



STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

KEITH W. COOLEY
DIRECTOR

DEPARTMENT OF LABOR & ECONOMIC
GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
JANICE PREVILLE

Complaint No.: 303523

Docket No.: 2008-0160

Complainant,

V

THEODORE R. BLACKMER
License No. 21-01-130363

Respondent.

FINAL ORDER

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

WHEREAS, Theodore R. Blackmer, License No. 21-01-130363, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on September 8, 2008, and approved by Stephen J. Gobbo Esq., Legal Affairs Division Director, on September 12, 2008, 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.

This Final Order is effective immediately upon its mailing.

Given under our hands at Okemos, Michigan, this 25th day of
November, 2008.

Board of Residential Builders and Maintenance and Alteration Contractors

By: Marthy

Chairperson

Date mailed: November 25, 2008

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 Theodore R. Blackmer, Complaint No. 303523, before the Board of Residential Builders and Maintenance and Alteration Contractors.

DLEG 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 LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES
BOARD OF RESIDENTIAL BUILDERS, MAINTENANCE
AND ALTERATION CONTRACTORS

DEPARTMENT OF LABOR & ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
JANICE PREVILLE,

Docket No. 2008-0160

v

Complaint No. 303523

THEODORE R. BLACKMER
License No. 21-01-130360

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules on September 10, 2008, pursuant to a Formal Complaint dated October 26, 2007, "Complaint," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against Theodore R. Blackmer, Respondent, "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 Complaint; therefore;

1. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent admits to the violation set forth in paragraphs 6 and 7 of the Complaint.
2. Respondent admits to a violation of Section 604(c) of the Michigan Occupational Code, 1980 PA 299; MCL 339.604(c) and Rule 338.1551(5) of the Residential Builders and Maintenance and Alteration Contractors Board General Rules promulgated hereunder, being 1979 AC, R 338.1551(5) and 2006 AACS, R 338.1551(5), as follows: Standards of construction shall be in accordance with the local building code, or in the absence of a code, in accordance

with the building code of the nearest political subdivision having a building code. All other charges in the Complaint are hereby dismissed.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall make RESTITUTION in the amount of **TWO THOUSAND SIX HUNDRED DOLLARS (\$2,600.00)** by check or money order made payable to Janice Preville, 9992 Fostoria Road, Fostoria, MI 48435, within sixty (60) days of the date of mailing of the Final Order in this matter.

4. **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 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. 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 the Stipulation, include: A copy of the front and back of the cancelled check that was made payable to the person ordered to receive restitution; or a receipt signed by the person to whom restitution was payable, stating restitution was paid and the amount paid.

6. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that the Director of the Enforcement Division of the Bureau, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Enforcement 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.

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 Bureau 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 Bureau and to present such testimony or other evidence or legal authority deemed appropriate as a defense to said charges.

Agreed to by:

Theodore R. Blackmer

Theodore R. Blackmer

Date: 9-8-08

Bureau of Commercial Services:

Approved by:

G. Archie Millen

G. Archie Millen,
Enforcement Division Director

Date: Sept 12, 2008

THEODORE BLACKMER
 LIC. B 425 792 745 949
 5873 JAMES ST.
 BROWN CITY, MI 48416

74-497-724 1429

date Sept 8, 2008

PAY JANICE Preville \$ 2600.00
 to the order of
Two thousand Six Hundred 100 DOLLARS

County Bank
 Brown City, MI

303523

memo Theodore Blackmer

1072404977 2004725 1429