



STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

KEITH W. COOLEY  
DIRECTOR

**Complaint No.:** 84789

DEPARTMENT OF LABOR & ECONOMIC  
GROWTH,  
BUREAU OF COMMERCIAL SERVICES, ex rel  
RAYMOND R. GALLAGHER

Complainant,

V

BREWBAKER HOUSE CO.  
ROGER J. BREWBAKER, Q.O.  
License No. 21-02-102625

Respondent.

**FINAL ORDER**

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

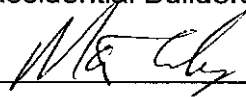
**WHEREAS**, Brewbaker House Co., Roger J. Brewbaker, Q.O., License No. 21-02-102625, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on August 19, 2008, William D. Willhelm Jr., Administrative Law Specialist, on August 20, 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: 

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 Brewbaker House Co. Roger J. Brewbaker, Q.O., Complaint No. 84789, 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  
RAYMOND R. GALLAGHER,  
Complainant

v

BREWBAKER HOUSING CO.  
ROGER J. BREWBAKER, QUALIFYING OFFICER  
License No. 21-02-102625,  
Respondent.

Complaint No. 84789

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 **October 14, 2003**, filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against BREWBAKER HOUSING CO., ROGER J. BREWBAKER, QUALIFYING OFFICER, Respondent, hereafter "Respondent," by the Department of Labor & Economic Growth.

The Compliance Conference was held on **February 10, 2004**, with the following attendees: William D. Wilhelm, Jr., Department Conferee and Administrative Law Specialist; Raymond R. Gallagher; and Roger J. Brewbaker 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:

5. Respondent accepted a contract procured by a salesperson not licensed under respondent, contrary to 1979 AC, R 338.1536.

7. Respondent failed to reduce changes in the agreement to a writing, dated and initialed by the parties, contrary to 1979 AC, R 338.1533(3).
8. Respondent has employed Roger Phelps, 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).
9. Respondent has violated a rule of conduct in practicing an occupation, contrary to MCL 339.604(c).

All other charges in the Complaint, being Paragraph 6, are hereby dismissed.

2. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of **One Thousand Two Hundred Fifty Dollars (\$1,250.00)**. Said fine shall be paid by cashier's check or money order, with Complaint No. **84789** 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 there is no RESTITUTION at issue between the parties in this matter.

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 mailing date 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.

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 mailing date 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.

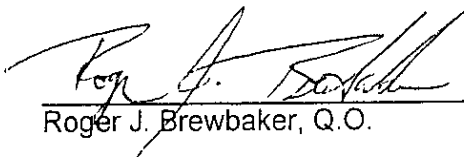
6. Respondent agrees to submit written proof of having complied with each requirement of this Final Order, in a form acceptable to the Department, to the Michigan Department of Labor and Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.

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 Brewbaker Housing Co.**

  
\_\_\_\_\_  
Roger J. Brewbaker, Q.O.


Date: 8/19/08

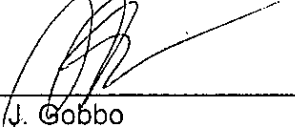
\_\_\_\_\_  
Attorney for Respondent (If Applicable)

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

Attorney Business Address & Telephone Number:  
\_\_\_\_\_

Bureau of Commercial Services:

By:  *William D. Wilhelm, Jr.* Date: 8/20/08  
Kim Breitmeyer for:  
Administrative Law Specialist  
Legal Affairs Division

Approved:   
Stephen J. Gobbo  
Legal Affairs Division Director

Date: August 22, 2008