

**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

SEPTEMBER 15, 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 September 15, 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 |
| | James Haeussler | Member |
| | Marilyn Lane | Member |
| Absent: | Kevin Lewand | Member |
| | Anthony Parker | Vice Chairperson |
| | Jennifer Shoats-Flack | Member |
| Staff: | Gloria Keene | Licensing Administrator |
| | Linda Clewley | Assistant Licensing Administrator |
| | Robin Sirls | Recording Secretary |
| | Joyce Karr | Director, Licensing Division |
| | Barrington Carr | Enforcement Division Director |
| | James Nelson | Legal Unit Support Manager |
| | Judy Dixon | Administrative Law Specialist |
| | Heather Miller | Compliance Specialist |
| | Patty Wick | Enforcement Division |
| | Bob Engle | State Administrative Manager |
| | Conrad Tatnall | Final Order Monitoring Analyst |
| | James Nelson | Legal Unit Support Manager |
| | Kimberly Breitmeyer | Administrative Law Specialist |
| | Cindy Kelly | Department Technician, Builders |
| | Melissa Maya | Department Technician, Builders |
| | Yvette Robinson | Compliance Specialist |
| Visitors: | Cassandra Lynn Davis | Petitioner |
| | Steven Davis | Visitor |
| | Brian Douglas Fex | Petitioner |
| | James Howard McLearn | Petitioner |
| | Rokiba Hamza Muhammad | Petitioner |
| | Sahir Karim Rashid | Petitioner |
| | Timothy Andrew Wood | Petitioner |
| | Marcus W. Anderson | Petitioner |

| | |
|----------------------------|-----------------------------------|
| Raymond Arthur Niedzwiecki | Petitioner |
| Chris Niedzwiecki | Visitor |
| Raymond Scott Meyers | Petitioner |
| Lionel Bashore | Attorney for Raymond Scott Meyers |
| Ann | Visitor |
| Mr. & Mrs. Meyers | Visitor |

ADDITIONS TO OR DELETIONS FROM AGENDA

Deletions:

| | |
|----------------|-----------------------|
| Petitioner 4-A | Jonathan Allen Cherup |
| Petitioner 4-E | James Soule Gibson |
| Petitioner 4-F | Abimael Laureano |

APPROVAL OF MINUTES FROM JULY 14, 2009

MOTION: It was moved by Ms. Lane and supported by Mr. DiStefano that the minutes from the meeting held July 14, 2009 be approved. The motion carried by unanimous vote.

PETITIONS

CASSANDRA LYNN DAVIS

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received May 13, 2008. The Department denied the license on the basis of a lack of financial stability as evidenced by a recent credit report. Ms. Davis addressed the Board.

MOTION: It was moved by Mr. August and supported by Mr. Haeussler that, after careful consideration of the written petition and oral presentation, the Board recommended to the Department that the denial be upheld on the basis that Ms. Davis did not provide to the Board's satisfaction sufficient evidence to demonstrate financial stability. The motion carried by unanimous vote.

The Department concurred.

ANTHONY JAMES DULIN

The Board received a petition for reinstatement of an individual residential builder license from Anthony James Dulin on March 23, 2009. Mr. Dulin's individual license was revoked on May 23, 2005 due to a Final Order issued by the Board. Mr. Dulin has not shown compliance with the Final Order. Mr. Dulin was not present.

MOTION: It was moved by Mr. Haeussler and supported by Mr. August that, after careful consideration of the written petition, the Board recommended to the Department that the denial be upheld on the basis that Mr. Dulin did not present adequate reasons for reinstatement or sufficient evidence that he can and is likely to serve the public in the regulated activity with competence and in conformance with all other requirements prescribed by law, rules or an order of the Department or Board. Specifically, Mr. Dulin has not complied with a previous Final Order issued by the Board. The motion carried by unanimous vote.

The Department concurred.

BRIAN DOUGLAS FEX DOING BUSINESS AS BDF BUILDERS

The Board received a petition for review of the Department's denial of an individual residential builder relicensure application received December 8, 2008. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Fex addressed the Board.

MOTION: It was moved by Mr. DiStefano and supported by Ms. Lane that, after careful consideration of the written petition and oral presentation, the Board recommended to the Department that the denial be upheld on the basis that Mr. Fex did not provide to the Board's satisfaction sufficient evidence to demonstrate financial stability. The motion carried by unanimous vote.

