



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  
TIMOTHY AND MARY L. BLADZIK

**Complaint No.:** 88557  
**Docket No.:** 2008-1151

Complainant,

V

GREGORY VINCENT FERGUSON  
D/B/A FERGUSON MASONRY CONSTRUCTION      Respondent.  
License No. 21-01-085503

\_\_\_\_\_ /

**FINAL ORDER**

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

**WHEREAS**, Gregory Vincent Ferguson, D/B/A Ferguson Masonry Construction, License No. 21-01-085503, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on October 28, 2008, William D. Wilhelm Jr., Administrative Law Specialist, on November 3, 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 15<sup>th</sup> day of January, 2008<sup>9</sup>

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 Gregory Vincent Ferguson, D/B/A Ferguson Masonry Construction, Complaint No. 88557, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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STATE OF MICHIGAN  
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BUREAU OF COMMERCIAL SERVICES

DEPARTMENT OF LABOR &  
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TIMOTHY AND MARY L. BLADZIK

Complainant,

v

GREGORY VINCENT FERGUSON  
D/B/A FERGUSON MASONRY CONSTRUCTION  
License No. 21-01-085503

Respondent.

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DEPARTMENT OF LABOR & ECONOMIC GROWTH  
BUREAU OF COMMERCIAL SERVICES

Docket No. 2008-1151  
Complaint No. 88557

**STIPULATION**

This matter having been scheduled for an Formal Administrative Hearing before the State Office of Administrative Hearings and Rules (SOAHR) on October 14, 2008, pursuant to a Formal Complaint, hereafter "Complaint," dated May 21, 2004, filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against GREGORY VINCENT FERGUSON D/B/A FERGUSON MASONRY CONSTRUCTION, 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 the Respondent admits to the factual allegations and violations set forth in numbered paragraphs of the Formal Complaint in this matter as follows:

7. Respondent failed to perform the services of the contract in a workmanlike manner, contrary to MCL 339.2411(2)(m).
10. Respondent acted as agent, partner, or associate with Bison Construction Co., LLC, an entity not licensed under the Occupational Code, 1980 PA 299, as amended, although required to be licensed, contrary to MCL 339.2411(2)(j).

2. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that all other violations alleged in the Formal Complaint are hereby dismissed, pursuant to the principle of settlement and compromise.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Restitution is not applicable in this matter as the issue was adjudicated in civil court proceeding (Case No. 03-11141-CH, 19<sup>th</sup> Circuit Court, Manistee County) in which the parties executed a Stipulation and Order, which settled the case and the issue of Restitution.

4. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Bureau records indicate the following license history: Respondent was issued Individual Builder License No. 21-01-085503, effective May 18, 1989; the license is active through May 31, 2011; and there is no history of prior complaints or disciplinary sanctions.

5. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent acknowledges that Bison Construction LLC, was formed effective April 17, 2000. Respondent represents that he was not previously aware of the existence of regulations that require a separate license for a Limited Liability Company or a Corporation, with the individual being the Qualifying Officer. Respondent represented that since the issuance of the Formal Complaint, Respondent submitted a license application for Bison Construction LLC, however, the license was not issued due to issues concerning a credit report.

6. **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. 88557 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.

7. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with the terms and conditions set forth in this Stipulation shall result in Suspension of all Article 24 licenses or registrations of Respondent (individual and/or corporate) 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.

8. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that based upon the agreement to execute this Stipulation, the Administrative Hearing scheduled to be held on October 14, 2008, was withdrawn/cancelled (without prejudice), by the State Office of Administrative Hearings and Rules (SOAHR), at the request of the Bureau of Commercial Services.

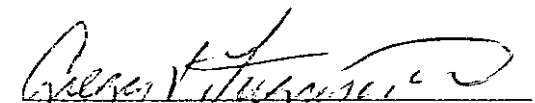
9. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent agrees to submit written proof of having complied with each requirement of this Stipulation/Final Order, in a form acceptable to the Department, to the Michigan Department of Labor and Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909 (517) 241-9272. 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 by the person(s) to whom restitution was payable, stating restitution was paid and the amount paid.

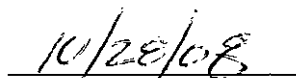
10. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that the Director of the Legal Affairs Division of the Bureau of Commercial Services, or a designee, must approve this Stipulation before the Director forwards it to the Board of Residential Builders and Maintenance and Alteration Contractors 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 understands and intends that by signing this Stipulation, he 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:

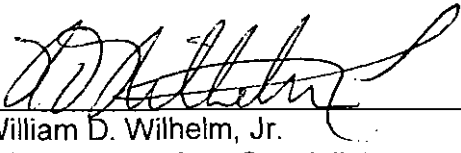
Respondent:

  
\_\_\_\_\_  
Gregory Vincent Ferguson  
d/b/a Ferguson Masonry Construction

  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Respondent Address (current address)

Bureau of Commercial Services:



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

11/3/08  
Date

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

11/24/08  
Date