



STATE OF MICHIGAN

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

STANLEY "SKIP" PRUSS  
DIRECTOR

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

**Complaint No.: 305542**

**Docket No.: 2008-767**

Complainant,

V

JAMES DAVID JACKSON  
D/B/A MICHIGAN CONSTRUCTION  
License No. 21-01-071316

Respondent.

**FINAL ORDER**

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

**WHEREAS**, James David Jackson, D/B/A Michigan Construction, License No. 21-01-071316, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on July 17, 2009, Stephen A. Manko, Attorney for Respondent, on July 17, 2009, and approved by Barrington Carr, Enforcement Division Director, on August 10, 2009, on behalf of the Bureau of Commercial Services, Department of Energy, 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.

DELEG is an equal opportunity employer/program.  
Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

This Final Order is effective immediately upon its mailing.

Given under our hands at Okemos, Michigan, this 28<sup>th</sup> day of

September, 2009.

Board of Residential Builders and Maintenance and Alteration Contractors

By: 

Chairperson

Date mailed: September 28, 2009

Proof of Compliance Should be Filed With:

Department of Energy, Labor, & Economic Growth  
Bureau of Commercial Services  
Legal Affairs Division - Final Order Monitoring  
P.O. Box 30018  
Lansing, MI 48909  
Telephone: (517) 241-9272  
Fax: (517) 241-9296

This is the last and final page of the Final Order in the matter of James David Jackson, D/B/A Michigan Construction, Complaint No. 305542, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

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

v

JAMES DAVID JACKSON d/b/a  
MICHIGAN CONSTRUCTION  
License No. 21-01-017316,  
Respondent

Docket No. 2008-767  
Complaint No. 305542  
Board: Residential Builders' & Alteration  
& Maintenance Contractors' Board

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules on July 20, 2009, pursuant to a Formal Complaint, hereafter "Complaint," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against James David Jackson d/b/a Michigan Construction, hereafter "Respondent," by the Department of Energy, Labor & Economic Growth, and all parties being desirous of reaching an amicable settlement of said Complaint and in consideration of Respondent's serious medical condition that inhibits his immediate financial and physical resources; therefore

1. **IT IS HEREBY STIPULATED**, by and between the parties hereto, that Respondent admits to the violation set forth in paragraphs 5 and 7 of the Complaint.

2. Respondent admits to a violation of Sections 2411(2)(c) and (l) of the Michigan Occupational Code, 1980 PA 299, as amended; MCL 339.2411(2)(c) and (l). All other charges in the Complaint are hereby dismissed.

3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall not pay a fine, however, he shall make RESTITUTION to the Homeowner Construction Lien Recovery Fund (Fund) in the amount of Twelve Thousand Dollars

(\$12,000.00), plus the litigation costs incurred in the defense of the Fund constituting Two Thousand One Hundred Dollars (\$2,100.00), for a total restitution amount of Fourteen Thousand One Hundred Dollars (\$14,100.00). Restitution shall be made by check or money order made payable to the Homeowner Construction Lien Recovery Fund, and mailed to the Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, P.O. Box 30018, Lansing, Michigan 48909, within SIX MONTHS of the date of mailing of the Final Order in this matter.


4. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that failure of Respondent to pay the full restitution amount within six months of the date of mailing of the Final Order in this matter shall result in a 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. If Respondent pays the full restitution amount within six months of the date of mailing of the Final Order in this matter, his licenses or registrations will not be revoked, suspended or denied renewal due to facts related to this case.

5. **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.

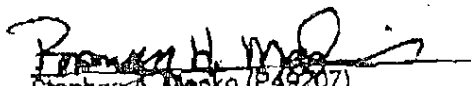
6. Respondent understands and intends that by signing this Stipulation, Respondent is waiving the right, pursuant to the Occupational Code, supra, the rules promulgated thereto, and the Administrative Procedures Act, 1969 PA 306, MCL 24.201 et seq., to a hearing before an administrative law judge, at 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:

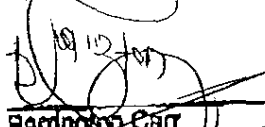
  
James David Jackson  
Respondent

7/17/09  
Date:

  
Stephen A. Manko (P49207)  
Attorney for Respondent  
132 W. Washtenaw Street  
Lapeer, Michigan 48446

7-17-9  
Date:

Approved by:

  
Barrington Carr  
Enforcement Division Director  
Bureau of Commercial Services  
Department of Energy, Labor & Economic Growth

8-10-09  
Date: