



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
MICHAEL SENESKI

Complaint Nos.: 301676 &
301677

V

Complainant,

HOMEWORKS HOME IMPROVEMENTS INC.
PAUL ANTHONY MARSHALL, QUALIFYING OFFICER
License No. 21-02-169328

Respondent.

AND

PAUL ANTHONY MARSHALL
License No. 21-01-178920

FINAL ORDER

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

WHEREAS, Homeworks Home Improvements Inc., Paul Anthony Marshall, Q.O., License No. 21-02-169328 and Paul Anthony Marshall, License No. 21-01-178920, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on April 15, 2008, MeLisa Platte, Attorney for Respondent, Kim Breitmeyer, Administrative Law Specialist, on April 15, 2008, and approved under delegated authority by Stephen J. Gobbo Esq., Legal Affairs Division Director, on June 6, 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 22nd day of July, 2008.

Board of Residential Builders and Maintenance and Alteration Contractors

By: 

Chairperson

Date mailed: July 22 2008

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 Homeworks Home Improvements Inc., Paul Anthony Marshall, Q.O., Complaint No. 301676 and Paul Anthony Marshall, Complaint No. 301677, before the Board of Residential Builders and Maintenance and Alteration Contractors.

Apr. 14. 2008 2:02PM

No. 0894 P. 2

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

**DEPARTMENT OF LABOR & ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
MICHAEL SENESKI
Complainant,**

v

**HOMEWORKS HOME IMPROVEMENTS, INC.
PAUL ANTHONY MARSHALL, Q.O.
License No. 21-02-169328,
Respondent.**

**Docket Nos. 2007-1393
2007-1392
Complaint Nos. 301676 &
301677**

and

**PAUL ANTHONY MARSHALL
License No. 21-01-178920**

Board: Residential Builders

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules, formerly the Bureau of Hearings, on April 16, 2008, pursuant to a Formal Complaint, dated August 30, 2007, hereafter "Complaint," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against HOMEWORKS HOME IMPROVEMENTS, INC., PAUL ANTHONY MARSHALL, QUALIFYING OFFICER, AND PAUL ANTHONY MARSHALL, Respondents, 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(s) 7-13 of the Complaint.

2. Respondents admit to a violation of Section(s) 604(c) and 2411(2)(a), (c), (e) & (m) of the Michigan Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and MCL 339.2411(2)(a), (c), (e) & (m) and Rule(s) 36 and 51(5) of the Board of Residential Builders and Maintenance and Alteration Contractors General Rules, promulgated hereunder, being 1979 AC, R 338.1536 and 1979 AC, R 338.1551(5).

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3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondents shall pay a FINE in the amount of **Two Thousand Dollars (\$2,000.00)**. Said fine shall be paid by cashier's check or money order, with Complaint Nos. **301676 & 301677** 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. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that the issue of RESTITUTION was decided based upon the terms of a private agreement between Respondents and Homeowner Michael Seneski.

5. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order shall result in a suspension or continued suspension of all licenses or registrations of both Respondents (including all licensed residential builder or maintenance and alteration contractor licensees for which Respondent(s) serve as qualifying officer) 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. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a revocation or continued revocation of all licenses or registrations of Respondents (including all licensed residential builder or maintenance and alteration contractor licensees for which Respondent(s) serve as qualifying officer) 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.

7. Respondents agree 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. Forms of acceptable proof of monetary restitution

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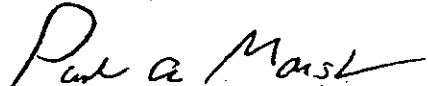
payment, if restitution is a part of the Stipulation, include: A copy of the front and back of the cancelled check that was made payable to the person(s) ordered to receive restitution; or a receipt signed by the person(s) to whom restitution was payable, stating restitution was paid and the amount paid. 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, is required to submit written proof from the appropriate governmental official or the person ordered to benefit from restitution to prove that the respondent timely complied with the ordered corrective or remedial action.

8. 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.

9. 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:

On behalf of HomeWorks Home Improvements, Inc.
and Paul Anthony Marshall Individually


Paul Anthony Marshall, Respondent

Date: 4/15/08

Apr. 14. 2008 2:03PM

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Melisa Platte, Attorney for Respondent

Date: _____

Thompson Platte, P.C.
41000 West 7 Mile Rd., Ste. 200
Northville, MI 48167
(248) 912-0670 telephone
(248) 912-0667 facsimile
Melisa@ThompsonPlatte.com

Bureau of Commercial Services:

By: _____

Date: _____

Kim Breitmeyer
Administrative Law Specialist
Enforcement Division

Approved: _____

Date: _____


G. Archie Millben,
Enforcement Division Director

MeLisa Platte, Attorney for Respondent

Date: _____

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Northville, MI 48167
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(248) 912-0667 facsimile
Melisa@ThompsonPlatte.com

Bureau of Commercial Services:

By: 
Kim Breitmeyer
Administrative Law Specialist
Enforcement Division


Date: 4/15/08

Approved: _____

G. Archie Millben,
Enforcement Division Director

Date: _____

Approved under delegated authority:


Stephen J. Gobbo, Esq.
Commercial Enforcement Division
Date: June 6, 2008