



STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

KEITH W. COOLEY  
DIRECTOR

**Complaint No.:** 308098 & 308099

DEPARTMENT OF LABOR & ECONOMIC  
GROWTH,  
BUREAU OF COMMERCIAL SERVICES

Complainant,

V

AMERICA'S BUILDING COMPANY LLC  
JOHN JOSEPH TOCCO, QUALIFYING OFFICER  
License No. 21-02-163401

Respondent.

And

JOHN JOSEPH TOCCO  
License No. 21-01-121971

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**FINAL ORDER**

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

**WHEREAS**, America's Building Company LLC, John Joseph Tocco, Q.O., License No. 21-02-163401 and John Joseph Tocco, License No. 21-01-121971, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on August 15, 2008, John Valenti, Administrative Law Specialist, on August 15, 2008, and approved by Stephen J. Gobbo Esq., Legal Affairs Division Director, on December 12, 2003, 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: MAS [Signature]  
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 Ronald America's Building Company LLC, John Joseph Tocco, Q.O., Complaint No. 308098 and John Joseph Tocco, Complaint No. 308099, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

RECEIVED

AUG 19 2008

DEPARTMENT OF LABOR &  
ECONOMIC GROWTH,  
BUREAU OF COMMERCIAL SERVICES,

DEPARTMENT OF D.L.E.G.  
C.E.D. - COMPLIANCE UNIT

Complainant

AMERICA'S BUILDING COMPANY LLC  
JOHN JOSEPH TOCCO, QUALIFYING OFFICER  
License No. 21-02-163401

COMPLAINT NO.s 308098; 308099

JOHN JOSEPH TOCCO  
License No. 21-01-121971

HOMEOWNER CONSTRUCTION  
LIEN RECOVERY FUND

Respondents.

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STIPULATION

This matter having been scheduled for conference before the Michigan Department of Labor & Economic Growth, Bureau of Commercial Services, Legal Affairs Division, on July 11, 2008, pursuant to a Formal Administrative Complaint filed March 21, 2008, under the Article 24 of the Michigan Occupational Code, MCL 339.101-605; MCL 339.2411, against Respondent, NOW, THEREFORE :

1) IT IS STIPULATED, that Respondent makes ADMISSION to the violation of MCL 339.2411(2)(l) as set forth in paragraph eight (8) of the Formal Administrative Complaint, all other allegation(s) DISMISSED, with prejudice :

2) IT IS FURTHER STIPULATED, that Respondent shall make RESTITUTION to the Homeowner Construction Lien Recovery Fund in the amount of THIRTEEN THOUSAND EIGHT HUNDRED THIRTY DOLLARS (\$13,830.00), under MCL 339.2411, § 2411(3), PAYABLE TO THE STATE OF MICHIGAN, effective the mailing date of the Final Order issued by the Michigan State Board of Residential Builders and Maintenance & Alteration

America's Building Company LLC

John Joseph Tocco, Qualifying Officer & Individually

License No.s 21-02-163401; 21-01-121971

Complaint No.s 308098; 308099

Contractors adopting this Stipulation Agreement, plus interest at the rate set by section 6013 of the *Revised Judicature Act of 1961*, 1961 PA 236, MCL 600.6013, with any interest imposed there upon effective from the date of the Board's Final Order, with the entire restitution amount PAID SUBJECT TO THE FOLLOWING PAYMENT SCHEDULE: SIX THOUSAND (\$6,000.00) DOLLARS due no later than June 30<sup>th</sup>, 2009, and the ENTIRE BALANCE DUE no later than SEPTEMBER 30<sup>th</sup>, 2009.

3) IT IS FURTHER STIPULATED, that Respondent shall make Restitution under MCL 339.2411, § 2411(3), by certified check, cashier's check or money order payable to the State of Michigan, upon the following payment schedule above-described, MAILED TO the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909-7518.

