



STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

STANLEY "SKIP" PRUSS  
DIRECTOR

DEPARTMENT OF LABOR & ECONOMIC  
GROWTH,  
BUREAU OF COMMERCIAL SERVICES, ex rel  
DIANA PHILLIPS

**Complaint No.:** 302782  
**Docket No.:** 2008-022

Complainant,

V

AUDREY ELIZABETH DISMOND  
License No. 21-01-163685

Respondent.

**FINAL ORDER**

**WHEREAS**, this matter having come before the Board of Residential Builders and Maintenance and Alteration Contractors, and

**WHEREAS**, Audrey Elizabeth Dismond, License No. 21-01-163685, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on November 3, 2008, Kevin S. Peterson, Attorney for Respondent, on November 3, 2008, William D. Wilhelm Jr., Administrative Law Specialist, on December 18, 2008, and approved by Stephen J. Gobbo Esq., Legal Affairs Division Director, on December 19, 2008, on behalf of the Bureau of Commercial Services, Department of Labor & Economic Growth.

**NOW, THEREFORE, IT IS HEREBY ACKNOWLEDGED** that the Board of Residential Builders and Maintenance and Alteration Contractors, pursuant to MCL 339.508(3); having considered and found said Stipulation acceptable, does hereby incorporate same by reference thereto in this Final Order.

**This Final Order is effective immediately upon its mailing.**

Given under our hands at Okemos, Michigan, this 15<sup>th</sup> day of

January, 2008<sup>9</sup>

Board of Residential Builders and Maintenance and Alteration Contractors

By: 

Chairperson

Date mailed: Jan 15, 2009

Proof of Compliance Should be Filed With:

Department of Labor & Economic Growth:  
Bureau of Commercial Services  
Administrative Services Division  
P.O. Box 30018  
Lansing, Michigan 48909

This is the last and final page of the Final Order in the matter of Audrey Elizabeth Dismond, Complaint No. 302782, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
BUREAU OF COMMERCIAL SERVICES

DEPARTMENT OF LABOR &  
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BUREAU OF COMMERCIAL SERVICES, *ex rel*  
DIANA PHILLIPS

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AUDREY ELIZABETH DISMOND  
License No. 21-01-163685

Docket No. 2008-022  
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Respondent.

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**STIPULATION**

This matter having been scheduled for a Formal Administrative Hearing before the State Office of Administrative Hearings and Rules (SOAHR) on June 10, 2008, pursuant to a Formal Complaint, hereafter "Complaint," dated September 25, 2007, filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against AUDREY ELIZABETH DISMOND, hereafter Respondent, by the Department of Labor & Economic Growth, and all parties being desirous of reaching an amicable settlement of said Complaint; therefore:

1. **IT IS STIPULATED**, by and between the parties hereto, that this Stipulation was negotiated on June 10, 2008 at the State Office of Administrative Hearings and Rules (SOAHR). Based upon the agreement to execute a Stipulation, the Bureau of Commercial Services requested to withdraw the Hearing from the SOAHR docket. The parties acknowledge that additional time was required in order to finalize the details of the settlement, which requires that certain repairs be completed.

2. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent admits to the factual allegations and violations set forth in numbered paragraphs of the Formal Complaint in this matter as follows:

6. Respondent acted as agent, partner, or associate with Roof-Right, LLC, an entity not licensed under 1980 PA 299 (Michigan Occupational Code), as amended, although required to be licensed pursuant to 1980 PA 299, *supra*, contrary to MCL 339.2411(2)(j).
8. Respondent, in performance of the services, willfully failed to comply with Section R105 of the 2003 Michigan Residential Code (no permit), contrary to MCL 339.2411(2)(e).

9. Respondent, in performance of the contract, failed to comply with Sections R703.8, R905.2.1, R907.3, R806, and R904.1 of the 2003 Michigan Residential Code, contrary to 1979 AC, R 338.1551(5).