The Department concurred.

JAMES HOWARD MCLEAREN

The Board received a petition for review of the Department's denial of an individual maintenance & alteration contractor licensure application received August 19, 2008. The Department denied the license on the basis of a lack of financial stability as evidenced by a recent credit report. Mr. McLearn addressed the Board.

MOTION: It was moved by Mr. DiStefano and supported by Mr. August that, after careful consideration of the written petition and oral presentation, the Board recommended to the Department that the grounds for previous denial are no longer considered a bar to licensure, provided that all derogatory accounts and outstanding federal and/or state tax liens are reconciled no later than September 15, 2010. The petitioner must submit to the Department copies of his credit report from the three credit bureaus that indicate the debts have been satisfied prior to this date. If the documentation is not received prior to September 15, 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.

JJJ INTERPRISE INC.- JAMES HOWARD MCLEAREN, Q.O.

The Board received a petition for review of the Department's denial of a corporate maintenance & alteration contractor licensure application received August 19, 2008. The Department denied the license on the basis of a lack of financial stability as evidenced by a recent credit report. Mr. McLearn addressed the Board.

MOTION: It was moved by Mr. DiStefano and supported by Mr. August that, after careful consideration of the written petition and oral presentation, the Board recommended to the Department that the grounds for previous denial are no longer considered a bar to licensure, provided that all derogatory accounts and outstanding federal and/or state tax liens are reconciled no later than September 15, 2010. The petitioner must submit to the Department copies of his credit report from the three credit bureaus that indicate the debts have been satisfied prior to this date. If the documentation is not received prior to September 15, 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.

ROKIBA HAMZA MUHAMMAD DOING BUSINESS AS FIRST HAND RESTORATION

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received February 10, 2009. The Department denied the license on the basis of a lack of financial stability as evidenced by a recent credit report. Mr. Muhammad addressed the Board.

MOTION: It was moved by Mr. August and supported by Ms. Lane that, after careful consideration of the written petition and oral presentation, the Board recommended to the Department that the grounds for previous denial are no longer considered a bar to licensure, provided that all derogatory accounts are reconciled no later than January 15, 2010. The petitioner must submit to the Department copies of his credit report from the three credit bureaus that indicate the debts have been satisfied 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 January 15, 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.

SAHIR KARIM RASHID

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received May 19, 2008. The Department denied the license on the

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

MOTION: It was moved by Mr. Haeussler and supported by Mr. August that, after careful consideration of the written petition and oral presentation, the Board recommended to the Department 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 15, 2010. The petitioner must submit to the Department copies of his credit report from the three credit bureaus that indicate the debts have been satisfied 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 September 15, 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.

TIMOTHY ANDREW WOOD

The Board received a petition for review of the Department's denial of an individual residential builder relicensure application received June 27, 2008. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Wood addressed the Board.

MOTION: It was moved by Ms. Lane and supported by Mr. Haeussler that, after careful consideration of the written petition and oral presentation, the Board recommended to the Department 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 15, 2010. The petitioner must submit to the Department copies of his credit report from the three credit bureaus that indicate the debts have been satisfied 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 September 15, 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.

MARCUS W. ANDERSON

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received May 28, 2009. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Anderson addressed the Board.

MOTION: It was moved by Mr. August and supported by Ms. Lane that, after careful consideration of the written petition and oral presentation, the Board recommended to the Department that the denial be upheld on the basis that Mr. Anderson did not provide to the Board's satisfaction sufficient evidence to demonstrate financial stability. The motion carried by unanimous vote.

The Department concurred.

RAYMOND ARTHUR NIEDZWIECKI

The Board received a petition for review of the Department's denial of an individual residential builder relicensure application received July 2, 2008. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Niedzwiecki, along with Chris Niedzwiecki, 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 recommended to the Department that the grounds for previous denial are no longer considered a bar to licensure, provided that the license is issued with limitations. The limitations on the license are: (1) Once issued, the license is on probation until the installment agreement established with the Internal Revenue Service on June 5, 2009 to satisfy the outstanding Federal Tax Liens has been satisfied in full. (2) Mr. Niedzwiecki must provide the Department with evidence that he is in compliance with the installment agreement, by submitting proof to the Department that he has made the required \$440.00 per month payment for the time period of September through August of each year until the debt has been satisfied. The first submission must be received in the Department prior to August 31, 2010, and will cover the time period of September 1, 2009 through August 31, 2010. Further, Mr. Niedzwiecki must submit proof of compliance for the time period of September 1 through August 31 of each year thereafter until the debt has been satisfied. (3) Mr. Niedzwiecki must provide documentation that is acceptable to the Department that indicates that he is in compliance with the installment agreement, such as statements from the IRS that show payments made to the account. (4) The Department may be supplied with a new credit report at any time to ensure that there have been no new State or Federal Tax Liens filed against him while there is a limitation on the license. Enforcement action will be taken against the license if there are new liens found. (5) If these requirements are not met, the license will be immediately revoked. The Statement of Limitations must be posted with the wall license, and removal of the Statement of Limitations from the wall certificate will result in the nullification of the license. The motion carried by unanimous vote.

