



STATE OF MICHIGAN

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH  
LANSING

JENNIFER M. GRANHOLM  
GOVERNOR

STANLEY "SKIP" PRUSS  
DIRECTOR

**Complaint No.: 309090**

DEPARTMENT OF ENERGY, LABOR &  
ECONOMIC GROWTH,  
BUREAU OF COMMERCIAL SERVICES, ex rel  
RON KLANKE

Complainant,

V

MICHAEL L. NEMETH  
License No. 21-01-176089

Respondent.

**FINAL ORDER**

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

**WHEREAS**, Michael L. Nemeth, License No. 21-01-176089, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on June 9, 2009, H. William Freeman, Attorney for Respondent, on June 9, 2009, and approved by Barrington Carr, Enforcement Division Director, on June 18, 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: Ma Chy

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 Michael L. Nemeth, Complaint No. 309090, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH,  
BUREAU OF COMMERCIAL SERVICES, ex rel  
RON KLANKE

v

MICHAEL L. NEMETH  
License No. 21-01-176089

Docket No. 2009-699  
Complaint No. 309090  
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 June 9, 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 Respondent Michael L. Nemeth, hereafter "Respondent," by the Department of Energy, 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 Respondent admits to the violation(s) set forth in paragraph 5 of the Complaint.
2. Respondent admits to a violation of section 601(1) of the Michigan Occupation Code, 1980 PA 299, as amended; MCL 339.601(1), as follows: Respondent entered into a contract on behalf of MLN Builders, LLC; MLN Builders, LLC, was not licensed. All other charges in the Complaint are hereby dismissed.
3. **IT IS FURTHER STIPULATED**, by and between the parties hereto, that Respondent shall pay a FINE in the amount of \$3,000.(three thousand dollars). Said fine shall be paid by cashier's check or money order, with **Complaint No. 309090** 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 Energy, 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 shall result in a 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.

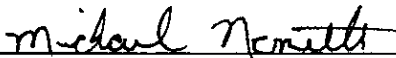
5. Respondent agrees to submit written proof of having complied with each requirement of this Stipulation, in a form acceptable to the Department, to the Michigan Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, Final Order Monitoring-Administrative Services, P.O. Box 30018, Lansing, Michigan 48909. Forms of acceptable proof of monetary restitution payment, if restitution is a part of this 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, will generally be required to submit written proof from the appropriate government official or the person ordered to benefit from restitution to prove that the respondent timely complied with the ordered corrective or remedial action.

6. **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.


7. 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:

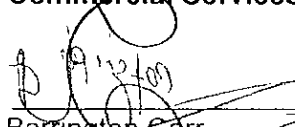
  
\_\_\_\_\_  
Michael L. Nemeth  
Respondent

6-9-09  
Date:

  
\_\_\_\_\_  
H. William Freeman (P33320)  
Attorney for Respondent  
Freeman Cotton & Gleeson PLC  
33 Bloomfield Hills Pkwy, Suite 240  
Bloomfield Hills, MI 48304

6/9/09  
Date:

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**Bureau of Commercial Services:**

Approved:   
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Barrington Carr  
Enforcement Division Director (or his Designee)  
Bureau of Commercial Services  
Department of Energy, Labor & Economic Growth

6-18-09  
Date:

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