulation: Exteriors of Lansing, Inc. & Timothy Wayne Booth, Complaint Nos. 323013 & 323014; Page 3 of 3

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

BRIAN DOUGLAS STIFF
License Number: 21-01-196150

Complaint Number: 323037

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged Brian Douglas Stiff (Respondent) with violating sections 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaint alleging a violation of section 2411(2)(e) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **323037**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

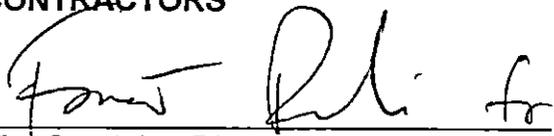
This Final Order is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended; MCL 15.241(1)(a).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

**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 Brian Douglas Stiff, Complaint Number 323037, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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
Complainant,**

v

**BRIAN DOUGLAS STIFF
License No. 21-01-196150
Respondent.**

Complaint No. 323037

Board: Builders

STIPULATION

A Formal Complaint, dated February 13, 2015, was filed by the Department of Licensing and Regulatory Affairs (LARA), Corporations, Securities and Commercial Licensing Bureau (Department), pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against BRIAN DOUGLAS STIFF (Respondent). The Compliance Conference was held on May 21, 2015 and the participants included: William Wilhelm, Jr., Conferee, on behalf of the Department; and Brian Stiff, Respondent. Respondent has been provided an opportunity to demonstrate compliance and the Department and Respondent have negotiated a settlement of the Formal Complaint and agree to the following:

1. Respondent acknowledges the following facts:

- A. On August 10, 2012, Respondent entered into a contract addressed to Jamie and Steve Hicks, in Davison, Michigan, to perform residential renovation services regulated by the Occupational Code (renovate a bathroom and laundry room for handicap access). The contract was signed by Ms. Jamie Hicks (now former wife of Mr. Steve Hicks - divorced). A second contract, dated June 20, 2013, for additional renovation services was also signed by Ms. Jamie Hicks.
- B. On February 23, 2014, Steve Hicks filed a complaint with the Department alleging that work was deficient and was performed without permits and inspections, and that all work was done without his permission.
- C. Keith Pyles, Richfield Township Building Inspector, conducted an inspection of the home and issued a Building Inspection Report, dated January 15, 2014, which cited certain building code violations.

2. Respondent admits to the following violations:

- A. Respondent failed to comply with R105.1 (no building permit), R106.1 (no construction documents submitted), R108.1 (permit fees not paid), R109 (no inspections), and R110 (no certificate of occupancy) of the 2009 Michigan Residential Code, contrary to 2006 AACS, R 338.1551(5).
- B. Respondent violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

3. The remaining allegations that Respondent failed to provide Steve Hicks with a copy of the contract signed by all parties, contrary to 2006 AACCS, R 338.1533(1), and a willful violation of the building code, contrary to MCL 2411(2)(e), are dismissed.

4. Respondent explained that his main customer was Ms. Jamie Hicks (now Jamie Wright and former husband of Complainant Steve Hicks - divorced) and Ms. Hicks is his sister-in-law (his wife's sister). Respondent was requested to complete the renovation services because Ms. Jamie Hicks had been seriously injured in a car accident and needed a handicap accessible bathroom. Respondent provided copies of two contracts (referenced in paragraph 1A) that were signed by Ms. Jamie Hicks (now Wright). Respondent stated that Steve Hicks demanded that Respondent not obtain any building permits and he also demanded certain construction procedures. Respondent stated that he was reluctant to perform the renovation services without a building permit but he continued with the work because he wanted his sister-in-law to have a handicap accessible bathroom and laundry room. The Conferee contacted Ms. Jamie Wright (formerly Hicks) via telephone and she confirmed that she had signed the contracts, that her former husband Steve Hicks was involved in the contracts and the scope of work but elected to not sign the contracts, and that Steve Hicks ordered Respondent to not obtain any building permits. Both Respondent and Ms. Jamie Hicks stated that they believe that Steven Hicks filed the complaint in retaliation after the divorce of Jamie and Steve Hicks.

5. Respondent shall pay a FINE in the amount of One Thousand Seven Hundred Fifty Dollars (\$1,750.00). The fine shall be paid by cashier's check (check) or money order, with Complaint No. 323037 clearly indicated on the check or money order, made payable to the State of Michigan, and must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, if the fine becomes overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondent.

6. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondent fails to comply with the terms set forth in this Stipulation (payment of the fine) within sixty (60) days of the date of mailing of the Final Order, the fine shall increase to a total of \$2,500.00, due within 90 days of the effective date of the suspension.

7. Respondent agrees to submit written proof of having complied with each requirement of this Stipulation, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; telephone (517) 241-9272; fax: (517) 241-9296.

8. The following factors were considered in reaching this agreement:

- A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the complaint.
- B. See information presented in Paragraph #4 (page 2).
- C. Respondent was issued an individual builder license effective September 24, 2009 and the license is currently active (expiration: May 31, 2017). In addition, Respondent is the Qualifying Officer of City Builders of Davison LLC, and the company builder license 21-02-181998 was issued effective August 23, 2006 and the license is currently active (expiration: May 31, 2017). There is no record of prior disciplinary action against Respondent's licenses.

9. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a formal administrative hearing in this matter without prejudice to either party.

10. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a formal administrative hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to by:

Respondent:



Brian Douglas Stiff

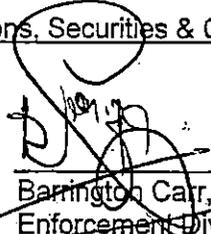
Date: 6-17-2015

Acknowledged by Respondent's Attorney (if applicable):

Date: _____

(Sign/date above; Print name, address, telephone no. below)

Corporations, Securities & Commercial Licensing Bureau:

Approved: 

Barrington Carr, Director
Enforcement Division

Date: 6-25-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

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

ANTHONY PAUL ARENA
D/B/A A.G. REDLINE BUILDERS
License Number: 21-01-189688

Complaint Number: 323294
Docket Number: 15-021416-CSCLB

FINAL ORDER

On November 10, 2014, a Formal Complaint (Complaint) was executed that charged Anthony Paul Arena, d/b/a A.G. Redline Builders (Respondent) with violating sections 604(c), 604(l) and 2411(2)(e) and 2411(2)(j) 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 June 2, 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 August 11, 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), 604(l) and 2411(2)(e)

and 2411(2)(j) of the Occupational Code, supra, Respondent's license to practice as a builder in the state of Michigan is IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine as set forth below.

IT IS FURTHER ORDERED that Respondent 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 for the cited violations Respondent is FINED \$6,000.00 to be paid to the State of Michigan within 90 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 number **323294**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **REVOCATION** of Respondent's license to practice as a builder 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: 10-28-15

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

By:

Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Anthony Paul Arena, d/b/a A.G. Redline Builders, Complaint Number 323294, Docket Number 15-021416-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

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

SARAH KATHERINE-COURTNEY FOSTER
D/B/A A & S CONTRACTING
License Number: 21-01-205251

Complaint Number: 323531

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged Sarah Katherine-Courtney Foster, d/b/a A & S Contracting (Respondent) with violating sections 601(1), 604(c), 604(h) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute violations of sections 601(1) and 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaint alleging a violation of sections 604(h) and 2411(2)(e) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **323531**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

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

By: Kim Gaedeke

Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Sarah Katherine-Courtney Foster, d/b/a A & S Contracting, Complaint Number 323531, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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
Complainant,

v

SARAH KATHERINE-COURTNEY FOSTER
D/B/A A & S CONTRACTING
License No. 21-01-205251
Respondent.

Complaint No. 323531

Board: Builders

STIPULATION

A Formal Complaint, dated February 13, 2015, was filed by the Department of Licensing and Regulatory Affairs (LARA), Corporations, Securities and Commercial Licensing Bureau (Department), pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against SARAH KATHERINE-COURTNEY FOSTER D/B/A A & S CONTRACTING (Respondent). The Compliance Conference was held on May 7, 2015 and the participants included: William Wilhelm, Jr., Conferee, on behalf of the Department, and Sarah Katherine-Courtney Foster and Andrew Foster, on behalf of Respondent. Respondent has been provided an opportunity to demonstrate compliance and the Department and Respondent have negotiated a settlement of the Formal Complaint and agree to the following:

1. Respondent admits to the following facts:

- A. On May 13, 2012, Respondent entered into a contract with Thomas and Danielle Estrada to perform residential construction services regulated by the Occupational Code (construct a new home).
- B. Respondent, Sarah Katherine-Courtney Foster d/b/a A & S Contracting applied for an individual builder license on May 14, 2013 and the license was issued effective June 24, 2013 (expiration: May 31, 2016). Andrew Michael Foster d/b/a Foster Construction (husband of Respondent) possessed an individual builder license issued effective May 16, 2003 and lapsed May 31, 2008 (due to non-renewal).
- C. On June 2, 2014, Thomas and Danielle Estrada filed a complaint with the Department alleging license and contract issues as well as construction deficiencies.
- D. On May 19, 2014, Mr. Larry D. Wymer, Gratiot County Building Inspector, conducted an inspection of the home and issued a Building Inspection Report, dated May 22, 2014, in which the alleged construction deficiencies could not be verified on the date of the inspection.

2. Respondent admits to the following violations:

- A. At the time Respondent entered into the contract, Respondent was not licensed contrary to MCL 339.601(1).
- B. Respondent failed to provide the customer with a copy of the contract that was signed by all the parties, contrary to 2006 AACRS, R 338.1533(1).
- C. Respondent violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

3. All other alleged violations are dismissed pursuant to the principle of settlement and compromise.

4. Respondent shall pay a FINE in the amount of Two Thousand Dollars (\$2,000.00). The fine shall be paid by cashier's check (check) or money order, with Complaint No. 323531 clearly indicated on the check or money order, made payable to the State of Michigan, and must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, if the fine becomes overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondent.

5. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondent fails to comply with the terms set forth in this Stipulation (payment of the fine) within sixty (60) days of the date of mailing of the Final Order, the fine shall increase to a total of \$3,000.00, due within 90 days of the effective date of the suspension.

6. Respondent agrees to submit written proof of having complied with each requirement of this Stipulation, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; telephone (517) 241-9272; fax: (517) 241-9296.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a formal administrative hearing in this matter without prejudice to either party.

8. The following factors were considered in reaching this agreement:

- A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the complaint.

B. Respondent expressed regret that she contracted for, and performed, regulated residential construction services prior to obtaining a license.

C. Respondent noted that the services were provided pursuant to a detailed contract; however, she acknowledged that a contract signed by both parties did not exist (originally she believed that the customer's bank had the signed contract).

D. Andrew Michael Foster (21-01-166949, issued 5/31/2003; lapsed 5/31/2008) did not apply for relicensure because of past financial stability concerns.

9. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a formal administrative hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to by:

Respondent:

Sarah Katherine-Courtney Foster Date: 5-26-15
Sarah Katherine-Courtney Foster

Acknowledged by Respondent's Attorney (if applicable):

(Sign/date above; Print name, address, telephone no. below) Date: _____

Corporations, Securities & Commercial Licensing Bureau:

Approved: [Signature]
Barrington Garr, Director
Enforcement Division

Date: 6-15-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

Stipulation: CN 323531 - Sarah Katherine-Courtney Foster; Pg. 3 of 3

**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

**WILLIAM CHARLES WARPUP
D/B/A WARPUP CUSTOM HOMES
License Number: 21-01-117635**

Complaint Number: 323536

FINAL ORDER

On March 23, 2015, a Formal Complaint (Complaint) was executed that charged William Charles Warpup, d/b/a Warpup Custom Homes (Respondent) with violating section 2411(2)(l) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 2411(2)(l) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **323536**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

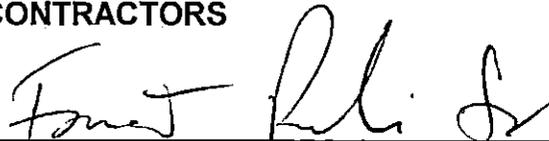
This Final Order is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended; MCL 15.241(1)(a).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

**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 William Charles Warpup, d/b/a Warpup Custom Homes, Complaint Number 323536, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,

v

WILLIAM CHARLES WARPUP
D/B/A WARPUP CUSTOM HOMES
License No. 21-01-117635,
Respondent.

Complaint No. 323536

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on **May 13, 2015**, following the issuance of a Formal Complaint ("Complaint"), dated **March 23, 2015**, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against WILLIAM CHARLES WARPUP, D/B/A WARPUP CUSTOM HOMES ("Respondent") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, on behalf of the Department; and William Charles Warpup and Attorney Michael J. Nolan, on behalf of the Respondent. All parties agree to the following:

1. Respondent admits to the following factual and legal violations alleged in the Complaint:

- A. On November 26, 2013, a judgment was entered against Respondent in the United States Bankruptcy Court, Eastern District of Michigan, Southern Division-Flint in the amount of \$58,867.10 plus interest.
- B. Respondent has failed to satisfy the judgment, contrary to MCL 339.2411(2)(l).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondent shall pay a FINE in the amount of **Five Hundred Dollars (\$500.00)**. This fine shall be paid by check or money order, with Complaint No. **323536** clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Respondent will make RESTITUTION in the principal amount of a civil judgment, dated November 26, 2013, in The Matter of: William C. Warpup and Lori J. Warpup d/b/a Warpup Custom Homes d/b/a Warpup Building & Remodeling, et al., United States Bankruptcy Court, Eastern District of Michigan, Southern Division-Flint, Bankruptcy Case No. 10-35520-dof, in the amount of Fifty Eight Thousand Eight Hundred Sixty Seven Dollars and Ten Cents (\$58,867.10) within sixty (60) days of the Final Order mailing date.

4. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondent must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

5. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

6. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909. Forms of acceptable proof of monetary restitution include: A copy of the front and back of the cancelled check made payable to the person(s) ordered to receive restitution, or a receipt signed and dated by the person(s) to whom restitution was payable, stating that restitution was paid and the amount paid. If restitution includes payment in the principal amount of a civil judgment, a copy of the Satisfaction of Judgment form filed with the court will suffice.

7. The parties considered the following factors in reaching this agreement:

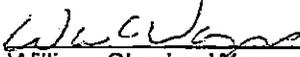
- A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing.
- B. Respondent cooperated fully in the resolution of this administrative Complaint.
- C. Respondent has no prior record of disciplinary action taken against its license.

Respondent first became licensed on January 14, 1994.

8. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

9. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges

Agreed to:



William Charles Warpup, Respondent

Date: 6-12-18



Michael J. Nolan, Attorney for Respondent

Date: 6/2/15

Kohl, Harris, Nolan & McCarthy PC
4000 S. Oak St., Ste. 200
P.O. Box 70
Metamora, MI 48455-0070
(810) 678-3645 phone
(810) 678-3510 fax

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

~~Barrington Carr, Director
Enforcement Division~~

Date: 6/17/15

Drafted By: Marcy Sims, Regulatory Compliance Division

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

SURDU DEVELOPMENT GROUP, INC.

D/B/A SDG HOMES

TREVOR MICHAEL SURDU, QUALIFYING OFFICER

License Number: 21-02-174723

Complaint Number: 323561

AND

TREVOR MICHAEL SURDU

D/B/A SURDU DEVELOPMENT GROUP

License Number: 21-01-155325

Complaint Number: 323562

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged Surdu Development Group, Inc., d/b/a SDG Homes and Trevor Michael Surdu, Qualifying Officer (Respondents) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaints are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaints are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **323561 and 323562**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-29-15

**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 Surdu Development Group, Inc., d/b/a SDG Homes and Trevor Michael Surdu, Qualifying Officer, Complaint Numbers 323561 and 323562, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,

v

SURDU DEVELOPMENT GROUP INC.
d/b/a SDG Homes
Trevor Surdu, Qualifying Officer
License No. 21-02-174723
Respondent

Complaint No. 323561
Docket No. 15-032801-CSCLB

and

TREVOR MICHAEL SURDU
License No. 21-01-155325
Respondent

Complaint No. 323562
Docket No. 15-032802-CSCLB

**Board: Residential Builders
and Maintenance and
Alteration Contractors**

STIPULATION

This matter arises out of a Formal Complaint, dated **February 13, 2015**, filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 *et seq.*, against Surdu Development and Trevor Surdu, Respondents, by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, and all parties being desirous of reaching an amicable settlement of the Formal Complaint; therefore,

Stipulation: CSCLB v Surdu Development & Surdu, Trevor Michael, 323561, 323562

1. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondents admit that paragraphs one (1) through six (6) of the Formal Complaint filed on February 13, 2015, are true.

2. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondents admit to failing to comply with R 401.3 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, contrary to Mich Admin Code, R 338.1551(5), by failing to ensure that the property was graded to drain surface water away from the northwest corner of the Karty home.

3. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondents admit that in violating the 2009 Michigan Residential Code as described in paragraph 2, Respondents have violated a rule of conduct in practicing their occupation as residential builders, contrary to MCL 339.604(c).

4. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that all other allegations contained in the Formal Complaint are dismissed.

5. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondents shall pay a FINE in the amount of **\$500.00**. The fine shall be paid by cashier's check or money order, with Complaint Nos. **323561 and 323562** clearly indicated on the check or money order, made payable to the State of Michigan, within one hundred twenty (120) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial

Stipulation: CSCLB v Surdu Development & Surdu, Trevor Michael, 323561, 323562

Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation.

6. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondents shall submit written verification of compliance with applicable building codes relating to the grading issue on the Karty's property within one hundred twenty (120) days of the date of the mailing of the Final Order in this matter.

7. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within one hundred twenty (120) days of the date of mailing of the Final Order may result in any or all of the following: a suspension or continued suspension of all licenses or registrations held under Article 24 of the Occupational Code by Respondents; denial of any license or registration renewal; denial of future applications for licensure or registration; and future disciplinary action under the Occupational Code.

8. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that if the FINE is overdue for at least six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

9. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that the Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it

is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

10. Respondents understand and intend that by signing this Stipulation, they are waiving the right, pursuant to the Occupational Code, *supra*, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

11. In agreeing to this Stipulation to resolve the issues raised in the formal complaint, the parties considered the following factors:

- A. Respondents have not had previous complaints filed against their licenses.
- B. Respondents have worked with a local engineering firm to develop what appears to be a viable solution to the grading issue at the Karty home. The Kartys have agreed to allow Respondents back on the property to implement their proposed remedy.

C. Respondents have been fully cooperative in coming to a resolution of this action.

Agreed to:



Trevor Surdu, Designee of
Respondent Surdu Development Group, Inc.

Date: 05/15/2015



Trevor Michael Surdu, Respondent

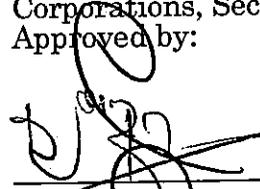
Date: 05/15/2015

Attorney for Respondents

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:
Approved by:



Barrington Carr, Director
Enforcement Division

Date: 6-15-15

LF: 2015-0106142-A/Surdu Development Group Inc., 323561 (Res Bldr)/Stipulation - 2015-05-07

Stipulation: CSCLB v Surdu Development & Surdu, Trevor Michael, 323561, 323562

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

SURDU DEVELOPMENT GROUP, INC.

D/B/A SDG HOMES

TREVOR MICHAEL SURDU, QUALIFYING OFFICER

License Number: 21-02-174723

Complaint Number: 323561

AND

TREVOR MICHAEL SURDU

D/B/A SURDU DEVELOPMENT GROUP

License Number: 21-01-155325

Complaint Number: 323562

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged Surdu Development Group, Inc., d/b/a SDG Homes and Trevor Michael Surdu, Qualifying Officer (Respondents) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaints are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaints are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **323561 and 323562**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-29-15

**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 Surdu Development Group, Inc., d/b/a SDG Homes and Trevor Michael Surdu, Qualifying Officer, Complaint Numbers 323561 and 323562, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,

v

SURDU DEVELOPMENT GROUP INC.
d/b/a SDG Homes
Trevor Surdu, Qualifying Officer
License No. 21-02-174723
Respondent

Complaint No. 323561
Docket No. 15-032801-CSCLB

and

TREVOR MICHAEL SURDU
License No. 21-01-155325
Respondent

Complaint No. 323562
Docket No. 15-032802-CSCLB

**Board: Residential Builders
and Maintenance and
Alteration Contractors**

STIPULATION

This matter arises out of a Formal Complaint, dated **February 13, 2015**, filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 *et seq.*, against Surdu Development and Trevor Surdu, Respondents, by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, and all parties being desirous of reaching an amicable settlement of the Formal Complaint; therefore,

Stipulation: CSCLB v Surdu Development & Surdu, Trevor Michael, 323561, 323562

1. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondents admit that paragraphs one (1) through six (6) of the Formal Complaint filed on February 13, 2015, are true.

2. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondents admit to failing to comply with R 401.3 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, contrary to Mich Admin Code, R 338.1551(5), by failing to ensure that the property was graded to drain surface water away from the northwest corner of the Karty home.

3. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondents admit that in violating the 2009 Michigan Residential Code as described in paragraph 2, Respondents have violated a rule of conduct in practicing their occupation as residential builders, contrary to MCL 339.604(c).

4. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that all other allegations contained in the Formal Complaint are dismissed.

5. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondents shall pay a FINE in the amount of **\$500.00**. The fine shall be paid by cashier's check or money order, with Complaint Nos. **323561 and 323562** clearly indicated on the check or money order, made payable to the State of Michigan, within one hundred twenty (120) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial

Stipulation: CSCLB v Surdu Development & Surdu, Trevor Michael, 323561, 323562

Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation.

6. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondents shall submit written verification of compliance with applicable building codes relating to the grading issue on the Karty's property within one hundred twenty (120) days of the date of the mailing of the Final Order in this matter.

7. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within one hundred twenty (120) days of the date of mailing of the Final Order may result in any or all of the following: a suspension or continued suspension of all licenses or registrations held under Article 24 of the Occupational Code by Respondents; denial of any license or registration renewal; denial of future applications for licensure or registration; and future disciplinary action under the Occupational Code.

8. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that if the FINE is overdue for at least six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

9. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that the Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it

is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

10. Respondents understand and intend that by signing this Stipulation, they are waiving the right, pursuant to the Occupational Code, *supra*, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

11. In agreeing to this Stipulation to resolve the issues raised in the formal complaint, the parties considered the following factors:

- A. Respondents have not had previous complaints filed against their licenses.
- B. Respondents have worked with a local engineering firm to develop what appears to be a viable solution to the grading issue at the Karty home. The Kartys have agreed to allow Respondents back on the property to implement their proposed remedy.

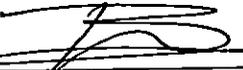
C. Respondents have been fully cooperative in coming to a resolution of this action.

Agreed to:



Trevor Surdu, Designee of
Respondent Surdu Development Group, Inc.

Date: 05/15/2015



Trevor Michael Surdu, Respondent

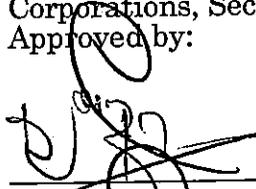
Date: 05/15/2015

Attorney for Respondents

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:
Approved by:



Barrington Carr, Director
Enforcement Division

Date: 6-15-15

LF: 2015-0106142-A/Surdu Development Group Inc., 323561 (Res Bldr)/Stipulation - 2015-05-07

Stipulation: CSCLB v Surdu Development & Surdu, Trevor Michael, 323561, 323562

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

JT'S CARPENTRY, INC.
JOSHUA LEE TINO, QUALIFYING OFFICER
License Number: 21-02-197850

Complaint Number: 323751

AND

JOSHUA LEE TINO
License Number: 21-01-197249

Complaint Number: 323752

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged JT's Carpentry, Inc. and Joshua Lee Tino, Qualifying Officer (Respondent) with violating sections 604(c) and 2411(2)(j) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute violations of sections 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **323751 and 323752**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

The allegation in the Complaint alleging a violation of section 2411(2)(j) of the Occupational Code, supra, is dismissed.

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: 10-28-15

**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 JT's Carpentry, Inc. and Joshua Lee Tino, Qualifying Officer, Complaint Numbers 323751 and 323752, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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. 323751 and 323752

Complainant,

v

**JTs CARPENTRY INC.
JOSHUA LEE TINO, QUALIFYING OFFICER
License No. 21-02-197850,**

Respondent,

and

**JOSHUA LEE TINO
License No. 21-01-197249**

Respondent.

/ Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on April 6, 2015, following the issuance of a Formal Complaint ("Complaint"), dated February 13, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against JTs CARPENTRY INC. and JOSHUA LEE TINO ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, and Joshua Lee Tino, and Steve Tino on behalf of Respondents. All parties agree to the following:

1. Respondents admit to the following factual and legal violations alleged in the Complaint:

A. Respondent JTs Carpentry Inc. entered into a contract to perform services regulated by 1980 PA 299, as amended, with Monica Baker on or about March 12, 2013.

B. Respondents failed to provide Monica Baker with a copy of the contract referred to above which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

G. Respondents, in performance of the contract, failed to comply with § R501.2 of the 2009 Michigan Residential Code which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to 2006 AACRS, R 338.1551(5).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondents shall pay a FINE in the amount of One Thousand Five Hundred Dollars (\$1,500.00). This fine shall be paid by check or money order, with Complaint Nos. 323751 and 323752 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation,

requirements imposed on Respondents must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

- A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing.
- B. Respondents cooperated fully in the resolution of this administrative Complaint.
- C. Respondents have no prior record of disciplinary action taken against their licenses. JTs Carpentry Inc. first became licensed on April 26, 2010, and Joshua Lee Tino first became licensed on April 21, 2010
- D. Respondent, Joshua Lee Tino, stated that he was unable to complete the insulation, because the complaining person did not have the funds for the material, and he was not allowed back in the home.
- E. Respondent, Joshua Lee Tino, stated that he did not perform the work in relation to the R311.3.2 building code violation originally cited in the Building Inspection Report signed by White Lake Township Building Inspector Brent Bonnivier on July 8, 2014

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted

to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:

On Behalf of JT's Carpentry Inc.
and Joshua Lee Tino, Individually



Joshua Lee Tino

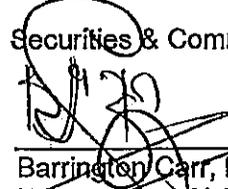
Date: 4-23-15

Attorney for Respondent (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

Barrington Carr, Director
Enforcement Division

Date: 4/29/15

Drafted by: Marcy Sims, Regulatory Compliance Division

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

JT'S CARPENTRY, INC.
JOSHUA LEE TINO, QUALIFYING OFFICER
License Number: 21-02-197850

Complaint Number: 323751

AND

JOSHUA LEE TINO
License Number: 21-01-197249

Complaint Number: 323752

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged JT's Carpentry, Inc. and Joshua Lee Tino, Qualifying Officer (Respondent) with violating sections 604(c) and 2411(2)(j) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute violations of sections 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **323751 and 323752**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

The allegation in the Complaint alleging a violation of section 2411(2)(j) of the Occupational Code, supra, is dismissed.

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: 10-28-15

**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 JT's Carpentry, Inc. and Joshua Lee Tino, Qualifying Officer, Complaint Numbers 323751 and 323752, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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. 323751 and 323752

Complainant,

v

**JTs CARPENTRY INC.
JOSHUA LEE TINO, QUALIFYING OFFICER
License No. 21-02-197850,**

Respondent,

and

**JOSHUA LEE TINO
License No. 21-01-197249**

Respondent.

/ Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on April 6, 2015, following the issuance of a Formal Complaint ("Complaint"), dated February 13, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against JTs CARPENTRY INC. and JOSHUA LEE TINO ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, and Joshua Lee Tino, and Steve Tino on behalf of Respondents. All parties agree to the following:

1. Respondents admit to the following factual and legal violations alleged in the Complaint:

A. Respondent JTs Carpentry Inc. entered into a contract to perform services regulated by 1980 PA 299, as amended, with Monica Baker on or about March 12, 2013.

B. Respondents failed to provide Monica Baker with a copy of the contract referred to above which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

G. Respondents, in performance of the contract, failed to comply with § R501.2 of the 2009 Michigan Residential Code which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to 2006 AACRS, R 338.1551(5).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondents shall pay a FINE in the amount of One Thousand Five Hundred Dollars (\$1,500.00). This fine shall be paid by check or money order, with Complaint Nos. 323751 and 323752 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation,

requirements imposed on Respondents must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

- A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing.
- B. Respondents cooperated fully in the resolution of this administrative Complaint.
- C. Respondents have no prior record of disciplinary action taken against their licenses. JTs Carpentry Inc. first became licensed on April 26, 2010, and Joshua Lee Tino first became licensed on April 21, 2010
- D. Respondent, Joshua Lee Tino, stated that he was unable to complete the insulation, because the complaining person did not have the funds for the material, and he was not allowed back in the home.
- E. Respondent, Joshua Lee Tino, stated that he did not perform the work in relation to the R311.3.2 building code violation originally cited in the Building Inspection Report signed by White Lake Township Building Inspector Brent Bonnivier on July 8, 2014

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted

to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:

On Behalf of JT's Carpentry Inc.
and Joshua Lee Tino, Individually



Joshua Lee Tino

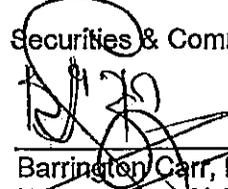
Date: 4-23-15

Attorney for Respondent (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

Barrington Carr, Director
Enforcement Division

Date: 4/29/15

Drafted by: Marcy Sims, Regulatory Compliance Division

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

BOATMAN BUILDERS LLC
CODY KYLE BOATMAN, QUALIFYING OFFICER
License Number: 21-02-204984

Complaint Number: 323776

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged Boatman Builders, LLC, Cody Kyle Boatman, Qualifying Officer (Respondent) with violating section 2411(2)(l) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 2411(2)(l) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number 323776.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909.

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).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Boatman Builders, LLC, Cody Kyle Boatman, Qualifying Officer, Complaint Number 323776, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,

v

BOATMAN BUILDERS LLC
CODY KYLE BOATMAN, QUALIFYING OFFICER
License No. 21-02-204984,
Respondent.

