



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
DAVID HAVER

Complaint No.: 306548
Docket No.: 2008-15

Complainant,

V

HOMETOWNE BUILDING COMPANY LLC
PATRICK T. O'LEARY, Q.O. (6/22/05 to Present)
MATTHEW FLEISCHMANN THURBER, Q.O.
(12/01/95 to 6/22/05)
License No. 21-02-129671

Respondent.

FINAL ORDER

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

WHEREAS, Hometowne Building Company LLC, Patrick T. O'Leary, Q.O. (6/22/05 to Present), Matthew Fleischmann Thruher, Q.O., (12/01/95 to 6/22/05), License No. 21-02-129671, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on June 11, 2008, Tiffany Daugherty, Administrative Law Specialist, on June 12, 2008, and approved under delegated authority by Stephen J. Gobbo Esq., Legal Affairs Division Director, on July 3, 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 17th day of September, 2008.

Board of Residential Builders and Maintenance and Alteration Contractors

By: 

Chairperson

Date mailed: September 17, 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 Hometowne Building Company LLC, Patrick T. O'Leary, Q.O. (6/22/05 to Present), Matthew Fleischmann Thruber, Q.O., (12/01/95 to 6/22/05), Complaint No. 306548, 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,
Complainant,

v

HOMETOWNE BUILDING COMPANY, LLC
PATRICK T. O'LEARY, Q.O.¹
License No. 21-02-129671
Respondent.

Docket Nos. 2008-15

Complaint No. 306548

_____/ Board: Residential Builders

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules, formerly the Bureau of Hearings, on June 12, 2008, pursuant to a Formal Complaint, dated September 27, 2007, hereafter "Complaint," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against HOMETOWNE BUILDING COMPANY, LLC, 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 Respondents admit to the violation set forth in paragraph 7 of the Complaint.

2. Respondents admit to a violation of Section(s) **604(c)** of the Michigan Occupational Code, 1980 PA 299, as amended; **MCL 339.604(c)**.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondents shall pay a FINE in the amount of **One Thousand Dollars (\$1,000.00)**. Said fine shall be paid by cashier's check or money order, with Complaint No. 306548 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

¹ Please note Matthew Thurber, previously listed as Q.O., is dismissed from this Complaint.

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 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 both Respondents (including all licensed residential builder or maintenance and alteration contractor licensees for which Respondent(s) serve as qualifying officer) 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 date of mailing of the Final Order shall result in a revocation or continued revocation of all licenses or registrations of Respondents (including all licensed residential builder or maintenance and alteration contractor licensees for which Respondent(s) serve as qualifying officer) 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. Respondents agree 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.

Jun. 6. 2008 8:22PM SOM DLEG

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7. IT IS FURTHER STIPULATED, by and between the parties hereto, that the Director of the Enforcement 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 Enforcement 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. Respondents understand and intend that by signing this Stipulation, Respondents are 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 Respondents 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.

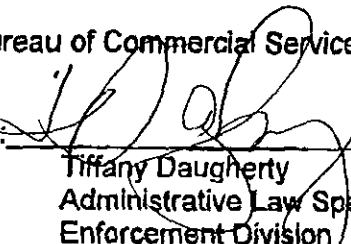
Agreed to:



Patrick T. O'Leary, Respondent

Date: 6/11/08

Bureau of Commercial Services:

By: 

Tiffany Daugherty
Administrative Law Specialist
Enforcement Division

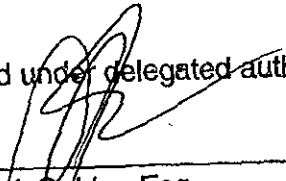
Date: 6/12/08

Approved:

G. Archie Millben,
Enforcement Division Director

Date: _____

Approved under delegated authority:



Stephen J. Gobbo, Esq.
Commercial Enforcement Division
Date: July 3, 2008