



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

KEITH W. COOLEY
DIRECTOR

DEPARTMENT OF LABOR & ECONOMIC
GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
KATHLEEN UNDERWOOD

Complaint No.: 307554

Docket No.: 2008-492

Complainant,

V

DALE R. HEDY
License No. 21-01-076681

Respondent.

FINAL ORDER

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

WHEREAS, Dale R. Hedy, License No. 21-01-076681, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on August 13, 2008, R. Scott A. Baker, Attorney for Respondent, on August 13, 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 25th day of November, 2008.

Board of Residential Builders and Maintenance and Alteration Contractors

By: 

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 Dale R. Hedy, Complaint No. 307554, 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
KATHLEEN UNDERWOOD
Complainant,

v

DALE R. HEDY

Docket No. 2008-492

License No. 21-01-076681,
Respondent.

Complaint No. 307554

Board: Residential Builders

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules on **August 19, 2008**, pursuant to a Formal Complaint, **dated February 28, 2008**, hereafter "Complaint," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against DALE R. HEDY, Respondent, hereafter "Respondent," by the Department of Labor & Economic Growth, and all parties being desirous of 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(s) **6 & 7** of the Complaint.

2. Respondent admits to a violation of Section(s) **604(c)** of the Michigan Occupational Code, 1980 PA 299, as amended; **MCL 339.604(c)** and Rule(s) **51(5)** of the **Board of Residential Builders and Maintenance and Alteration Contractors General Rules**, promulgated hereunder, being **1979 AC, R 338.1551(5)**. Admission to a violation of Rule 51(5) is limited to **§§ R602.7 and R 703 of the 2003 Michigan Residential Code**. All remaining violations 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 **Five Hundred Dollars (\$500.00)**. Said fine shall be paid by

cashier's check or money order, with Complaint No. **307554** 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.

4. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that there is no RESTITUTION at issue because of anticipated pending civil litigation between Respondent and Kathleen Underwood.

5. **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 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.

6. **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 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.

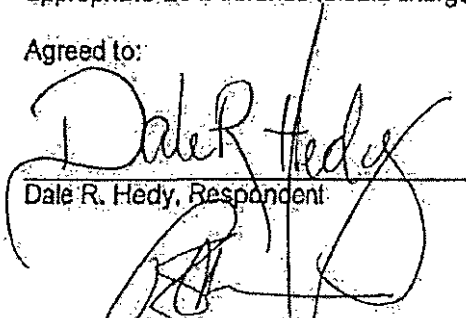
7. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Labor and Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.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

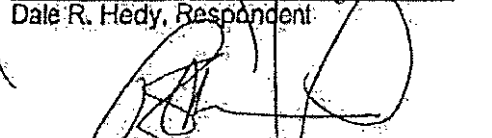
8. IT IS FURTHER STIPULATED, by and between the parties hereto, that the Director of the Legal Affairs Division of the Bureau of Commercial Services, or designee, must approve this Stipulation before it is submitted to the Board for final approval. Should the Legal Affairs Division Director, or that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

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 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:


Dale R. Hedy, Respondent

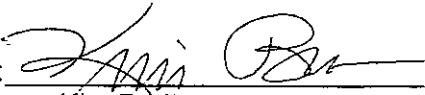
Date: 8/13/08


R. Scott A. Baker, Attorney for Respondent

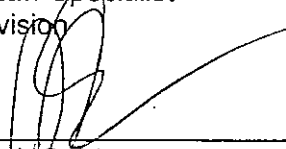
Date: 8/13/08

Lucas Law, P.C.
7577 US Highway 12
Onsted, MI 49265
(517) 467-4000 telephone
(517) 467-4044 facsimile
baker@lucaslawpc.com

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 22, 2008