

**STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES – LICENSING DIVISION**

RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION CONTRACTORS BOARD

BOARD MEETING MINUTES

JANUARY 16, 2007

In accordance with the Open Meetings Act, Public Act No. 267 of 1976, as amended, the Residential Builders and Maintenance and Alteration Contractors Board met on January 16, 2007, at the Department of Labor & Economic Growth, Bureau of Commercial Services, 2501 Woodlake Circle, Second Floor, Room 1, Okemos, Michigan. The Board meeting was called to order by Chairperson Mark Glynn at 9:15 a.m.

ROLL CALL

Present:	Frank DiStefano	Member
	Mark Glynn	Chairperson
	James Haeussler	Member
	Anthony Parker	Vice Chairperson
	Mark Zausmer	Member
Absent:	Jennifer Schoats-Flack	Member
	Kevin Lewand	Member
	Marilyn Lane	Member
Staff:	Gloria Keene	Licensing Administrator
	Linda Clewley	Assistant Licensing Administrator
	Robin Sirls	Recording Secretary
	Stephen Gobbo	Legal Unit, Manager
	William Wilhelm	Assistant Law Specialist
Visitors:	Edward William Calo	Petitioner
	Stosh William Gizinski	Petitioner
	Krys Gizinski	Visitor
	Terry Gizinski	Visitor
	Alvin McMurray	Petitioner
	Jerrold Lynn Pembroke	Petitioner

ADDITIONS TO OR DELETIONS FROM AGENDA

Deletions:

Petitioner 4-A	Vicki Alexander
Petitioner 4-C	Rogers J. Carter

APPROVAL OF MINUTES FROM NOVEMBER 14, 2006

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker that the minutes from the meeting held November 14, 2006 be approved as presented. The motion carried by unanimous vote.

PETITIONS

EDWARD WILLIAM CALO

The Board received a petition for review of the Department's denial of an individual residential builders relicensure application received August 29, 2006. The Department denied the license on the basis that he has not complied with two Final Orders issued by the Residential Builders and Maintenance & Alteration Contractors Board, dated December 19, 2000 and February 17, 2000. Mr. Calo addressed the Board.

MOTION: It was moved by Mr. Parker and supported by Mr. DiStefano that after careful consideration of the written petition and oral presentation, the Board upheld the Department's denial on the basis that Mr. Calo has not complied with two Final Orders issued by the Board. However, the Board directed the Department staff to hold Mr. Calo's test scores valid until January 16, 2008. The motion carried by unanimous vote. Mr. Haeussler abstained.

The Department concurred with the Board's decision.

RICHARD DAVID CEDZYNSKI (ON THE SPOT CONSTRUCTION LLC)

The Board received a petition for review of the Department's denial of a limited liability company residential builders licensure application received April 25, 2006. The Department denied the license on the basis of a lack of good moral character as evidenced by a relevant criminal conviction history. Mr. Cedzynski was not present.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker that, after careful consideration of the written petition, the Board upheld the Department's denial on the basis that (1) although the denial was not based upon the convictions alone, the criminal offenses were reasonably related to the practice of residential building, (2) sufficient evidence/length of rehabilitation was not presented, and (3) the consequences and nature of the offense distinctly bear upon the ability of a licensee to deal in an open, honest, and fair manner with the public. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

LAWRENCE C. COOK (LAWRENCE C. COOK & ASSOCIATES)

The Board received a petition for review of the Department's denial of a residential builder corporation relicensure application received February 6, 2006. The Department denied the license on the basis of a lack of financial stability, as evidenced in a recent credit report. Mr. Cook was not present.

