



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
RON AND LINDA MANLEY

Complaint No.: 302717 & 305975
Docket Nos.: 2007-1613 & 2007-1614

Complainant,

V

ROYALL AMERICAN BUILDERS, INC.
DAVID H. COLBY, QUALIFYING OFFICER
License No. 21-02-165999

Respondent.

And

DAVID HAROLD COLBY
License No. 21-01-094425

_____ /

FINAL ORDER

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

WHEREAS, Royall American Builders Inc., David H. Colby, Q.O., License No. 21-02-165999 and David Harold Colby, License No. 21-01-094425, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on September 3, 2008, Daniel J. Cramer, Attorney for Respondent on September 3, 2008, and approved by Stephen J. Gobbo Esq., Legal Affairs Division Director, on October 9, 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: Mark Colby

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 Royall American Builders, Inc., David H. Colby, Q.O., Complaint No. 302717 and David Harold Colby, Complaint No. 305975, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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
RON and LINDA MANLEY,

Complainant,

Docket Nos. 2007-1613
2007-1614

v

Complaint Nos. 302717 & 305975

ROYALL AMERICAN BUILDERS, INC.
DAVID H. COLBY, QUALIFYING OFFICER
License No. 21-02-165999,

Respondent,

and

DAVID HAROLD COLBY,
License No. 21-01-094425,

Respondent.

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules on May 13 and 13, 2008, pursuant to a Formal Complaint dated July 26, 2007, "Complaint," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against Royal American Builders, Inc. and David Harold Colby, 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 paragraph 7 of the Complaint.

2. Respondent admits to a violation of Section 2411(2)(m) of the Michigan Occupational Code, 1980 PA 299; MCL 339.2411(2)(m). 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 ONE THOUSAND DOLLARS (\$1,000.00). The fine shall be paid by cashier's check or money order, with Complaint Nos. 302717 and 305975 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. The check or money order shall be mailed to the Michigan Department of Labor and Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.

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.

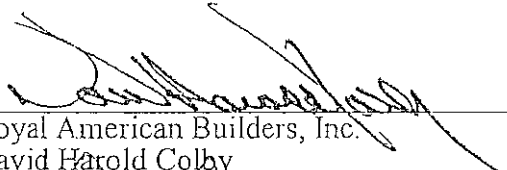
5. Respondent agrees to submit written proof of having complied with each requirement of this Stipulation, in a form acceptable to the Bureau, to the Michigan Department of Labor and Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.

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:



Royal American Builders, Inc.
David Harold Colby

9/3/08
Date:




Daniel J. Cramer (P29534)
Attorney for Respondent
339 East Liberty Street, Suite 200
Ann Arbor, MI 48104

9/3/08
Date:

Bureau of Commercial Services:

Approved by:



G. Archie Millben,
Enforcement Division Director

October 9, 2008
Date: