



JENNIFER M. GRANHOLM
GOVERNOR

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

STANLEY "SKIP" PRUSS
DIRECTOR

Complaint No.: 306682

DEPARTMENT OF LABOR & ECONOMIC
GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
RIEMER FLOORS INC.

Complainant,

V

FOREST CREEK DEVELOPMENT PHASE II LLC
TERRANCE W. KELLY, QUALIFYING OFFICER
License No. 21-02-174120

Respondent.

FINAL ORDER

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

WHEREAS, Forest Creek Development Phase II, LLC, Terrance W. Kelly, Qualifying Officer, License No. 21-02-174120, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on August 19, 2008, William M. Donovan, Attorney for Respondent, on August 19, 2008, Serene Katranji – Zeni, Assistant Attorney General, on December 19, 2008, and approved by Stephen J. Gobbo Esq., Legal Affairs Division Director, on February 4, 2009, 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.

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 17th day of March, 2009.

Board of Residential Builders and Maintenance and Alteration Contractors

By: Martha

Chairperson

Date mailed: March 17, 2009

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 Forest Creek Development Phase II LLC, Terrance W. Kelly, Q.O., Complaint No. 306682, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

DEPARTMENT OF LABOR & ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
Reimer Floors

v

FOREST CREEK DEVELOPMENT PHASE II, LLC,
TERRANCE W. KELLY, Q.O.,
License No. 21-02-174120 /

Docket No. 2007-1607
Complaint No. 306682

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules on February 28, 2008, pursuant to a Formal Complaint (Complaint) filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against Forest Creek Development Phase II, LLC, Terrance W. Kelly, Q.O. (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 HEREBY STIPULATED**, by and between the parties hereto, that Respondent admits to the violation set forth in paragraphs three through six of the Complaint.

2. Respondent admits to a violation of Section 2411(2)(I) of the Michigan Occupational Code, 1980 PA 299; MCL 339.2411(2)(I).

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of **Two Hundred and Fifty Dollars (\$250)**. The fine shall be paid by cashier's check or money order, with "Complaint No. 306682" clearly indicated on the check or money order, made payable to the State of Michigan, within 60 days of the date of mailing of the Final Order in this matter. The 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 Respondent shall make RESTITUTION in the amount of \$7,500.00, by check or money order made payable

to Reimer Floors, Inc. and mailed to 1865 Telegraph Road, Bloomfield Hills, MI 48302 by May 15, 2009.

5. **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. Failure to comply with the terms set forth in this Stipulation within six months of the deadlines for compliance set forth above shall result in revocation of all licenses or registrations of Respondent.


6. Respondent agrees to submit written proof of having complied with each requirement of this Stipulation, 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(s) that was/were made payable to the entity ordered to receive restitution; or a receipt signed by the entity to which restitution was payable, stating restitution was paid and the amount paid.

7. **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.

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

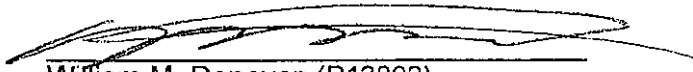
by the Department and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to:



Forest Creek Development Phase II, LLC
Terrance W. Kelly, Q.O.
Respondent

8-19-2008
Date:



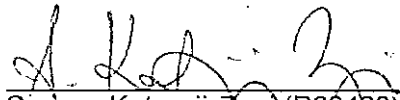
William M. Donovan (P12892)

8-19-2008
Date:

Business Address:

2525 S. TELEGRAPH ROAD, SUITE 1000 BLOOMFIELD HILLS, MI 48302

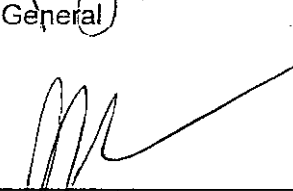
Bureau of Commercial Services:

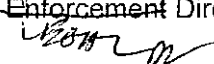


Serene Katranji-Zeni (P69460)
Assistant Attorney General

12/19/08
Date:

Approved:



Stephen Gobbo
Law Enforcement Director


2/19/09
Date: