



JENNIFER M. GRANHOLM
GOVERNOR

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

STANLEY "SKIP" PRUSS
DIRECTOR

DEPARTMENT OF LABOR & ECONOMIC
GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
SANDRA D. CLEVINGER

Complaint No.: 308319

Docket No.: 2008-921

Complainant,

V

KENNETH GERALD HOWK
D/B/A HOWK HOME IMPROVEMENT
License No. 21-03-096380

Respondent.

FINAL ORDER

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

WHEREAS, Kenneth Gerald Howk, D/B/A Howk Home Improvement., License No. 21-03-096380, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on December 20, 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.

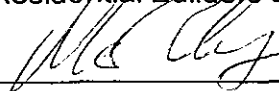
NOW, THEREFORE, IT IS HEREBY ACKNOWLEDGED that the Board of Residential Builders and Maintenance and Alteration Contractors, pursuant to MCL 339.508(3); having considered and found said Stipulation acceptable, does hereby incorporate same by reference thereto in this Final Order.

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: 

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 Kenneth Gerald Howk, D/B/A Howk Home Improvement, Complaint No. 308319, 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 SANDRA D. CLEVINGER

Docket No. 2008-921

Agency No. 308319
Residential Builders Board

v

KENNETH GERALD HOWK
D/B/A HOWK HOME IMPROVEMENT
License No. 21-03-096380,

STIPULATION

This matter is scheduled for hearing before the State Office of Administrative Hearings and Rules on September 30, 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 Kenneth Gerald Howk d/b/a Howk Home Improvement ("Respondent"), by the Department of Labor & Economic Growth, Bureau of Commercial Services ("Bureau"). The parties wish to reach an amicable settlement of the Complaint; therefore:

1. **IT IS STIPULATED** by the parties that Respondent admits to the factual allegations set forth in paragraphs one through five of the Complaint.

2. **IT IS STIPULATED** by the parties that Respondent admits to violating MCL 339.2411(2)(a) & (c) of the Michigan Occupational Code; 1980 PA 299; as amended which states as follows:

(2) A licensee or applicant who commits 1 or more of the following shall be subject to the penalties set forth in article 6:

(a) - Abandonment without legal excuse of a contract, construction project, or operation engaged in or undertaken by the licensee.

(c) - Failure to account for or remit money coming into the person's possession which belongs to others.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of FIVE HUNDRED (\$500.00) DOLLARS. Said fine shall be paid by cashier's check or money order, with Complaint No. 308319 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.

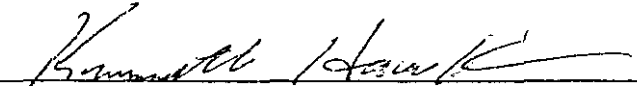
4. **IT IS FURTHER STIPULATED** by the parties that Respondent's failure to comply with the terms set forth in this Stipulation shall result in a suspension of all licenses or registrations held by Respondent, the denial of any license or registration renewal applied for by Respondent, and the denial of future applications for licensure or registration applied for by Respondent until he complies with the terms of this Stipulation.

5. **IT IS STIPULATED** by the parties that the Legal Affairs Division Director of the Bureau, or the Director's designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Legal Affairs Division Director, the Director's designee, or the Board reject this Stipulation, the Bureau will schedule a contested case hearing in this matter without prejudice to either party.

6. Respondent understands and intends that by signing this Stipulation, he 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 Bureau 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.

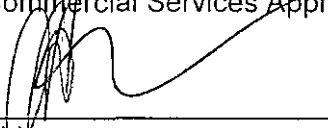
Agreed to by:



Kenneth Gerald Howk d/b/a Howk Home Improvement

12/20/08
Date:

Bureau of Commercial Services Approved By:



Stephen Gobbo
Legal Affairs Director
Bureau of Commercial Services
Department of Labor & Economic Growth

January 4, 2009
Date: