



STATE OF MICHIGAN

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

STANLEY "SKIP" PRUSS
DIRECTOR

DEPARTMENT OF LABOR & ECONOMIC
GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
THOMAS AND KIMBERLY SZYMCAK

Complaint No.: 95643

Docket No.: 2008-716

Complainant,

V

A & T DEVELOPMENT, INC.
ANDREW TONKOVICH, QUALIFYING OFFICER
License No. 21-02-115362

Respondent.

FINAL ORDER

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

WHEREAS, A & T Development Inc., Andrew Tonkovich, Q.O., License No. 21-02-115362, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on January 21, 2009, Robert P. Anderson, Attorney for Respondent on January 29, 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.


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: 

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 A & T Development Inc., Andrew Tonkovich, Q.O., Complaint No. 95643, 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
BOARD OF RESIDENTIAL BUILDERS AND MAINTENANCE
AND ALTERATION CONTRACTORS

DEPARTMENT OF LABOR & ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel Thomas and
Kimberly Szymczak,

Complainant,

Docket No. 2008-716

v

Complaint No. 95643

AT&T DEVELOPMENT INC,
ANDREW TONKOVICH, QUALIFYING OFFICER
License No. 21-02-115362.

Respondent.

_____ /

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules on November 5, 2008, pursuant to a First Superseding Formal Complaint dated August 1, 2008, "Superseding Complaint," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against AT&T Development, Inc, Andrew Tonkovich Qualifying Officer, "Respondent," by the Department of Labor & Economic Growth, Bureau of Commercial Services, "Bureau," and all parties being disposed to reaching an amicable settlement of said Superseding Complaint; therefore:

1. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent admits to the violation set forth in paragraph 6 of the Superseding Complaint.

2. Respondent admits to a violation of Section 2411(2)(1) of the Michigan Occupational Code, 1980 PA 299; MCL 339.2411(2)(1), which states that a licensee who fails to satisfy a judgment as it becomes due in the ordinary course of business shall become subject to the penalties in Article 6 of the Code. All other charges in the Superseding Complaint are hereby DISMISSED.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that any and all allegations against Andrew Tonkovich as an individual and/or against his individual license are hereby DISMISSED and no action is being taken against him or his license or will be taken as a result of this matter, considering the circuit court order, the basis of this Superseding Complaint, specifically dismissed him from the civil action.

4. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent's corporate builder's license shall be revoked.

5. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay restitution in the amount of SEVEN HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$775,000.00) (which is equivalent to the order of the civil judgment in this matter). All payments made to the Szymczaks toward the payment of the civil judgment shall be considered payments of restitution in compliance with this Order. This restitution shall only be required as long as the Judgment of the Circuit Court of Livingston in Case No. 04-20832-CP, upon which it is based, remains legal and binding. Restitution cannot be enforced beyond the valid terms of the judgment.

6. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation shall result in a suspension of all licenses or registrations of AT&T Development Inc., or in the denial of any license or registration renewal and the denial of future applications for licensure or registration by AT&T Development Inc., 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 Stipulation, in a form acceptable to the Bureau, 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 this 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.

8. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that the Director of the Legal Affairs Division of the Bureau, 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 Bureau 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 Bureau would be required to prove the charges set forth in the Superseding 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 Bureau and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to by:

AT&T Development Inc.

By: Andrew Tonkovich
Andrew Tonkovich, Qualifying Officer

JAN 21-09
Date:

Robert P. Anderson
Robert P. Anderson (P38981)
Attorney for Respondent
Dawda, Mann, Mulcahy & Sadler
39533 Woodward Avenue, Suite 200
Bloomfield Hills, MI 48304-5103

1-29-09
Date:

Bureau of Commercial Services:

Approved by: [Signature]
Stephen Gobbo, Director
Legal Affairs Division

4/21/2009
Date: