

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

RESIDENTIAL BUILDERS AND MAINTENANCE AND ALTERATION CONTRACTORS BOARD

BOARD MEETING MINUTES

May 5, 2009

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 May 5, 2009, at the Department of Energy, 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 9:05 a.m.

ROLL CALL

Present:	Gary August	Member
	Frank DiStefano	Member
	Mark Glynn	Chairperson
	Kevin Lewand	Member
	Anthony Parker	Vice Chairperson
Absent:	Marilyn Lane	Member
	Jennifer Shoats-Flack	Member
	James Haeussler	Member
Staff:	Gloria Keene	Licensing Administrator
	Linda Clewley	Assistant Licensing Administrator
	Robin Sirls	Recording Secretary
	Joyce Karr	Director, Licensing Division
	Steve Gobbo	Director, Legal Affairs Division
	James Nelson	Legal Unit Support Manager
	Judy Dixon	Administrative Law Specialist
	Heather Miller	Compliance Specialist
	Conrad Tatnall	Final Order Monitoring Analyst
	Linda Pung	Department Technician, Builders
	Joseph Berry	Compliance Conferee
	Kimberly Breitmeyer	Administrative Law Specialist
	Tom Colborn	
	Isaac Haywood	
Visitors:	Timothy Wittlinger	Visitor
	Stephen Joseph Allegrina	Petitioner
	Anthony Guidobono	Attorney for Stephen Joseph Allegrina
	Eric Egan	Visitor
	Tyrone Paul Arrington	Petitioner
	Mark Kevin McCray	Petitioner
	Lisa Feinbloom	Visitor
	David Feinbloom	Visitor
	Shawn Marshall Fisher	Petitioner

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.

TYRONE PAUL ARRINGTON

The Board received a petition for reinstatement of an individual residential builder license from Tyrone Paul Arrington. Mr. Arrington's individual license was revoked on June 3, 2008 due to a Final Order issued by the Board. Mr. Arrington has complied with the Final Order. Mr. Arrington addressed the Board.

MOTION: It was moved by Mr. August and supported by Mr. Lewand 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. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

KENNETH ALAN BOROFF DOING BUSINESS AS K B BUILDERS

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received May 30, 2008. The Department denied the license on the basis of a lack of good moral character as evidenced by a relevant criminal conviction history report. Mr. Boroff addressed the Board.

MOTION: It was moved by Mr. August and supported by Mr. DiStefano 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. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

SHAWN MARSHALL FISHER

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received June 2, 2008. The Department denied the license on the basis of a lack of good moral character as evidenced by a relevant criminal conviction history report. Mr. Fisher addressed the Board.

MOTION: It was moved by Mr. Parker and supported by Mr. Lewand that, after careful consideration of the written petition and oral presentation, the Board moved to table

consideration of the petition to the meeting of July 14, 2009 in order to provide the petitioner an opportunity to submit additional material in support of his petition. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

MARK KEVIN MCCRAY

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received January 14, 2009. The Department denied the license on the basis of a lack of financial stability as evidenced by a recent credit report. Mr. McCray addressed the Board.

MOTION: It was moved by Mr. August and supported by Mr. DiStefano 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 all derogatory accounts are reconciled no later than May 5, 2010. The petitioner must submit to the Department copies of his credit report from the three credit bureaus prior to this date. The Department will verify that the derogatory accounts are reconciled and that there is no new derogatory account information. If the documentation is not received prior to May 5, 2010, or the accounts are not reconciled, or there are additional derogatory accounts, the Department's denial will be upheld. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

RAYMOND SCOTT MYERS

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received March 18, 2008. The Department denied the license on the basis of a lack of good moral character as evidenced by a relevant criminal conviction history report. Mr. Myers, along with his attorney Lionel E. Bashore, addressed the Board.

MOTION: It was moved by Mr. Lewand 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. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

BRYAN EDWARD NOWLAND

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received February 6, 2009. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Nowland addressed the Board.

MOTION: It was moved by Mr. Lewand and supported by Mr. August 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 all derogatory accounts are reconciled no later than May 5, 2010. The petitioner must submit to the Department copies of his credit report from the three credit bureaus prior to this date. The Department will verify that the derogatory accounts are reconciled and that there is no new derogatory account information. If the documentation is not received prior to May 5, 2010 or the accounts are not reconciled, or there are additional derogatory accounts, the Department's denial will be upheld. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

TERESA MARIE STOVALL

The Board received a petition for reinstatement of a Salesperson's license from Teresa Marie Stovall. Ms. Stovall's salesperson license was revoked on January 6, 2009 due to a Final Order issued by the Department. Ms. Stovall has complied with the Final Order. Ms. Stovall was not present.

MOTION: It was moved by Mr. DiStefano and supported by Mr. August that, after careful consideration of the written petition, the Board moved that the grounds for previous denial are no longer considered a bar to licensure. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

RONALD GREGORY WENDLAND

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received May 23, 2008. The Department denied the license on the basis of a lack of good moral character as evidenced by a relevant criminal conviction history report. Mr. Wendland, along with Kimberly Wendland, addressed the Board.

MOTION: It was moved by Mr. August and supported by Mr. DiStefano 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. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

BARRY BENARD WILLIAMS

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received March 14, 2008. The Department denied the license on

the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Williams addressed the Board.

MOTION: It was moved by Mr. Lewand and supported by Mr. August 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 all derogatory accounts are reconciled no later than September 2, 2009. The petitioner must submit to the Department copies of his credit report from the three credit bureaus prior to this date. The Department will verify that the derogatory accounts are reconciled and that there is no new derogatory account information. If the documentation is not received, or the accounts are not reconciled, or there are additional derogatory accounts, the Department's denial will be upheld. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

EUGENE ARTHUR WILLIAMS

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received February 20, 2009. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Williams was not present.

MOTION: It was moved by Mr. Lewand and supported by Mr. DiStefano that, after careful consideration of the written petition, the Board moved that the grounds for previous denial are no longer considered a bar to licensure, provided that all derogatory accounts are reconciled no later than November 2, 2009. The petitioner must submit to the Department copies of his credit report from the three credit bureaus prior to this date. The Department will verify that the derogatory accounts are reconciled and that there is no new derogatory account information. If the documentation is not received prior to November 1, 2009, or the accounts are not reconciled, or there are additional derogatory accounts, the Department's denial will be upheld. The motion carried by unanimous vote.

The Department concurred with the Board's decision.

OLD BUSINESS

HEARING REPORTS

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

AMBASSADOR BUILDING CO., ROBERTO BASILISCO, Q.O., LICENSE NO. 2102-146230, LAPSED-SUSPENDED 5-31-2007, EXCEL ACQUISITIONS INC., ROBERTO BASILISCO, Q.O., LICENSE NO. 2102-131833, LAPSED-SUSPENDED 5-31-1999, FAIRFIELD BUILDING

CO INC., ROBERTO BASILISCO, Q.O., LICENSE NO. 2102-100805, LAPSED-SUSPENDED 5-31-2000, VITTOR CONSTRUCTION INC., ROBERTO BASILISCO, Q.O., LICENSE NO. 2102-149800, LAPSED-SUSPENDED 5-31-2006, ROBERTO BASILISCO, LICENSE NO. 2101-080193, SUSPENDED 5-31-2009, SHELBY TOWNSHIP, MICHIGAN: COMPLAINT NO. 308480 AND 308481

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failing to satisfy judgments/liens and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. Lewand and supported by Mr. August 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 restitution in the amount of \$23,720.28, plus \$3,150.00 in litigation costs and fees, and interest at the statutory rate payable to the Homeowner Construction Lien Recovery Fund 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 Final Orders issued for Complaint Numbers 308480 and 308481. 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.

ROBERTO BASILISCO, LICENSE NO. 2101-080193, SUSPENDED 5-31-2009, AMBASSADOR BUILDING CO., ROBERTO BASILISCO, Q.O., LICENSE NO. 2102-146230, LAPSED-SUSPENDED 5-31-2007, EXCEL ACQUISITIONS INC., ROBERTO BASILISCO, Q.O., LICENSE NO. 2102-131833, LAPSED-SUSPENDED 5-31-19999, FAIRFIELD BUILDING CO INC., ROBERTO BASILISCO, Q.O., LICENSE NO. 2102-100805, LAPSED-SUSPENDED 5-31-2000, VITTOR CONSTRUCTION INC., ROBERTO BASILISCO, Q.O., LICENSE NO. 2102-149800, LAPSED-SUSPENDED 5-31-2006, SHELBY TOWNSHIP, MICHIGAN: COMPLAINT NO. 308480 AND 308481

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failing to satisfy judgments/liens and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. Lewand and supported by Mr. August 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 \$23,720.28, plus \$3,150.00 in litigation costs payable to the Homeowner Construction Lien Recovery Fund 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 Final Orders issued for Complaint Numbers 308480 and 308481. 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.

RB CUSTOM HOMES, INC., ROD P. BAUM, Q.O., LICENSE NO. 2102-159466, REVOKED 9-4-2007, ROD BAUM CUSTOM HOMES, LLC, ROD P. BAUM, Q.O., LICENSE NO. 2102-176741, REVOKED 9-4-2007, RODNEY PAUL BAUM, LICENSE NO. 2101-132906, REVOKED 9-4-2007, EATON RAPIDS, MICHIGAN: COMPLAINT NO. 306449 AND 306450

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. August 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 \$20,000.00 made payable to the State of Michigan and restitution in the amount of \$16,575.00 payable to Melissa Burch Ovalle by RB Custom Homes Inc within sixty (60) days from the date of mailing of the Final Order. It is also the intent of the Board that the fine be assessed one time in order to satisfy Final Orders issued for Complaint Numbers 306449 and 306450. Once the fine ordered in one of the companion Final Orders is satisfied, the fine 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.

RODNEY PAUL BAUM, LICENSE NO. 2101-132906, REVOKED 9-4-2007, RB CUSTOM HOMES, INC., ROD P. BAUM, Q.O., LICENSE NO. 2102-159466, REVOKED 9-4-2007, ROD BAUM CUSTOM HOMES, LLC, ROD P. BAUM, Q.O., LICENSE NO. 2102-176741, REVOKED 9-4-2007, EATON RAPIDS, MICHIGAN: COMPLAINT NO. 306449 AND 306450

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. August 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. It is also the intent of the Board that the fine be assessed one time in order to satisfy Final Orders issued for Complaint Numbers 306449 and 306450. Once the fine ordered in one of the companion Final Orders is satisfied, the fine ordered in the other Final Order will be considered satisfied. No application for licensure, relicensure, or reinstatement

shall be considered until fine is paid in full. The motion carried by unanimous vote.

DENISE MICHELLE BOMAN, DOING BUSINESS AS D & J BUILDING CO., LICENSE NO. 2101-151038, REVOKED 7-16-2007, GLADWIN, MICHIGAN: COMPLAINT NO. 305930

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly aiding or abetting unlicensed person and taking contract obtained by unlicensed person), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. August 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.

STEVEN LAURENCE BOVEN, DOING BUSINESS AS STEVEN BOVEN BUILDER, LICENSE NO. 2101-129576, EXPIRED 5-31-2008, PAW PAW, MICHIGAN: COMPLAINT NO. 309184

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to correct the problem timely, failure to follow the local building code, incompetence and poor workmanship), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. August and supported by Mr. Lewand 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 \$18,614.66 payable to Ariel Anderson 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.

MC CONSTRUCTION CO., LLC, MARK COLEMAN CARROLL, Q.O., LICENSE NO. 2102-141996, EXPIRED 5-31-2008, MARK COLEMAN CARROLL, LICENSE NO. 2101-131393, EXPIRED 5-31-2007, FARMINGTON HILLS, MICHIGAN: COMPLAINT NO. 305270

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failing to satisfy judgments/liens), a fine should be imposed.

MOTION: It was moved by Mr. Lewand and supported by Mr. Parker that the following penalty be assessed: Fine of \$5,000.00 made payable to the State of Michigan

and restitution by satisfying judgment entered in 22nd Judicial District Court on May 6, 2008, Case No. 07-0573-GC and 07-0574-GC, for Allaventris Webb, in the amount of \$4,864.84, 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 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. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

EDWARD EARL CARTER, LICENSE NO. 2101-136302, EXPIRES 5-31-2009, DETROIT, MICHIGAN: COMPLAINT NO. 307831

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to reply to notice of complaint filed and failing to satisfy judgments/liens), a fine should be imposed.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Parker that the following penalty be assessed: Fine of \$2,500.00 made payable to the State of Michigan and restitution by satisfying judgment entered in 36th Judicial District Court on November 18, 2006, Case No. 06-132870 GC, for Lewis Equipment Co. a corp., in the amount of \$5,376.20, 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 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. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

JC DEVELOPMENT COMMUNITIES LLC, PAUL HENRY BRANDT, Q.O. (11/15/2006-9/28/2007), STEPHEN M. CONLEY, Q.O., (9/12/2005-11/1/2006), LICENSE NO. 2102-178410, LAPSED-SUSPENDED 5-31-2008, PAUL HENRY BRANDT, LICENSE NO. 2101-188125, EXPIRES 5-31-2011, P & B BUILDING CO., PAUL HENRY BRANDT, Q.O., LICENSE NO. 2102-128449, EXPIRES 5-31-2011, STEPHEN M. CONLEY, LICENSE NO. 2101-127108, EXPIRES 5-31-2011, HARTLAND, MICHIGAN: COMPLAINT NO. 309124

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failing to satisfy judgments/liens), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. August 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 \$10,000.00 made payable to the State of Michigan and restitution by satisfying judgment entered in the Circuit Court for the County of Wayne on November 15,

2007, in the amount of \$43,000.00, 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.

SALVATORE P. CUSAMANO, DOING BUSINESS AS CENTURY SUNROOMS, LICENSE NO. 2101-157905, EXPIRED 5-31-2008, CENTURY SUNROOMS LLC, SALVATORE P. CUSAMANO, Q.O., LICENSE NO. 2102-181864, EXPIRES 5-31-2009, LA SALLE, MICHIGAN: COMPLAINT NO. 309819

The Board reviewed the hearing report.

MOTION: It was moved by Mr. August 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 \$5,000.00 made payable to the State of Michigan and restitution in the amount of \$9,950.00 payable to Sharon Theisen 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.

SUPERIOR POLE BARNS LLC, DANIEL PATRICK EUDIS, Q.O., LICENSE NO. 2102-180418, EXPIRES 5-31-2009, FREELAND, MICHIGAN: COMPLAINT NO. 308423

The Board reviewed the hearing report and determined that because of the severity of the offenses (particularly failure to follow the local building code, departure from or disregard for plans/spes, and poor workmanship), 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. August that the following penalty be assessed: Fine of \$2,500.00 made payable to the State of Michigan and restitution in the amount of \$7,500.00 payable to Mary Henry 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 and restitution are paid in full. The motion carried by unanimous vote.

DAVID R. FISHER, LICENSE NO. 2101-163237, EXPIRES 5-31-2011, ATLANTA, MICHIGAN: COMPLAINT NO. 306477

The Board reviewed the hearing report and determined that, fine should be lower than the amount recommended in the hearing report.

MOTION: It was moved by Mr. August and supported by Mr. Lewand, that the following penalty be assessed: Fine of \$1,000.00 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 with the following vote: Aye: Mr. Parker, Mr. DiStefano, Mr. Lewand, Mr. August. Nay: Mr. Glynn.

TIM E. HEALY, DOING BUSINESS AS TIM E. HEALY CONSTRUCTION, LICENSE NO. 2101-089815, EXPIRED 5-31-2008, GOBLES, MICHIGAN: COMPLAINT NO. 308411

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. August that the following penalty be assessed: Fine of \$7,000.00 made payable to the State of Michigan and restitution in the amount of \$16,510.94 payable to Carl Simpson within sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order will result in 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. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

GANDY CONSTRUCTION INC., JOHN ROBERT GANDY, Q.O., LICENSE NO. 2102-175611, EXPIRES 5-31-2011, JOHN ROBERT GANDY, LICENSE NO. 2101-189101, EXPIRES 5-31-2011, ROCHESTER, MICHIGAN: COMPLAINT NO. 307824

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. August that the following penalty be assessed: Fine of \$2,500.00 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.

GILBERT BUILDING COMPANY, ARNOLD H. GILBERT, Q.O., LICENSE NO. 2102-128342, EXPIRED 5-31-2008, HAUSER & BAUN CUSTOM BUILDERS INC., ARNOLD H. GILBERT, Q.O., LICENSE NO. 2102-071090, CLOSED 1-13-1994, ROYAL CROWN HOMES INC., ARNOLD H. GILBERT, Q.O., LICENSE NO. 2102-057820, EXPIRED 5-31-1985, ARNOLD H. GILBERT, LICENSE NO. 2105-048270, EXPIRED 5-31-1983, ARNOLD H. GILBERT,

LICENSE NO. 2101-052662, EXPIRED 5-31-2003, FARMINGTON HILLS, MICHIGAN:
COMPLAINT NO. 308814 AND 308816

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failing to satisfy judgments/liens, and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. Lewand 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 restitution in the amount of \$4,000.00, plus \$1,312.50 in litigation costs and fees, and interest at the statutory rate payable to the Homeowner Construction Lien Recovery Fund 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 Final Orders issued for Complaint Numbers 308814 and 308816. 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.

ARNOLD H. GILBERT, LICENSE NO. 2101-052662, EXPIRED 5-31-2003, GILBERT
BUILDING COMPANY, ARNOLD H. GILBERT, Q.O., LICENSE NO. 2102-128342, EXPIRED 5-
31-2008, HAUSER & BAUN CUSTOM BUILDERS INC., ARNOLD H. GILBERT, Q.O.,
LICENSE NO. 2102-071090, CLOSED 1-13-1994, ROYAL CROWN HOMES INC., ARNOLD H.
GILBERT, Q.O., LICENSE NO. 2102-057820, EXPIRED 5-31-1985, ARNOLD H. GILBERT,
LICENSE NO. 2105-048270, EXPIRED 5-31-1983, FARMINGTON HILLS, MICHIGAN:
COMPLAINT NO. 308814 AND 308816

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failing to satisfy judgments/liens, and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. Lewand 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 \$5,000.00 made payable to the State of Michigan and restitution in the amount of \$4,000.00, plus \$1,312.50 in litigation costs payable to the Homeowner construction Lien Recovery Fund 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 Final Orders issued for Complaint Numbers 308814 and 308816. 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.

MICHAEL R. GOLICH, LICENSE 2101-116178, EXPIRES 5-31-2011, BRIGHTON, MICHIGAN:
COMPLAINT NO. 309018

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 \$1,500.00 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.

KEITH W. GROGITSKY, LICENSE NO. 2101-075738, EXPIRES 5-31-2011, KEITH
GROGITSKY BUILDING COMPANY, INC., KEITH W. GROGITSKY, Q.O., LICENSE NO. 2102-
140071, EXPIRED 5-31-2008, KGB DEVELOPMENT GORUP LLC, KEITH W. GROGITSKY,
Q.O., LICENSE NO. 2102-156313, EXPIRED 5-31-2007, GRAND BLANC, MICHIGAN:
COMPLAINT NO. 306572

The Board reviewed the hearing report.

MOTION: It was moved by Mr. August and supported by Mr. Lewand 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 within sixty (60) days from the date of mailing of the Final Order. It is also the intent of the Board that the fine be assessed one time in order to satisfy Final Orders issued for Complaint Numbers 306572 and 306571. Once the fine ordered in one of the companion Final Orders is satisfied, the fine ordered in the other Final Order will be considered satisfied. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

DAVID C. HARBIN, LICENSE NO. 2101-157505, EXPIRES 5-31-2011, WHITMORE LAKE,
MICHIGAN: COMPLAINT NO. 309891

The Board reviewed the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Lewand that the following penalty be assessed: Fine of \$1,000.00 made payable to the State of Michigan and restitution in the amount of \$2,200.00 payable to John and Sharon Blair 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.

GALAXY BUILDERS, INC., MARSHALL KALLEN, Q.O., LICENSE NO. 2102-103918, EXPIRES 5-31-2011, MARSHALL CONSTRUCTION INC, MARSHALL KALLEN, Q.O., LICENSE NO. 2102-031919, EXPIRED 3-31-1980, VAN BUREN DEVELOPMENT LLC, MARSHALL KALLEN, Q.O., LICENSE NO. 2102-183185, EXPIRES 5-31-2011, MARSHALL KALLEN, LICENSE NO. 2101-097571, EXPIRES 5-31-2011, FARMINGTON HILLS, MICHIGAN: COMPLAINT NO. 309236 AND 309237

The Board reviewed the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Parker that the following penalty be assessed: Fine of \$1,000.00 made payable to the State of Michigan and restitution in the amount of \$400.00 payable to Alex Painting L.L.C. and \$645.00 payable to Floorworx, Inc, 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. It is also the intent of the Board that the fine and restitution be assessed one time in order to satisfy Final Orders issued for Complaint Numbers 309236 and 309237. 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.

MARSHALL KALLEN, LICENSE NO. 2101-097571, EXPIRES 5-31-2011, GALAXY BUILDERS, INC., MARSHALL KALLEN, Q.O., LICENSE NO. 2102-103918, EXPIRES 5-31-2011, MARSHALL CONSTRUCTION INC, MARSHALL KALLEN, Q.O., LICENSE NO. 2102-031919, EXPIRED 3-31-1980, VAN BUREN DEVELOPMENT LLC, MARSHALL KALLEN, Q.O., LICENSE NO. 2102-183185, EXPIRES 5-31-2011, FARMINGTON HILLS, MICHIGAN: COMPLAINT NO. 309236 AND 309237

The Board reviewed the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Haeussler that the following penalty be assessed: Fine of \$1,000.00 made payable to the State of Michigan and restitution in the amount of \$400.00 payable to Alex Painting L.L.C., and \$645.00 payable to Floorworx, Inc. 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. It is also the intent of the Board that the fine and restitution be assessed one time in order to satisfy Final Orders issued for Complaint Numbers 309236 and 309237. 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.

PARAMOUNT INVESTMENT COMPANY, DOING BUSINESS AS MERIDIAN HOMES INC., BASIL KARANA, Q.O., LICENSE NO. 2102-151438, EXPIRED 5-31-2008, FARMINGTON HILLS, MICHIGAN: COMPLAINT NO. 308555

The Board reviewed the hearing report.

MOTION: It was moved by Mr. August and supported by Mr. DiStefano that the following penalty be assessed: Fine of \$1,000.00 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.

JOSEPH MICHAEL MICALLEF, JR., LICENSE NO. 2101-060701, EXPIRES 5-31-2011, BLOOMFIELD, MICHIGAN: COMPLAINT NO. 300466

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly willful violation of building laws/codes and poor workmanship), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. August and supported by Mr. Lewand 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 (total fine) was based on assessing the maximum \$10,000.00 fine for (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. Mr. Parker abstained.

JOSEPH MICHAEL MICALLEF, JR., LICENSE NO. 2101-060701, EXPIRES 5-31-2011, BLOOMFIELD, MICHIGAN: COMPLAINT NO. 300637

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly lack of good moral character), a fine should be imposed.

MOTION: It was moved by Mr. Lewand and supported by Mr. August 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 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. Mr. Parker abstained.

LANDMARK CONSTRUCTION & DEVELOPMENT CORP., SAMER MOEZ, Q.O., LICENSE NO. 2102-173511, EXPIRED 5-31-2007, SAINT CLAIR SHORES, MICHIGAN: COMPLAINT NO. 308474

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failing to satisfy judgments/liens and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. Lewand and supported by Mr. August 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 restitution in the amount of \$75,000.00, plus \$5,600.00 in litigation costs and fees, and interest at the statutory rate payable to the Homeowner Construction Lien Recovery Fund 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.

LANDMARK CONSTRUCTION & DEVELOPMENT CORP., SAMER MOEZ, Q.O., LICENSE NO. 2102-173511, EXPIRED 5-31-2007, SAINT CLAIR SHORES, MICHIGAN: COMPLAINT NO. 308475

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failing to satisfy judgments/liens and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. August and supported by Mr. Lewand 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 restitution in the amount of \$5,000.00, plus \$1,400.00 in litigation costs and fees, and interest at the statutory rate payable to the Homeowner Construction Lien Recovery Fund 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.

PREMIER BUILDING GROUP LLC, KEITH ALLEN NORUSH, Q.O., LICENSE NO. 2102-142663, REVOKED 9-4-2007, ANN ARBOR, MICHIGAN: COMPLAINT NO. 308790

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failing to satisfy judgments/liens and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. August and supported by Mr. Lewand 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 restitution in the amount of \$2,971.00, plus \$1,872.50 in litigation costs and fees, and interest at the statutory rate payable to the Homeowner Construction Lien Recovery Fund 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.

PREMIER BUILDING GROUP LLC, KEITH ALLEN NORUSH, Q.O., LICENSE NO. 2102-142663, REVOKED 9-4-2007, ANN ARBOR, MICHIGAN: COMPLAINT NO. 308791

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failing to satisfy judgments/liens and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. Lewand 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 restitution in the amount of \$11,000.00, plus \$1,872.50 in litigation costs and fees, and interest at the statutory rate payable to the Homeowner Construction Lien Recovery Fund 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.

SCOTT BRADLEY O'LEARY, LICENSE NO. 2101-132997, EXPIRES 5-31-2009, HARRISVILLE, MICHIGAN: COMPLAINT NO. 306456

The Board reviewed the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Lewand, that the following penalty be assessed: Fine of \$500.00 made payable to the State of Michigan and

restitution in the amount of \$2,697.50 payable to Kristin Lask within ninety (90) 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.

ANTHONY JAMES PAPANIA, DOING BUSINESS AS INTEGRITY COMPLETE CONSTRUCTION, LICENSE NO. 2101-156904, LAPSED-SUSPENDED 10-1-2007, L'ANSE, MICHIGAN: COMPLAINT NO. 309185

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Lewand 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 \$5,000.00 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.

JOSEPH FRANK SCHEBEL, DOING BUSINESS AS BISONTE CONSTRUCTION CO., LICENSE NO. 2101-171059, REVOKED 5-11-2007, DEARBORN, MICHIGAN: COMPLAINT NO. 309120

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds and abandonment), a fine should be imposed.

MOTION: It was moved by Mr. August 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 \$20,000.00 (total fine) was based on assessing the maximum \$10,000.00 fine for (2) violations found by the Administrative Law Judge made payable to the State of Michigan and restitution in the amount of \$8,700.00 payable to Joseph McKinney 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.

ARCHON MANAGEMENT INC., ABDULHADI TAYSEER SHAMAMIT, Q.O., LICENSE NO. 2102-154370, REVOKED 2-25-2009, ARCHCON MGMT INC., ABDULHADI TAYSEER SHAMAMIT, Q.O., LICENSE NO. 2102-093760, REVOKED 2-25-2009, STRATFORD PLACE DEVELOPERS LLC, ABDULADI TAYSEER SHAMAMIT, Q.O., LICENSE NO. 2102-169365,

REVOKED 2-25-2009, ABDULHADI TAYSEER SHAMAMIT, LICENSE NO. 2101-092896,
REVOKED 2-25-2009, YPSILANTI, MICHIGAN: COMPLAINT NO. 308794 AND 308795

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failure to satisfy judgments/liens and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. Lewand 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 \$5,000.00 made payable to the State of Michigan and restitution in the amount of \$7,000.00, plus \$1,750.00 in litigation costs and fees, and interest at the statutory rate payable to the Homeowner Construction Lien Recovery Fund 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 Final Orders issued for Complaint Numbers 308794 and 308795. 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.

ABDULHADI TAYSEER SHAMAMIT, LICENSE NO. 2101-092896, REVOKED 2-25-2009,
ARCHON MANAGEMENT INC., ABDULHADI TAYSEER SHAMAMIT, Q.O., LICENSE NO.
2102-154370, REVOKED 2-25-2009, ARCHCON MGMT INC., ABDULHADI TAYSEER
SHAMAMIT, Q.O., LICENSE NO. 2102-093760, REVOKED 2-25-2009, STRATFORD PLACE
DEVELOPERS LLC, ABDULADI TAYSEER SHAMAMIT, Q.O., LICENSE NO. 2102-169365,
REVOKED 2-25-2009, YPSILANTI, MICHIGAN: COMPLAINT NO. 308794 AND 308795

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failure to satisfy judgments/liens and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. Lewand 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 \$5,000.00 made payable to the State of Michigan and restitution in the amount of \$7,000.00, plus \$1,750.00 in litigation costs payable to the Homeowner Construction Lien Recovery Fund 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 Final Orders issued for Complaint Numbers 308794 and 308795. 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.

ARCHON MANAGEMENT INC., ABDULHADI TAYSEER SHAMAMIT, Q.O., LICENSE NO. 2102-154370, REVOKED 2-25-2009, ARCHCON MGMT INC., ABDULHADI TAYSEER SHAMAMIT, Q.O., LICENSE NO. 2102-093760, REVOKED 2-25-2009, STRATFORD PLACE DEVELOPERS LLC, ABDULADI TAYSEER SHAMAMIT, Q.O., LICENSE NO. 2102-169365, REVOKED 2-25-2009, ABDULHADI TAYSEER SHAMAMIT, LICENSE NO. 2101-092896, REVOKED 2-25-2009, YPSILANTI, MICHIGAN: COMPLAINT NO. 308798 AND 308799

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failure to satisfy judgments/liens and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. Parker and supported by Mr. Lewand 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 restitution in the amount of \$66,800.38, plus \$1,400.00 in litigation costs and fees, and interest at the statutory rate payable to the Homeowner Construction Lien Recovery Fund 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 Final Orders issued for Complaint Numbers 308798 and 308799. 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.

