



STATE OF MICHIGAN

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

STANLEY "SKIP" PRUSS
DIRECTOR

Complaint No.: 308891

DEPARTMENT OF LABOR & ECONOMIC
GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
DAVID AND SUSAN TWISS

Complainant,

V

DAVID'S HOME IMPROVEMENTS INC.
BARRY B. WILLIAMS, QUALIFYING OFFICER
License No. 21-02-134413

Respondent.

_____ /

FINAL ORDER

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

WHEREAS, David's Home Improvements Inc., Barry B. Williams, Q.O., License No. 21-02-134413, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on December 8, 2008, Jim Nelson, Department Conferee, on January 12, 2009, 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 David's Home Improvements Inc., Barry B. Williams, Q.O., Complaint No. 308891, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

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

DEPARTMENT OF LABOR &
ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES,
DAVID AND SUSAN TWISS

Complaint No. 308891

Complainant,

v

DAVID'S HOME IMPROVEMENTS, INC.
BARRY B. WILLIAMS, QUALIFYING OFFICER
License No. 21-02-134413

Respondent.

STIPULATION

This matter having been scheduled for a Compliance Conference in Okemos, Michigan, before the Department of Labor & Economic Growth, Bureau of Commercial Services, pursuant to an Administrative Complaint, hereafter Complaint, dated October 20, 2008, filed pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against David's Home Improvements Inc., Barry B. Williams hereafter Respondent, by the Department of Labor & Economic Growth

All parties being desirous of reaching an amicable settlement of said Complaint; hereby agree to the following:

IT IS FURTHER STIPULATED, by and between the parties hereto, Respondent shall pay a FINE in the amount of **Five Hundred Dollars and No Cents (\$500.00)**. The fine shall be paid by cashier's check or money order, with Complaint No. **308891** clearly indicated on the check or money order, made payable to the State of Michigan, within sixty (60) days from the mailing date of this Final Order. The check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Enforcement Division, P. O. Box 30018, Lansing, Michigan 48909.

David's Home Improvements, Inc
Barry B. Williams Q.O.
Complaint No. 308891
Page 1 of 3

IT IS STIPULATED, by and between the parties hereto, that the Respondent admits to the allegation(s) and violation(s) set forth in paragraph(s) of the Formal Complaint in this matter as follows:

10 *A* Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

The other charges are hereby dismissed.

IT IS FURTHER STIPULATED, by and between the parties here that Respondent shall make **RESTITUTION** to Complainant in the amount **FOUR THOUSAND SEVEN HUNDRED NINETY Dollars and No Cents (\$4,790.00)** by certified check made payable to David and Susan Twiss, and mailed to 12506 Parkhill Lane, Marshall Michigan 49068. Restitution must be paid not later than sixty (60) days of the date of issuance of a Final Order in this matter.

IT IS FURTHER STIPULATED, by and between the parties hereto, that failure to comply with the terms and conditions set forth in this Stipulation within sixty (60) days from the mailing date of this Final Order shall result in a suspension of all licenses or registrations of Respondent or in denial of any license or registration renewal and denial of future applications for licensure or registration until compliance is made with all the terms or conditions of this Stipulation. Respondent agrees to submit written proof of having complied with each requirement of this Stipulation, in a form acceptable to the Michigan Department of Labor & Economic Growth, Bureau of Commercial Services, Office of Administrative Services, P.O. Box 30018, Lansing, Michigan 48909. Forms of acceptable proof of monetary restitution payment include: copy of front and back 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 amount paid.

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 the Director forwards it to the Board of Residential Builders for final approval. Should the Director, designee, or the Board rejects this Stipulation, the Department will schedule the matter for an Administrative Hearing without prejudice to either party.

Respondent understands and intends that by signing this Stipulation, he is waiving the right, pursuant to the Occupational Code, *supra*, the rules promulgated pursuant thereto, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq., to a Hearing before an administrative hearing officer at which time the Department would be required to prove the charges set forth in the aforesaid Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear with or without the benefit of an attorney to cross-examine all adverse witnesses and to present such testimony, other evidence or legal authority deemed appropriate as a defense to said charges.

This Stipulation is acknowledged by:

Barry B Williams
Respondent/Designee (printed name)

Barry B Williams 12-8-08
Respondent/Designee (signature) Date

If Applicable

Attorney for Respondent (signature) Date

By: Jim Nelson 11-12-09
Jim Nelson Date
Senior Departmental Analyst / Conferee
Dated: December 4, 2008

Approved: [Signature] Date 2/4/2009
Stephen J. Gobbo
Legal Affairs Director