Complaint No. 323776

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on **March 30, 2015**, following the issuance of a Formal Complaint ("Complaint"), dated **February 13, 2015**, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against **BOATMAN BUILDERS LLC, CODY KYLE BOATMAN, QUALIFYING OFFICER** ("Respondent") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, on behalf of the Department and Cody Kyle Boatman, on behalf of the Respondent. All parties agree to the following:

1. Respondent admits to the following factual and legal violations alleged in the Complaint:

A. On May 27, 2014, an amended judgment was entered against Respondent in the 2-B District Court, Hillsdale, Michigan.

B. Respondent has failed to satisfy the judgment, contrary to MCL 339.2411(2)(l).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondent shall pay a FINE in the amount of Five Hundred Dollars (\$500.00). This fine shall be paid by check or money order, with Complaint No. 323776 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Respondent's license will be revoked, effective on the mailing date of the Final Order associated with this Stipulation. Respondent will return any physical licenses associated with Boatman Builders LLC in its possession to the Department to the address indicated in Paragraph 5 below.

4. Respondent will make RESTITUTION in the principal amount of a civil judgment, dated May 27, 2014, in the matter of Railer v. Boatman Builders LLC, 2-B District Court Docket No. 14-379-SC, in the amount of Two Thousand Seven Hundred Ten Dollars and Ten Cents (\$2,710.10) within sixty (60) days of the Final Order mailing date.

5. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909. Forms of acceptable proof of monetary restitution include: A copy of the front and back of the cancelled check made payable to the person(s) ordered to receive restitution, or a receipt signed and dated by the person(s) to whom restitution was payable, stating that restitution was paid and the amount paid. If restitution includes payment in the principal amount of a civil judgment, a copy of the Satisfaction of Judgment form filed with the court will suffice.

6. The parties considered the following factors in reaching this agreement:

A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing.

B. Respondent cooperated fully in the resolution of this administrative Complaint.

C. Respondent has no prior record of disciplinary action taken against its license.

Respondent first became licensed on April 17, 2013.

D. Respondent no longer intends to use its Michigan Residential Builder's license.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:

On behalf of Boatman Builders LLC

Cody Kyle Boatman
Cody Kyle Boatman, Member and Qualifying Officer

Date: 04/08/2015

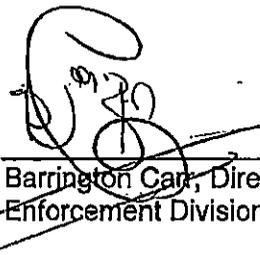
Attorney for Respondent (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by: _____


Barrington Carr, Director
Enforcement Division

Date: 4/01/15

Drafted By: Marcy Sims, Regulatory Compliance Division

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

WAYNE GARRETT GRUBB
D/B/A GRUBB'S HOME IMPROVEMENT
License Number: 21-01-157980

Complaint Number: 323815

FINAL ORDER

On January 2, 2015, a Formal Complaint (Complaint) was executed that charged Wayne Garrett Grubb, d/b/a Grubb's Home Improvement (Respondent) with violating section 604(d) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 339.508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(d) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **323815**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

**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 Wayne Garrett Grubb, d/b/a Grubb's Home Improvement, Complaint Number 323815, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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

Complainant,

v

WAYNE GARRETT GRUBB
License No. 21-01-157980

Complaint No. 323815
Board: Residential Builders

Respondent.

STIPULATION

This matter arises out of a Formal Complaint dated January 2, 2015, filed in accordance with the provisions of the Michigan Occupational Code, MCL 339.101 *et seq.*, against Wayne Garrett Grubb (Respondent) by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau. The Department and Respondent negotiated a settlement and stipulate to the following:

1. Respondent desires to resolve and settle all issues related to the Formal Complaint in lieu of disputing the disciplinary action in a formal administrative hearing.
2. Respondent admits that he was found guilty of second-degree money laundering in 2011, and that this offense constitutes a violation of MCL 339.604(d). Respondent further admits that this violation constitutes grounds for the assessment of a penalty, as defined in MCL 339.602.

3. Respondent shall pay a FINE in the amount of FIVE THOUSAND AND 00/100 DOLLARS (\$5,000.00). The fine shall be paid by cashier's check or money order made payable to the State of Michigan, with Complaint No. 323815 clearly indicated on the check or money order, within 120 days of the mailing date of the Final Order in this matter. The check or money order shall be mailed to the Department at the address below. If the fine becomes six months overdue, it will be referred to the Department of Treasury for collection action against Respondent.

4. Respondent's license is SUSPENDED for a minimum of one day, commencing on the effective date of the Final Order in this matter. The license shall be reinstated when the Department receives satisfactory documentation from Respondent that he has (1) paid the fine described above, (2) complied with all terms of probation imposed under his February 2012 Judgment of Sentence, and (3) paid any criminal restitution ordered as part of the sentence. The required documentation shall be sent to the Department at the address or fax number below. Upon its satisfaction that Respondent has complied with each requirement of this Stipulation, the Department shall immediately reinstate Respondent's license and promptly notify Respondent of the reinstatement.

5. Failure to comply with the terms set forth in this Stipulation shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held by Respondent under the Occupational Code, the denial of any license or registration renewal, and the denial of future applications for licensure or registration.

6. Respondent agrees to submit written proof that he has complied with each requirement of this Stipulation in a form acceptable to the Department. Such proof may be sent by mail (Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909) or fax (517-241-9296).

7. The director of the Bureau's Enforcement Division, or the director's designee, must approve this Stipulation before it is submitted to the Board of Residential Builders for final approval. Should the Enforcement Division director, the director's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intends that by signing this Stipulation, he is waiving the right under the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 *et seq.*, to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and at which Respondent would be entitled to appear with or without an attorney to cross-examine all Department witnesses and present a defense through testimony or other evidence and legal authority.



9. The parties considered the following in agreeing to this Stipulation:
- A. Mr. Grubb self-reported the December 2011 conviction to the Department and cooperated fully in the resolution of this complaint.
 - B. Mr. Grubb pled guilty to the offense and was sentenced to three years of probation. The first year was to be served in county jail, with approved work release. Mr. Grubb submitted documentation indicating he was not required to pay restitution.

AGREED TO BY:

Wayne Grubb
 Wayne Garrett Grubb, Respondent
19920 Lichfield
 Current Address

4/7/15
 Date
313.778-8890
 Telephone No.

Corporations, Securities & Commercial Licensing Bureau

Approved by:

[Signature]
 Barrington Carr, Director
 Enforcement Division

4-20-15
 Date

LP: 2015-0103192-A/Grubb, Wayne Garrett, 323815 (Res Dldr) - Stipulation - 2015-03-27

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

SEAN J. BERRY
License Number: 21-01-157794

Complaint Number: 323828
Docket Number: 15-019285-CSCLB

FINAL ORDER

On December 16, 2014, a Formal Complaint (Complaint) was executed that charged Sean J. Berry (Respondent) with violating section 604(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 June 2, 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 August 11, 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) of the Occupational Code, supra, Respondent's license to practice as a builder in the state of Michigan is

IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine as set forth below.

IT IS FURTHER ORDERED that Respondent 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 for the cited violation Respondent is FINED \$1,000.00 to be paid to the State of Michigan within 90 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 number **323828**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **REVOCAION** of Respondent's license to practice as a builder 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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Sean J. Berry, Complaint Number 323828, Docket Number 15-019285-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

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

ANDREW JOHN-WILLIAM VOLPE
License Number: 21-01-195902

Complaint Number: 323943
Docket Number: 15-016030-CSCLB

FINAL ORDER

On December 16, 2014, a Formal Complaint (Complaint) was executed that charged Andrew John-William Volpe (Respondent) with violating section 604(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 April 20, 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 August 11, 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 section 604(c) of the Occupational Code, supra, Respondent's license to practice as a builder in the state of Michigan is

IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine as set forth below.

IT IS FURTHER ORDERED that Respondent 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 for the cited violations Respondent is FINED \$1,000.00 to be paid to the State of Michigan within six months 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 number **323943**.

IT IS FURTHER ORDERED that failure to pay the fine set forth above shall result in **REVOCAION** of Respondent's license to practice as a builder 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 of Licensing and Regulatory Affairs 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: 10-28-15

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

By: Kim Gaedeke

Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Andrew John-William Volpe, Complaint Number 323943, Docket Number 15-016030-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

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

DANIEL ALAN PETERSON
D/B/A PETERSON CONSTRUCTION
License Number: 21-01-063291

Complaint Number: 324019
Docket Number: 15-031279-CSCLB

FINAL ORDER

On January 2, 2015, a Formal Complaint (Complaint) was executed that charged Daniel Alan Peterson, d/b/a Peterson Construction (Respondent) with violating section 604(d) 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 June 23, 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 August 11, 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 section 604(d) of the Occupational

Code, supra, Respondent is FINED \$1.00 to be paid to the State of Michigan within six months 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 number **324019**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **SUSPENSION** of Respondent's license to practice as a builder in the state of Michigan. Respondent may not serve as the qualifying officer of any licensed corporation or business entity while any Article 24 license held by Respondent in suspended or revoked status.

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: 10-28-15

**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 Daniel Alan Peterson, d/b/a Peterson Construction, Complaint Number 324019, Docket Number 15-031279-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

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

MAURICE ERIC RUIZ

License Number: 21-01-168886

Complaint Number: 324070

FINAL ORDER

On January 2, 2015, a Formal Complaint (Complaint) was executed that charged Maurice Eric Ruiz (Respondent) with violating section 604(d) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(d) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324070**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Maurice Eric Ruiz, Complaint Number 324070, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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 AND
COMMERCIAL LICENSING BUREAU,
Complainant,**

Complaint No. 324070

v

**MAURICE ERIC RUIZ,
Respondent.**

**Board of Residential Builders and
Maintenance & Alteration
Contractors**

STIPULATION

A telephonic compliance conference was conducted on April 15, 2015, following the issuance of a Formal Complaint ("Complaint"), dated January 2, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, as amended, Article 24; MCL 339.2401-2418, against Maurice Eric Ruiz, ("Respondent"), by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

Participating in the telephonic conference were Debra Gagliardi, Assistant Attorney General and Respondent Maurice Eric Ruiz. The parties, being disposed to reach an amicable settlement of the Complaint; therefore agree to the following:

1. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent admits to the following factual and legal violations alleged in the Complaint:

A. On or about April 15, 2005, Respondent was found guilty in the Fifty Sixth Circuit Court, Eaton County, Michigan, of the crime of embezzlement over \$1000.00 but less than \$20,000 in violation of MCL 750.1744A.

B. Respondent's conviction evidences that he acted contrary to §604(d) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(d) in demonstrating an inability to serve the public as a residential builder in a fair, open and honest manner.

2. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a **FINE** in the amount of **Five Hundred Dollars (\$500.00)**. This fine shall be paid by cashier's check or money order, with **Complaint No. 324070** clearly indicated on the check or money order, made payable to the State of Michigan, within **one hundred and eighty (180) days of the date of mailing of the Final Order in this matter**. This check or money order shall be mailed to the **Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909**. Please note that the Department may consent to a payment plan but will not consent to any type of payment plan that results in the last payment being made after the time frame

specified in this Stipulation. Additionally, if payment remains overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within **one hundred and eighty (180) days of the date of mailing of the Final Order** shall result in a **SUSPENSION or CONTINUED SUSPENSION** of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration until full compliance is made with the terms of this Stipulation. Unless otherwise specified in this Stipulation, requirements imposed on the respondent must be fulfilled within sixty (180) days of the date of mailing of a final order incorporating this Stipulation.

4. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the **Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.**

5. The parties considered the following factors in reaching this agreement:

A. Respondent fully complied with a June 2, 2005 [Attachment A] judgment of sentence and was discharged early from probation on

January 13, 2009 [Attachment B]. Respondent successfully completed 42 months of a 60 month probation term and paid all fines, costs and restitution in full. Additionally, Respondent completed 100 hours of community service and has had no new criminal behavior since his 2005 conviction.

6. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that the Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

7. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, *supra*, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 *et seq.*, to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses

presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:



Maurice Eric Ruiz, Respondent

Date: 5-1-2015

Corporations, Securities & Commercial Licensing Bureau:



Barrington Carr, Director
Enforcement Division

Date: 5-12-15

LF: 2015-0103215-A/Ruiz, Maurice Eric, 324070 (Res Bldr)/Stipulation - Ruiz - 2015-04-15

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

RICHARD ROBERT RAPAICH
License Number: 21-01-101414

Complaint Number: 324092
Docket Number: 15-021440-CSCLB

FINAL ORDER

On December 16, 2014, a Formal Complaint (Complaint) was executed that charged Richard Robert Rapaich (Respondent) with violating section 604(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 May 22, 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 August 11, 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 section 604(c) of the Occupational Code, supra, Respondent's license to practice as a builder in the state of Michigan is

IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine as set forth below.

IT IS FURTHER ORDERED that Respondent 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 for the cited violation Respondent is FINED \$1,000.00 to be paid to the State of Michigan within 90 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 number **324092**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **REVOCATION** of Respondent's license to practice as a builder 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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Richard Robert Rapaich, Complaint Number 324092, Docket Number 15-021440-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

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

MARK JAMES CREVIER
D/B/A CREVIER CONSTRUCTION & MASONRY
License Number: 21-01-193147.

Complaint Number: 324155

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged Mark James Crevier, d/b/a Crevier Construction & Masonry (Respondent) with violating sections 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324155**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

The allegation in the Complaint alleging a violation of section 2411(2)(e) of the Occupational Code, supra, is dismissed.

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Mark James Crevier, d/b/a Crevier Construction & Masonry, Complaint Numbers 324155, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,

v

MARK JAMES CREVIER
D/B/A CREVIER CONSTRUCTION & MASONRY
License No. 21-01-193147
Respondent.

Complaint No. 324155

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on April 1, 2015, following the issuance of a Formal Complaint ("Complaint"), dated February 13, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against MARK JAMES CREVIER, D/B/A CREVIER CONSTRUCTION & MASONRY ("Respondent") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, on behalf of the Department and Mark James Crevier, on behalf of the Respondent. All parties agree to the following:

1. Respondent admits to the following factual and legal violations alleged in the Complaint:

A. On or about July 10, 2013, Respondent entered into a contract with Anne King to perform services regulated by 1980 PA 299, as amended.

B. Respondent failed to provide Anne King with a copy of the contract that was signed by all parties and failed to ensure that changes to the agreement were signed by the parties, contrary to 2006 AACRS, R 338.1533(1).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondent shall pay a FINE in the amount of Five Hundred Dollars (\$500.00). This fine shall be paid by check or money order, with Complaint No. 324155 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondent must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing.

B. Respondent cooperated fully in the resolution of this administrative Complaint.

C. Respondent has no prior record of disciplinary action taken against his license.

Respondent first became licensed on April 15, 2009.

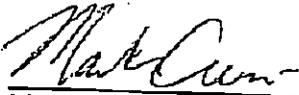
D. Respondent brought a copy of a letter from the Alpena County Building Inspector, Gerald A. Bleau, dated February 27, 2015, indicating that R 109.1.4 and R 109.1.6 Michigan Residential Code violations are invalid.

E. The complaining person obtained a civil judgment in the principal amount of \$849.43 against Mark Crevier d/b/a Crevier Construction on June 20, 2014, which was satisfied in full on August 27, 2014. The judgment included payment to an electrician to correct improperly installed electrical. The electrical was fixed prior to the building inspection.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:



Mark James Crevier, Respondent

Date:

4-23-15

Attorney for Respondent (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by:



Barrington Carr, Director
Enforcement Division

Date:

4/28/15

Drafted By: Marcy Sims, Regulatory Compliance Division

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

AMEER HAROON AS-SAMAD
D/B/A RITUAL CONSTRUCTION
License Number: 21-01-118014

Complaint Number: 324207
Docket Number: 15-014592-CSCLB

FINAL ORDER

On December 16, 2014, a Formal Complaint (Complaint) was executed that charged Ameer Haroon As-Samad, d/b/a Ritual Construction (Respondent) with violating section 604(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 May 12, 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 August 11, 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 section 604(c) of the Occupational

Code, supra, Respondent's license to practice as a builder in the state of Michigan is IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine as set forth below.