ABDULHADI TAYSEER SHAMAMIT, LICENSE NO. 2101-092896, REVOKED 2-25-2009, ARCHON MANAGEMENT INC., ABDULHADI TAYSEER SHAMAMIT, Q.O., LICENSE NO. 2102-154370, REVOKED 2-25-2009, ARCHCON MGMT INC., ABDULHADI TAYSEER SHAMAMIT, Q.O., LICENSE NO. 2102-093760, REVOKED 2-25-2009, STRATFORD PLACE DEVELOPERS LLC, ABDULADI TAYSEER SHAMAMIT, Q.O., LICENSE NO. 2102-169365, REVOKED 2-25-2009, YPSILANTI, MICHIGAN: COMPLAINT NO. 308798 AND 308799

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failure to satisfy judgments/liens and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. Lewand 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 \$5,000.00 made payable to the State of Michigan and restitution in the amount of \$66,800.38, plus \$1,400.00 in litigation costs payable to the

Homeowner Construction Lien Recovery Fund 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 Final Orders issued for Complaint Numbers 308798 and 308799. 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.

ERIN DEVELOPMENT LLC, GABRIEL SHIVERS, Q.O., LICENSE NO. 2102-142386, EXPIRED 5-31-2004, SHANNON HOMES INC., GABRIEL SHIVERS, Q.O., LICENSE NO. 2102-11170, EXPIRED 5-31-1999, GABRIEL GEORGE SHIVERS, LICENSE NO. 2101-108517, EXPIRED 5-31-1993, LAKE ORION, MICHIGAN: COMPLAINT NO. 92323

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. Lewand and supported by Mr. August 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 restitution in the amount of \$48,000.00, plus \$1,750.00 in litigation costs and fees, and interest at the statutory rate payable to the Homeowner Construction Lien Recovery Fund 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.

LARRY WHETSTONE, LICENSE NO. 2101-110890, REVOKED, 11-14-2005, GRAND BLANC, MICHIGAN: COMPLAINT NO. 308792

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to account for or remit funds, failing to satisfy judgments/liens and causing the lien fund to pay out), a fine should be imposed.

MOTION: It was moved by Mr. DiStefano and supported by Mr. Lewand 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 restitution in the amount of \$5,821.00, plus \$2,800.00 in litigation costs and fees, and interest at the statutory rate payable to the Homeowner Construction Lien Recovery Fund 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.

MOSHER, DOLAN, CATALDO, & KELLY INC., DOYLE W. MOSHER, Q.O., LICENSE NO. 2102-101478, EXPIRES 5-31-2011, AUBURN HOLDINGS LLC, DOYLE W. MOSHER, Q.O., LICENSE NO. 2102-182959, EXPIRES 5-31-2011, HAWTHORNE LAND & DEVELOPMENT LLC, DOYLE W. MOSHER, Q.O., LICENSE NO. 2102-171565, EXPIRES 5-31-2009, MIDWEST COMMERCIAL SERVICES INC., DOYLE W. MOSHER, Q.O., LICENSE NO. 2102-147902, EXPIRED 5-31-2005, MOSHER DOLAN, CATALDO & KELLY COMMERCIAL LLC, DOYLE W. MOSHER, Q.O., LICENSE NO. 2102-171566, EXPIRES 5-31-2009, DOYLE W. MOSHER, LICENSE NO. 2101-050058, EXPIRES 5-31-2011, BIRMINGHAM, MICHIGAN: COMPLAINT NO. 298000 AND 298001

The Board reviewed the hearing report and determined that the Hearing Report contained insufficient information to permit the Board to support the recommendation to dismiss the complaint. The Board requires clarification of the Record before a determination can be made.

MOTION: It was moved by Mr. Parker and supported by Mr. DiStefano that the Hearing Report in the matter of Complaint No. 298000 and 298001 is remanded to the State Office of Administrative Hearings and Rules for the purpose of clarifying the basis for the recommendation for dismissal when the factual allegations in the formal complaint were deemed to be true. The motion carried by unanimous vote. Mr. Lewand abstained.

DOYLE W. MOSHER, LICENSE NO. 2101-050058, EXPIRES 5-31-2011, MOSHER, DOLAN, CATALDO, & KELLY INC., DOYLE W. MOSHER, Q.O., LICENSE NO. 2102-101478, EXPIRES 5-31-2011, AUBURN HOLDINGS LLC, DOYLE W. MOSHER, Q.O., LICENSE NO. 2102-182959, EXPIRES 5-31-2011, HAWTHORNE LAND & DEVELOPMENT LLC, DOYLE W. MOSHER, Q.O., LICENSE NO. 2102-171565, EXPIRES 5-31-2009, MIDWEST COMMERCIAL SERVICES INC., DOYLE W. MOSHER, Q.O., LICENSE NO. 2102-147902, EXPIRED 5-31-2005, MOSHER DOLAN, CATALDO & KELLY COMMERCIAL LLC, DOYLE W. MOSHER, Q.O., LICENSE NO. 2102-171566, EXPIRES 5-31-2009, BIRMINGHAM, MICHIGAN: COMPLAINT NO. 298000 AND 298001

The Board reviewed the hearing report and determined that the Hearing Report contained insufficient information to permit the Board to support the recommendation to dismiss the complaint. The Board requires clarification of the Record before a determination can be made.

MOTION: It was moved by Mr. Parker and supported by Mr. DiStefano that the Hearing Report in the matter of Complaint No. 298000 and 298001 is remanded to the State Office of Administrative Hearings and Rules for the purpose of clarifying the basis for the recommendation for dismissal when the factual allegations in the formal complaint were deemed to be true. The motion carried by unanimous vote. Mr. Lewand abstained.

STIPULATIONS

BATTAGLIA BUILDERS INC., JOSEPH C. BATTAGLIA, Q.O., LICENSE NO. 2102-119657, EXPIRES 5-31-2009, LAGO-BUILDING CORPORATION, JOSEPH C. BATTAGLIA, Q.O., LICENSE NO. 2102-175907, EXPIRES 5-31-2011, METROPOLITAN HOMES INC., JOSEPH C. BATTAGLIA, Q.O., LICENSE NO. 2102-119635, EXPIRED 5-31-1999, JOSEPH C. BATTAGLIA, LICENSE NO. 2101-102366, SHELBY TOWNSHIP, MICHIGAN: COMPLAINT NO. 305085 AND 305087

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. 305085 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to pay full fine amount within sixty (60) days of the date of mailing of the Final Order shall result in suspension of all licenses of Respondent or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.
- c. Failure to pay full fine within six (6) months shall result in revocation 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

JOSEPH C. BATTAGLIA, LICENSE NO. 2101-102366, BATTAGLIA BUILDERS INC., JOSEPH C. BATTAGLIA, Q.O., LICENSE NO. 2102-119657, EXPIRES 5-31-2009, LAGO-BUILDING CORPORATION, JOSEPH C. BATTAGLIA, Q.O., LICENSE NO. 2102-175907, EXPIRES 5-31-2011, METROPOLITAN HOMES INC., JOSEPH C. BATTAGLIA, Q.O., LICENSE NO. 2102-119635, EXPIRED 5-31-1999, SHELBY TOWNSHIP, MICHIGAN: COMPLAINT NO. 305085 AND 305087

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. 305087 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 Energy, Labor & Economic Growth, Bureau of

Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.