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano that, after careful consideration of the written petition, the Board upheld the Department's denial on the basis that Mr. Cook has not met the minimum license requirement of financial stability. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

STOSH WILLIAM GIZINSKI (ONE TIME CONSTRUCTION LLC)

The Board received a petition for review of the Department's denial of a limited liability company residential builder license application received May 8, 2006. The Department denied the license on the basis of a lack of good moral character as evidenced by a relevant criminal conviction history. Mr. Gizinski addressed the Board.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker that, after careful consideration of the written petition and oral presentation, the Board moved that the grounds for previous denial are no longer considered a bar to licensure, as long as all other requirements are met and a discharge from probation with improvement is received in this office prior to July 16, 2007. If a discharge from probation with improvement is not received prior to this date, the Department's denial will be upheld. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

ALVIN McMURRAY (D/B/A McMURRAY CONSTRUCTION)

The Board received a petition for review of the Department's denial of an individual residential builder relicensure application received August 5, 2005. The Department denied the license on the basis of a lack of financial stability, as evidenced in a recent credit report. Mr. McMurray addressed the Board.

MOTION: It was moved by Mr. Zausmer and supported by Mr. Parker that, after careful consideration of the written petition and oral presentation, the Board moved that the grounds for previous denial are no longer considered a bar to licensure, provided that the Department receives evidence within 30 days that Mr. McMurray is in compliance with a payment agreement in place with the IRS. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

JERROLD LYNN PEMBROKE

The Board received a petition for review of the Department's denial of an individual residential builders relicensure application received September 11, 2006. The Department denied the license on the basis that he has not complied with a Final Order issued by the Residential Builders and Maintenance & Alteration Contractors Board, dated November 25, 2003. Mr. Pembroke addressed the Board.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Parker that, after careful consideration of the written petition and oral presentation, the grounds for previous denial are no longer considered a bar to licensure as long as there are no derogatory accounts shown on Mr. Pembroke's credit report, which will be supplied to the Department following the Board's meeting. If there are derogatory accounts on the credit report, the Department's denial will be upheld. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

NEW BUSINESS

HEARING REPORTS

MOTION: It was moved by Mr. Parker and supported by Mr. DiStefano that the Board receive all hearing reports on the agenda. The motion carried by unanimous vote.

DENNIS JOHN ABRAHAM, LICENSE NO. 2103-080736, REVOKED 10-11-2006, TRENTON, MICHIGAN: COMPLAINT NO. 297858

The Board reviewed the hearing report and determined that, because of the severity of the offenses (poor workmanship/non-standard workmanship, failure to correct the problem timely, failure to follow the local building code, and willful violation of building laws/codes), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Parker that the following penalty be assessed: Continued revocation of any and all licenses held by the Respondent. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$10,000.00 made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

ANTHONY G. CONSTRUCTION & FINISHED CARPENTRY LLC; F/K/A LIVING CONCEPTS BUILDING LLC, CARLOS P. GUITERREZ, Q.O., LICENSE NO. 2102-166204, EXPIRED 5-31-2006, DEARBORN, MICHIGAN: COMPLAINT NO. 302262

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. DiStefano that the following penalty be assessed: Immediate revocation of any and all licenses, including licenses issued to a corporate entity and the individual license(s) held by the Qualifying Officer of the Respondent upon issuance of the Final Order. Fine of \$5,000.00 made payable to the State of Michigan, and make restitution in the amount of \$1,000.00, plus \$700.00 in litigation costs and fees, and interest at the statutory rate to the Homeowner Construction Lien Recovery Fund payable within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

RICHARD FRANKLIN BAIRD, DOING BUSINESS AS HOLT BUILDERS AND REMOLDELERS, LICENSE NO. 2101-044633, EXPIRED 5-31-2005, SOUTHFIELD, MICHIGAN: COMPLAINT NO. 300222

The Board reviewed the hearing report and determined that because of the severity of the offenses (particularly fraud, deceit or dishonestly in occupation, practicing an occupation without a license, and failing to satisfy judgments/liens, unpaid bills), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$10,000.00 made payable to the State of Michigan and restitution by satisfying judgment entered in 54-A District Court, Case No. 050885SC, for Loren Arnesen, in the amount of \$700.00, plus costs, fees, and interest at the statutory rate within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

RICK J. BALLARD, LICENSE NO. 2101-077045, REVOKED 4-13-1998, STERLING HEIGHTS, MICHIGAN: COMPLAINT NO. 300229

The Board reviewed the hearing report and determined that because of the number of prior disciplinary actions and the severity of the offenses (particularly practicing an occupation without a license, failure to account for or remit funds, and failure to reply to notice of complaint filed), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. Haeussler that the following penalties be assessed: Continued revocation of any and all licenses held by the Respondent. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$25,000.00 (total

fine) was based on assessing the maximum \$10,000.00 fine for two (2) violations and \$5,000.00 fine for one (1) violation found by the Administrative Law Judge made payable to the State of Michigan and restitution in the amount of \$1,430.00 made payable to Dr. Harold Rodner, within sixty (60) days from the date of mailing of the Final Order. It is also the intent of the Board that the fine and restitution be assessed one time in order to satisfy the Final Orders issued for Complaint Numbers 300229 and 300230. Once the fine and restitution ordered in one of the companion Final Orders is satisfied, the fine and restitution ordered in the other Final Order will be considered satisfied. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

BALLARD'S QUALITY CONSTRUCTION, RICK J. BALLARD, Q.O., NOT LICENSED, ROCHESTER, MICHIGAN: COMPLAINT NO. 300230

The Board reviewed the hearing report and determined that because of the number of prior disciplinary actions and the severity of the offenses (particularly practicing an occupation without a license, failure to account for or remit funds, and failure to reply to notice of complaint filed), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. Haeussler that the following penalties be assessed: Continued revocation of any and all licenses held by the Respondent. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$25,000.00 (total fine) was based on assessing the maximum \$10,000.00 fine for two (2) violations and \$5,000.00 for one (1) violation found by the Administrative Law Judge made payable to the State of Michigan and restitution in the amount of \$1,430.00 made payable to Dr. Harold Rodner, within sixty (60) days from the date of mailing of the Final Order. It is also the intent of the Board that the fine and restitution be assessed one time in order to satisfy the Final Orders issued for Complaint Numbers 300229 and 300230. Once the fine and restitution ordered in one of the companion Final Orders is satisfied, the fine and restitution ordered in the other Final Order will be considered satisfied. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

MARK EDWARD COOKE, DOING BUSINESS AS COOKE BUILDING COMPANY, LICENSE NO. 2101-153855, REVOKED 7-13-2006, PINCKNEY, MICHIGAN: COMPLAINT NO. 300294

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly abandonment, failure to account for or remit funds, and failing to satisfy judgments/liens, unpaid bills), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Haeussler, that the following penalty be assessed: Continued revocation of any and all licenses held by the

Respondent. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$10,000.00 made payable to the State of Michigan and restitution in the amount of \$8,682.00 made payable to Deborah and Daryl Kooperman within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

MICHAEL G. CURTIS, DOING BUSINESS AS M G CURTIS CONSTRUCTION, LICENSE NO. 2101-154944, EXPIRED 5-31-2005, FARWELL, MICHIGAN: COMPLAINT NO. 298288

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly abandonment, and practicing an occupation without a license), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. DiStefano that the following penalty be assessed: Immediate suspension of any and all licenses held by the Respondent upon issuance of the Final Order. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is suspended. Fine of \$5,000.00 made payable to the State of Michigan and restitution in the amount of \$1,100.00 made payable to Chad & Nicole Foster within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

ALLEN THOMAS D'AOUST, LICENSE NO. 2101-164408, EXPIRING 5-31-2007, SOUTHFIELD, MICHIGAN: COMPLAINT NO. 300358

The Board reviewed the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Parker that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$10,000.00 made payable to the State of Michigan and restitution in the amount of \$1,657.00 payable to Bruce Lee Casler within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

JOSEPH ROBERT ELENBAAS, DOING BUSINESS AS JOS ELENBAAS BUILDERS, LICENSE NO. 2101-157743, EXPIRED 5-31-2006, WILLIAMSTON, MICHIGAN: COMPLAINT NO. 298029

The Board reviewed the hearing report and determined that because of the severity of the offenses (particularly abandonment and poor workmanship/non-standard workmanship), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano that the following penalty be assessed: Fine of \$5,000.00 made payable to the State of Michigan and restitution in the amount of \$6,275.00 made payable to Jeff Tavormina within sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order will result in suspension of any and all licenses held by the Respondent. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is suspended. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

ERSKINE HALL, DOING BUSINESS AS KE BUILDER, LICENSE NO. 2101-155473, SUSPENDED 1-23-2004, FARMINGTON HILLS, MICHIGAN: COMPLAINT NO. 300221

The Board reviewed the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Haeussler, that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$10,000.00 made payable to the State of Michigan and restitution in the amount of \$2,940.50 payable to Jemmie Hopkins within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

BRIAN KRAFTON, LICENSE NO. 2101-091679, REVOKED 11-8-1999, LIVONIA, MICHIGAN: COMPLAINT NO. 301897

The Board reviewed the hearing report and determined that, because of the number of prior disciplinary actions and the severity of the offenses (particularly practicing an occupation without a license), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano, that the following penalty be assessed: Continued revocation of any and all licenses held by the Respondent. The Respondent may not serve as the Qualifying Officer or any corporate entity when their individual license is revoked. Fine of \$20,000.00 (total fine) was based on assessing the maximum \$10,000.00 fine for two (2) violations found by the Administrative Law Judge made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

ROBERT KEITH MARSH, DOING BUSINESS AS R & M SERVICES, LICENSE NO 2101-156827, EXPIRING 5-31-2007, PECK, MICHIGAN: COMPLAINT NO. 301682

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. DiStefano, that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$20,000.00 made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

ROBERT F. PECK, LICENSE NO. 2101-157277, REVOKED 1-19-2006, ZEELAND, MICHIGAN: COMPLAINT NO. 301742

The Board reviewed the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Haeussler, that the following penalty be assessed: Continued revocation of any and all licenses held by the Respondent. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$10,000.00 made payable to the State of Michigan and restitution in the amount of \$15,000.00 payable to Steve Vannat Dy within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

WILLIAM D. RATHBURG, DOING BUSINESS AS "R" SERVICES, LICENSE NO. 2101-152452, EXPIRED 5-31-2004, CLIFFORD, MICHIGAN: COMPLAINT NO. 301989

The Board reviewed the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Haeussler, that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$5,000.00 made payable to the State of Michigan and restitution in the amount of \$4,000.00, plus \$4,200.00 in litigation costs and fees, and interest at the statutory rate to the Homeowner Construction Lien Recovery Fund, payable within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

RELIABLE CONCRETE CONSTRUCTION INC., CARRIE ANN DYRDA, Q.O., LICENSE NO. 2104-170904, EXPIRING 5-31-2007, STERLING HEIGHTS, MICHIGAN: COMPLAINT NO. 300827

The Board reviewed the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Parker, that the following penalty be assessed: Immediate revocation of any and all licenses, including licenses issued to a corporate entity and the individual license(s) held by the Qualifying Officer of the Respondent upon issuance of the Final Order. Fine of \$10,000.00 made payable to the State of Michigan and make restitution by satisfying judgment entered by a civil action for Jamie Knight, in the amount of \$4,010.00 plus costs, fees and interest at the statutory rate within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

JAMIE MICHAEL ROBARDS, DOING BUSINESS AS OAK RIDGE BUILDERS, LICENSE NO. 2101-153528, EXPIRING 5-31-2007, CALEDONIA, MICHIGAN: COMPLAINT NO. 95661

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. Zausmer, that the following penalty be assessed: Fine of \$2,000.00 made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order will result in suspension of any and all licenses held by the Respondent. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is suspended. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

GARY WAYNE SIMMONS, LICENSE NO. 2101-107993, REVOKED 3-20-2006, BATTLE CREEK, MICHIGAN: COMPLAINT NO. 299404

The Board reviewed the hearing report and determined that, because of the number of prior disciplinary actions and the severity of the offenses (particularly fraud, deceit or dishonesty in occupation, and lack of good moral character), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano, that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine in the amount of \$20,000.00 (total fine) was based on assessing the maximum \$10,000.00 fine for two (2) violations found by the Administrative Law Judge made payable to the State of Michigan within sixty (60) days from the

date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

KEITH B. SIZEMORE, DOING BUSINESS AS ROOF DOCTORS, LICENSE NO. 2103-152593, SUSPENDED 5-12-2002, DEARBORN, MICHIGAN: COMPLAINT NO. 300562

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. Zausmer, that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$10,000.00 made payable to the State of Michigan and restitution in the amount of \$350.00 payable to Heather Lorincz within sixty (60) days from the date of the mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

TIGHT SEAL ROOFING, DAVID BRIAN HALACHULAS, Q.O., LICENSE NO. 2102-141042, EXPIRED 5-31-2006, TRAVERSE CITY, MICHIGAN: COMPLAINT NO. 297971

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. DiStefano, that the following penalty be assessed: Fine of \$2,000.00 made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order will result in suspension of any and all licenses, including licenses issued to a corporate entity and the individual license(s) held by the Qualifying Officer of the Respondent. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

ROBERT EUGENE TRIPP, LICENSE NO. 2101-096125, EXPIRED 5-31-2006, JACKSON, MICHIGAN: COMPLAINT NO. 90056

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano, that the following penalty be assessed: Fine of \$3,000.00 made payable to the State of Michigan and make restitution by satisfying judgment entered in the Jackson County Circuit Court, Case No. 03-6661-CK, for Roy S. Rice and Cathy Rice, in the amount of \$13,525.82, plus costs, fees, and interest at the statutory rate within sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order will result in suspension of any and all licenses held by the Respondent. The Respondent may not serve as the Qualifying Officer at any corporate entity

when their individual license is suspended. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

ADAM WILEY, DOING BUSINESS AS ADAM'S HOME REPAIR SERVICES, LICENSE NO. 2101-137110, REVOKED 11-14-2005, DETROIT, MICHIGAN: COMPLAINT NO. 302262

The Board reviewed the hearing report and determined that, because of the number of prior disciplinary actions and the severity of the offenses (particularly failure to account for or remit funds, failure to reply to notice of complaint filed, and willful violation of building laws/codes), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. Haeussler, that the following penalty be assessed: Continued revocation of any and all licenses held by the Respondent. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$30,000.00 (total fine) was based on assessing the maximum \$10,000.00 fine for three (3) violations found by the Administrative Law Judge made payable to the State of Michigan and restitution in the amount of \$14,850.00 payable to Karolyn Helms within sixty (60) days from the date of mailing of the Final Order. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

STIPULATIONS

CEDAR RIDGE BUILDING COMPANY, LLC, ROBERT A. SHULTZ, Q.O., LICENSE NO. 2102-171034, EXPIRING 5-31-2007, BRIGHTON, MICHIGAN: COMPLAINT NO. 299698

The Board reviewed the stipulation and complaint. According to the stipulation Respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00. Fine shall be paid by cashier's check or money order, with Complaint No. 299698 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall make restitution in the amount of \$4,650.00 by check or money order, made payable to Patricia Buzynski within sixty (60) days of the date of mailing of the Final Order.
- c. Failure to comply with the terms of the stipulation shall result in suspension of all licenses of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