The Department concurred.

OLD BUSINESS

RAYMOND SCOTT MEYERS

On May 5, 2009, Raymond Scott Myers appeared before the Board as a petitioner, in response to a denial he received for a lack of good moral character. The Board recommended to the Department that the denial be overturned; however, following the Board meeting, the Department received information that resulted in concerns regarding the petitioner's competency to practice in the profession had the Board been aware of the information at the time of its recommendation. Therefore, the petition was brought back before the Board on September 15, 2009. Mr. Myers, along with his attorney, Lionel Bashore, addressed the Board.

The Board allowed Mr. Myers and his attorney, Lionel Bashore, to speak at length concerning the petition. During this time, the petitioner informed the Board that he was aware that he had not disclosed information concerning a consent judgment, Case No. 99-72661, on the licensure application because he did not want to have to explain the issues involved with the judgment to his girlfriend. However, when Mr. Myers signed the licensure application, he was certifying that the statements on the application were true and correct. Therefore, the Board indicated they were concerned with the issues involving the consent judgment, his conviction history, and his lack of honesty. The Board was also concerned with his ability to meet the minimum standard of acceptable practice due to the restrictions in the consent judgment.

MOTION: The Board again allowed Mr. Myers and his attorney to speak at length prior to the vote being taken. It was moved by Mr. Haeussler and supported by Ms. Lane that, after careful consideration of the written petition and oral presentation, the Board recommended to the Department that the denial be upheld on the basis of the consent judgment and 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 Department concurred.

HEARING REPORTS

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

PHIL AGNEW BUILDERS INC., PHILIP JOHN AGNEW, Q.O., LICENSE NO. 2102-153125, EXPIRED 5-31-2009, PHILIP JOHN AGNEW, LICENSE NO. 2101-064714, EXPIRED 5-31-2001, CHESANING, MICHIGAN: COMPLAINT NO. 308748 AND 308749

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano that the following penalty be assessed: Immediate revocation of any and all licenses, 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, in accordance with statutory provisions. Fine of \$10,000.00 made payable to the State of Michigan and restitution in the amount of \$60,352.60 payable to Douglas and Janelle Taylor 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 308748 and 308749. 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.

PHILIP JOHN AGNEW, LICENSE NO. 2101-064714, EXPIRED 5-31-2001, PHIL AGNEW BUILDERS INC., PHILIP JOHN AGNEW, Q.O., LICENSE NO. 2102-153125, EXPIRED 5-31-2009, CHESANING, MICHIGAN: COMPLAINT NO. 308748 AND 308749

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order, in accordance with statutory provisions. 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 \$60,352.60 payable to Douglas and Janelle Taylor 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 308748 and 308749. 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.

RASHAD AL-MEHDI, LICENSE NO. 2101-167500, EXPIRED 5-31-2008, RASHAM BUILDING & DEVELOPMENT INC., RASHAD AL-MEHDI, Q.O., LICENSE NO. 2102-176453, EXPIRED 5-31-2006, DEARBORN, MICHIGAN: COMPLAINT NO. 297182

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly failure to correct the problem timely, incompetence, and aiding or abetting unlicensed person), a fine should be imposed.

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 held

by the Respondent, in accordance with statutory provisions. 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.