- b. Failure to pay full fine amount within sixty (60) days of the date of mailing of the Final Order shall result in suspension of all licenses of Respondent or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.
- c. Failure to pay full fine within six (6) months shall result in revocation 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

DAVID MICHAEL BOLES, LICENSE NO. 2103-148867, EXPIRES 5-31-2011, BELLEVUE, MICHIGAN: COMPLAINT NO. 310431

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 \$250.00. Fine shall be paid by cashier's check or money order, with Complaint No. 310431 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 Energy, 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 \$1,000.00 by check or money order with Complaint No. 310431 clearly indicated on the check or money order, made payable to Mrs. Earl Lee Mason within sixty (60) days from the date of mailing of the Final Order.
- c. Failure to comply with the terms of the stipulation shall result in 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

WILLIAM BRYCE, DOING BUSINESS AS WILLIAMS HOME IMPROVEMENT, LICENSE NO. 2101-143009, EXPIRES 5-31-2009, MARINE CITY, MICHIGAN: COMPLAINT NO. 308665

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. 308665 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall make restitution according to a Civil Judgment entered against William Bryce in the State of Michigan 39th District Court on July 1, 2008 in the amount of \$417.65 plus interest.
- 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

FORTRESS DEVELOPMENT GROUP LLC, THOMAS E. DEAK, Q.O., LICENSE NO. 2102-152671, REVOKED 5-14-2008, DEAK DEVELOPMENT COMPANY, THOMAS E. DEAK, Q.O., LICENSE NO. 2102-124561, REVOKED 5-14-2000, THOMAS E. DEAK, LICENSE NO. 2101-092981, REVOKED 5-14-2008, DEWITT, MICHIGAN: COMPLAINT NO. 308536 AND 308543

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. 308536 and 308543 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 Energy, 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 within sixty (60) days 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

THOMAS E. DEAK, LICENSE NO. 2101-092981, REVOKED 5-14-2008, FORTRESS DEVELOPMENT GROUP LLC, THOMAS E. DEAK, Q.O., LICENSE NO. 2102-152671, REVOKED 5-14-2008, DEAK DEVELOPMENT COMPANY, THOMAS E. DEAK, Q.O., LICENSE NO. 2102-124561, REVOKED 5-14-2000, DEWITT, MICHIGAN: COMPLAINT NO. 308536 AND 308543

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. 308536 and 308543 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 Energy, 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 within sixty (60) days 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

PRESTIGE CONSTRUCTION GROUP LLC, MARTIN JAMES FESSLER, Q.O., LICENSE NO. 2102-161894, EXPIRES 5-31-2011, MARTIN JAMES FESSLER, LICENSE NO. 2101-193258, EXPIRES 5-31-2011, TRAVERSE CITY, MICHIGAN: COMPLAINT NO. 306337

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. 306337 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 Energy, 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 within sixty (60) days 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

MADISON HOMES, INC., MICHAEL JOHN FURMAN, Q.O., LICENSE NO. 2102-156580, EXPIRES 5-31-2009, MICHAEL JOHN FURMAN, LICENSE NO. 2101-103596, EXPIRED 5-31-1996, MACOMB, MICHIGAN: COMPLAINT NO. 308712 AND 308713

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. 308712 and 308713 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall make restitution by making necessary repairs and/or corrections as required by Norm Mathon, Certified Building Official, Macomb Township, Michigan, as set forth in the Building Inspection Report signed December 20, 2007, and as set forth and clarified in the follow-up correspondence dated August 5, 2008, issued by Macomb Township Building Official Norm Mathon, within sixty (60) days. Additionally, follow-up repairs and or corrections to the cracked corian countertop and the water-damaged ceiling over the fireplace, to the written approval of Norm Mathon, or his substitute or successor.
- c. The written approval of Norm Mathon, Certified Building Official, Macomb Township, of the repairs and/or corrections shall be filed by Respondents with the Administrative Services Division within fifteen (15) days from the sixtieth (60th) day from the signature date of the stipulation.
- d. Respondents shall file with the Licensing Division/Administrative Services Division, of the Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, and maintain-in-force, commercially underwritten professional liability insurance coverage, in the amount of twenty-five thousand (\$25,000.00) dollars, for a period of three (3) years from the mailing date of the Final Order, of the Michigan State Board of Residential Builders and Maintenance & Alteration Contractors, adopting the stipulation agreement.
- e. Failure to comply with the terms of the stipulation within sixty (60) days 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

MICHAEL JOHN FURMAN, LICENSE NO. 2101-103596, EXPIRED 5-31-1996, MADISON HOMES, INC., MICHAEL JOHN FURMAN, Q.O., LICENSE NO. 2102-156580, EXPIRES 5-31-2009, MACOMB, MICHIGAN: COMPLAINT NO. 308712 AND 308713

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. 308712 and 308713 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall make restitution by making necessary repairs and/or corrections as required by Norm Mathon, Certified Building Official, Macomb Township, Michigan, as set forth in the Building Inspection Report signed December 20, 2007, and as set forth and clarified in the follow-up correspondence dated August 5, 2008, issued by Macomb Township Building Official Norm Mathon, within sixty (60) days. Additionally, follow-up repairs and or corrections to the cracked corian countertop and the water-damaged ceiling over the fireplace, to the written approval of Norm Mathon, or his substitute or successor.
- c. The written approval of Norm Mathon of the repairs and/or corrections shall be filed by Respondents with the Administrative Services Division within fifteen (15) days from the sixtieth (60th) day from the signature date of the stipulation.
- d. Respondents shall file with the Licensing Division/Administrative Services Division, of the Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, and maintain-in-force, commercially underwritten professional liability insurance coverage, in the amount of twenty-five thousand (\$25,000.00) dollars, for a period of three (3) years from the mailing date of the Final Order, of the Michigan State Board of Residential Builders and Maintenance & Alteration Contractors, adopting the stipulation agreement.
- e. Failure to comply with the terms of the stipulation within sixty (60) days 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

DOROTHY LYDIA HOUTHOOFD, DOING BUSINESS AS HOUTHOOFD BUILDERS,
LICENSE NO. 2101-085949, EXPIRES 5-31-2011, AKRON, MICHIGAN: COMPLAINT NO.
307479

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. 307479 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Restitution in the amount of \$10,000.00 by check or money order made payable to Donald and Arvilla Schuman, within sixty (60) days from the date of mailing of the Final Order. It should be noted that a separate waiver and release agreement has also been executed between respondent and the Schumans.
- c. Failure to comply with the terms of the stipulation within sixty (60) days 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.
- d. Failure to comply with the terms of the Stipulation within six (6) months of the date of mailing of the Final Order shall result in revocation or continued revocation of all licenses 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 the stipulation.

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

MICHELLE RENEE JAPENGA, LICENSE NO. 2101-144067, EXPIRES 5-31-2009, PERFECT
SERVICES GROUP INC., MICHELLE RENEE JAPENGA, Q.O., LICENSE NO. 2102-178918,
EXPIRES 5-31-2011, SOUTHFIELD, MICHIGAN: COMPLAINT NO. 299832

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 \$1,250.00. Fine shall be paid by cashier's check or money order, with Complaint No. 299832 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 Energy, 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 \$500.00 by check or money order made payable to Lawrence or Jean Larson within sixty (60) days of the date of mailing of the Final Order.
- c. Failure to comply with the terms of the stipulation within sixty (60) days 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.
- d. Failure to comply with the terms of the Stipulation within six (6) months of the date of mailing of the Final Order shall result in revocation and or continued revocation of all licenses of Respondent.

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

DAN GREGORY LIPOVSKY, LICENSE NO. 2101-078733, EXPIRED 5-31-2007, HARRISON, MICHIGAN: COMPLAINT NO. 307303

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 \$750.00. Fine shall be paid by cashier's check or money order, with Complaint No. 307303 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 Energy, 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 \$8,159.67 by certified check or money order made payable to Jared Lange within one-hundred twenty (120) days of the date of mailing of the Final Order.
- c. Failure to provide proof to the Department of full payment of the \$8,159.67 restitution within one-hundred twenty (120) days shall result in revocation of Respondent's license.
- d. Failure to comply with the terms of the stipulation shall result in suspension and or revocation as detailed in the stipulation 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

LYON BUILDERS INC., LAWRENCE PATRICK LYON, Q.O., LICENSE NO. 2102-129318, EXPIRED 5-31-2006, LAWRENCE PATRICK LYON, LICENSE NO. 2101-026659, EXPIRES 5-31-2011, COMSTOCK PARK, MICHIGAN: COMPLAINT NO. 308476, 308824, 308826, 308828, 308477, 308825, 308827 AND 308829

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 \$250.00. Fine shall be paid by cashier's check or money order, with Complaint Nos. 308476, 308477, 308824, 308825, 308826, 308827, 308828 and 308829 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent's residential builder license Lyon Builders, Inc, Lawrence Patrick Lyon, Qualifying Officer, number 2102-129318 is 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.

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

LAWRENCE SCOTT LYON, LICENSE NO. 2101-125873, EXPIRED 5-31-2006, COMSTOCK PARK, MICHIGAN: COMPLAINT NO. 308551

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. 308551 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.

- b. Respondent's license shall be immediately revoked "voluntarily".
- c. Respondent's license will be Continue in Revocation after the fine has been paid.
- d. Failure to comply with the terms of the stipulation shall result in continued revocation 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

ULTIMATE DEVELOPMENT INC., GERALD FREDERICK MATTHEWS, Q.O., LICENSE NO. 2102-131621, EXPIRED 5-31-2005, ALLEN PARK, MICHIGAN: COMPLAINT NO. 89073

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

- a. Respondent's license shall be immediately revoked and mailed to the Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, P.O. Box 30018, Lansing, MI 48909.
- b. 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

F J PINEHOLLOW, INC., FRANK MYERS, Q.O., LICENSE NO. 2102-076335, EXPIRED 5-31-2008, PINEHOLLOW COMMONS LLC, FRANK MYERS, Q.O., LICENSE NO. 2102-154188, EXPIRED 5-31-2007, FRANK ALAN MYERS, LICENSE NO. 2101-063287, EXPIRES 5-31-2011, NORTHVILLE, MICHIGAN: COMPLAINT NO. 309203 AND 309204

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 Nos. 309203 and 309204 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 Energy, 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 \$1,800.00 by check or money order, made payable to Larry and Joyce Williams within sixty (60) days from the date of mailing of the Final Order.
- c. Failure to comply with the terms of the stipulation within sixty (60) days 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.
- d. Failure to comply with the terms of the stipulation within six (6) months shall result in revocation 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

FRANK ALAN MYERS, LICENSE NO. 2101-063287, EXPIRES 5-31-2011, F J PINEHOLLOW, INC., FRANK MYERS, Q.O., LICENSE NO. 2102-076335, EXPIRED 5-31-2008, PINEHOLLOW COMMONS LLC, FRANK MYERS, Q.O., LICENSE NO. 2102-154188, EXPIRED 5-31-2007, NORTHVILLE, MICHIGAN: COMPLAINT NO. 309203 AND 309204

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 Nos. 309203 and 309204 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 Energy, 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 \$1,800.00 by check or money order, made payable to Larry and Joyce Williams within sixty (60) days from the date of mailing of the Final Order.
- c. Failure to comply with the terms of the stipulation within sixty (60) days 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.
- d. Failure to comply with the terms of the stipulation within six (6) months shall result in revocation 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

INSTALLATION SERVICES UNLIMITED LLC, BRIAN KEITH NOEL, Q.O., LICENSE NO. 2102-185014, EXPIRES 5-31-2011, BRIAN KEITH NOEL, LICENSE NO. 2101-164476, EXPIRES 5-31-2009, LIVONIA, MICHIGAN: COMPLAINT NO. 310387 AND 310389

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 Nos. 310387 and 310389 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall perform all work contracted and paid for by Complainants, as shown by Exhibits 3 and 4 of the Complaint, for which the Complainants have already acquired or will acquire the materials. Proof of compliance with this stipulation shall be in the form of a satisfactory Building Inspection Report or other written correspondence from the building inspector verifying that Respondent's work meets all code and workmanship requirements. Proof shall be mailed to the Michigan Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- c. Failure to comply with the terms of the stipulation within ninety (90) days 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.
- d. Failure to comply with the terms of the stipulation within six (6) months of the date of the Final Order shall result in revocation or continued revocation 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

BRIAN KEITH NOEL, LICENSE NO. 2101-164476, EXPIRES 5-31-2009, INSTALLATION SERVICES UNLIMITED LLC, BRIAN KEITH NOEL, Q.O., LICENSE NO. 2102-185014, EXPIRES 5-31-2011, LIVONIA, MICHIGAN: COMPLAINT NO. 310387 AND 310389

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 Nos. 310387 and 310389 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall perform all work contracted and paid for by Complainants, as shown by Exhibits 3 and 4 of the Complaint, for which the Complainants have already acquired or will acquire the materials. Proof of compliance with this stipulation shall be in the form of a satisfactory Building Inspection Report or other written correspondence from the building inspector verifying that Respondent's work meets all code and workmanship requirements. Proof shall be mailed to the Michigan Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- c. Failure to comply with the terms of the stipulation within ninety (90) days 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.
- d. Failure to comply with the terms of the stipulation within six (6) months of the date of the Final Order shall result in revocation or continued revocation 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

INSTALLATION SERVICES UNLIMITED LLC, BRIAN KEITH NOEL, Q.O., LICENSE NO. 2102-185014, EXPIRES 5-31-2011, BRIAN KEITH NOEL, LICENSE NO. 2101-164476, EXPIRES 5-31-2009, LIVONIA, MICHIGAN: COMPLAINT NO. 310426 AND 310427

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 Nos. 310426 and 310427 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.

- b. Respondent shall correct all 4 workmanship violations cited in the Building Inspection Report (BIR). Item 1 of the BIR shall be caulked. Item 2 of the BIR shall be corrected by replacing the effected shingles and properly nailing them. Item 3 shall be corrected by replacing the damaged nails and ferrules n the front gutter. Item 4 of the BIR shall be corrected by replacing the effected shingles. All the BIR workmanship violations and the manner of their correction must satisfy the building inspector. Proof of compliance with this stipulation shall be in the form of a satisfactory Building Inspection Report or other written correspondence verifying satisfactory correction of the cited violations signed by the building inspector. Proof shall be mailed to the Michigan Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- c. Based upon the Formal Complaint charges, the Respondent did provide Complainant at the conference with a proper document changing the contract signed by the parties.
- d. Failure to comply with the terms of the stipulation within ninety (90) days 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

BRIAN KEITH NOEL, LICENSE NO. 2101-164476, EXPIRES 5-31-2009, INSTALLATION SERVICES UNLIMITED LLC, BRIAN KEITH NOEL, Q.O., LICENSE NO. 2102-185014, EXPIRES 5-31-2011, LIVONIA, MICHIGAN: COMPLAINT NO. 310426 AND 310427

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 Nos. 310426 and 310427 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.

- b. Respondent shall correct all 4 workmanship violations cited in the Building Inspection Report (BIR). Item 1 of the BIR shall be caulked. Item 2 of the BIR shall be corrected by replacing the effected shingles and properly nailing them. Item 3 shall be corrected by replacing the damaged nails and ferrules n the front gutter. Item 4 of the BIR shall be corrected by replacing the effected shingles. All the BIR workmanship violations and the manner of their correction must satisfy the building inspector. Proof of compliance with this stipulation shall be in the form of a satisfactory Building Inspection Report or other written correspondence verifying satisfactory correction of the cited violations signed by the building inspector. Proof shall be mailed to the Michigan Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- c. Based upon the Formal Complaint charges, the Respondent did provide Complainant at the conference with a proper document changing the contract signed by the parties.
- d. Failure to comply with the terms of the stipulation within ninety (90) days 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

THOMAS W. PARKER, LICENSE NO. 2101-125249, EXPIRES 5-31-2011, WHITE CLOUD, MICHIGAN: COMPLAINT NO. 308911

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 \$200.00. Fine shall be paid by cashier's check or money order, with Complaint No. 308911 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 Energy, 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 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

JAMES PETER PAULEY, DOING BUSINESS AS WHITE PINES CONSTRUCTION, LICENSE NO. 2101-156690, EXPIRES 5-31-2009, DOWAGIAC, MICHIGAN: COMPLAINT NO. 307191

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 \$3,500.00. Fine shall be paid by cashier's check or money order, with Complaint No. 307191 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to pay the fine within sixty (60) days of the date of the Board's Order 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.
- c. Respondent's builder's license will be revoked if the fine is not paid within six (6) months of the mailing date of the Board's Final Order.

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

RAYBURN CUSTOM HOMES INC., EULIS L. RAYBURN, Q.O., LICENSE NO. 2102-154296, EXPIRED 5-31-2007, EULIS LARUE RAYBURN, LICENSE NO. 2101-132848, EXPIRED 5-31-2001, BATTLE CREEK, MICHIGAN: COMPLAINT NO. 307964, 307967, 307969, 907971, 307973, 307975, 309007, 309009, 309011, 307965, 307968, 307970, 307972, 307974, 307976, 309008, 309010 & 309012

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 \$750.00. Fine shall be paid by cashier's check or money order, with Complaint Nos. 307964, 307965, 307967, 307968, 307969, 307970, 307971, 307972, 307973, 307974, 307975, 307976, 309007, 309008, 309009, 309010, 309011, and 309012 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent's residential builder license number 2102-132848 is 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.

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

ARROW BUILDING CO., INC., SALVATORE FRANK SERAFANO, Q.O., LICENSE NO. 2102-160807, EXPIRES 5-31-2011, SALVATORE FRANK SERAFANO, LICENSE NO. 2101-160230, EXPIRES 5-31-2011, UTICA, MICHIGAN: COMPLAINT NO. 307198 AND 307199

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 Nos. 307198 and 307199 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall either provide proof of repair in the form of a signed statement by Complainant, or submit written proof from the appropriate governmental official listing Complainant's address and the work completed.
- 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

SALVATORE FRANK SERAFANO, LICENSE NO. 2101-160230, EXPIRES 5-31-2011, ARROW BUILDING CO., INC., SALVATORE FRANK SERAFANO, Q.O., LICENSE NO. 2102-160807, EXPIRES 5-31-2011, UTICA, MICHIGAN: COMPLAINT NO. 307198 AND 307199

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 Nos. 307198 and 307199 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 Energy, Labor & Economic Growth, Bureau of Commercial Services, Administrative Services Division, P.O. Box 30018, Lansing, MI 48909.

- b. Respondent shall either provide proof of repair in the form of a signed statement by Complainant, or submit written proof from the appropriate governmental official listing Complainant's address and the work completed.
- 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

STEPHEN R. SPARKS, LICENSE NO. 2101-063601, EXPIRES 5-31-2009, HARRISON, MICHIGAN: COMPLAINT NO. 309768

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. 309768 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 Energy, 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 within sixty (60) days 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.
- 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 shall result in a revocation or continued revocation 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

A & T DEVELOPMENT INC., ANDREW TONKOVICH, Q.O., LICENSE NO. 2102-115362, EXPIRED 5-31-2007, AFT DEVELOPMENT LLC, ANDREW TONKOVICH, Q.O., LICENSE NO. 2102-179255, EXPIRES 5-31-2011, ANDREW FRANK TONKOVICH, LICENSE NO. 2101-075462, EXPIRES 5-31-2009, BRIGHTON, MICHIGAN: COMPLAINT NO. 95643

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

- a. Any and all allegations against Andrew Tonkovich as an individual and/or against his individual license are dismissed and no action is being taken against him or his license or will be taken as a result of this matter, considering the circuit court order, the basis of this Superseding Complaint, specifically dismissed him from the civil action.
- b. Respondent's corporate builder's license shall be revoked.
- c. Respondent shall pay restitution in the amount of \$775,000.00 payable to the Szymczaks toward the payment of the civil judgment which shall be considered payment's of restitution in compliance with this Order. This restitution shall only be required as long as the Judgment of the Circuit Court of Livingston in Case No. 04-20832-CP, upon which it is based, remains legal and binding. Restitution cannot be enforced beyond the valid terms of the judgment.
- 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 renewal or future application for licensure until compliance is made with the terms of the stipulation.

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

VERMEESCH BUILDERS, INC., THOMAS LAWRENCE VERMEESCH, Q.O., LICENSE NO. 2102-146717, EXPIRED 5-31-2007, QUALITY BUILT POLE BUILDING LLC, THOMAS LAWRENCE VERMEESCH, Q.O., LICENSE NO. 2102-178404, EXPIRES 5-31-2011, THOMAS LAWRENCE VERMEESCH, LICENSE NO. 2101-114594, EXPIRES 5-31-2011, MICHIGAN: COMPLAINT NO. 301008 AND 301009

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 Nos. 301008 and 301009 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 Energy, 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 \$6,000.00 by cashier's check or money order made payable to Howard Weidman and Alice Averett by no later than six (6) months after the February 18, 2009, hearing date (August 18, 2009).
- c. Failure to comply with the terms of the stipulation within sixty (60) days shall result in suspension or continued suspension of all licenses or registrations of Respondent 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 any provision of stipulation, then the fine amount shall increase to \$5,000.00.
- e. Failure to comply with the terms of the stipulation within six (6) months shall result in revocation or continued revocation of all licenses or registrations of Respondent 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. Lewand and supported by Mr. DiStefano to accept the stipulation as prepared. The motion carried by unanimous vote.

VERMEESCH BUILDERS, INC., THOMAS LAWRENCE VERMEESCH, Q.O., LICENSE NO. 2102-146717, EXPIRED 5-31-2007, QUALITY BUILT POLE BUILDING LLC, THOMAS LAWRENCE VERMEESCH, Q.O., LICENSE NO. 2102-178404, EXPIRES 5-31-2011, THOMAS LAWRENCE VERMEESCH, LICENSE NO. 2101-114594, EXPIRES 5-31-2011, MICHIGAN: COMPLAINT NO. 301008 AND 301009

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 Nos. 301008 and 301009 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 Energy, 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 \$6,000.00 by cashier's check or money order made payable to Howard Weidman and Alice Averett by no later than six (6) months after the February 18, 2009, hearing date (August 18, 2009).
- c. Failure to comply with the terms of the stipulation within sixty (60) days shall result in suspension or continued suspension of all licenses or registrations of

Respondent 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 any provision of stipulation, then the fine amount shall increase to \$5,000.00.
- e. Failure to comply with the terms of the stipulation within six (6) months shall result in revocation or continued revocation of all licenses or registrations of Respondent 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. Lewand and supported by Mr. DiStefano 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

None

NEXT MEETING DATE

The next regularly scheduled meeting of the Residential Builders and Maintenance and Alteration Contractors Board will be held on July 14, 2009, 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 12:20 p.m.

Chairperson
Mark Glynn

Recording Secretary
Robin Sirls

Date