

**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

**GREGORY DONALD DUBERG
License Number: 21-01-174766**

**Complaint Number: 21-15-327489
Docket Number: 16-008724**

FINAL ORDER

On December 23, 2015, a Formal Complaint (Complaint) was executed that charged Gregory Donald Duberg (Respondent) with violating section(s) 604(c), 604(l), and 2411(2)(c) of the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq.

An administrative hearing was held in this matter before an administrative law judge who, on August 16, 2016, 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 January 26, 2017, and received the administrative law judge's Findings of Fact and Conclusions of Law in the Hearing Reports. Therefore,

IT IS ORDERED that for violating section(s) 604(c), 604(l), and 2411(2)(c) of the Occupational Code, supra, Respondent's license to practice as a residential 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, Legal Affairs/Enforcement Division, Compliance Section, 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 **21-15-327489**.

IT IS FURTHER ORDERED that for the cited violations of the Occupational Code Respondent shall pay RESTITUTION in the amount of \$12,055.52, with statutory interest, to Rocco Ciccone and Phyllis J. Ciccone within 90 days from the effective date of this Order.

IT IS FURTHER ORDERED that Respondents shall submit evidence of payment of the restitution, as required by this Order, within 90 days of the effective date of this Order to the **Department of Licensing and Regulatory Affairs, Legal Affairs/Enforcement Division, Compliance Section, P.O. Box 30670, Lansing, MI 48909.**

IT IS FURTHER ORDERED that in the event Respondent fails to pay the fine and restitution as set forth above within 90 days, Respondent's license to practice as a residential builder shall be REVOKED.

IT IS FURTHER ORDERED that reinstatement of a license which has been revoked is not automatic and, in the event Respondent applies for reinstatement of the license, application shall be in accordance with section 411(5) of the Occupational Code, supra.

IT IS FURTHER ORDERED that, in accordance with sections 411(3)(c), 602(c), and 604(k) of the Occupational Code, supra, no application for licensure, renewal, relicensure, or reinstatement shall be granted 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: 03/01/2017

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

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

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BOARD OF RESIDENTIAL BUILDERS AND
MAINTENANCE AND ALTERATION CONTRACTORS

In the Matter of

GREGORY DONALD DUBERG
Residential Builder
License Number: 21-01-174766

File Number: 21-15-327489

FORMAL COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Gregory Donald Duberg (Respondents) as follows:

1. The Michigan Board of Residential Builders and Maintenance and Alteration Contractors (Board) is an administrative agency established by the Occupational Code, 1980 PA 299, as amended; MCL 339.101 et seq. Pursuant to section 602 of the Occupational Code, supra, the Board is empowered to penalize licensees for violations of the Occupational Code.

2. Respondent is licensed as residential builder in the state of Michigan.

3. On September 5, 2014, Respondent entered into a contract with [REDACTED] (Homeowners) to re-roof the Homeowners' house. The contract was signed and accepted by Steve Brancheau, an unlicensed individual, on

behalf of Respondent. A copy of the contract, marked Exhibit A, is attached and incorporated.

4. On or about September 5, 2014, Respondent received a down payment of \$11,943.16 from Homeowners for the re-roofing job. Respondent failed to re-roof the Homeowners' house and, despite repeated requests by the Homeowners, Respondent failed to return Homeowners' payment. A copy of the cancelled check, marked Exhibit B, is attached and incorporated.

COUNT I

Respondent's conduct, as described above, evidences a failure to account for or remit funds received, contrary to section 2411(2)(c) of the Occupational Code, supra, in violation of section 604(c) of the Occupational Code, supra.

COUNT II

Respondent's conduct, as described above, evidences acceptance or performance of a contract procured by a person not licensed under the Occupational Code, contrary to Mich Admin Code, R338.1536, in violation of section 604(c) of the Occupational Code, supra.

CONTINUED ON NEXT PAGE

COUNT III

Respondent's conduct, as described above, evidences aiding or abetting another person in the unlicensed practice of an occupation, in violation of Section 604(l) of the Occupational Code, supra.

Complainant requests that this Complaint be served upon Respondents and that Respondents be offered an opportunity to show compliance with all lawful requirements for retention of the license(s). If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Occupational Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq.

Pursuant to section 508(2) of the Occupational Code, supra, Respondents have 15 days from the date of receipt of this Complaint to notify Complainant of Respondents' decision to either negotiate a settlement of this matter, to demonstrate compliance with the Occupational Code, or to request an administrative hearing. Written notification of Respondents' selection shall be submitted to Complainant, Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909. If Respondents fail to submit written notification within 15 days, this matter shall proceed to an administrative hearing.

DATED: 12/23/2015



Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of a Formal Complaint in the matter of Gregory Donald Duberg, File Number 21-15-327489 before the Michigan Board of Residential Builders and Maintenance and Alteration Contractors, consisting of three pages, this page included.

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