IT IS FURTHER ORDERED that Respondent 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 for the cited violation Respondent is FINED \$1,000.00 to be paid to the State of Michigan within 90 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 number **324207**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **REVOCAION** of Respondent's license to practice as a builder 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 of Licensing and Regulatory Affairs 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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Ameer Harron As-Samad, d/b/a Ritual Construction, Complaint Number 324207, Docket Number 15-014592-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

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

CALVIN SAMUEL MOYER
License Number: 21-05-192679

Complaint Number: 324211
Docket Number: 15-014591-CSCLB

FINAL ORDER

On December 16, 2014, a Formal Complaint (Complaint) was executed that charged Calvin Samuel Moyer (Respondent) with violating section 604(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 April 14, 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 August 11, 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 section 604(c) of the Occupational Code, supra, Respondent's license to practice as a builder in the state of Michigan is

IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine as set forth below:

IT IS FURTHER ORDERED that Respondent 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 for the cited violation of the Occupational Code, Respondent is FINED \$1,000.00 to be paid to the State of Michigan within six months 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 number **324211**.

IT IS FURTHER ORDERED that failure to pay the fine as set forth above shall result in **REVOCAION** of Respondent's license to practice as a builder 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 of Licensing and Regulatory Affairs until all final orders of the Board have been satisfied in full.

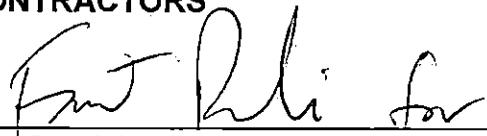
IT IS FURTHER ORDERED that in the event Respondent violates any provision of this Order, the Board may proceed to take disciplinary action pursuant to section 604(k) of the Occupational Code, supra.

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: 10-28-15

**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 Calvin Samuel Moyer, Complaint Number 324211, Docket Number 15-014591-CSCLB, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

KD

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324222 and 324223**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Jimmerson Roofing, LLC and John Eugene Jimmerson, Qualifying Officer, Complaint Numbers 324222 and 324223, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,

v

JIMMERSON ROOFING LLC
JOHN EUGENE JIMMERSON, QUALIFYING OFFICER
License No. 21-04-199451,

Complaint Nos. 324222 & 324223

and

JOHN EUGENE JIMMERSON
License No. 21-03-088561

Respondents.

_____/ Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on **April 27, 2015**, following the issuance of a Formal Complaint ("Complaint"), dated **March 11, 2015**, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against JIMMERSON ROOFING LLC and JOHN EUGENE JIMMERSON ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, on behalf of the Department and John Eugene Jimmerson and Salesperson Scott Jordan, on behalf of the Respondents. All parties agree to the following:

1. Respondents admit to the following factual and legal violations alleged in the Complaint:

A. Respondent Jimmerson Roofing LLC entered into a contract to perform services regulated by 1980 PA 299, as amended, with Ann Johnson on or about April 17, 2014.

B. Respondents, in performance of the contract, failed to comply with Rule 105.1 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to MCL 339.2411(2)(e) and 2006 AACRS, R 338.1551(5).

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

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondents shall pay a FINE in the amount of **Two Thousand Five Hundred Dollars (\$2,500.00)**. This fine shall be paid by check or money order, with Complaint Nos. **324222 & 324223** clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that result in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under **Article 24** of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondents must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under **Article 24** of the Occupational Code by

Respondents. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909. Forms of acceptable proof of monetary restitution payment, if restitution is a part of the Stipulation, include: A copy of the front and back of the cancelled check that was made payable to the person(s) ordered to receive restitution; or a receipt signed and dated by the person(s) to whom restitution was payable, stating restitution was paid **and** the amount paid. If monetary restitution includes payment in the principal amount of a civil judgment, a copy of the Satisfaction of Judgment form filed with the relevant court will also suffice.

6. The parties considered the following factors in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing.

B. Respondents cooperated fully in the resolution of this administrative Complaint.

C. Respondents have no prior record of disciplinary action taken against his license.

Respondent Jimmerson Roofing LLC first became licensed on December 20, 2010. Respondent John Eugene Jimmerson first became licensed on October 31, 1989.

D. Mr. Jimmerson stated that the failure to pull a permit was due to lack of communication between him and the salesperson in order to rush a job by request of the complaining person.

E. Jimmerson Roofing LLC has pulled a building permit and is working with Meridian Township to have a final inspection scheduled and the work approved.

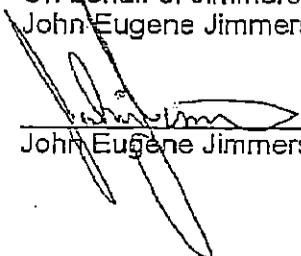
F. Respondents have not received any payments for work performed under the contract at issue from the complaining person.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:

On behalf of Jimmerson Roofing LLC and
John Eugene Jimmerson, Individually



John Eugene Jimmerson, Respondent

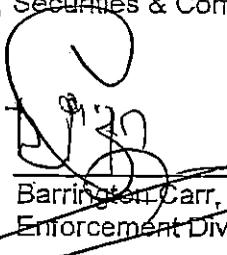
Date: 5-7-15

Attorney for Respondents (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

Barrington Carr, Director
Enforcement Division

Date: 5-15-15

Drafted By: Marcy Sims, Regulatory Compliance Division

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324222 and 324223**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Jimmerson Roofing, LLC and John Eugene Jimmerson, Qualifying Officer, Complaint Numbers 324222 and 324223, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,

v

JIMMERSON ROOFING LLC
JOHN EUGENE JIMMERSON, QUALIFYING OFFICER
License No. 21-04-199451,

Complaint Nos. 324222 & 324223

and

JOHN EUGENE JIMMERSON
License No. 21-03-088561

Respondents.

_____/ Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on **April 27, 2015**, following the issuance of a Formal Complaint ("Complaint"), dated **March 11, 2015**, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against JIMMERSON ROOFING LLC and JOHN EUGENE JIMMERSON ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, on behalf of the Department and John Eugene Jimmerson and Salesperson Scott Jordan, on behalf of the Respondents. All parties agree to the following:

1. Respondents admit to the following factual and legal violations alleged in the Complaint:

A. Respondent Jimmerson Roofing LLC entered into a contract to perform services regulated by 1980 PA 299, as amended, with Ann Johnson on or about April 17, 2014.

B. Respondents, in performance of the contract, failed to comply with Rule 105.1 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to MCL 339.2411(2)(e) and 2006 AACRS, R 338.1551(5).

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

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondents shall pay a FINE in the amount of **Two Thousand Five Hundred Dollars (\$2,500.00)**. This fine shall be paid by check or money order, with Complaint Nos. **324222 & 324223** clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that result in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under **Article 24** of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondents must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under **Article 24** of the Occupational Code by

Respondents. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909. Forms of acceptable proof of monetary restitution payment, if restitution is a part of the Stipulation, include: A copy of the front and back of the cancelled check that was made payable to the person(s) ordered to receive restitution; or a receipt signed and dated by the person(s) to whom restitution was payable, stating restitution was paid **and** the amount paid. If monetary restitution includes payment in the principal amount of a civil judgment, a copy of the Satisfaction of Judgment form filed with the relevant court will also suffice.

6. The parties considered the following factors in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing.

B. Respondents cooperated fully in the resolution of this administrative Complaint.

C. Respondents have no prior record of disciplinary action taken against his license.

Respondent Jimmerson Roofing LLC first became licensed on December 20, 2010. Respondent John Eugene Jimmerson first became licensed on October 31, 1989.

D. Mr. Jimmerson stated that the failure to pull a permit was due to lack of communication between him and the salesperson in order to rush a job by request of the complaining person.

E. Jimmerson Roofing LLC has pulled a building permit and is working with Meridian Township to have a final inspection scheduled and the work approved.

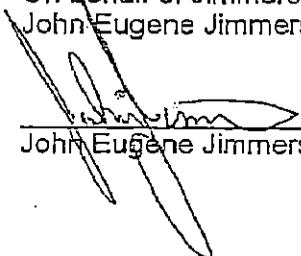
F. Respondents have not received any payments for work performed under the contract at issue from the complaining person.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:

On behalf of Jimmerson Roofing LLC and
John Eugene Jimmerson, Individually



John Eugene Jimmerson, Respondent

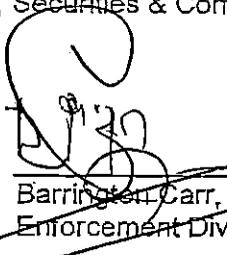
Date: 5-7-15

Attorney for Respondents (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

Barrington Carr, Director
Enforcement Division

Date: 5-15-15

Drafted By: Marcy Sims, Regulatory Compliance Division

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

ANDREW JOHN MALBURG
D/B/A MALBURG REMODELING
License Number: 21-01-148103

Complaint Number: 324293
Docket Number: 15-021079-CSCLB

FINAL ORDER

On December 22, 2014, a Formal Complaint (Complaint) was executed that charged Andrew John Malburg, d/b/a Malburg Remodeling (Respondent) with violating sections 604(b), 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 June 19, 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 August 11, 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(b), 604(c) and 2411(2)(c) of the Occupational Code, supra, Respondent's license to practice as a builder in the

state of Michigan is IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine and provides proof of satisfying the restitution requirement, in a form acceptable to the Department of Licensing and Regulatory Affairs, as set forth below.

IT IS FURTHER ORDERED that Respondent 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 for the cited violations Respondent is FINED \$5,000.00 to be paid to the State of Michigan within 90 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 number 324293.

IT IS FURTHER ORDERED that for the cited violations Respondent shall pay RESTITUTION in the amount of \$2,000.00 plus statutory interest to D. S and G. S.

within 90 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the *exception of fines* required by this Order 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 restitution as set for the above shall result in REVOCATION of Respondent's license to practice as a builder 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: 10-28-15

**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 Andrew John Malburg, d/b/a Malburg Remodeling, Complaint Number 324293, Docket Number 15-021079-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
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

JAMES MILLER MEIGS
D/B/A MEIGS CONTRACTING
License Number: 21-01-179587

Complaint Number: 324299
Docket Number: 15-032787-CSCLB

FINAL ORDER

On January 22, 2015, a Formal Complaint (Complaint) was executed that charged James Miller Meigs, d/b/a Meigs Contracting (Respondent) with violating sections 604(c) and 2411(2)(e) 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 June 10, 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 August 11, 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)(e) of the

Occupational Code, supra, Respondent's license to practice as a builder in the state of Michigan is IMMEDIATELY SUSPENDED for a minimum of one day, commencing on the effective date of this Order.

IT IS FURTHER ORDERED that Respondent's license shall be automatically reinstated IF WITHIN 90 DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, Respondent pays the fine and provides proof of satisfying the restitution requirement, in a form acceptable to the Department of Licensing and Regulatory Affairs, as set forth below.

IT IS FURTHER ORDERED that Respondent 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 for the cited violations Respondent is FINED \$10,000.00 to be paid to the State of Michigan within 90 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 number **324299**.

IT IS FURTHER ORDERED that Respondent shall pay RESTITUTION in

the amount of \$6,750.00 to K. I. within 90 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the *exception of fines* required by this Order 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 restitution as set forth above shall result in **REVOCAION** of Respondent's license to practice as a builder 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: 10-28-15

**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 James Miller Meigs, d/b/a Meigs Contracting, Complaint Number 324299, Docket Number 15-032787-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
BUREAU OF PROFESSIONAL LICENSING
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION
CONTRACTORS

In the Matter of

JAMES WEST
D/B/A 2 X 4 CONSTRUCTION
License Number: 21-01-167253

Complaint Number: 324518

FINAL ORDER

On March 23, 2015, a Formal Complaint (Complaint) was executed that charged James West, d/b/a 2 x 4 Construction (Respondent) with violating section 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaint alleging a violation of section 2411(2)(e) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324518**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of James West, d/b/a 2 x 4 Construction, Complaint Number 324518, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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
Complainant,**

v

**JAMES WEST
D/B/A 2 X 4 CONSTRUCTION
License No. 21-01-167253
Respondent.**

Complaint No. 324518

Board: Builders

STIPULATION

A Formal Complaint, dated March 23, 2015, was filed by the Department of Licensing and Regulatory Affairs (LARA), Corporations, Securities and Commercial Licensing Bureau (Department), pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against JAMES WEST D/B/A 2 X 4 CONSTRUCTION (Respondent). The Compliance Conference was held on May 12, 2015 and the participants included: William Wilhelm, Jr., Conferee, on behalf of the Department; and James West, Respondent. Respondent has been provided an opportunity to demonstrate compliance and the Department and Respondent have negotiated a settlement of the Formal Complaint and agree to the following:

1. Respondent acknowledges the following facts:

- A. On April 30, 2014, Respondent entered into a contract with Maria Horn in St. Ignace, Michigan to perform residential renovation services regulated by the Occupational Code (repair/remodel bathroom due to frozen pipe/water damage).
- B. On August 5, 2014, Mariah Horn filed a complaint with the Department alleging construction deficiencies.
- C. On July 25 and 29, 2014, Mr. Michael McPherson, State Building Inspector, conducted an inspection of the home and issued a Building Inspection Report, dated July 30, 2014.

2. Respondent admits to the following violations:

- A. Respondent failed to comply with R 105.1 of the 2009 Michigan Residential Code (no building, electrical, plumbing permits), contrary to 2006 AACRS, R 338.1551(5).
- B. Respondent performed services that required an electrical license, without possessing an electrical license, contrary to 2006 AACRS, R 338.1551(5).
- C. Respondent violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

3. Based upon the limited scope of work performed and in consultation with State Building Inspector Michael McPherson and State Electrical Inspector Benjamin Bourque, the alleged "willful" violations of the building and electrical codes are dismissed. The only structural work that required a building permit was removal and replacement of the subfloor decking. The electrical work consisted of 1 outlet, 1 switch, 2 light boxes, and 8 feet of wiring. The plumber (DC Plumbing) was retained by the homeowner (plumber invoiced the homeowner) and the plumber was responsible for obtaining the plumbing permit.

4. Respondent stated that contractual and financial issues were encountered and Respondent recorded a Lien and filed a collection action against the customer for the balance owed of \$4,529.97 (awaiting final adjudication).

5. Respondent shall pay a FINE in the amount of One Thousand Seven Hundred Fifty Dollars (\$1,750.00). The fine shall be paid by cashier's check (check) or money order, with Complaint No. 324518 clearly indicated on the check or money order, made payable to the State of Michigan, and must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, if the fine becomes overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondent.

6. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondent fails to comply with the terms set forth in this Stipulation (payment of the fine) within sixty (60) days of the date of mailing of the Final Order, the fine shall increase to a total of \$2,500.00, due within 90 days of the effective date of the suspension.

7. Respondent agrees to submit written proof of having complied with each requirement of this Stipulation, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; telephone (517) 241-9272; fax: (517) 241-9296.

8. The following factors were considered in reaching this agreement:

A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the complaint.

B. Respondent stated that at the time he did not believe that a building permit was required to replace subfloor decking. In addition, Respondent stated that at the time he believed that the limited scope of electrical work was classified as general maintenance and an electrical permit was not required. Respondent

stated that now he regularly consults with the Building Inspector to discuss permit issues (confirmed by the State Building Inspector).

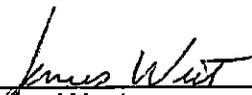
C. Respondent was issued an individual builder license effective May 29, 2003 and the license is currently active (expiration: May 31, 2017). There is no record of prior disciplinary action against Respondent's license.

9. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a formal administrative hearing in this matter without prejudice to either party.

10. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a formal administrative hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to by:

Respondent:



James West

Date: June 9, 2015

Acknowledged by Respondent's Attorney (if applicable):

(Sign/date above; Print name, address, telephone no. below) Date: _____

Corporations, Securities & Commercial Licensing Bureau:



Barrington Carr, Director
Enforcement Division

Date: 6-12-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324531 and 324532**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 11/03/2015

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Oakes Roofing, Siding & Windows, Inc. and Lewis Joseph Boscaglia, Qualifying Officer, Complaint Numbers 324531 and 324532, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,

v

OAKES ROOFING SIDING & WINDOWS INC Complaint Nos. 324531 and 324532
LEWIS JOSEPH BOSCAGLIA, QUALIFYING OFFICER
License No. 21-02-200626,
Respondent.

and

LEWIS JOSEPH BOSCAGLIA
License No. 21-01-134260

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on June 17, 2015, following the issuance of a Formal Complaint ("Complaint"), dated April 20, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against Oakes Roofing Siding & Windows Inc, Lewis Joseph Boscaglia, Qualifying Officer, and Lewis Joseph Boscaglia ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, and Jamie Kuras on behalf of the Department and Gary Oakes, President of Oakes Roofing Siding & Windows Inc, and Lewis Joseph Boscaglia, on behalf of the Respondents. All parties agree to the following:

1. Respondents admit to the following factual and legal violations alleged in the Complaint:

A. Respondent Oakes Roofing Siding & Windows Inc entered into a contract to perform services regulated by 1980 PA 299, as

amended, with Jim Shurish on or about July 26, 2013.

B. Respondents accepted a contract procured by Jeffrey K. Plusczynski, an unlicensed person, contrary to 2006 AACRS, R 338.1536.

C. Respondents acted as agent, partner, or associate with Jeffrey K. Plusczynski, a person who is not licensed under 1980 PA 299, as amended, although required to be licensed, contrary to MCL 339.2411(2)(j).

D. Respondents failed to provide Jim or Donna Shurish with a copy of the contract referred to in paragraph A above which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

E. Respondents, in performance of the contract, failed to comply with §§ R806.2 and R905.1 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to 2006 AACRS, R 338.1551(5).

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

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondents shall pay a FINE in the amount of Two Thousand Two Hundred Fifty Dollars (\$ 2,250.00). This fine shall be paid by check or money order, with Complaint Nos. 324531 and 324532 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED

SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondents must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing.

B. Respondents cooperated fully in the resolution of this administrative Complaint.

C. Respondents have no prior record of disciplinary action taken against their licenses.

Oakes Roofing Siding & Windows Inc first became licensed on May 12, 2011, and Lewis Joseph Boscaglia first became licensed on August 2, 1996.

D. The City of Shelby Township Building Inspector confirmed Respondents have fixed all building code violations he cited on July 26, 2013.

7. IT IS FURTHER STIPULATED, by and between the parties hereto, that the Director of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

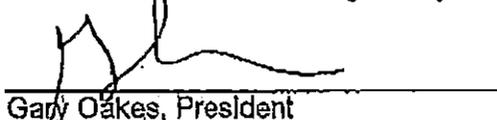
8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed-to:


Lewis Joseph Boscaglia

Date: 6/1/15

On Behalf of Oakes Roofing Siding & Windows


Gary Oakes, President

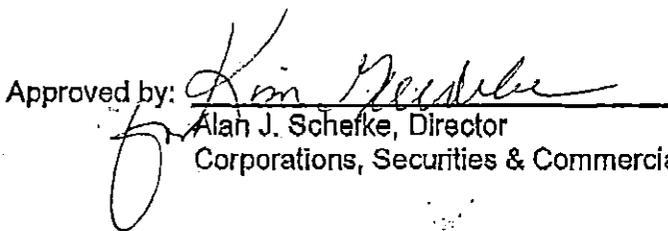
Date: 6/1/15

Attorney for Respondents (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 
Alan J. Schefke, Director
Corporations, Securities & Commercial Licensing Bureau

Date: 11/03/2015

Drafted by: Marcy Sims, Regulatory Compliance Division

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324531 and 324532**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 11/03/2015

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Oakes Roofing, Siding & Windows, Inc. and Lewis Joseph Boscaglia, Qualifying Officer, Complaint Numbers 324531 and 324532, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,

v

OAKES ROOFING SIDING & WINDOWS INC Complaint Nos. 324531 and 324532
LEWIS JOSEPH BOSCAGLIA, QUALIFYING OFFICER
License No. 21-02-200626,
Respondent.

and

LEWIS JOSEPH BOSCAGLIA
License No. 21-01-134260

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on June 17, 2015, following the issuance of a Formal Complaint ("Complaint"), dated April 20, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against Oakes Roofing Siding & Windows Inc, Lewis Joseph Boscaglia, Qualifying Officer, and Lewis Joseph Boscaglia ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, and Jamie Kuras on behalf of the Department and Gary Oakes, President of Oakes Roofing Siding & Windows Inc, and Lewis Joseph Boscaglia, on behalf of the Respondents. All parties agree to the following:

1. Respondents admit to the following factual and legal violations alleged in the Complaint:

A. Respondent Oakes Roofing Siding & Windows Inc entered into a contract to perform services regulated by 1980 PA 299, as

amended, with Jim Shurish on or about July 26, 2013.

B. Respondents accepted a contract procured by Jeffrey K. Plusczynski, an unlicensed person, contrary to 2006 AACCS, R 338.1536.

C. Respondents acted as agent, partner, or associate with Jeffrey K. Plusczynski, a person who is not licensed under 1980 PA 299, as amended, although required to be licensed, contrary to MCL 339.2411(2)(j).

D. Respondents failed to provide Jim or Donna Shurish with a copy of the contract referred to in paragraph A above which was signed by all parties, contrary to 2006 AACCS, R 338.1533(1).

E. Respondents, in performance of the contract, failed to comply with §§ R806.2 and R905.1 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to 2006 AACCS, R 338.1551(5).

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

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondents shall pay a FINE in the amount of Two Thousand Two Hundred Fifty Dollars (\$ 2,250.00). This fine shall be paid by check or money order, with Complaint Nos. 324531 and 324532 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED

SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondents must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing.

B. Respondents cooperated fully in the resolution of this administrative Complaint.

C. Respondents have no prior record of disciplinary action taken against their licenses.

Oakes Roofing Siding & Windows Inc first became licensed on May 12, 2011, and Lewis Joseph Boscaglia first became licensed on August 2, 1996.

D. The City of Shelby Township Building Inspector confirmed Respondents have fixed all building code violations he cited on July 26, 2013.

7. IT IS FURTHER STIPULATED, by and between the parties hereto, that the Director of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

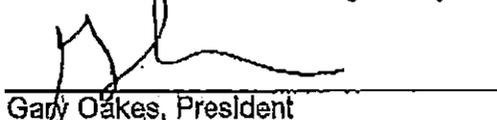
8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed-to:


Lewis Joseph Boscaglia

Date: 6/1/15

On Behalf of Oakes Roofing Siding & Windows


Gary Oakes, President

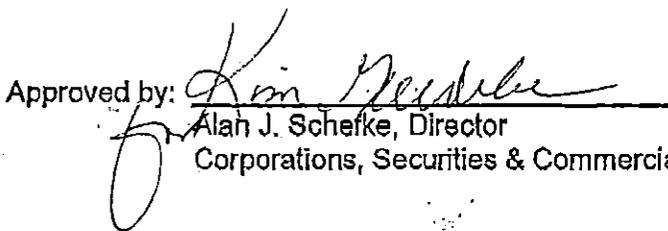
Date: 6/1/15

Attorney for Respondents (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 
Alan J. Schefke, Director
Corporations, Securities & Commercial Licensing Bureau

Date: 11/03/2015

Drafted by: Marcy Sims, Regulatory Compliance Division

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

TOTTINGHAM BUILDERS, LLC
JIMMY WILLIAM TOTTINGHAM, QUALIFYING OFFICER

License Number: 21-02-183863

Complaint Number: 324537

AND

JIMMY WILLIAM TOTTINGHAM

License Number: 21-01-141176

Complaint Number: 324538

FINAL ORDER

On January 8, 2015, a Formal Complaint (Complaint) was executed that charged Tottingham Builders, LLC and Jimmy William Tottingham, Qualifying Officer, (Respondents) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324537 and 324538**.

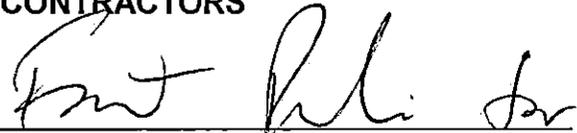
IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-29-15

**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 Tottingham Builders, LLC and Jimmy William Tottingham, Qualifying Officer, Complaint Numbers 324537 and 324538, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**TOTTINGHAM BUILDERS LLC
JIMMY WILLIAM TOTTINGHAM, QUALIFYING OFFICER
License No. 21-02-183863,
Respondent,**

**Complaint No. 324537
Docket No. 15-012618-CSCLB**

and

**JIMMY WILLIAM TOTTINGHAM
License No. 21-01-141176,
Respondent.**

**Complaint No. 324538
Docket No. 15-012617-GSCLB**

Board: Residential Builders

STIPULATION

This case was scheduled for a formal administrative hearing before the Michigan Administrative Hearing System ("MAHS"), following the issuance of a Formal Complaint, dated January 8, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against TOTTINGHAM BUILDERS LLC, JIMMY WILLIAM TOTTINGHAM, QUALIFYING OFFICER, and JIMMY WILLIAM TOTTINGHAM ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department"). The Department and Respondent agreed to a settlement in advance of the hearing scheduled to be held on April 14, 2015 and the case was withdrawn from the MAHS hearing docket, without prejudice. The parties agree to the following:

1. Respondents acknowledge the following facts:

- A. Respondents entered into a contract in the original amount of \$26,600, dated on or about June 23, 2013, with Jeffrey and Christa Jarnot, for renovation services for existing structures in Fenton, Michigan.
- B. The homeowners filed a Complaint on or about August 11, 2013 and the Department conducted an investigation and issued a Formal Complaint. During the complaint investigation, the

Department sent a Notice to Respondent, dated September 11, 2014, which directed Respondents to provide a written response to the complaint within fifteen (15) days.

C. Respondents did not request the scheduling of a Compliance Conference and therefore an administrative hearing was scheduled.

2. Respondents admit to the following violations:

A. Respondents failed to respond to the Complaint in a timely manner, contrary to 2006 AACRS, R 338.1551(2).

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

3. All other alleged violations are dismissed pursuant to the principle of settlement and compromise. The alleged violations regarding two (2) building codes (one piece of missing soffit; no step down from porch to driveway) and the failure to correct the alleged building code violations are dismissed because there is an issue whether the builder called for a final inspection and whether the work was incomplete versus performed incorrectly.

4. It is acknowledged that a contractual and financial dispute arose near the end of the project. Subsequently, Respondents filed a civil action against the homeowners in the Livingston County Circuit Court and the homeowners filed a Counter-Complaint. On March 2, 2015, the case was dismissed with prejudice and Respondents and the homeowners dismissed all claims against each other.

5. Respondents shall pay a FINE (joint and several) in the amount of One Thousand Dollars (\$1,000.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 324537 and 324538 clearly indicated on the check or money order, made payable to the State of Michigan, and the fine payment must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, in the event

that the fine payment is overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondents.

6. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondents fail to comply with the terms of the Stipulation (payment of the fine) within 90 days of the date of mailing of the Final Order, the fine shall increase to \$1,500, due within 120 days of the date of mailing of the Final Order.

7. Respondents agree to submit written proof of having complied with each requirement of this Final Order. In a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; ph: (517) 241-9278; fax: (517) 241-9296.

8. The following factors were also considered in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the Complaint.

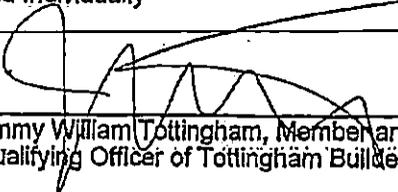
B. License records indicate that Tottingham Builders LLC, Jimmy William Tottingham, Qualifying Officer, was issued a company builder license effective April 4, 2007 and the license is currently active (expiration: May 31, 2017). Jimmy William Tottingham was issued an individual license effective September 15, 1997 and the license is currently active (expiration: May 31, 2017). There is record of one (1) prior disciplinary action taken against the licenses: Complaint Nos. 320844 and 324845, Final Order (Stipulation) dated August 14, 2014.

9. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

10. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a contested case hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

On behalf of Tottingham Builders LLC
and Individually


Jimmy William Tottingham, Member and
Qualifying Officer of Tottingham Builders LLC

Date:

4/22/15

Attorney Acknowledgment:

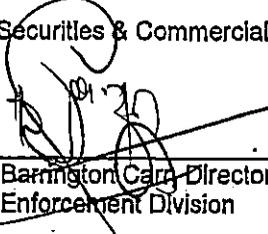

Michael C. Hechtman
Michael C. Hechtman, PC

Date:

4/23/15

Corporations, Securities & Commercial Licensing Bureau:

Approved by:


Barrington Carr, Director
Enforcement Division

Date:

4/29/15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

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

TOTTINGHAM BUILDERS, LLC
JIMMY WILLIAM TOTTINGHAM, QUALIFYING OFFICER

License Number: 21-02-183863

Complaint Number: 324537

AND

JIMMY WILLIAM TOTTINGHAM

License Number: 21-01-141176

Complaint Number: 324538

FINAL ORDER

On January 8, 2015, a Formal Complaint (Complaint) was executed that charged Tottingham Builders, LLC and Jimmy William Tottingham, Qualifying Officer, (Respondents) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324537 and 324538**.

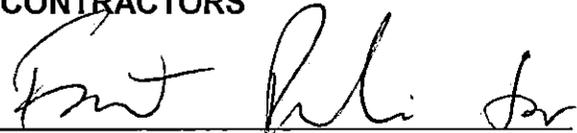
IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-29-15

**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 Tottingham Builders, LLC and Jimmy William Tottingham, Qualifying Officer, Complaint Numbers 324537 and 324538, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**TOTTINGHAM BUILDERS LLC
JIMMY WILLIAM TOTTINGHAM, QUALIFYING OFFICER
License No. 21-02-183863,
Respondent,**

**Complaint No. 324537
Docket No. 15-012618-CSCLB**

and

**JIMMY WILLIAM TOTTINGHAM
License No. 21-01-141176,
Respondent.**

**Complaint No. 324538
Docket No. 15-012617-GSCLB**

Board: Residential Builders

STIPULATION

This case was scheduled for a formal administrative hearing before the Michigan Administrative Hearing System ("MAHS"), following the issuance of a Formal Complaint, dated January 8, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against TOTTINGHAM BUILDERS LLC, JIMMY WILLIAM TOTTINGHAM, QUALIFYING OFFICER, and JIMMY WILLIAM TOTTINGHAM ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department"). The Department and Respondent agreed to a settlement in advance of the hearing scheduled to be held on April 14, 2015 and the case was withdrawn from the MAHS hearing docket, without prejudice. The parties agree to the following:

1. Respondents acknowledge the following facts:

- A. Respondents entered into a contract in the original amount of \$26,600, dated on or about June 23, 2013, with Jeffrey and Christa Jarnot, for renovation services for existing structures in Fenton, Michigan.
- B. The homeowners filed a Complaint on or about August 11, 2013 and the Department conducted an investigation and issued a Formal Complaint. During the complaint investigation, the

Department sent a Notice to Respondent, dated September 11, 2014, which directed Respondents to provide a written response to the complaint within fifteen (15) days.

C. Respondents did not request the scheduling of a Compliance Conference and therefore an administrative hearing was scheduled.

2. Respondents admit to the following violations:

A. Respondents failed to respond to the Complaint in a timely manner, contrary to 2006 AACRS, R 338.1551(2).

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

3. All other alleged violations are dismissed pursuant to the principle of settlement and compromise. The alleged violations regarding two (2) building codes (one piece of missing soffit; no step down from porch to driveway) and the failure to correct the alleged building code violations are dismissed because there is an issue whether the builder called for a final inspection and whether the work was incomplete versus performed incorrectly.

4. It is acknowledged that a contractual and financial dispute arose near the end of the project. Subsequently, Respondents filed a civil action against the homeowners in the Livingston County Circuit Court and the homeowners filed a Counter-Complaint. On March 2, 2015, the case was dismissed with prejudice and Respondents and the homeowners dismissed all claims against each other.

5. Respondents shall pay a FINE (joint and several) in the amount of One Thousand Dollars (\$1,000.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 324537 and 324538 clearly indicated on the check or money order, made payable to the State of Michigan, and the fine payment must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, in the event

that the fine payment is overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondents.

6. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondents fail to comply with the terms of the Stipulation (payment of the fine) within 90 days of the date of mailing of the Final Order, the fine shall increase to \$1,500, due within 120 days of the date of mailing of the Final Order.

7. Respondents agree to submit written proof of having complied with each requirement of this Final Order. In a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; ph: (517) 241-9278; fax: (517) 241-9296.

8. The following factors were also considered in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the Complaint.

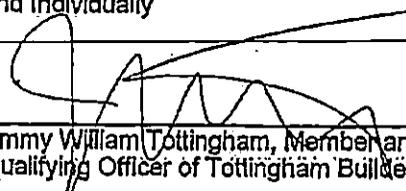
B. License records indicate that Tottingham Builders LLC, Jimmy William Tottingham, Qualifying Officer, was issued a company builder license effective April 4, 2007 and the license is currently active (expiration: May 31, 2017). Jimmy William Tottingham was issued an individual license effective September 15, 1997 and the license is currently active (expiration: May 31, 2017). There is record of one (1) prior disciplinary action taken against the licenses: Complaint Nos. 320844 and 324845, Final Order (Stipulation) dated August 14, 2014.

9. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

10. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a contested case hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

On behalf of Tottingham Builders LLC
and Individually


Jimmy William Tottingham, Member and
Qualifying Officer of Tottingham Builders LLC

Date:

4/22/15

Attorney Acknowledgment:

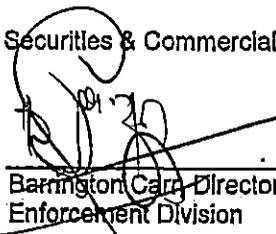

Michael C. Hechtman
Michael C. Hechtman, PC

Date:

4/23/15

Corporations, Securities & Commercial Licensing Bureau:

Approved by:


Barrington Carr, Director
Enforcement Division

Date:

4/29/15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

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

STEPHEN SATTEM NELSON
D/B/A SS NELSON BUILDERS
License Number: 21-01-143798

Complaint Number: 324695

FINAL ORDER

On March 11, 2015, a Formal Complaint (Complaint) was executed that charged Stephen Sattem Nelson, d/b/a SS Nelson Builders (Respondent) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324695**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the ***exception of fines*** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

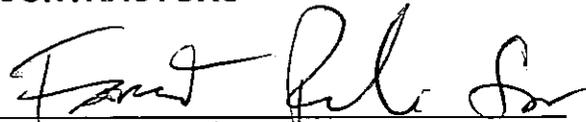
This Final Order is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended; MCL 15.241(1)(a).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

**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 Stephen Sattem Nelson, d/b/a SS Nelson Builders, Complaint Number 324695, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**STEPHEN SATTEM NELSON
D/B/A SS NELSON BUILDERS
License No. 21-01-143798
Respondent.**

Complaint No. 324695

_____ /Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on May 11, 2015, following the issuance of a Formal Complaint ("Complaint"), dated March 11, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against STEPHEN SATTEM NELSON, D/B/A SS NELSON BUILDERS ("Respondent") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, on behalf of the Department and Stephen Sattem Nelson, on behalf of the Respondent. All parties agree to the following:

1. Respondent admits to the following factual and legal violations alleged in the Complaint:

A. Respondent entered into a contract with Roberta Wandrie to perform services regulated by 1980 PA 299, as amended, prior to July 2014.

B. Respondent failed to provide Roberta Wandrie with a copy of the contract that was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

C. Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondent shall pay a FINE in the amount of Five Hundred Dollars (\$500.00). This fine shall be paid by check or money order, with Complaint No. 324695 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondent must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing.

B. Respondent cooperated fully in the resolution of this administrative Complaint.

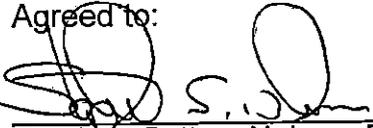
C. Respondent has no prior record of disciplinary action taken against his license.

Respondent first became licensed on April 3, 1998.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:



Stephen Sattem Nelson, Respondent

Date: 20 MAY 2015

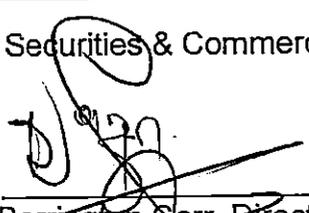
Attorney for Respondent (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by:



~~Barrington Carr, Director
Enforcement Division~~

Date:

5/28/15

Drafted By: Marcy Sims, Regulatory Compliance Division

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

JOSEPH EARL HATTER
License Number: 21-01-063275

Complaint Number: 324708

FINAL ORDER

On March 23, 2015, a Formal Complaint (Complaint) was executed that charged Joseph Earl Hatter (Respondent) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324708**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the ***exception of fines*** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

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

By: Kim Gaedeke
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter Joseph Earl Hatter, Complaint Numbers 324708, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**JOSEPH EARL HATTER
License No. 21-01-063275,
Respondent.**

Complaint No. 324708

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference following the issuance of a Formal Complaint ("Complaint"), dated March 23, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against JOSEPH EARL HATTER ("Respondent") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

The compliance conference was held by telephone on May 7, 2015 between the following: Marcy J. Sims, Department Conferee, on behalf of the Department and Joseph Earl Hatter, on behalf of the Respondent. All parties agree to the following:

1. Respondent admits to the following factual and legal violations alleged in the Complaint:

A. Respondent entered into a contract to perform services regulated by 1980 PA 299, as amended, with Ruth Patrick on or about April 25, 2014.

B. Respondent, in performance of the contract, failed to comply with §§ R806.2, R905.6.3.1 and R907.2 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to 2006 AACCS, R 338.1551(5).

C. Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondent shall pay a FINE in the amount of **Five Hundred Dollars (\$500.00)**. This fine shall be paid by check or money order, with Complaint No. **324706** clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a **SUSPENSION** or **CONTINUED SUSPENSION** of all licenses or registrations held under **Article 24** of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondent must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a **REVOCATION** or **CONTINUED REVOCATION** of all licenses or registrations held under **Article 24** of the Occupational Code by Respondent. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau,

Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909. Forms of acceptable proof of monetary restitution payment, if restitution is a part of the Stipulation, include: A copy of the front and back of the cancelled check that was made payable to the person(s) ordered to receive restitution; or a receipt signed and dated by the person(s) to whom restitution was payable, stating restitution was paid and the amount paid. If monetary restitution includes payment in the principal amount of a civil judgment, a copy of the Satisfaction of Judgment form filed with the relevant court will also suffice.

6. The parties considered the following factors in reaching this agreement:

- A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing.
- B. Respondent cooperated fully in the resolution of this administrative Complaint.
- C. Respondent first became licensed on September 24, 1982.
- D. A Certificate of Approval for the new roof at 1901 Greenbriar Lane was issued by the City of Flint Development Division on April 7, 2015.
- E. The City of Flint Building Inspector stated that the Respondent "did take care of all violations and returned some of the money he was paid."

Respondent provided an agreement signed by both him and the complaining person stating that the violations were fixed and that the complaining person received a \$300 payment from Respondent.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an

administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:



Joseph Earl Hatter, Respondent

Date: 5-18-15

Attorney for Respondent (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 

Barrington Carr, Director
Enforcement Division

Date: 5/26/15

Drafted By: Marcy J. Sims, Regulatory Compliance Division

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

STEPHEN R. BATCHELDER
License Number: 21-01-118072

Complaint Number: 324829

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged Stephen R. Batchelder (Respondent) with violating sections 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute violations of sections 604(c) and 2411(2)(e) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324829**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

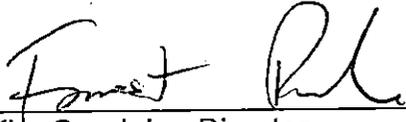
This Final Order is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended; MCL 15.241(1)(a).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

**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 Stephen R. Batchelder, Complaint Number 324829, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**STEPHEN R. BATCHELDER
License No. 21-01-118072
Respondent.**

Complaint No. 324829

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on April 22, 2015, following the issuance of a Formal Complaint ("Complaint"), dated February 13, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against STEPHEN R. BATCHELDER, ("Respondent") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, on behalf of the Department and Stephen R. Batchelder, on behalf of the Respondent. All parties agree to the following:

1. Respondent admits to the following factual and legal violations alleged in the Complaint:

A. Respondent entered into a contract to perform services regulated by 1980 PA 299, as amended, with Joan Jensen in or around August, 2013.

B. Respondent failed to provide Joan Jensen with a copy of the contract which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

C. Respondent, in performance of the contract, failed to comply with § R105 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single

state construction code act, effective March 9, 2011, contrary to MCL 339.2411(2)(e) and 2006 AACCS, R 338.1551(5).

D. Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondent shall pay a FINE in the amount of Two Thousand Five Hundred Dollars (\$2,500.00). This fine shall be paid by check or money order, with Complaint No. 324829 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondent must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing.

B. Respondent cooperated fully in the resolution of this administrative Complaint.

C. Respondent has no prior record of disciplinary action taken against his license.

Respondent first became licensed on March 2, 1994.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:


Stephen R. Batchelder, Respondent

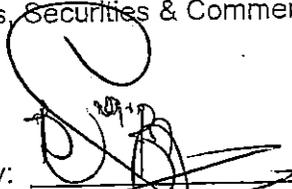
Date: 5/8/2015

Attorney for Respondent (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:


Approved by: _____
Barrington Carr, Director
Enforcement Division

Date: 5-15-15

Drafted By: Marcy Sims, Regulatory Compliance Division

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

MICHAEL LEE TILBURY II
D/B/A M&TT GENERAL CONSTRUCTION
License Number: 21-01-205753

Complaint Number: 324841

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged Michael Lee Tilbury II, d/b/a M&TT General Construction (Respondent) with violating sections 604(c) and 2411(2)(e) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute violations of sections 604(c) and 2411(2)(e) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violations of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **324841**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

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

By: Kim Gaedeke

Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of Michael Lee Tilbury II, d/b/a M&TT General Construction, Complaint Number 324841, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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 No. 324841

Complainant,

v

MICHAEL LEE TILBURY II
D/B/A M&TT GENERAL CONSTRUCTION
License No. 21-01-205753,

Respondent.

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on April 13, 2015, following the issuance of a Formal Complaint ("Complaint"), dated February 13, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against MICHAEL LEE TILBURY II D/B/A M&TT GENERAL CONSTRUCTION ("Respondent") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, and Michael Lee Tilbury II. All parties agree to the following:

1. Respondent admits to the following factual and legal violations alleged in the Complaint:
 - A. Respondent entered into a contract to perform services regulated by 1980 PA 299, as amended, with Ken Hamlin on or about April 17, 2014.
 - B. Respondent failed to provide Kenneth C. Hamlin with a copy of the contract referred to above which was signed by all parties, contrary to 2006 AACS, R 338.1533(1).
 - C. Respondent, in performance of the contract, failed to comply with §§ R105.1 and 905.2.1 of the 2009 Michigan Residential Code, which was adopted pursuant to the Stille-DeRossett-Hale single state construction code act, effective March 9, 2011, contrary to MCL 339.2411(2)(e) and 2006 AACS, R 338.1551(5).

D. Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondent shall pay a FINE in the amount of One Thousand Five Hundred Dollars (\$1,500.00). This fine shall be paid by check or money order, with Complaint No. 324841 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondent must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

- A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing.
- B. Respondent cooperated fully in the resolution of this administrative Complaint.
- C. Respondent has no prior record of disciplinary action taken against his license. Respondent first became licensed on December 23, 2013.
- D. Respondent stated he came back to job site on one occasion, when a request was made by the complaining person, to correct an issue.
- E. Respondent stated that two of the violations listed were not within the scope of work agreed to in the contract.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:



Michael Lee Tilbury, Respondent

Date:

4/28/15

Attorney for Respondent (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by:



Barnington Carr, Director
Enforcement Division

Date:

5-1-15

Drafted By: Marcy Sims, Regulatory Compliance Division

**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

**TK CONSTRUCTION OF MICHIGAN, LLC
CHUCK A. MCCLOUD, QUALIFYING OFFICER
License Number: 21-02-203797**

Complaint Number: 325711

AND

**CHUCK A. MCCLOUD
License Number: 21-01-165372**

Complaint Number: 325089

FINAL ORDER

On March 23, 2015, a Formal Complaint (Complaint) was executed that charged TK Construction of Michigan, LLC and Chuck A. McCloud, Qualifying Officer, (Respondents) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file numbers **325711 and 325089**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

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

By: Kim Gaedeke

Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of TK Construction of Michigan, LLC and Chuck A. McCloud, Qualifying Officer, Complaint Numbers 325711 and 325089, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,

v

TK CONSTRUCTION OF MICHIGAN LLC
CHUCK A. MCCLOUD, QUALIFYING OFFICER
License No. 21-02-203797,
Respondent,

Complaint No. 325711

and

CHUCK A. MCCLOUD
License No. 21-01-165372,
Respondent.

Complaint No. 325089

Board: Residential Builders

STIPULATION

A Formal Complaint, dated March 23, 2015, was filed by the Department of Licensing and Regulatory Affairs (LARA), Corporations, Securities and Commercial Licensing Bureau (Department), pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against TK Construction of Michigan LLC, Chuck A. McCloud, Qualifying Officer, and Chuck A. McCloud (Respondents). A Compliance Conference was held on May 12, 2015 via telephone and the participants included: William Wilhelm, Jr., Conferee, on behalf of the Department, and Chuck A. McCloud and Beth Ann Strigle, Attorney, on behalf of Respondents. The Respondents has been provided an opportunity to demonstrate compliance and the Department and Respondents have negotiated a settlement of the Formal Complaint and agree to the following:

1. Respondents acknowledge the following facts:

A. Respondent Chuck A. McCloud, individual builder license no. 21-01-165372 is the Qualifying Officer for Respondent, TK Construction of Michigan LLC, company builder license no. 21-02-203797, and pursuant to MCL 339.2405, the qualifying officer is responsible for exercising the supervision or control of the building or construction operations necessary to secure full compliance with the Occupational Code and Administrative Rules.

