



STATE OF MICHIGAN

JENNIFER M. GRANHOLM  
GOVERNOR

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
LANSING

STANLEY "SKIP" PRUSS  
DIRECTOR

DEPARTMENT OF ENERGY, LABOR &  
ECONOMIC GROWTH,  
BUREAU OF COMMERCIAL SERVICES, ex rel  
LAWRENCE O. AND JEAN D. LARSON

**Complaint No.: 299832**  
**Docket No.: 2008-1339**

Complainant,

V

MICHELLE RENEE JAPENGA  
License No. 21-01-144067

Respondent.

**FINAL ORDER**

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

**WHEREAS**, Michelle Renee Japenga, License No. 21-01-144067, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on February 18, 2009, Julie H. Pfitzenmaier, Attorney for Respondent, on February 19, 2009, Tiffany Daugherty, Administrative Law Specialist, on February 19, 2009, and approved by Stephen J. Gobbo Esq., Legal Affairs Division Director, on April 6, 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 12<sup>th</sup> day of May, 2009.

Board of Residential Builders and Maintenance and Alteration Contractors

By: Mathy

Chairperson

Date mailed: May 12, 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 Michelle Renee Japenga, Complaint No. 299832, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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BUREAU OF COMMERCIAL SERVICES

DEPARTMENT OF LABOR & ECONOMIC GROWTH,  
BUREAU OF COMMERCIAL SERVICES, ex rel  
LAWRENCE O. AND JEAN D. LARSON  
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v

MICHELLE RENEE JAPENGA  
License No. 21-01-144067  
Respondent.

Docket No. 2008-1339  
Complaint No. 299832

\_\_\_\_\_/ Board: Residential Builders

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules, formerly the Bureau of Hearings, on **February 23, 2009**, pursuant to a Formal Complaint, **dated February 1, 2007**, hereafter "*Complaint*," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against MICHELLE RENEE JAPENGA, Respondent, hereafter "*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 paragraph 5 of the Complaint.

2. Respondent admits to a violation of Section 601(l) of the Michigan Occupational Code, 1980 PA 299, as amended; **MCL 339.601(l)**.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of **One Thousand Two Hundred Fifty Dollars (\$1,250.00)**. Said fine shall be paid by cashier's check or money order, with Complaint No. 299832 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 and between the parties hereto, that Respondents shall make RESTITUTION in the amount of **Five Hundred Dollars (\$500.00)** by check or money order made payable to **LAWRENCE OR JEAN LARSON, 3955 LAHSER ROAD, BLOOMFIELD HILLS, MICHIGAN 48304**, 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 suspension or continued suspension of all licenses or registrations of both Respondent (including all licensed residential builder or maintenance and alteration contractor licensees for which Respondent serves as qualifying officer) 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. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order shall result in a revocation or continued revocation of all licenses or registrations of Respondent (including all licensed residential builder or maintenance and alteration contractor licensees for which Respondent serves as qualifying officer) 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 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.

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:

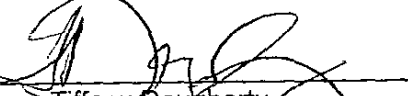
Michelle R. Japenga  
Michelle Renee Japenga, Respondent

Date: 2/18/09

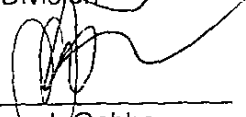
Julie H. Pfitzenmaier / Wirk Beamer  
Julie H. Pfitzenmaier  
Attorney for Respondent  
27556 Executive Drive  
Suite 165  
Farmington Hills, Michigan 48331  
053290

Date: 2.19.09

Bureau of Commercial Services:

By:   
Tiffany Daugherty  
Administrative Law Specialist  
Legal Affairs Division

Date: 2/19/09

Approved:   
Stephen J. Gobbo,  
Legal Affairs Division Director

Date: 4/6/2009