



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

STANLEY "SKIP" PRUSS
DIRECTOR

Complaint No.: 309003

DEPARTMENT OF ENERGY, LABOR &
ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES

Complainant,

V

FIVESON ENTERPRISES LLC
License No. 21-02-162121

Respondent.

FINAL ORDER

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

WHEREAS, Fiveson Enterprises LLC License No. 21-02-162121, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on March 18, 2009, Kim Breitmeyer, Administrative Law Specialist, on March 18, 2009, and approved by Stephen J. Gobbo, Legal Affairs Division Director, on April 20, 2009, on behalf of the Bureau of Commercial Services, Department of Energy, 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.

DELEG is an equal opportunity employer/program.
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

This Final Order is effective immediately upon its mailing.

Given under our hands at Okemos, Michigan, this 22nd day of July, 2009.

Board of Residential Builders and Maintenance and Alteration Contractors

By: M. Chy
Chairperson

Date mailed: July 22 2009

Proof of Compliance Should be Filed With:

Department of Energy, 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 Fiveson Enterprises LLC, Complaint No. 309003, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES
Complainant,

v

FIVENSON ENTERPRISES LLC

Docket No. 2009-118

License No. 21-02-162121,
Respondent.

Complaint No. 309003

Board: Residential Builders

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules on **March 18, 2009**, pursuant to a Formal Complaint, **dated October 30, 2008**, hereafter "Complaint," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against FIVENSON ENTERPRISES LLC, Respondent, hereafter "Respondent," by the Department of Energy, Labor & Economic Growth (formerly 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 Respondent admits to the violation set forth in paragraph(s) **2 & 5-6** of the Complaint.

2. Respondent admits to a violation of Section(s) **2411(2)(c) & (l) and 2411(3)** of the Michigan Occupational Code, 1980 PA 299, as amended; **MCL 339.2411(2)(c) & (l) and MCL 339.2411(3)**.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent's Residential Builder License No. 21-02-162121 shall be **IMMEDIATELY REVOKED** on the date of mailing of the Final Order in this matter. Upon receipt of the Final Order in this matter, Respondent shall return any and all pocket and wall licenses to the address listed in Paragraph 6 below.

4. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall make RESTITUTION in the amount of **Five Thousand Two Hundred Eighty Dollars (\$5,280.00) plus any applicable accrued interest** by check or money order made payable to **"The State of Michigan,"** Homeowner Construction Lien Recovery Fund, within sixty (60) days of the date of mailing of the Final Order in this matter.

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 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.

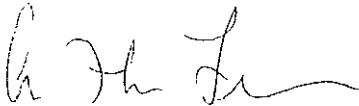
6. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Energy, Labor and Economic Growth, Bureau of Commercial Services, ~~Administrative Services~~ Division, Final Order Monitoring, 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.

7. **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.

8. 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:

On behalf of Fivenson Enterprises LLC



Mark Thomas Fivenson, Q.O.

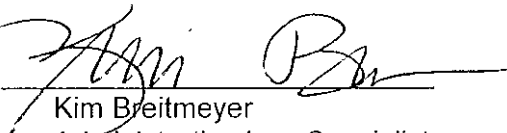
Date: 3-18-09

Attorney for Respondent (if applicable)


Date: _____

Attorney Business Address & Telephone Number:

Bureau of Commercial Services:

By: 
Kim Breitmeyer
Administrative Law Specialist
Legal Affairs Division

Date: 3/18/09

Approved: 
Stephen J. Gobbo,
Legal Affairs Division Director

Date: 4/20/2009