B. On May 1, 2014, Respondents entered into a contract with Mr. Jerred E. Parris, customer, to perform regulated construction services (construction of a garage) in Morley, Mecosta County, Michigan.

C. On August 26, 2014, Mr. Aaron Holsworth, Mecosta County Building Inspector, conducted an inspection and issued a Building Inspection Report, which did not list any alleged building code violations.

D. On October 6, 2014, the Department received a complaint alleging construction deficiencies and the Department conducted an investigation and issued a Formal Complaint.

2. Respondents admit to the violations alleged in the Formal Complaint:

A. Respondents failed to provide the customer with a copy of the contract which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

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

3. Respondents stated that the "contract" was a detailed estimate for \$22,900, which the customer accepted and made four (4) payments totaling \$16,375.21 as services were provided. Respondents concede that the estimate was not signed by the parties, but that is a technical nonconformance. Respondents acknowledge that a financial dispute arose due to the stoppage of payment by the customer (customer claims that work was deficient). In August 2014, Respondents filed a collection action in the 77th District Court, Mecosta County, Michigan, Case No. 14-53298-GC, which alleged that Respondents provided services totaling \$22,311.66, received payments totaling \$15,000, and sought the recovery of \$7,311.66 plus costs, fees, and interest. Subsequently, the customer filed a counterclaim. In addition, ProBuild North LLC, the supplier of garage materials, recorded a lien on August 8, 2014 in the amount of \$13,665.48 (\$15,054.92 provided and \$1,389.44 payment received). On or about January 7, 2015, ProBuild filed a civil complaint in the 49th Circuit Court, Mecosta County, Michigan, Case No. 15-22682-CK, against Respondents and the customer, seeking \$10,535.65 plus fees and interest. At this time a settlement of all claims has been negotiated, however, the dismissals have not been executed.

4. Respondents shall pay a FINE in the amount of Two Hundred Fifty Dollars (\$250.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 325711 and 325089 clearly indicated on the check or money order, made payable to the State of Michigan, and the fine payment must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, in the event that the fine payment is overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondents.

5. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondents fail to comply with the terms of the Stipulation (payment of the fine) within 60 days of the date of mailing of the Final Order, the fine shall increase to \$500.00, due within 90 days of the date of mailing of the Final Order.

6. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; ph: (517) 241-9278; fax: (517) 241-9296.

7. The following factors were also considered in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the complaint.

B. License records indicate that TK Construction of Michigan LLC, Chuck A. McCloud, Qualifying Officer, was issued a company builder license effective October 26, 2012 and the license is currently active (expiration: May 31, 2015). Chuck A. McCloud was issued an individual license effective January 13, 2003 and the license is currently active (expiration: May 31, 2017). There is no record of any prior disciplinary action against the licenses.

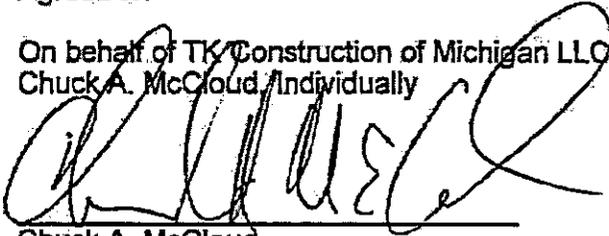
8. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

9. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a contested case hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents

would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

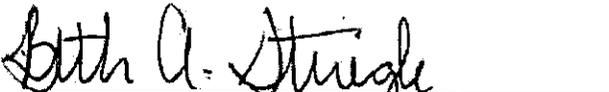
On behalf of TK Construction of Michigan LLC and
Chuck A. McCloud, Individually



Chuck A. McCloud

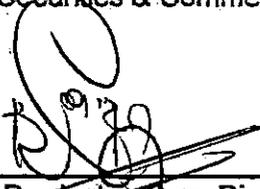
Date: 6-1-2015

Acknowledgment by Respondents' Attorney:


Beth A. Striegle
Law Office of Striegle & Associates PLLC

Date: 6/1/15

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 
Barrington Carr, Director
Enforcement Division

Date: 6-12-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

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. 325711 and 325089

Complainant,

v.

TK CONSTRUCTION OF MICHIGAN LLC
CHUCK A. MCCLOUD, QUALIFYING OFFICER
License No. 21-02-203797

Respondent,

and

CHUCK A. MCCLOUD
License No. 21-01-165372

Respondent.

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. TK Construction of Michigan LLC, Chuck A. McCloud, Qualifying Officer, (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.

2. Chuck A. McCloud, (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 Jerred E. Parris and is attached hereto as Exhibit 1.

4. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Jerred E. Parris on or about May 1, 2014.

5. Respondents failed to provide Jerred E. Parris with a copy of the contract referred to in paragraph four above which was signed by all parties, contrary to 2006 AACS, R 338.1533(1).

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

7. Respondent Chuck A. McCloud 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.

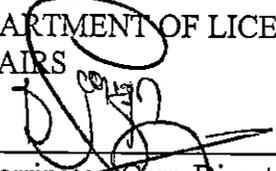
Based upon the conduct as aforesaid, Respondents have acted contrary to § 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and rule 33(1) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACS, R 338.1533(1), 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: _____

3-23-15

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

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

SCOTT CHARLES PECK
License Number: 21-01-147360

Complaint Number: 325104

FINAL ORDER

On February 13, 2015, a Formal Complaint (Complaint) was executed that charged Scott Charles Peck (Respondent) with violating sections 604(l) and 2411(2)(j) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute violations of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 2411(2)(j) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

The allegation in the Complaint alleging a violation of section 604(l) of the Occupational Code, supra, is dismissed.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **325104**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

**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 Scott Charles Peck, Complaint Number 325104, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

Complaint No. 325104

v

**SCOTT CHARLES PECK
License No. 21-01-147360,
Respondent.**

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on April 8, 2015, following the issuance of a Formal Complaint ("Complaint"), dated February 13, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against SCOTT CHARLES PECK ("Respondent") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee; Scott Charles Peck, Respondent; and Mrs. Peck, Respondent's wife. All parties agree to the following:

1. Respondent admits to the following factual and legal violations alleged in the Complaint:

- A. On or about July 28, 2014, Peck Contracting LLC entered into a contract with Jack Conner to perform services regulated by 1980 PA 299, as amended.
- B. Respondent acted as agent, partner, or associate with Peck Contracting LLC, an entity not licensed under 1980 PA 299, as amended, although required to be licensed, contrary to MCL 339.2411(2)(j).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondent shall pay a FINE in the amount of Five Hundred Dollars (\$500.00). This fine shall be paid by check or money order, with Complaint No. 325104 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondent must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

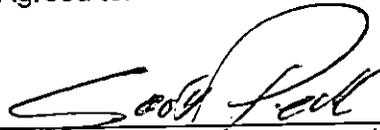
6. The parties considered the following factors in reaching this agreement:

- A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing.
- B. Respondent cooperated fully in the resolution of this administrative Complaint.
- C. Respondent has no prior record of disciplinary action taken against his license. Respondent first became licensed on October 16, 1998.
- D. Respondent applied for a residential builder's license on behalf of Peck Contracting LLC at the conclusion of the compliance conference.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:



Scott Charles Peck, Respondent

Date: May 1-15

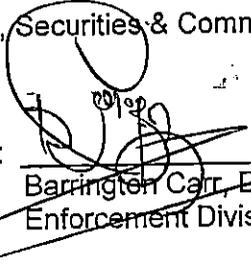
Attorney for Respondent (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by:



Barrington Carr, Director
Enforcement Division

Date: 5-15-15

Drafted By: Marcy Sims, Regulatory Compliance Division.

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

RUSSELL JOE LONG
D/B/A RUSS LONG CONSTRUCTION
License Number: 21-01-113694

Complaint Number: 325224

FINAL ORDER

On March 5, 2015; a Formal Complaint (Complaint) was executed that charged Russell Joe Long, d/b/a Russ Long Construction (Respondent) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code; Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **325224**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

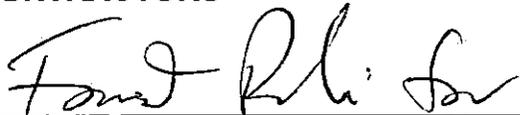
This Final Order is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended; MCL 15.241(1)(a).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

**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 Russell Joe Long, d/b/a Russ Long Construction, Complaint Number 325224, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**RUSSELL JOE LONG
D/B/A RUSS LONG CONSTRUCTION
License No. 21-01-113694,
Respondent.**

Complaint No. 325224

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on **May 4, 2015**, following the issuance of a Formal Complaint ("Complaint"), dated **March 5, 2015**, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against RUSSELL JOE LONG. D/B/A RUSS LONG CONSTRUCTION ("Respondent") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, on behalf of the Department and Russell Joe Long, on behalf of the Respondent. All parties agree to the following:

1. Respondent admits to the following factual and legal violations alleged in the Complaint:

A. A Complaint against Respondent, 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.

B. Respondent failed to respond to the Complaint in a timely manner, contrary to 2006 AACR, R 338.1551(2).

C. Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondent shall pay a FINE in the amount of **Five Hundred Dollars (\$500.00)**. This fine shall be paid by check or money order, with Complaint No. **325224** clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Respondent shall complete a total of at least three (3) hours of continuing education consistent with the requirements of MCL 339.2404 b(2) (d). Respondent shall supply proof of completing the courses by submitting it in writing according to Paragraph 6 below within ninety (90) days of the Final Order Mailing date.

4. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a **SUSPENSION** or **CONTINUED SUSPENSION** of all licenses or registrations held under **Article 24** of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondent must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

5. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a **REVOCATION** or **CONTINUED REVOCATION** of all licenses or registrations held under **Article 24** of the Occupational Code by

Respondent. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

6. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909. Forms of acceptable proof of completion of the continuing education requirement include: A certificate of completion document issued by the education provider.

7. The parties considered the following factors in reaching this agreement:

- A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing.
- B. Respondent cooperated fully in the resolution of this administrative Complaint.
- C. Respondent has no prior record of disciplinary action taken against his license.

Respondent first became licensed on June 14, 1993, and recently suffered health concerns.

8. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

9. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:

Russell Joe Long
Russell Joe Long, Respondent

Date: 27 May 2015

Attorney for Respondent (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by: [Signature]
Barrington Carr, Director
Enforcement Division

Date: 6/11/15

Drafted By: Marcy Sims, Regulatory Compliance Division

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

DIVERSIFIED GENERAL CONTRACTING, INC.
D/B/A RESTORATION 24/7
ALVIN D. ALES, QUALIFYING OFFICER
License Number: 21-02-196227

Complaint Number: 325245

AND

ALVIN D. ALES
License Number: 21-01-195303

Complaint Number: 325246

FINAL ORDER

On March 5, 2015, a Formal Complaint (Complaint) was executed that charged Diversified General Contracting, Inc., d/b/a Restoration 24/7 and Alvin D. Ales, Qualifying Officer (Respondents) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **325245 and 325246**.

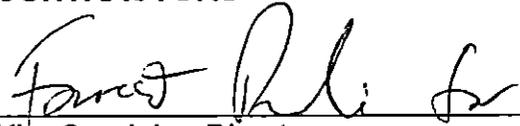
IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

**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 Diversified General Contracting, Inc., d/b/a Restoration 24/7 and Alvin D. Ales, Qualifying Officer, Complaint Numbers 325245 and 325246, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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. 325245 and 325246

Complainant,

v

DIVERSIFIED GENERAL CONTRACTING INC.
D/B/A RESTORATION 24/7
ALVIN D. ALVES, QUALIFYING OFFICER
License No. 21-02-196227

Respondent,

and

ALVIN D. ALVES
License No. 21-01-195303

Respondent.

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on April 20, 2015, following the issuance of a Formal Complaint ("Complaint"), dated March 5, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against Diversified General Contracting Inc. d/b/a Restoration 24/7, Alvin D. Alves, Qualifying Officer, and Alvin D. Alves ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, and Alvin D. Alves, Becky Alves, and Attorney Christopher Gibbons, on behalf of Respondents. All parties agree to the following:

1. Respondents admit to the following factual and legal violations alleged in the Complaint:

- A. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Orly Osorio-Espino on or about January 6, 2014.

B. Respondents failed to reduce changes in the contract to writings which were signed by all parties, contrary to 2006 AACS, R 338.1533(1).

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

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondents shall pay a FINE in the amount of Five Hundred Dollars (\$500.00). This fine shall be paid by check or money order, with Complaint Nos. 325245 and 325246 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

4. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondents must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

5. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by

Respondents. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

- A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing;
- B. Respondents cooperated fully in the resolution of this administrative Complaint.
- C. Respondents have no prior record of disciplinary action taken against their licenses. Diversified General Contracting Inc. first became licensed on October 9, 2009, and Alvin D. Alves first became licensed on September 23, 2010.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:

On Behalf of Diversified General Contracting Inc.
and Alvin D. Alves Individually


Alvin D. Alves

Date: 06/09/2015


Christopher M. Gibbons, Attorney for Respondent

Date: 6/8/2015

Attorney Business Address & Telephone Number:

125 Ottawa Avenue NW, Suite 230, Grand Rapids, MI 49503 (616) 460-1587

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 
Barrington Carr, Director
Enforcement Division

Date: 7/9/2015

Drafted by: Marcy Sims, Regulatory Compliance Division

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

DIVERSIFIED GENERAL CONTRACTING, INC.
D/B/A RESTORATION 24/7
ALVIN D. ALES, QUALIFYING OFFICER
License Number: 21-02-196227

Complaint Number: 325245

AND

ALVIN D. ALES
License Number: 21-01-195303

Complaint Number: 325246

FINAL ORDER

On March 5, 2015, a Formal Complaint (Complaint) was executed that charged Diversified General Contracting, Inc., d/b/a Restoration 24/7 and Alvin D. Ales, Qualifying Officer (Respondents) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **325245 and 325246**.

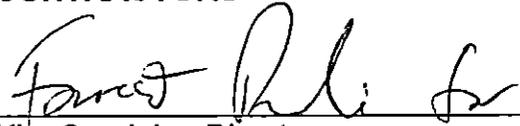
IT IS FURTHER ORDERED that Respondents shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

**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 Diversified General Contracting, Inc., d/b/a Restoration 24/7 and Alvin D. Ales, Qualifying Officer, Complaint Numbers 325245 and 325246, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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. 325245 and 325246

Complainant,

v

DIVERSIFIED GENERAL CONTRACTING INC.
D/B/A RESTORATION 24/7
ALVIN D. ALVES, QUALIFYING OFFICER
License No. 21-02-196227

Respondent,

and

ALVIN D. ALVES
License No. 21-01-195303

Respondent.

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference on April 20, 2015, following the issuance of a Formal Complaint ("Complaint"), dated March 5, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against Diversified General Contracting Inc. d/b/a Restoration 24/7, Alvin D. Alves, Qualifying Officer, and Alvin D. Alves ("Respondents") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

In attendance at the conference were the following: Marcy Sims, Department Conferee, and Alvin D. Alves, Becky Alves, and Attorney Christopher Gibbons, on behalf of Respondents. All parties agree to the following:

1. Respondents admit to the following factual and legal violations alleged in the Complaint:

- A. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Orly Osorio-Espino on or about January 6, 2014.

B. Respondents failed to reduce changes in the contract to writings which were signed by all parties, contrary to 2006 AACS, R 338.1533(1).

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

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondents shall pay a FINE in the amount of Five Hundred Dollars (\$500.00). This fine shall be paid by check or money order, with Complaint Nos. 325245 and 325246 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondents.

4. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondents must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

5. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by

Respondents. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

- A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing;
- B. Respondents cooperated fully in the resolution of this administrative Complaint.
- C. Respondents have no prior record of disciplinary action taken against their licenses. Diversified General Contracting Inc. first became licensed on October 9, 2009, and Alvin D. Alves first became licensed on September 23, 2010.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

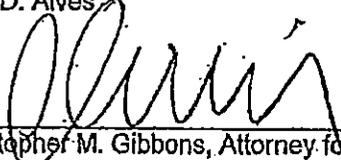
8. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondents would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:

On Behalf of Diversified General Contracting Inc.
and Alvin D. Alves Individually


Alvin D. Alves

Date: 06/09/2015


Christopher M. Gibbons, Attorney for Respondent

Date: 6/8/2015

Attorney Business Address & Telephone Number:

125 Ottawa Avenue NW, Suite 230, Grand Rapids, MI 49503 (616) 460-1587

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 
Barrington Carr, Director
Enforcement Division

Date: 7/9/2015

Drafted by: Marcy Sims, Regulatory Compliance Division

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

JOHN RAYMOND FIALKOWSKI
D/B/A CORNERSTONE CONTRACTORS
License Number: 21-01-087281

Complaint Number: 325470

FINAL ORDER

On April 13, 2015, a Formal Complaint (Complaint) was executed that charged John Raymond Fialkowski, d/b/a Cornerstone Contractors (Respondent) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondent has admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondent must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file number **325470**.

IT IS FURTHER ORDERED that Respondent shall direct all other communications with the **exception of fines** required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

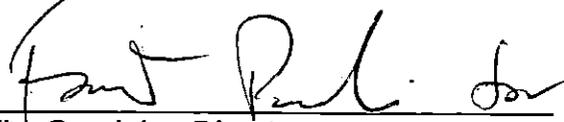
This Final Order is a public record required to be published and made available to the public pursuant to section 11(1)(a) of the Michigan Freedom of Information Act, 1976 PA 442, as amended; MCL 15.241(1)(a).

CONTINUED ON THE NEXT PAGE

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: 10-28-15

**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 John Raymond Fialkowski, d/b/a Cornerstone Contractors, Complaint Number 325470, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,**

v

**JOHN RAYMOND FIALKOWSKI
D/B/A CORNERSTONE CONTRACTORS
License No. 21-01-087281
Respondent.**

Complaint No. 325470

Board: Residential Builders

STIPULATION

This matter was scheduled for a compliance conference following the issuance of a Formal Complaint ("Complaint"), dated April 13, 2015, filed under the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against JOHN RAYMOND FIALKOWSKI, ("Respondent") by the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau ("Department").

The compliance conference was held by telephone on May 21, 2015 between the following: Marcy Sims, Department Conferee, on behalf of the Department and John Raymond Fialkowski, on behalf of the Respondent. All parties agree to the following:

1. Respondent admits to the following factual and legal violations alleged in the Complaint:

A. Respondent entered into a contract to perform services regulated by 1980 PA 299, as amended, with Karyn Lacy on or about September 26, 2014.

B. Respondent failed to provide Karyn Lacy with a copy of the contract which was signed by all parties, contrary to 2006 AACCS, R 338.1533(1).

D. Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

If there are other allegations in the Complaint, those allegations are hereby dismissed.

2. Respondent shall pay a FINE in the amount of Five Hundred Dollars (\$500.00). This fine shall be paid by check or money order, with Complaint No. 325470 clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days of the date of mailing of the Final Order in this matter. This check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909. Please note that the Department will not consent to any type of payment plan with Respondent that results in the last payment being made after the time frame specified in this Stipulation. In addition, once it has been overdue for six (6) months, the FINE will be referred to the Department of Treasury for collection action against Respondent.

3. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent and in the denial of any license or registration renewal and the denial of future applications for licensure or registration. Unless otherwise specified in this Stipulation, requirements imposed on Respondent must be fulfilled within sixty (60) days of the date of mailing of a final order incorporating this Stipulation.

4. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a REVOCATION or CONTINUED REVOCATION of all licenses or registrations held under Article 24 of the Occupational Code by Respondent. It shall also result in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

5. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

6. The parties considered the following factors in reaching this agreement:

- A. Respondent desired to resolve the allegations without the need for and expense of an administrative hearing.
- B. Respondent cooperated fully in the resolution of this administrative Complaint.
- C. Respondent has no prior record of disciplinary action taken against his license.

Respondent first became licensed on August 23, 1989.

7. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

8. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code and associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at which the Department would be required to prove the charges set forth in the Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:

John Fialkowski
John Raymond Fialkowski, Respondent

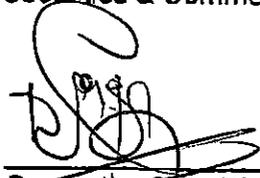
Date: 6/5/15

Attorney for Respondent (if applicable)

Date: _____

Attorney Business Address & Telephone Number:

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 
~~Barrington Carr, Director~~
~~Enforcement Division~~

Date: 6-12-15

Drafted By: Marcy Sims, Regulatory Compliance Division

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

TK CONSTRUCTION OF MICHIGAN, LLC
CHUCK A. MCCLOUD, QUALIFYING OFFICER
License Number: 21-02-203797

Complaint Number: 325711

AND

CHUCK A. MCCLOUD
License Number: 21-01-165372

Complaint Number: 325089

FINAL ORDER

On March 23, 2015, a Formal Complaint (Complaint) was executed that charged TK Construction of Michigan, LLC and Chuck A. McCloud, Qualifying Officer, (Respondents) with violating section 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

Respondents have admitted, by Stipulation submitted herewith, that the facts alleged in the Complaint are true and constitute a violation of the Occupational Code; and

Pursuant to section 508(3) of the Occupational Code, supra, the Board of Residential Builders and Maintenance and Alteration Contractors accepted the Stipulation at a regularly scheduled meeting held in Lansing, Michigan on August 11, 2015; therefore,

IT IS FOUND that the facts alleged in the Complaint are true and constitute a violation of section 604(c) of the Occupational Code, supra.

Accordingly,

IT IS ORDERED that for the cited violation of the Occupational Code, Respondents must comply with the terms and conditions of the Stipulation incorporated within this Order.

IT IS FURTHER ORDERED that the fine required by the terms of the Stipulation 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 the file numbers **325711 and 325089**.

IT IS FURTHER ORDERED that Respondents shall direct all other communications with the *exception of fines* required by the terms of the Stipulation to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Sanction Monitoring, P.O. Box 30670, Lansing, MI 48909**.

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: 10-28-15

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

By: Kim Gaedeke

Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Final Order in the matter of TK Construction of Michigan, LLC and Chuck A. McCloud, Qualifying Officer, Complaint Numbers 325711 and 325089, before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three 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,
Complainant,

v

TK CONSTRUCTION OF MICHIGAN LLC
CHUCK A. MCCLOUD, QUALIFYING OFFICER
License No. 21-02-203797,
Respondent,

Complaint No. 325711

and

CHUCK A. MCCLOUD
License No. 21-01-165372,
Respondent.

Complaint No. 325089

Board: Residential Builders

STIPULATION

A Formal Complaint, dated March 23, 2015, was filed by the Department of Licensing and Regulatory Affairs (LARA), Corporations, Securities and Commercial Licensing Bureau (Department), pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against TK Construction of Michigan LLC, Chuck A. McCloud, Qualifying Officer, and Chuck A. McCloud (Respondents). A Compliance Conference was held on May 12, 2015 via telephone and the participants included: William Wilhelm, Jr., Conferee, on behalf of the Department, and Chuck A. McCloud and Beth Ann Strigle, Attorney, on behalf of Respondents. The Respondents has been provided an opportunity to demonstrate compliance and the Department and Respondents have negotiated a settlement of the Formal Complaint and agree to the following:

1. Respondents acknowledge the following facts:

A. Respondent Chuck A. McCloud, individual builder license no. 21-01-165372 is the Qualifying Officer for Respondent, TK Construction of Michigan LLC, company builder license no. 21-02-203797, and pursuant to MCL 339.2405, the qualifying officer is responsible for exercising the supervision or control of the building or construction operations necessary to secure full compliance with the Occupational Code and Administrative Rules.

B. On May 1, 2014, Respondents entered into a contract with Mr. Jerred E. Parris, customer, to perform regulated construction services (construction of a garage) in Morley, Mecosta County, Michigan.

C. On August 26, 2014, Mr. Aaron Holsworth, Mecosta County Building Inspector, conducted an inspection and issued a Building Inspection Report, which did not list any alleged building code violations.

D. On October 6, 2014, the Department received a complaint alleging construction deficiencies and the Department conducted an investigation and issued a Formal Complaint.

2. Respondents admit to the violations alleged in the Formal Complaint:

A. Respondents failed to provide the customer with a copy of the contract which was signed by all parties, contrary to 2006 AACRS, R 338.1533(1).

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

3. Respondents stated that the "contract" was a detailed estimate for \$22,900, which the customer accepted and made four (4) payments totaling \$16,375.21 as services were provided. Respondents concede that the estimate was not signed by the parties, but that is a technical nonconformance. Respondents acknowledge that a financial dispute arose due to the stoppage of payment by the customer (customer claims that work was deficient). In August 2014, Respondents filed a collection action in the 77th District Court, Mecosta County, Michigan, Case No. 14-53298-GC, which alleged that Respondents provided services totaling \$22,311.66, received payments totaling \$15,000, and sought the recovery of \$7,311.66 plus costs, fees, and interest. Subsequently, the customer filed a counterclaim. In addition, ProBuild North LLC, the supplier of garage materials, recorded a lien on August 8, 2014 in the amount of \$13,665.48 (\$15,054.92 provided and \$1,389.44 payment received). On or about January 7, 2015, ProBuild filed a civil complaint in the 49th Circuit Court, Mecosta County, Michigan, Case No. 15-22682-CK, against Respondents and the customer, seeking \$10,535.65 plus fees and interest. At this time a settlement of all claims has been negotiated, however, the dismissals have not been executed.

4. Respondents shall pay a FINE in the amount of Two Hundred Fifty Dollars (\$250.00). The fine shall be paid by cashier's check (check) or money order, with Complaint Nos. 325711 and 325089 clearly indicated on the check or money order, made payable to the State of Michigan, and the fine payment must be received by the Department within sixty (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, Michigan 48909.

The Department will not consent to any type of payment plan with Respondents that results in the last payment being made after the time frame specified in this Stipulation. In addition, in the event that the fine payment is overdue for six (6) months, the fine will be referred to the Department of Treasury for collection action against Respondents.

5. Failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a SUSPENSION or CONTINUED SUSPENSION of all licenses or registrations held under Article 24 of the Occupational Code by Respondents and in the denial of any license or registration renewal and the denial of future applications for licensure or registration.

In addition, in the event that Respondents fail to comply with the terms of the Stipulation (payment of the fine) within 60 days of the date of mailing of the Final Order, the fine shall increase to \$500.00, due within 90 days of the date of mailing of the Final Order.

6. Respondents agree to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Licensing and Regulatory Affairs, Corporations, Securities & Commercial Licensing Bureau, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909; ph: (517) 241-9278; fax: (517) 241-9296.

7. The following factors were also considered in reaching this agreement:

A. Respondents desired to resolve the allegations without the need for and expense of an administrative hearing and cooperated in the resolution of the complaint.

B. License records indicate that TK Construction of Michigan LLC, Chuck A. McCloud, Qualifying Officer, was issued a company builder license effective October 26, 2012 and the license is currently active (expiration: May 31, 2015). Chuck A. McCloud was issued an individual license effective January 13, 2003 and the license is currently active (expiration: May 31, 2017). There is no record of any prior disciplinary action against the licenses.

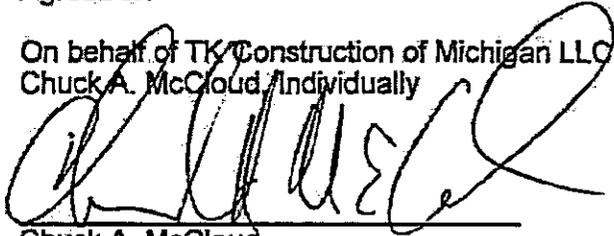
8. The Director of the Enforcement Division of the Corporations, Securities & Commercial Licensing Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement Division Director, or that person's designee, or the Board reject this Stipulation, the Department will schedule a contested case hearing in this matter without prejudice to either party.

9. Respondents understand and intend that by signing this Stipulation, Respondents are waiving the right, pursuant to the Occupational Code, associated administrative rules, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a contested case hearing before an administrative law judge, at which the Department would be required to prove the allegations set forth in the Complaint by presentation of evidence and legal authority and at which Respondents

would be entitled to appear with or without an attorney to cross-examine all witnesses presented by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to the allegations.

Agreed to:

On behalf of TK Construction of Michigan LLC and
Chuck A. McCloud, Individually



Chuck A. McCloud

Date: 6-1-2015

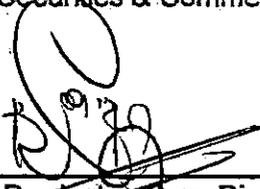
Acknowledgment by Respondents' Attorney:



Beth A. Striegler
Law Office of Striegler & Associates PLLC

Date: 6/1/15

Corporations, Securities & Commercial Licensing Bureau:

Approved by: 
Barrington Carr, Director
Enforcement Division

Date: 6-12-15

Drafted by: William D. Wilhelm, Jr., Regulatory Compliance Division

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

DEPARTMENT OF LICENSING AND
REGULATORY AFFAIRS,
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Complaint Nos. 325711 and 325089

Complainant,

v.

TK CONSTRUCTION OF MICHIGAN LLC
CHUCK A. MCCLOUD, QUALIFYING OFFICER
License No. 21-02-203797

Respondent,

and

CHUCK A. MCCLOUD
License No. 21-01-165372

Respondent.

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. TK Construction of Michigan LLC, Chuck A. McCloud, Qualifying Officer, (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.

2. Chuck A. McCloud, (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 Jerred E. Parris and is attached hereto as Exhibit 1.

4. Respondents entered into a contract to perform services regulated by 1980 PA 299, as amended, with Jerred E. Parris on or about May 1, 2014.

5. Respondents failed to provide Jerred E. Parris with a copy of the contract referred to in paragraph four above which was signed by all parties, contrary to 2006 AACS, R 338.1533(1).

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

7. Respondent Chuck A. McCloud 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.

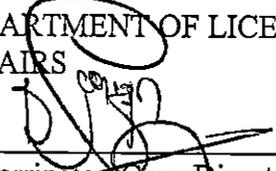
Based upon the conduct as aforesaid, Respondents have acted contrary to § 604(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and rule 33(1) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 2006 AACS, R 338.1533(1), 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: _____

3-23-15

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