STATE OF MICHIGAN
JENNIFER M. GRANHOLM
GOVERNOR
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
LANSING
STANLEY "SKIP" PRUSS
DIRECTOR

Complaint No.: 309828

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH,
BUREAU OF COMMERCIAL SERVICES, ex rel
ALEX AND CHERYL FISHER — Complainant,

V

BRENT J. BUCKLEY
D/B/A BUCKLEY CONSTRUCTION
License No. 21-01-122080 — Respondent.

_____/

FINAL ORDER

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

WHEREAS, Brent J. Buckley, D/B/a Buckley Construction, License No. 21-01-122080, has agreed with the requirements, conditions and terms set forth with specificity in a Stipulation attached hereto, signed by Respondent on June 30, 2009, Frederick Swegles, Attorney for Respondent, on July 1, 2009, Tiffany Daugherty, Administrative Law Specialist, on July 1, 2009, and approved by Barrington Carr, Enforcement Division Director, on July 15, 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.

611 W. Ottawa • P.O. BOX 30004 • LANSING, MICHIGAN 48909
www.michigan.gov • (517) 373-1820

This Final Order is effective immediately upon its mailing.

Given under our hands at Okemos, Michigan, this 28th 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 Brent J. Buckley, D/B/A Buckley Construction, Complaint No. 309828, before the Board of Residential Builders and Maintenance and Alteration Contractors.

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

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
ALEX AND CHERYL FISHER
Complainant,

v

BRENT J. BUCKLEY
D/B/A A BUCKLEY CONSTRUCTION
License No. 21-01-122080,
Respondent.
_____/

Docket No. 2009-210

Complaint No. 309828

Board: Residential Builders

STIPULATION

This matter having been scheduled for hearing before the State Office of Administrative Hearings and Rules, on **July 7, 2009,** pursuant to a Formal Complaint, **dated October 23, 2008,** hereafter "Complaint," filed in accordance with the provisions of the Michigan Occupational Code, 1980 PA 299, MCL 339.101 et seq., against BRENT J. BUCKLEY D/B/A BUCKLEY CONSTRUCTION, Respondent, 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 set forth in paragraph 9 of the Complaint.

2. Respondent admits to a violation of Section **604(c)** of the Michigan Occupational Code, 1980 PA 299, as amended; **MCL 339.604(c).** All other allegations in the Formal 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 **Five Hundred Dollars ($500.00)**. Said fine shall be paid by cashier's check or money order, with Complaint No. 309828 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. If Respondent fails to comply with the terms of this Stipulation within sixty (60) days of the date of mailing of the Final Order in this matter, then the FINE shall increase to **Five Thousand Dollars ($5,000.00).**

4. **IT IS FURTHER STIPULATED,** by and between the parties hereto, that Respondent shall make RESTITUTION in the amount of **Three Thousand Seven Hundred Dollars ($3,700.00)** by check or money order made payable to **Alex and Cheryl Fisher, 3116 Aarons Road, Lewiston, MI 49756,** within sixty (60) days of the date of mailing of the Final Order in this matter.

5. **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 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. In addition, if Respondent fails to comply with the terms of this Stipulation within sixty (60) days of the date of mailing of the Final Order in this matter, then the FINE shall increase to **Five Thousand Dollars ($5,000.00).**

6. **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 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.

7. 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 Energy, 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.

8. **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.

9. 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:

Brent J. Buckley

Brent Buckley, Respondent

Date: 6/30/09

Frederick Swegles
Attorney for Respondent
415 Andrew Murphy Drive
Port Huron, MI 48060

Date: 7/1/09

Bureau of Commercial Services:

By: _____ Date: 7/1/09

Tiffany Daugherty
Administrative Law Specialist
Enforcement Division

Approved: _____ Date: 7-15-09

Barrington Carr,
Enforcement Division Director