RON BRADLEY CONSTRUCTION INC., RONALD HARVEY BRADLEY, Q.O., LICENSE NO. 2102-165634, EXPIRED 5/31/2008, GRAND HAVEN, MICHIGAN: COMPLAINT NO. 308172

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano that the following penalty be assessed: Fine of \$4,000.00 made payable to the State of Michigan and restitution in the amount of \$13,866.00 payable to Dorine Bice 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, in accordance with statutory provisions. No application for licensure, relicensure, or reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

GREGORY O'NEAL DAVIS, DOING BUSINESS AS TOP OF THE WORLD ROOFING, LICENSE NO. 2101-175073, EXPIRES 5-31-2011, DETROIT, MICHIGAN: COMPLAINT NO. 307572

The Board reviewed the hearing report and determined that because of the severity of the offenses (particularly poor workmanship and incompetence), a fine should be imposed.

MOTION: It was moved by Mr. Haeussler and supported by Mr. August that the following penalty be assessed: Fine of \$4,000.00 made payable to the State of Michigan within sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order will result in suspension of any and all licenses held by the Respondent. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is suspended. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

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 HILLS, MICHIGAN: COMPLAINT NO. 310435 AND 310436

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

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano that the following penalty be assessed: 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, in accordance with statutory provisions. 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. 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 310435 and 310436. 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.

JOHN ROBERT GANDY, LICENSE NO. 2101-189101, EXPIRES 5-31-2011, GANDY CONSTRUCTION INC., JOHN ROBERT GANDY, Q.O., LICENSE NO. 2102-175611, EXPIRES 5-31-2011, ROCHESTER HILLS, MICHIGAN: COMPLAINT NO. 310435 AND 310436

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

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order, in accordance with statutory provisions. 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 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 310435 and 310436. 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.

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 HILLS, MICHIGAN: COMPLAINT NO. 310543 AND 310544

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

MOTION: It was moved by Mr. Haeussler and supported by Mr. 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, in accordance with statutory provisions. 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 310543 and 310544. 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.

JOHN ROBERT GANDY, LICENSE NO. 2101-189101, EXPIRES 5-31-2011, GANDY CONSTRUCTION INC., JOHN ROBERT GANDY, Q.O., LICENSE NO. 2102-175611, EXPIRES 5-31-2011, ROCHESTER HILLS, MICHIGAN: COMPLAINT NO. 310543 AND 310544

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

MOTION: It was moved by Mr. Haeussler and supported by Mr. August, that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order, in accordance with statutory provisions. 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 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 310435 and 310436. 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.

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 HILLS, MICHIGAN: COMPLAINT NO. 311064 AND 311065

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly fraud, deceit or dishonesty in occupation, and failure to account for or remit funds), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. 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, in accordance with statutory provisions. 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 \$7,000.00 payable to Troopti Patel 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 311064 and 311065. 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.

JOHN ROBERT GANDY, LICENSE NO. 2101-189101, EXPIRES 5-31-2011, GANDY CONSTRUCTION INC., JOHN ROBERT GANDY, Q.O., LICENSE NO. 2102-175611, EXPIRES 5-31-2011, ROCHESTER HILLS, MICHIGAN: COMPLAINT NO. 311064 AND 311065

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly fraud, deceit or dishonesty in occupation, and failure to account for or remit funds), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. August, that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order, in accordance with statutory provisions. 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 \$7,000.00 payable to Troopti Patel 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 311064 and 311065. 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 is paid in full. The motion carried by unanimous vote.

ROCK TOPS INCORPORATED, KEITH ALEXANDER KARGOL, Q.O. (4/8/2005 - 5/25/2006), SCOTT ALLEN SMITH, Q.O. (6/19/2006 - 12/26/2008), LICENSE NO. 2102-175921, SUMMARILY SUSPENDED 1-26-2009, MACOMB, MICHIGAN: COMPLAINT NO. 311456

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

MOTION: It was moved by Mr. Haeussler 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 upon issuance of the Final Order, in accordance with statutory provisions. Neither Keith Alexander Kargol or Scott Allen Smith was found responsible; therefore, their licenses should not be affected. 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.

JOHN JAMES LAYMAN, LICENSE NO. 2101-045741, EXPIRED 5-31-2007, PETOSKEY, MICHIGAN: COMPLAINT NO. 306963

The Board reviewed the hearing report and determined that because of the severity of the offenses (particularly failure to file corporate papers, failure to account for or remit funds and aiding or abetting 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. DiStefano that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order, in accordance with statutory provisions. 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 JEREMIAH LETOURNEAU, LICENSE NO. 2101-157038, EXPIRED 5-31-2009, CHAMPION, MICHIGAN: COMPLAINT NO. 300826

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

MOTION: It was moved by Mr. DiStefano and supported by Ms. Lane that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order, in accordance with statutory provisions. 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 \$7,139.52 payable to Dean and Jeri Masters 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.

PAUL H MILLER, LICENSE NO. 2101-123358, EXPIRED 5-31-2009, SAULT STE MARIE, MICHIGAN: COMPLAINT NO. 303603

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. DiStefano that the following penalty be assessed: Immediate revocation of any and all licenses held by the Respondent upon issuance of the Final Order, in accordance with statutory provisions. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is revoked. Fine of \$7,500.00 made payable to the State of Michigan and restitution in the amount of \$93,328.79 payable to Martin Crimp 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.

MULTI BUILDING CO. INC., ADRIANO PACIOCCO, Q.O., LICENSE NO. 2102-075806, LAPSED-SUSPENDED 7-30-2008, PLYMOUTH, MICHIGAN: COMPLAINT NO. 308822

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. Haeussler 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 \$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.

PHILLIPS BUILDING AND DEVELOPMENT, THOMAS ALAN PHILLIPS, Q.O., LICENSE NO. 2102-155058, EXPIRED 5-31-2003, ENVIRONMENTAL INVESTMENTS INC., THOMAS ALAN PHILLIPS, Q.O., LICENSE NO. 2102-110026, EXPIRED 5-31-1998, THOMAS ALAN PHILLIPS, LICENSE NO. 2101-105337, EXPIRES 5-31-2011, COMMERCE TOWNSHIP, MICHIGAN: COMPLAINT NO. 90597

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), the fine imposed should be higher than the fine recommended in the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. 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 \$4,900.00, plus \$7,000.00 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.

CHRISTOPHER JOHN QUIDER, DOING BUSINESS AS Q & H BUILDERS, LICENSE NO. 2101-108439, EXPIRES 5-31-2011, GLADWIN, MICHIGAN: COMPLAINT NO. 310605

The Board reviewed the hearing report.

MOTION: It was moved by Mr. August and supported by Mr. DiStefano that Complaint Number 310605 be dismissed based on the fact that the Administrative Law Judge didn't find the Respondent in violation of MCL 339.604(c) and (g), MCL 339.2411(2)(m) and Rules 51(2) and (4). The motion carried by unanimous vote.

ENT RESIDENTIAL BUILDERS INC., EDWIN NORMAN RESPONDEK, LICENSE NO. 2102-178647, EXPIRES 5-31-2011, EDWIN NORMAN RESPONDEK, JR., LICENSE NO. 2101-192869, EXPIRES 5-31-2011, SOUTHFIELD, MICHIGAN: COMPLAINT NO. 310380

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 failing to satisfy judgments/liens), a fine should be imposed.

MOTION: It was moved by Mr. DiStefano and supported by Mr. August that the following penalty be assessed: Fine of \$500.00 made payable to the State of Michigan and restitution in the amount of \$499.61 payable to Kenneth Callihan 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, in accordance with statutory provisions. In addition, the Respondent is ordered to satisfy the Claim of Liens filed in Livingston County on the property of Kenneth and Belinda Callihan by Stock Building Supply, filed on May 20, 2008, #2008R-016757, in the amount of \$21,909.66 and by Hoffman Electric LLC, filed on August 8, 2008, #20008R-023676, in the amount of \$3,510.00 within 24 months from the date of mailing of the Final Order. Failure to satisfy the Claim of Liens within 24 months from the date of mailing of 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, in accordance with statutory provisions. No application for licensure, relicensure, or

reinstatement shall be considered until compliance is made. The motion carried by unanimous vote.

CASA VILA BUILDERS INC., VITO SERRA, Q.O., LICENSE NO. 2102-120607, EXPIRES 5-31-2011, VITO SERRA, LICENSE NO. 2101-090001, EXPIRES 5-31-2011, CASA VILLA HOMES ASSOCIATES LLC, VITO SERRA, Q.O., LICENSE NO. 2102-136332, EXPIRED 5-31-2009, CASA VILLA HOMES OF CHESTERFIELD LLC, VITO SERRA, Q.O., LICENSE NO. 2102-136662, EXPIRED 5-31-2003, CASA VILLA HOMES OF FLAT ROCK LLC, VITO SERRA, Q.O., LICENSE NO. 2102-162875, EXPIRED 5-31-2007, CASA VILLA HOMES OF KOSS FARMS LLC, VITO SERRA, Q.O., LICENSE NO. 2102-162876, EXPIRES 5-31-2011, CASA VILLA HOMES OF MACOMB LLC, VITO SERRA, Q.O., LICENSE NO. 2102-136663, EXPIRES 5-31-2011, CASA VILLA HOMES OF MAPLE CREEK LLC, VITO SERRA, Q.O., LICENSE NO. 2102-149815, EXPIRED 5-31-2004, CASA VILLA HOMES OF MONROE LLC, VITO SERRA, Q.O., LICENSE NO. 2102-164143, EXPIRES 5-31-2011, CASA VILLA HOMES OF NEW BALTIMORE LLC, VITO SERRA, Q.O., LICENSE NO. 2102-123057, EXPIRED 5-31-2005, CASA VILLA HOMES OF ROCKWOOD LLC, VITO SERRA, Q.O., LICENSE NO. 2102-143566, EXPIRED 5-31-2005, CASA VILLA HOMES OF TAYLOR LLC, VITO SERRA, Q.O. LICENSE NO. 2102-149814, EXPIRED 5-31-2004, CASA VILLA HOMES OF WATERSTONE LLC, VITO SERRA, Q.O., LICENSE NO. 2102-177962, EXPIRED 5-31-2008, HURON POINTE HOMES NO. 2 LLC, VITO SERRA, Q.O., LICENSE NO. 2102-162874, EXPIRES 5-31-2011, CLINTON TOWNSHIP, MICHIGAN: COMPLAINT NO. 307610

The Board reviewed the hearing report.

MOTION: It was moved by Mr. August and supported by Mr. Haeussler that Complaint Number 307610 be dismissed based on the fact that the Administrative Law Judge didn't find the Respondent in violation of MCL 339.604(c), MCL 339.2411(2)(m) and Rules 51(4). The motion carried by unanimous vote.

VITO SERRA, LICENSE NO. 2101-090001, EXPIRES 5-31-2011, CASA VILA BUILDERS INC., VITO SERRA, Q.O., LICENSE NO. 2102-120607, EXPIRES 5-31-2011, CASA VILLA HOMES ASSOCIATES LLC, VITO SERRA, Q.O., LICENSE NO. 2102-136332, EXPIRED 5-31-2009, CASA VILLA HOMES OF CHESTERFIELD LLC, VITO SERRA, Q.O., LICENSE NO. 2102-136662, EXPIRED 5-31-2003, CASA VILLA HOMES OF FLAT ROCK LLC, VITO SERRA, Q.O., LICENSE NO. 2102-162875, EXPIRED 5-31-2007, CASA VILLA HOMES OF KOSS FARMS LLC, VITO SERRA, Q.O., LICENSE NO. 2102-162876, EXPIRES 5-31-2011, CASA VILLA HOMES OF MACOMB LLC, VITO SERRA, Q.O., LICENSE NO. 2102-136663, EXPIRES 5-31-2011, CASA VILLA HOMES OF MAPLE CREEK LLC, VITO SERRA, Q.O., LICENSE NO. 2102-149815, EXPIRED 5-31-2004, CASA VILLA HOMES OF MONROE LLC, VITO SERRA, Q.O., LICENSE NO. 2102-164143, EXPIRES 5-31-2011, CASA VILLA HOMES OF NEW BALTIMORE LLC, VITO SERRA, Q.O., LICENSE NO. 2102-123057, EXPIRED 5-31-2005, CASA VILLA HOMES OF ROCKWOOD LLC, VITO SERRA, Q.O., LICENSE NO. 2102-143566, EXPIRED 5-31-2005, CASA VILLA HOMES OF TAYLOR LLC, VITO SERRA, Q.O. LICENSE NO. 2102-149814, EXPIRED 5-31-2004, CASA VILLA HOMES OF WATERSTONE LLC, VITO SERRA, Q.O., LICENSE NO. 2102-177962, EXPIRED 5-31-2008, HURON POINTE HOMES

NO. 2 LLC, VITO SERRA, Q.O., LICENSE NO. 2102-162874, EXPIRES 5-31-2011, CLINTON TOWNSHIP, MICHIGAN: COMPLAINT NO. 307610

The Board reviewed the hearing report.

MOTION: It was moved by Mr. August and supported by Mr. Haeussler that Complaint Number 307610 be dismissed based on the fact that the Administrative Law Judge didn't find the Respondent in violation of MCL 339.604(c), MCL 339.2411(2)(m) and Rules 51(4). The motion carried by unanimous vote.