4) IT IS FURTHER STIPULATED, that FAILURE TO COMPLY in-full with the terms and conditions as set forth above in this Stipulation Agreement, by non-payment of the required restitution amount payable on the above-described payment dates, shall result in imposition of an additional ONE THOUSAND (\$1,000.00) FINE, and SUSPENSION of the Michigan State Residential Builder License No.s 21-02-163401; 21-01-121971, effective the date of the missed payment, AND CONTINUING until compliance is made by payment-in-full of the punitive fine amount plus restitution amount(s) then overdue.

5) IT IS FURTHER STIPULATED, that the Director of the Legal Affairs Division must approve this Stipulation Agreement before forwarding to the Michigan State Board of Residential Builders and Maintenance & Alteration Contractors for FINAL APPROVAL, and should this agreement be rejected by the Legal Affairs Division Director or the Board, the Department will schedule this matter for a Formal Administrative Hearing, without prejudice to either party.

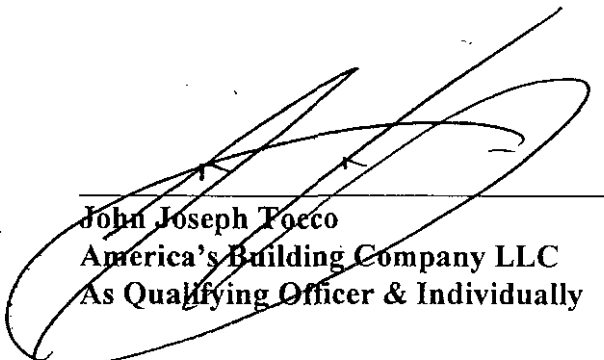
6) Respondent understands that by acceptance of this agreement, he WAIVES THE RIGHT, to a formal hearing before an administrative hearings officer, at which time it would be necessary to prove the charges set forth in the Department's Formal Administrative Complaint by presentation of evidence and legal authority and at which Respondent would be entitled to appear, with or without the benefit of an attorney, to cross-examine all adverse witnesses and to present such testimony, other evidence or legal authority deemed appropriate as a defense to said charges.

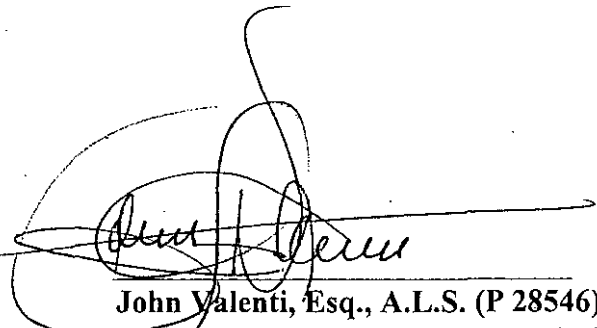
America's Building Company LLC

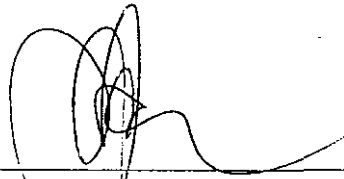
John Joseph Tocco, Qualifying Officer & Individually

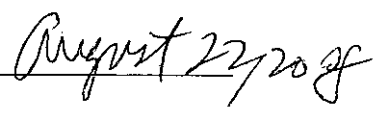
License No:s 21-02-163401; 21-01-121971

Complaint No.s 308098; 308099

  
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John Joseph Tocco  
America's Building Company LLC  
As Qualifying Officer & Individually

  
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John Valenti, Esq., A.L.S. (P 28546)  
Department of Labor & Economic Growth  
Bureau of Commercial Services  
Legal Affairs Division  
Cadillac Place, Suite #11-300  
3026 West Grand Boulevard, P.O. Box 02980  
Detroit, MI 48202-6026  
313 456 0479 ; 517 373 1902  
313 456 0475 (fax)  
[valentij@michigan.gov](mailto:valentij@michigan.gov)  
8/15/08  
\_\_\_\_\_  
Dated

Approved:   
\_\_\_\_\_  
Stephen J. Gobbo, Legal Affairs Division Director

Date: 

America's Building Company LLC  
John Joseph Tocco, Qualifying Officer & Individually  
License No.s 21-02-163401; 21-01-121971  
Complaint No.s 308098; 308099