



STATE OF MICHIGAN
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

STANLEY "SKIP" PRUSS
DIRECTOR

DEPARTMENT OF ENERGY, LABOR &
ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
SAM AND SHARON LOCRICCHIO

Complaint No.: 305087
Docket No.: 2007-1065

Complainant,

V

JOSEPH C. BATTAGLIA
License No. 21-01-102366

Respondent.

FINAL ORDER

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

WHEREAS, Joseph C. Battaglia, License No. 21-01-102366, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on March 12, 2009, Kelly A. Underwood, Notary Public, on March 12, 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 12th day of May, 2009.

Board of Residential Builders and Maintenance and Alteration Contractors

By: [Signature]

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 Joseph C. Battaglia, Complaint No. 305087, 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, ex rel
SAM AND SHARON LOCICCHIO,
Complainants,

v

JOSEPH C. BATTAGLIA
License No. 21-01-102366
Respondent.

Docket No. 2007-1065
Complaint No. 305087
Board: Residential Builders' &
Alteration & Maintenance Contractors'
Board

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules on February 25, 2009, pursuant to a Formal Complaint, hereafter "Complaint," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against Joseph C. Battaglia, hereafter "Respondent," by the Department of Energy, 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 **10** of the Complaint.

2. Respondent admits to a violation of Sections 604(c) and 2411(2)(d) & (m) of the Occupational Code, 1980 PA 299, as amended; MCL 339.604(c) and MCL 339.2411(d) & (m), and rule 51(5) of the Residential Builders and Maintenance and Alteration Contractors Board Rules, promulgated thereunder, being 1979 AC, R 338.1551(5) and 2006 AACS, R 338.1551(5). All other charges in the Complaint are hereby dismissed.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of **One Thousand Dollars (\$1,000.00)**. Said fine shall be paid by cashier's check or money order, with **Complaint No. 305087** 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 Energy, 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 failure to pay the full FINE amount as designated above within 60 days of the date of mailing of the Final Order in this matter 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.

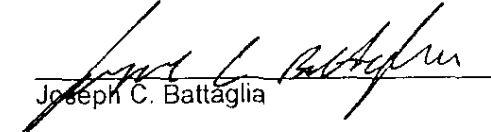
5. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure of Respondent to pay the full FINE amount as designated above within SIX MONTHS of the date of mailing of the Final Order in this matter shall result in revocation of the Respondent's builder's license.

6. **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.

7. 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:

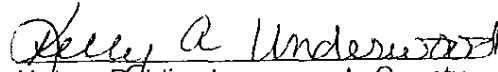

Joseph C. Battaglia

3/12/09
Date:

State of Michigan


County of Macomb

On March 12, 2009, I observed Joseph C. Battaglia sign this stipulation.


Notary Public, Macomb County
State of Michigan
My commission expires: 11-5-2010

Bureau of Commercial Services:

Approved: _____


Stephen J. Gebbo
Legal Affairs Division Director
Bureau of Commercial Services
Department of Energy, Labor & Economic Growth

Date: _____

4/6/2009