



STATE OF MICHIGAN
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

STANLEY "SKIP" PRUSS
DIRECTOR

DEPARTMENT OF LABOR & ECONOMIC
GROWTH,
BUREAU OF COMMERCIAL SERVICES

Complaint Nos.: 308536 & 308543

Complainant,

V

FORTRESS DEVELOPMENT GROUP LLC
THOMAS E. DEAK, QUALIFYING OFFICER
License No. 21-02-152671

Respondent.

And

THOMAS E. DEAK
License No. 21-01-092981

_____ /

FINAL ORDER

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

WHEREAS, Fortress Development Group LLC, Thomas E. Deak, Q.O., License No. 21-02-152671 and Thomas E. Deak, License No. 21-01-092981, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on February 5, 2009, Jim Nelson, Department Conferee, on February 10, 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 Labor & Economic Growth.

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

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.

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 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 Fortress Development Group LLC, Thomas E. Deak, Q.O., Complaint No. 308536 and Thomas E. Deak, Complaint No. 308543, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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RECEIVED

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

JAN 29 2009

DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES

DEPARTMENT OF LABOR &
ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES,

Complaint No. 308536 & 308543

Complainant,

v

FORTRESS DEVELOPMENT GROUP, LLC.
THOMAS E. DEAK, QUALIFYING OFFICER
License No. 21-02-152671

and

THOMAS E. DEAK
License No. 21-01-092981 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 September 28, 2004 filed pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against Fortress Development Group LLC, Thomas E. Deak, Qualifying Officer, hereafter Respondent, by the Department of Labor & Economic Growth.

A compliance conference was held on Wednesday January 28, 2009, in attendance were Jim Nelson Conferee, Mr. Thomas E. Deak the Respondent. 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, that 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. 308536 & 308543** 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. The check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Enforcement Division, P. O. Box 30185, Lansing, Michigan 48909.

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:

5. A. The conduct of Thomas E. Deak, Respondent and Qualifying Officer for Fortress Development Group LLC, in engaging in attempted no account check demonstrates his inability to serve the public in affair , open and honest manner and his lack of good moral character, contrary to MCL 339.604(d).

Continued Revocation of any and all license; Respondent may not serve as Qualifying Officer for any licensed corporate entity while his individual Article 24 license(s) are in revoked status MCL 339.2405(3).

All other charges in the Compliant, being Paragraphs 6, and 7 are hereby dismissed.

IT IS FURTHER STIPULATED, by and between the parties hereto, that **RESTITUTION** is not applicable in this case.

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 the 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 in writing to the Michigan Department Energy, Labor and Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, Michigan, 48909, proof, in a form acceptable to the Department, of having complied with each requirement of this Stipulation.

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:

THOMAS DEAK
Respondent/Designee (printed name)

[Signature]
Respondent/Designee (signature)

2-4-09
Date

If Applicable

Attorney for Respondent (signature)

Date

By Jim Nelson 12-10-09
Date
Jim Nelson /
Legal Affairs Support Unit Manager
Dated: January 10, 2005

Approved: [Signature] Date 4/6/2009
Stephen J. Gobbo
Legal Affairs Division Director