



STATE OF MICHIGAN  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH

STANLEY "SKIP" PRUSS  
DIRECTOR

**Complaint No.: 310431**

DEPARTMENT OF ENERGY, LABOR &  
ECONOMIC GROWTH,  
BUREAU OF COMMERCIAL SERVICES, ex rel  
EARL LEE MASON

Complainant,

V

DAVID MICHAEL BOLES  
License No. 21-03-148867

Respondent.

**FINAL ORDER**

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

**WHEREAS**, David Michael Boles, License No. 21-03-148867, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on February 28, 2009, James C. Nelson, Department Conferee, on March 12, 2009, and approved by Stephen J. Gobbo Esq., Legal Affairs Division Director, on March 20, 2009, on behalf of the Bureau of Commercial Services, Department of Energy, Labor & Economic Growth.

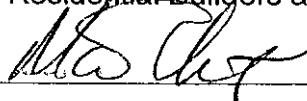
**NOW, THEREFORE, IT IS HEREBY ACKNOWLEDGED** that the Board of Residential Builders and Maintenance and Alteration Contractors, pursuant to MCL 339.508(3); having considered and found said Stipulation acceptable, does hereby incorporate same by reference thereto in this Final Order.

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: 

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 David Michael Boles, Complaint No. 310431, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

DEPARTMENT OF LABOR &  
ECONOMIC GROWTH,  
BUREAU OF COMMERCIAL SERVICES, ex rel  
EARL LEE MASON

Complaint No. 310431

Complainant,

v

DAVID MICHAEL BOLES  
License No. 21-03-148867

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 December 22, 2008 filed pursuant to the Occupational Code, 1980 PA 299, as amended, MCL 339.101 et seq., against David Michael Boles 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, Earl Lee Mason and Mr. Ben Mason "son" the Complainants, David Michael Boles 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, Respondent shall pay a FINE in the amount of **Two Hundred Fifty Dollars and No Cents (\$250.00)**. The fine shall be paid by cashier's check or money order, with Complaint No. **310431** 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 in this matter. The check or money order shall be mailed to the

David Michael Boles  
Complaint No. 310431  
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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. Respondent failed without legal excuse, failed to perform the terms of the contract, contrary to MCL 339.2411(2)(a)

All other charges being paragraphs 4 and 6 are dismissed.

**IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall make RESTITUTION to the Complainant in the amount of **ONE THOUSAND DOLLARS and 00/100 Cents (\$1000.00)**. This Restitution shall be paid by cashier's check or money order, with Compliant No #310431 clearly indicated on the check or money order, within sixty days (60) days of the date of mailing of the Final Order in this matter. The check or money order shall be mailed to the Ms. Earl Lee Mason, 50 Roseneath Ave, Battle Creek MI 49037.

**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 continued 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 of 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:

DAVID M BOLES  
Respondent/Designee (printed name)  
[Signature] 2-28-09  
Respondent/Designee (signature) Date

If Applicable

\_\_\_\_\_  
Attorney for Respondent (signature) Date

By [Signature] 3-12-09  
Jim Nelson Date

Approved: [Signature] Date: 3/20/2009  
Stephen J. Gobbo Legal Affairs Division Director