



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

Complaint Nos.: 307935 &
307936

DEPARTMENT OF LABOR & ECONOMIC
GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
ALBERT J. LAWRENCE

Complainant,

V

CRESTRIDGE BUILDES INC.
BRIAN R. UTTERBACK, QUALIFYING OFFICER
License No. 21-02-157998

Respondent.

And

BRIAN R. UTTERBACK
License No. 21-01-106164

FINAL ORDER

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

WHEREAS, Crest Ridge Builders Inc., Brian R. Utterback, Q.O., License No. 21-02-157998 and Brian R. Utterback, License No. 21-01-106164, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on May 6, 2008, Barbara A. Shutler, Department Conferee, on May 6, 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 Crestridge Builders Inc., Brian R. Utterback, Q.O., Complaint No. 307935 and Brian R. Utterback, Complaint No. 307936, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

DEPARTMENT OF LABOR & ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
ALBERT J. LAWRENCE

v

CRESTRIDGE BUILDERS, INC.
BRIAN R. UTTERBACK, QUALIFYING OFFICER
License No. 21-02-157998

Complaint No. 307935

and

BRIAN R. UTTERBACK
License No. 21-01-106164

Complaint No. 307936

STIPULATION

This matter having been scheduled for a compliance conference on **May 6, 2008** pursuant to a Formal Complaint ("Complaint") filed in accordance with the provisions of the Michigan Occupational Code ("Code"), 1980 PA 299, MCL 339.101 et seq., against CRESTRIDGE BUILDERS, INC. BRIAN R. UTTERBACK, QUALIFYING OFFICER AND BRIAN R. UTTERBACK ("Respondent") by the Department of Labor & Economic Growth, and with the following persons in attendance at the conference: Barbara A. Shuttler, Conferee, Brian R. Utterback, and Albert J. Lawrence, in person and by telephone, 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 Respondent admits to the violation set forth in paragraph(s) **10** of the Complaint.

2. Respondent admits to a violation of Section(s) **MCL 339.604(c)**. All other charges in the Complaint are hereby dismissed.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of **FIVE HUNDRED DOLLARS (\$500)**. Said fine shall be paid by cashier's check or money order, with Complaint No. **307935 & 307936** 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 Michigan Department of Labor and Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.

4. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that based upon the Formal Complaint charges, RESTITUTION IS NOT APPLICABLE in this case.

5. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Qualifying Officer was a party to the acts and omissions and was in a position to ensure compliance with the Occupational Code or otherwise prevent the violations but failed to do so.

6. **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 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.

7. 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. 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. 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. 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:

Brian Utterback
Respondent/Designee (Printed Name)

Brian Utterback
Respondent/Designee (Signature)

5-6-08
Date:

Attorney for Respondent (If Applicable)

Date:

Business Address:

Bureau of Commercial Services:

Barbara A. Shuttler
By: Barbara A. Shuttler

5-6-08
Date:

Approved: _____

G. Archie Millben,
Enforcement Division Director

Date:

Approved under delegated authority:

Stephen J. Gabbo
Stephen J. Gabbo, Esq.
Commercial Enforcement Division

Date: 5-6-2008