C.M. O'CONNOR CONSTRUCTION, INC., CLARENCE M. O'CONNOR, Q.O., LICENSE NO. 2102-144431, EXPIRING 5-31-2007, CHEBOYGAN, MICHIGAN: COMPLAINT NO. 11673

The Board reviewed the stipulation and complaint. According to the stipulation Respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$3,000.00. Fine shall be paid by cashier's check or money order, with Complaint No. 11673 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation shall result in suspension or continued suspension of all licenses of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

MARTIN LYNN DAVIDSON, DOING BUSINESS AS ATWOOD CONSTRUCTION, LICENSE NO. 2101-107907, EXPIRING 5-31-08, CHESTERFIELD, MICHIGAN: COMPLAINT NO. 301990

The Board reviewed the stipulation and complaint. According to the stipulation Respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00. Fine shall be paid by cashier's check or money order, with Complaint No. 301990 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909. If Respondent fails to pay the fine or restitution within sixty (60) days of the date of mailing of the Final Order in this matter, the fine shall increase to \$2,000.00.
- b. Respondent shall make restitution in the amount of \$1,600.00 by check or money order, with Complaint No. 301990 clearly indicated on the check or money order, made payable to State of Michigan - Homeowners Construction Lien Recovery Fund, P.O. Box 30018, Lansing, MI 48909, within sixty (60) days of the date of mailing of the Final Order. Even though the fund paid out \$8,300.00, Respondent

received a discharge in bankruptcy court. However, \$6,000.00 of KSI's debt was found to be non-dischargeable.

- c. Failure to comply with the terms set forth in this Stipulation within six (6) months of the date of mailing of the Final Order in this matter shall result in a revocation or continued revocation of all licenses or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.
- d. Failure to comply with the terms of the stipulation shall result in suspension of all licenses of Respondent (individual and/or corporate) or in the denial of any license or registration renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

JEFF WILLIAM DERRING, DOING BUSINESS AS JWD ENTERPRISE, LICENSE NO. 2103-168318, EXPIRING 5-31-2008, MARINE CITY, MICHIGAN: COMPLAINT NO. 300821

The Board reviewed the stipulation and complaint. According to the stipulation Respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00. Fine shall be paid by cashier's check or money order, with Complaint No. 300821 clearly indicated on the cashier's check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation shall result in suspension of all licenses or registrations of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.
- c. If Respondent fails to pay the fine within six (6) months of the date of mailing of the Final Order, said license shall be revoked.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

RONALD B. JANISZEWSKI, LICENSE NO. 2101-163445, EXPIRING 5-31-2007,
WYANDOTTE, MICHIGAN: COMPLAINT NO. 302064

The Board reviewed the stipulation and complaint. According to the stipulation respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00. Fine shall be paid by cashier's check or money order, with Complaint No. 302064 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation shall result in suspension of all licenses or registrations of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

RICHARD CHARLES KARKI, JR., LICENSE NO. 2101-163595, EXPIRING 5-31-2007,
NEGAUNEE, MICHIGAN: COMPLAINT NO. 299658

The Board reviewed the stipulation and complaint. According to the stipulation respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00. Fine shall be paid by cashier's check or money order, with Complaint No. 299658 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation shall result in suspension of all licenses or registrations of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

MARK JOSEPH LANGTON, LICENSE NO. 2101-065238, EXPIRED 5-31-1989, CARLETON, MICHIGAN: COMPLAINT NO. 298183

The Board reviewed the stipulation and complaint. According to the stipulation respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00. Fine shall be paid by cashier's check or money order, with Complaint No. 298183 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation shall result in suspension or continued suspension of all licenses or registrations of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

MARK LANGTON GENERAL CONTRACTOR, INC., MARK LANGTON, Q.O., LICENSE NO. 2102-087549, EXPIRES 5-31-2008, CARLETON, MICHIGAN: COMPLAINT NO. 298182

The Board reviewed the stipulation and complaint. According to the stipulation respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00. Fine shall be paid by cashier's check or money order, with Complaint No. 298182 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation shall result in suspension or continued suspension of all licenses or registrations of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

ROBERT F. POTTER, LICENSE NO. 2101-089043, EXPIRES 5-31-2007, NORTHVILLE, MICHIGAN: COMPLAINT NO. 96050

The Board reviewed the stipulation and complaint. According to the stipulation respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00. Fine shall be paid by cashier's check or money order, with Complaint No. 96050 clearly indicated on the check or money order, made payable to the State of Michigan within ninety (90) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909. If the Respondent fails to pay the fine or restitution within ninety (90) days from the date of mailing of the Final Order, the fine shall increase to \$5,000.00.
- b. Respondent shall make restitution in the amount of \$9,000.00 by certified check or money order, made payable to Waqar Ahmad, 6942 Carrington Circle E., West Bloomfield, Michigan, 48322, within ninety (90) days of the date of mailing of the Final Order. If Respondent fails to pay the fine or restitution within ninety (90) days of the date of mailing of the Final Order in this matter, the fine shall increase to \$5,000.00.
- c. Failure to comply with the terms of the stipulation shall result in suspension or continued suspension of all licenses or registrations of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

DOUGLAS RABY, LICENSE NO. 2103-081625, EXPIRED 5-31-2004, FOWLER, MICHIGAN: COMPLAINT NO. 301173

The Board reviewed the stipulation and complaint. According to the stipulation respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00. Fine shall be paid by cashier's check or money order, with Complaint No. 301173 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall not perform any unlicensed activity or his license shall be suspended.

- c. Failure to comply with the terms of the stipulation shall result in suspension of all licenses of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

SALVATORRE RANDAZZO, DOING BUSINESS AS ABILITY CEMENT CO., LICENSE NO. 2103-144412, EXPIRES 5-31-2007, ST. CLAIR SHORES, MICHIGAN: COMPLAINT NO. 300721

The Board reviewed the stipulation and complaint. According to the stipulation respondent consents to the following:

- a. Respondent shall make restitution in the amount of \$1,250.00 by certified check or money order, made payable to Joann Foster, 35629 Weiderman St., Clinton Township, Michigan 48035, within sixty (60) days of the date of mailing of the Final Order.
- b. Respondent shall pay a fine in the amount of \$250.00. Fine shall be paid by cashier's check or money order, with Complaint No. 300721 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- c. Failure to comply with the terms of the stipulation shall result in suspension of all licenses or registrations of Respondent (individual and/or corporate), including Qualifying Officers, or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

WILLIE RAYMOND ROBINSON, LICENSE NO. 2101-156079, REVOKED 10-11-2006, FARMINGTON HILLS, MICHIGAN: COMPLAINT NO. 96761

The Board reviewed the stipulation and complaint. According to the stipulation Respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$1,000.00. Fine shall be paid by cashier's check or money order, with Complaint No. 96761 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial

Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909. If Respondent fails to make payments as agreed in the Stipulation, Respondent shall pay a fine in the amount of \$5,000.00 and Respondent's license shall be revoked.

- b. Respondent shall make restitution in the amount of \$24,500.00 by check or money order, made payable to Juanita Wathal within sixty (60) days of the date of mailing of the Final Order. The first payment shall be paid by December 4, 2006, in the amount of \$3,500.00. The second payment shall be made on or before December 30, 2006, in the amount of \$11,000.00. Final payment of \$10,000.00 shall be paid on or before January 30, 2007. Respondent's license shall remain suspended until all payments have been paid to Juanita Wathal. If Respondent fails to make payments as agreed in the Stipulation, Respondent shall pay a fine in the amount of \$5,000.00 and Respondent's license shall be revoked.
- c. Failure to comply with the terms of the stipulation shall result in suspension of all licenses of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation. If Respondent fails to make payments as agreed in the Stipulation, Respondent shall pay a fine in the amount of \$5,000.00 and Respondent's license shall be revoked.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

