



STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

STANLEY "SKIP" PRUSS
DIRECTOR

Complaint No.: 86407

DEPARTMENT OF LABOR & ECONOMIC
GROWTH,
BUREAU OF COMMERCIAL SERVICES

Complainant,

V

DAVID ALAN BRASURE
D/B/A BRICAILAN BUILDERS
License No. 21-01-153930

Respondent.

FINAL ORDER

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

WHEREAS, David Alan Brasure, D/B/A Bricailan Builders, License No. 21-01-153930, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on November 10, 2008, J. Russell LaBarge Jr., Attorney for Respondent, on November 12, 2008, Tiffany N. Daugherty, Administrative Law Specialist, on November 13, 2008, and approved by Stephen J. Gobbo, Legal Division Director (signed by Kim Breitmeyer), on November 24, 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, 2008¹

Board of Residential Builders and Maintenance and Alteration Contractors

By: Ma Coy

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 David Alan Brasure, D/B/A Bricailan Builders, Complaint No. 86407, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

v

DAVID ALAN BRASURE
D/B/A BRICAILAN BUILDERS
License No. 21-01-153930,
Respondent.

Complaint No. 86407


Board: Residential Builders

STIPULATION

This matter having been scheduled for a Compliance Conference in OKEMOS, Michigan, before the Department of Labor & Economic Growth, Bureau of Commercial Services, pursuant to an Administrative Complaint, hereafter "Complaint," dated May 14, 2004, filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against DAVID ALAN BRASURE D/B/A BRICAILAN BUILDERS, Respondent, hereafter "Respondent," by the Department of Labor & Economic Growth.

The Compliance Conference was held on September 21, 2004, with the following attendees: William D. Wilhelm, Jr., Department Conferee and Administrative Law Specialist; David and Cindy Brasure and Attorney Mark Rath on behalf of Respondent. All parties being desirous of reaching an amicable settlement of said Complaint; hereby agree to the following:

1. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent admits to the factual allegations and violations set forth in numbered paragraph(s) of the Formal Complaint in this matter as follows:

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4. Respondent's conduct in engaging in attempted larceny from a building demonstrates his inability to service the public in a fair, open and honest manner and his lack of good moral character, contrary to MCL 339.604(d).
 5. Respondent, by attempting to commit larceny from a building, engaged in conduct that is fraudulent, deceitful or dishonest, contrary to MCL 339.604(b).

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). Said fine shall be paid by cashier's check or money order, with Complaint No. 86407 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.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent's Residential Builders License No. 21-01-153930 shall be IMMEDIATELY REVOKED upon the date of mailing of the Final Order in this matter. Respondent shall immediately return any and all wall and pocket licenses to the address referenced in Paragraph 5 below.

4. **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 revocation or continued revocation of all licenses or registrations of Respondent 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. 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 Labor and Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.

6. **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 designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Legal Affairs 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:

David Alan Brasure
David Alan Brasure, Respondent

Date: 11-10-08

J. Russell LaBerge, Jr.
Attorney for Respondent (If Applicable)

Date: 11-12-08

J. Russell LaBerge, Jr.
Attorney Business Address & Telephone Number:
Johnson Rossati LaBerge Asityne & Ficht, PC
24825 Little Mack Ave, Ste. 200, St. Clair Shores, MI 48080
(586) 777-3377

Bureau of Commercial Services:

By: Tiffany N. Daugherty
Tiffany N. Daugherty
Administrative Law Specialist
Legal Affairs Division

Date: 11/13/08

Approved: Stephen J. Gobbo / with permission KAB
Stephen J. Gobbo
Legal Affairs Division Director

Date: 11/24/08