



STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

KEITH W. COOLEY  
DIRECTOR

**Complaint No.: 305372**

DEPARTMENT OF LABOR & ECONOMIC  
GROWTH,  
BUREAU OF COMMERCIAL SERVICES, ex rel  
TERESA A. MILLS

Complainant,

V

HOMES BY GBW, INC.  
JAMES C. CARTER, JR., QUALIFYING OFFICER  
License No. 21-02-163147

Respondent.

**FINAL ORDER**

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

**WHEREAS**, Homes by GBW, Inc., James C. Carter, Jr., Q.O., License No. 21-02-163147, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on August 14, 2008, Kim Breitmeyer, Administrative Law Specialist, on August 14, 2008, and approved by Stephen J. Gobbo Esq., Legal Affairs Division Director, on August 22, 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 25<sup>th</sup> day of  
November, 2008.

Board of Residential Builders and Maintenance and Alteration Contractors

By: Maithy

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 Homes by GBW, Inc., James C. Carter Jr., Q.O. Complaint No. 305372, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

DEPARTMENT OF LABOR & ECONOMIC GROWTH,  
BUREAU OF COMMERCIAL SERVICES, ex rel  
TERESA A. MILLS,  
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HOMES BY GBW, INC.  
JAMES C. CARTER, JR., QUALIFYING OFFICER  
License No. 21-02-163147,  
Respondent.

Complaint No. 305372

Board: Residential Builders

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 **May 19, 2008**, filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against HOMES BY GBW, INC., Respondent, hereafter "Respondent," by the Department of Labor & Economic Growth.

The Compliance Conference was held on **August 14, 2008**, with the following attendees: Kim Breitmeyer, Department Conferee and Administrative Law Specialist; Teresa A. Mills and her son, on behalf of the Complainant; and James C. Carter, Jr., on behalf of Respondent. All parties being desirous of reaching an amicable settlement of said Complaint; hereby agree to the following:

1. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent admits to the factual allegations and violations set forth in numbered paragraph(s) of the Formal Complaint in this matter as follows:

7. Respondent has acted as agent, partner, or associate with Frank Santana, a person not licensed under 1980 PA 299, as amended, although required to be licensed pursuant to 1980 PA 299, *supra*, contrary to MCL 339.2411(2)(j).

8. Respondent failed to ensure that the services for which he secured a building permit were performed in a workmanlike manner, contrary to MCL 339.2411(2)(m).

2. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of **One Thousand Dollars (\$1,000.00)**. Said fine shall be paid by cashier's check or money order, with Complaint No. **305372** 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. Said check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, P.O. Box 30018, Lansing, Michigan 48909.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent's Qualifying Officer, James C. Carter, Jr., shall make RESTITUTION in the form of REPAIRS to the satisfaction of the City of Grand Rapids Building Department, according to the Building Inspection Report, dated November 21, 2006, regarding property located at 239 Burton SE, Grand Rapids, Michigan, 49507, within sixty (60) days of the date of mailing of the Final Order in this matter. Respondent shall submit proof that the repairs were completed to the Building Department's satisfaction, according to Paragraph 6 below.

4. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within sixty (60) days of the date of mailing of the Final Order in this matter shall result in a suspension or continued 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. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order in this matter shall result in a revocation or continued revocation 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.

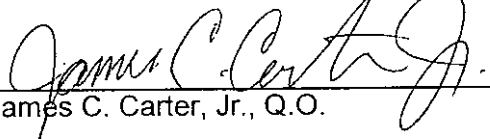
6. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Labor and Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909. 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(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.

7. **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.

8. 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:

On behalf of Homes by GBW, Inc.

  
James C. Carter, Jr., Q.O.

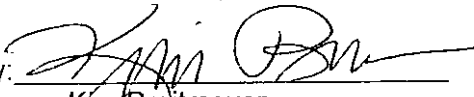
Date: 8/14/08

Attorney for Respondent (If Applicable)

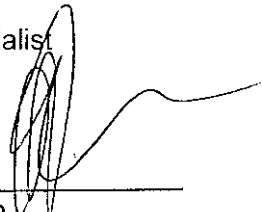
Date: \_\_\_\_\_

Attorney Business Address & Telephone Number:

Bureau of Commercial Services:

By:   
Kim Breitmeyer  
Administrative Law Specialist  
Legal Affairs Division

Date: 8/14/08

Approved:   
Stephen J. Gobbo  
Legal Affairs Division Director

Date: August 24, 2008