SIERRA CONSTRUCTION CO., INC., BOBBY LEE MIZE JR., Q.O., LICENSE NO. 2102-159457, SUSPENDED 11-28-2005, CHESTERFIELD TOWNSHIP, MICHIGAN: COMPLAINT NO. 300071

The Board reviewed the stipulation and complaint. According to the stipulation Respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00 if paid within sixty (60) days of the Board's Final Order. If the fine is not paid within sixty (60) days of the Board's Final Order, the amount of the fine is increased to \$1,000.00. Fine shall be paid by cashier's check or money order, with Complaint No. 300071 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall pay the amount of \$4,300.00 to the Homeowner Construction Lien Recovery Fund for the amount it paid J.B. Electrical Co. by check or money order, within sixty (60) days of the date of mailing of the Final Order.

- c. Respondent shall pay the amount of \$700.00 to the Homeowner Construction Lien Recovery Fund for litigation costs it incurred with respect to the litigation that resulted in it paying the amount stated in paragraph 4 of the Stipulation in this matter.
- d. Respondent's license will be suspended immediately. Respondent's license will be revoked after six (6) months of the Board's Final Order, if it does not comply with the Board's Final Order.
- e. Failure to comply with the terms of the stipulation shall result in suspension of all licenses of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation. Respondent's license will be revoked after six (6) months of the Board's Final Order, if it does not comply with the Board's Final Order.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

SIERRA CONSTRUCTION CO., INC., BOBBY LEE MIZE JR., Q.O., LICENSE NO. 2102-159457, SUSPENDED 11-28-2005, CHESTERFIELD TOWNSHIP, MICHIGAN: COMPLAINT NO. 300072

The Board reviewed the stipulation and complaint. According to the stipulation Respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00 if paid within sixty (60) days of the Board's Final Order. If the fine is not paid within sixty (60) days of the Board's Final Order, the amount of the fine is increased to \$1,000.00. Fine shall be paid by cashier's check or money order, with Complaint No. 300072 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall pay the amount of \$1,700.00 to the Homeowner Construction Lien Recovery Fund for the amount it paid J.B. Electrical Co. by check or money order, within sixty (60) days of the date of mailing of the Final Order.
- c. Respondent shall pay the amount of \$700.00 to the Homeowner Construction Lien Recovery Fund for litigation costs it incurred with respect to the litigation that resulted in it paying the amount stated in paragraph 4 of the Stipulation in this matter.

- d. Respondent's license will be suspended immediately. Respondent's license will be revoked after six (6) months of the Board's Final Order, if it does not comply with the Board's Final Order.
- e. Failure to comply with the terms of the stipulation shall result in suspension of all licenses of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

KEITH EDWARD WYSOCKI, LICENSE NO. 2105-128753, EXPIRING 5-31-2007, WESTLAND, MICHIGAN: COMPLAINT NO. 298425

The Board reviewed the stipulation and complaint. According to the stipulation Respondent consents to the following:

- a. Respondent shall pay a fine in the amount of \$500.00. Fine shall be paid by cashier's check or money order, with Complaint No. 298425 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Check or money order shall be mailed to the Department of Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation shall result in suspension or continued suspension of all licenses of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Parker to accept the stipulation as prepared. The motion carried by unanimous vote.

ITEMS FOR CONSIDERATION FROM VISITORS

None

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS OR DEPARTMENT

NEXT MEETING DATE

The next regularly scheduled meeting of the Residential Builders and Maintenance and Alteration Contractors Board will be held on March 13, 2007, Room 1, at 9:00 a.m.

ADJOURNMENT

There being no further business to be brought before the Board at this time, the meeting was adjourned at 10:55 a.m.

Chairperson
Mark Glynn

Recording Secretary
Robin Sirls

Date