All other charges, as set forth in Paragraphs 10 and 11, are hereby dismissed.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Bureau records indicate that Respondent, on behalf of Roof-Right, LLC, submitted an Entity Builder License Application, received by the Department on February 10, 2005. The license application was deemed incomplete/pending and on February 10, 2006, the license application was classified as "void" pursuant to MCL 339.409(3) and 1979 AC, R 338.1521(7). Bureau records also indicate that Respondent's Individual Builder license was issued effective August 2, 2002; is active through May 31, 2009; and there is no record of prior disciplinary action or complaints. It is acknowledged that the project commenced subsequent to May 20, 2005; Respondent did not apply for a Building Permit until January 9, 2006 and the Permit was not approved due to the lack of proof of insurance; and the Permit was finally approved on September 11, 2007.

4. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall make REPAIRS/CORRECTIONS, through the retention of a licensed third-party builder/contractor that is acceptable to Complainant/Homeowner Phillips. It is acknowledged that Complainant/Homeowner Phillips has approved CSIKI BUILDERS LLC, ALEXAE S. CSIKI, QO, LICENSE NO. 21-02-183002, as the licensed third-party builder/contractor retained by Respondent, to oversee the completion of repairs.

The licensed third-party builder/contractor shall obtain the appropriate Building Permit (scope of work) from the City of Flint, Department of Community & Neighborhood Services, Development Division; and the licensed third-party builder/contractor shall make REPAIRS/CORRECTIONS, on behalf of Respondent, to the residence of Diana Phillips, located at 510 Dougherty Place, Flint, Michigan 48504, regarding all of the Building Code violations cited in the Building Inspection Report (date of inspection April 21, 2006; signature date April 25, 2006, prepared by Michael S. Reiter, Building Inspector, City of Flint, Department of Community & Neighborhood Services, Development Division. Respondent, through the retention of the licensed third-party builder/contractor, shall complete the REPAIRS/CORRECTIONS to the satisfaction of the Building Inspector (in accordance with Building Code and Workmanship standards) within SIXTY (60) DAYS of the date of issuance of a Final Order in this matter.

IN ADDITION to completing repairs/corrections to the cited Building Code violations, Respondent agrees, through the retention of the licensed third-party builder/contractor, to complete REPAIRS/CORRECTIONS to the Plaster/Stucco on the exterior of the house that was removed and/or damaged during the prior roof replacement work conducted by Respondent, and the

repair/replacement of the plaster/stucco on the exterior of the house shall be completed in accordance with Building Code and Workmanship standards.

It is further agreed to by the parties that, it is contemplated and understood, in the course of the repair/corrections, the cost of certain materials and labor, such as the necessary repair/replacement of roof sheathing or other wood (rotted/water damaged), shall be at the cost/expense of Homeowner/Complainant Diana Phillips, and in the case of a dispute, the Building Inspector shall volunteer as an informal arbitrator concerning the responsible party for the cost.

Respondent shall obtain and submit to the Department within SIXTY (60) DAYS of the date of issuance of a Final Order in this matter, either a Letter or Building Inspection Report from the Building Inspector, which indicates that all of the specified REPAIRS/CORRECTIONS have been completed to the satisfaction of the Building Inspector (in accordance with Workmanship and Building Code standards).

Respondent's failure to timely make/arrange for the REPAIRS/CORRECTIONS, and to arrange for the timely submission of proof of completion of such REPAIRS/CORRECTIONS (documentation from the Building Inspector) to the Department will result in Suspension of all of Respondent's Article 24 Licenses until compliance is achieved.

It is further noted that Restitution in the form of financial compensation to the Complainant/Homeowner is not applicable in this matter.

**5. IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent has expressed good-faith intentions to commence the repairs/corrections prior to the issuance of a Final Order, although not legally required to do so.

**6. IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent understands and agrees that the Department will forward a copy of this Stipulation to the Complainant/Homeowner, to the City of Flint Building Department, and to Csiki Builders LLC, Alexae S. Csiki, Q.O., so that the parties are fully aware of the requirements of this Stipulation.

**7. IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of SEVEN HUNDRED FIFTY Dollars and No Cents (\$750.00). The Fine shall be paid by Certified Check or Money Order, with Complaint No. 302782 clearly indicated on the Certified 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 Certified Check or Money Order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Enforcement Division, P.O. Box 30018, Lansing, Michigan 48909. [See escalated fine provisions in #7 below].

8. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that if Respondent fails to timely complete the specified Repairs/Corrections (see #4 above) within ONE HUNDRED EIGHTY (180) DAYS of the issuance of the Final Order, the FINE SHALL INCREASE to a total of TWO THOUSAND Dollars and No Cents (\$2,000.00) and Respondent's Builder License No. 21-01-163685 shall be REVOKED.

9. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with all of the terms and conditions set forth in this Stipulation, within 60 days of the issuance of the Final Order, shall result in a Suspension of all individual or corporate licenses or registrations of Respondent, or in denial of any license or registration renewal and denial of future applications for licensure or registration until compliance is made with all the terms or conditions of this Stipulation. In addition, the failure to comply with all of the terms and conditions set forth in this Stipulation, within 180 days of the issuance of the Final Order, shall result in Revocation of all individual or corporate licenses or registrations of Respondent, or in denial of any license or registration renewal and denial of future applications for licensure or registration until compliance is made with all the terms or conditions of this Stipulation

10. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that 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 Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, Final Order Compliance Monitoring, P.O. Box 30018, Lansing, Michigan 48909; (517) 241-9272.

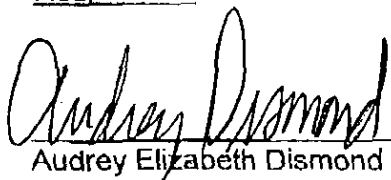
Forms of acceptable proof of monetary restitution payment include: A copy of the front and back of the cancelled check that was made payable to the person(s) ordered to receive restitution; or a receipt signed by the person(s) to whom restitution was payable, stating restitution was paid and the amount paid. For corrective repairs, and other non-monetary forms of restitution, the Respondent, prior to the expiration of the respective term or condition date(s) set within this Stipulation, will generally be required to submit written proof from the appropriate government official or the person ordered to benefit from restitution to prove that the Respondent timely complied with the ordered corrective or remedial action.

11. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that the Director of the Legal Affairs Division of the Bureau of Commercial Services or a designee must approve this Stipulation before the Director forwards it to the Board of Residential Builders and Maintenance and Alteration Contractors for final approval. Should the Director, the designee or the Board reject this Stipulation, the Department will schedule the matter for an Administrative Hearing without prejudice to either party.

Respondent understand and intend that by signing this Stipulation, it/he/she is waiving the right, pursuant to the Occupational Code, *supra*, the rules promulgated pursuant thereto, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq., to a Hearing before an administrative hearing officer at which time the Department would be required to prove the charges set forth in the aforesaid Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without the benefit of an attorney to cross-examine all adverse witnesses and to present such testimony, other evidence or legal authority deemed appropriate as a defense to said charges.

This Stipulation is agreed to by:

Respondent:

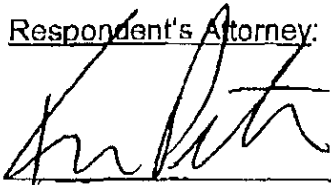
 w/permission  
(KP)  
Audrey Elizabeth Dismond

11-3-08  
Date

Respondent Address:

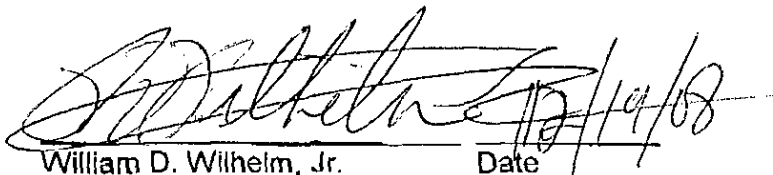
P.O. Box 4595, Flint, MI 48504

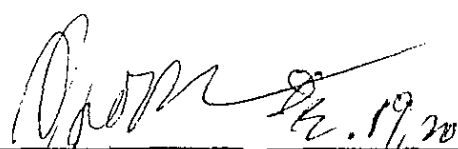
Respondent's Attorney:

  
Kevin S. Peterson  
Peterson Paletta, PLC

11-3-08  
Date

Bureau of Commercial Services:

  
William D. Wilhelm, Jr. Date  
Administrative Law Specialist  
Legal Affairs Division  
Bureau of Commercial Services  
Dept. of Labor & Economic Growth

Approved:  11/19/08  
Stephen J. Gobbo, Director Date  
Legal Affairs Division