



STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

KEITH W. COOLEY
DIRECTOR

Complaint No.: 308695

DEPARTMENT OF LABOR & ECONOMIC
GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
LINDA C. URBAN

Complainant,

V

DAVID RONDAL GAINES
License No. 21-05-128164

Respondent.

FINAL ORDER

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

WHEREAS, David Rondal Gaines, License No. 21-05-128164, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on June 28, 2008, John Valenti Esq., Administrative Law Specialist, on June 28, 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: *M. A. Chu*

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 David Rondal Gaines, Complaint No. 308695, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

DEPARTMENT OF LABOR &
ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES,
ex rel LINDA C. URBAN

Complainant

DAVID RONDAL GAINES
License No. 21-05-128164

COMPLAINT NO. 308695

RESIDENTIAL BUILDERS' ACT

Respondents.

STIPULATION

This matter having been scheduled for conference before the Michigan Department of Labor & Economic Growth, Bureau of Commercial Services, Enforcement Division on June 27, 2008, pursuant to a Formal Administrative Complaint filed May 5, 2008, under the Michigan Occupational Code, Article 24, MCL 339.2401-2412, against Respondent, NOW, THEREFORE :

1) IT IS STIPULATED, that Respondent makes ADMISSION to the violation of MCL 339.601(1) as set forth in paragraph four (4) of the Formal Administrative Complaint, with all other allegation(s) DISMISSED, with prejudice :

2) IT IS FURTHER STIPULATED, that Respondent shall pay a FINE in the amount of ONE THOUSAND TWO HUNDRED FIFTY DOLLARS (\$1,250.00), under MCL 339.602, § 602(e), PAYABLE to the State of Michigan within SIXTY (60) DAYS from the mailing date of the Final Order issued by the Michigan State Board of Residential Builders and Maintenance & Alteration Contractors adopting this Stipulation Agreement, a fine amount which is payable by certified check, cashier's check or money order, with Complaint No. 308695 clearly written on the memorandum portion of the certified check, cashier's check or money order, and mailed to the Michigan Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, Michigan 48909-7518.

3) IT IS FURTHER STIPULATED, that Respondent shall make RESTITUTION under MCL 339.602, § 602(h), by certified check, cashier's check or money order PAYABLE to Linda C. Urban, 36556 Ridgcroft, Sterling Heights, MI 48312, in the amount of TWO HUNDRED DOLLARS (\$200.00), within SIXTY (60) DAYS from the mailing date of the Final Order issued

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by the Board adopting this Stipulation Agreement.

4) IT IS FURTHER STIPULATED, that Respondent shall be on PROBATION, under MCL 339.602, § 602(g), for a period of FIVE (5) YEARS from the mailing date of the Final Order, subject to the condition that IF Respondent David Rondal Gaines either stipulates or is determined by an administrative law judge, at any point, to be in violation of MCL 339.601(1), AT ANY TIME DURING the above-applicable five (5) year period, Respondent stipulates to the imposition of a FINE in the amount of Ten Thousand Dollars (\$10,000.00) & Revocation of License No. 21-05-128164, under MCL 339.602, § 602(d)(e), of the Michigan Occupational Code.

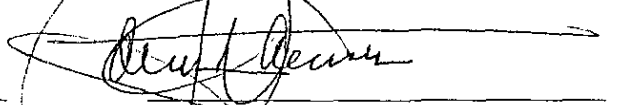
4) IT IS FURTHER STIPULATED, that FAILURE TO COMPLY in full with the terms and conditions as set forth above in this Stipulation Agreement, either by non-payment of the required fine and/or restitution amount, within the above-sixty (60)-day-time-period, shall result in SUSPENSION of the Michigan State Residential Builders License of Respondent, until full compliance is made.

5) IT IS FURTHER STIPULATED, that the Director of the Enforcement Division, or his designee, must approve this Stipulation Agreement before forwarding to the Michigan State Board of Residential Builders, for FINAL APPROVAL, and should this agreement be rejected by the Enforcement Director, his designee or the Board, this matter will be scheduled for a Formal Administrative Hearing, without prejudice to either party.

6) Respondents understand that by acceptance of this agreement, Respondent 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.

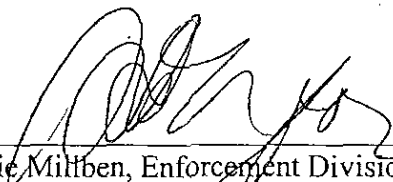


David Rondal Gaines
Respondent



John Valenti, Esq., A.L.S. (P 28546)
D.L.E.G., B.C.S., Enforcement

Date: June 28 2008

Approved: 

G. Archie Millben, Enforcement Division Director

Date: October 9 2008

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