



STATE OF MICHIGAN

DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

KEITH W. COOLEY
DIRECTOR

DEPARTMENT OF LABOR & ECONOMIC
GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
MARVIN AND PARIS REED

Complaint Nos.: 307742 &
307744

Complainant,

V

UPLAND PROPERTIES
PHILIP KUNTZMAN, QUALIFYING OFFICER
License No. 21-02-148179

Respondent.

AND

PHILIP CARL KUNTZMAN
License No. 21-01-084152

FINAL ORDER

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

WHEREAS, Upland Properties Inc., Philip Kuntzman, Q.O., License No. 21-02-148179 and Philip Carl Kuntzman, License No. 21-01-084152, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on October 1, 2008, Dennis M. Rauss, Attorney for Respondent, on October 6, 2008, and approved by Stephen J. Gobbo Esq., Legal Affairs Division Director, on December 8, 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 15th day of January, 2008.⁹

Board of Residential Builders and Maintenance and Alteration Contractors

By: 
Chairperson

Date mailed: 1-15-09

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 Upland Properties Inc., Philip Kuntzman, Q.O., Complaint No. 307742 and Philip Carl Kuntzman, Complaint No. 307744, 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 & ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES, *ex rel*
Marvin & Paris Reed

v

UPLAND PROPERTIES, INC.
PHILIP KUNTZMAN, QUALIFYING OFFICER
License No. 21-02-148179

Docket Nos. 2008-0892 & 2008-0893
Complaint Nos. 307742 & 307744
Board: Residential Builders

Respondent,

and

PHILIP CARL KUNTZMAN
License No. 21-01-084152

Respondent.

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules on August 19, 2008 pursuant to a Formal Complaint, hereafter "Complaint," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 *et seq.*, against Upland Priorities, Inc., Philip Kuntzman, Qualifying Officer, Respondent; and Philip Carl Kuntzman, Respondent, hereafter "Respondents," by the Department of Labor & Economic Growth, and all parties being desirous of reaching an amicable settlement of said Complaint; therefore

1. IT IS HEREBY STIPULATED, by and between the parties hereto, that Respondents admit to the violation set forth in paragraph (7) of the Complaint.

2. Respondents admit to a violation of Rule 311.5.3.1 of the of the 2003 Michigan Residential Code, adopted pursuant to the Stille-DeRossett-Hale Single State Construction Code Act, effective February 29, 2004, contrary to 1979 AC, R 338.1551(5), as follows:

Riser height. The maximum riser height shall be 8 ¼ inches (210 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

All other charges in the Complaint are hereby dismissed.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondents shall pay a FINE in the amount of **\$1,000**. Said fine shall be paid by cashier's check or money order, with **Complaint Nos. 307742 and 307744** 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. Said check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, P.O. Box 30018, Lansing, Michigan 48909.

4. **FURTHER**, on the morning of the hearing that was scheduled on August 19, 2008, Respondents and Homeowners Marvin Reed and Paris Reed agreed that Respondents shall make **RESTITUTION** in the form of removing and replacing the side entry steps of the home of Mr. and Mrs. Reed before September 5, 2008. The side entry steps have since been removed and new ones have been constructed, and the side entry steps are now determined to be compliant with the Michigan Residential Code of 2003, *as evidenced by the attached letter and three pictures from the Van Buren Township Building Inspector, Matthew Forster*. Respondents hereby submit **Exhibit A** to comport with the requirement set forth in Paragraph (6) below.

5. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation shall result in a suspension of all licenses or registrations of Respondents 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.

6. **RESPONDENTS AGREE** 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, Final Order Monitoring-Administrative Services, P.O. Box 30018, Lansing, Michigan 48909. Forms of acceptable proof of corrective repairs, and other non-monetary forms of restitution, the respondents, 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.

7. IT IS FURTHER STIPULATED, by and between the parties hereto, that the Director of the Enforcement Division of the Bureau of Commercial Services, 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, *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.

Agreed to:

Philip Kuntzman
Respondents/Designee (Printed Name)

Philip Kuntzman
Respondents/Designee (Signature)

10/01/08
Date:

James M. Rauss (P) 7951
Attorney for Respondents (If Applicable)

10/6/08
Date:

Business Address:

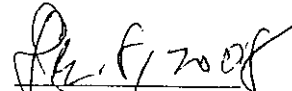
Bureau of Commercial Services:

By: _____

Date: _____

Approved: _____

Stephen J. Gobbo
Legal Affairs Division Director/Designee


Date: _____