



JENNIFER M. GRANHOLM
GOVERNOR

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

STANLEY "SKIP" PRUSS
DIRECTOR

Complaint No.: 310426 & 310427

DEPARTMENT OF ENERGY, LABOR &
ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
JAMES M. CHAMPA

Complainant,

V

INSTALLATION SERVICES UNLIMITED LLC
BRIAN KIETH NOEL, QUALIFYING OFFICER
License o. 21-02-185014

Respondent.

And

BRIAN KIETH NOEL
License No. 21-01-164476

_____ /

FINAL ORDER

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

WHEREAS, Installation Services Unlimited LLC, Brian Kieth Noel, Q.O., License O. 21-02-185014 and Brian Kieth Noel, License No. 21-01-164476, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on March 30, 2009, Joseph E. Berry III, Department Conferee, on April 1, 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.

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: 

Chairperson

Date mailed: May 12, 2009

Proof of Compliance Should be Filed With:

Department of Energy, Labor, & Economic Growth
Bureau of Commercial Services
Legal Affairs Division - Final Order Monitoring
P.O. Box 30018
Lansing, MI 48909
Telephone: (517) 241-9272
Fax: (517) 241-9296

This is the last and final page of the Final Order in the matter of Installation Services Unlimited LLC, Brian Kieth Noel, Q.O. Complaint No. 310426 and Brian Kieth Noel, Complaint No. 310427, 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 ENERGY, LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES

DEPARTMENT OF LABOR & ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
JAMES M. CHAMPA
Complainant,

v

INSTALLATION SERVICES UNLIMITED LLC
BRIAN KIETH NOEL, QUALIFYING OFFICER
License No. 21-02-185014

Complaint No. 310426 & 310427

Respondent.

and

BRIAN KIETH NOEL
License No. 21-01-164476

Respondent.

STIPULATION

This matter having been scheduled for a compliance conference on **March 11, 2009** pursuant to a Formal Complaint, **dated January 26, 2009**, hereafter "Complaint" filed in accordance with the provisions of the Michigan Occupational Code ("Code"), 1980 PA 299, MCL 339.101 et seq., against Installation Services Unlimited LLC, Brian Kieth Noel, Qualifying Officer and Brian Kieth Noel ("Respondent") by the Department of Labor & Economic Growth, and with the following persons in attendance at the conference: Joseph E. Berry III, Conferee, James and Jan Champa and Brian Kieth and Melissa Noel, 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(s) **11** of the Complaint.

2. Respondent admits to a violation of Section(s) **MCL 339.604(c)**. 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 **FIVE HUNDRED DOLLARS (\$500)**. Said fine shall be paid by cashier's check or money order, with Complaint No. **310426/310427** clearly indicated on the

check or money order, made payable to the State of Michigan, within ninety (90) days of the date of mailing of the Final Order in this matter. Said check or money order shall be mailed to the Michigan Department of Labor and Economic Growth, Bureau of Commercial Services, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

4. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that based upon the Formal Complaint charges, Respondent shall correct all 4 workmanship violations cited in the Building Inspection Report ("BIR") attached to the Complaint as Exhibit 2. Item 1 of the BIR shall be caulked. Item 2 of the BIR shall be corrected by replacing the effected shingles and properly nailing them. Item 3 shall be corrected by replacing the damaged nails and ferrules in the front gutter. Item 4 of the BIR shall be corrected by replacing the effected shingles. All of the BIR workmanship violations and the manner of their correction must satisfy the building inspector. Proof of compliance with this stipulation shall be in the form of a satisfactory Building Inspection Report or other written correspondence verifying satisfactory correction of the cited violations signed by the building inspector. Proof shall be mailed to the Michigan Department of Labor and Economic Growth, Bureau of Commercial Services, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

5. **IT IS FURTHER STIPULATED**, by and between the parties hereto, and based upon the Formal Complaint charges, that the Respondent did provide Complainant at the conference with a proper document changing the contract signed by the parties.

6. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within Ninety (90) days of the date of the Final Order 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.

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, Final Order Monitoring, 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:

Brian K. Noël
Respondent/Designee (Printed Name)

Brian K Noël
Respondent/Designee (Signature)

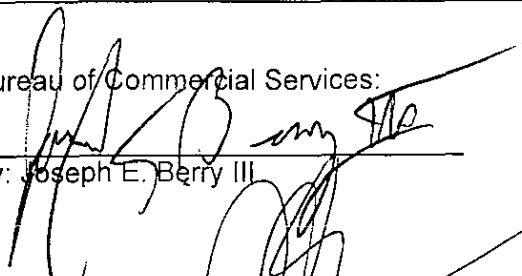
3/30/09
Date:

Attorney for Respondent (If Applicable)

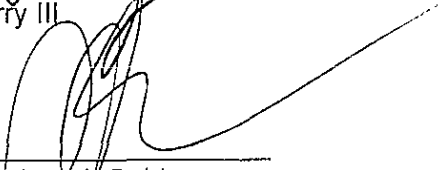
Date:

Business Address:

Bureau of Commercial Services:

By:  Joseph E. Berry III

Date: 4/1/09

Approved: 

Stephen J. Gobbo,
Legal Division Director

Date: 4/5/2009