WHITE LAKE BUILDERS, INC., RICHARD JOHN STRAUSS, Q.O., LICENSE NO. 2102-162226, SUSPENDED 5-12-2009, MONTAGUE, MICHIGAN: COMPLAINT NO. 308282

The Board reviewed the hearing report and determined that because of the severity of the offenses (particularly incompetence, failure to give buyer complete agreement, 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. 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, in accordance with statutory provisions. Fine of \$10,000.00 made payable to the State of Michigan and restitution in the amount of \$4,000.00 payable to Paulette LaMie 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.

TIMOTHY K. SUTTON, LICENSE NO. 2101-121071, EXPIRED 5-31-2007, FENTON, MICHIGAN: COMPLAINT NO. 310953

The Board reviewed the hearing report and determined that because of the severity of the offenses (particularly incompetence, failure to give buyer complete agreement, and poor workmanship), a fine should be imposed.

MOTION: It was moved by Mr. Haeussler 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, in accordance with statutory provisions. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual lic

reinstatement shall be considered until fine and restitution are paid in full. The motion carried by unanimous vote.

ERIC RICHARD SWANSON, LICENSE NO. 2101-181237, EXPIRES 5-31-2009, PINCKNEY, MICHIGAN: COMPLAINT NO. 309439

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

MOTION: It was moved by Mr. 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, in accordance with statutory provisions. 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 \$15,600.00 payable to Edward N. Zalewski 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.

VIVIANO CONSTRUCTION COMPANY INC., SALVATORE VIVIANO, Q.O., LICENSE NO. 2102-160238, EXPIRED 5-31-2002, SALVATORE VIVIANO, LICENSE NO. 2101-147567, EXPIRES 5-31-2011, ROMEO, MICHIGAN: COMPLAINT NO. 306647 AND 306649

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

MOTION: It was moved by Mr. August and supported by Mr. Haeussler 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 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, in accordance with statutory provisions. 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 306647 and 306649. 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.

SALVATORE VIVIANO, LICENSE NO. 2101-147567, EXPIRES 5-31-2011, VIVIANO CONSTRUCTION COMPANY INC., SALVATORE VIVIANO, Q.O., LICENSE NO. 2102-160238, EXPIRED 5-31-2002, ROMEO, MICHIGAN: COMPLAINT NO. 306647 AND 306649

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

MOTION: It was moved by Mr. August and supported by Mr. Haeussler 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 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, in accordance with statutory provisions. 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 306647 and 306649. 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.

CHARLES FREDERICK WALCOTT, LICENSE NO. 2101-070958, EXPIRES 5-31-2011, KALEVA, MICHIGAN: COMPLAINT NO. 309732

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Haeussler and supported by Mr. August 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 85th District Court on September 30, 2008, Case No. 08-683-SC-1, for Eskel C. Norbeck Jr., in the amount of \$1,476.00, plus costs, fees, and interest at the statutory rate within sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order will result in suspension of any and all licenses held by the Respondent, in accordance with statutory provisions. 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.

STIPULATIONS

RICHARD GEORGE ALLMAN III, LICENSE NO. 2101-165508, EXPIRES 5-31-2011, ALLMAN DEVELOPMENT LLC, RICHARD GEORGE ALLMAN III, Q.O., LICENSE NO. 2102-175086, EXPIRES 5-31-2011, MARSHALL, MICHIGAN: COMPLAINT NO. 309208

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. 309208 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation within sixty (60) days of the date of mailing of the Final Order 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 term of the stipulation
- c. 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 (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

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

BANCROFT ENTERPRISES INC., CRAIG D. BANCROFT, Q.O., LICENSE NO. 2104-170777, EXPIRED 5-31-2009, CHARLOTTE, MICHIGAN: COMPLAINT NO. 302924

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

- a. Respondent shall make restitution in the amount of \$10,550.00 by check or money order made payable to Tom Clipper within sixty (60) days from the date of mailing of the Final Order.
- b. Respondent shall pay a fine in the amount of \$250.00. Fine shall be paid by check or money order, with Complaint No. 302924 clearly indicated on the check or money order, made payable to the State of Michigan within ninety (90) days of 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909
- c. Failure to comply with the terms of the stipulation shall result in suspension of all licenses of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

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

BRENT J. BUCKLEY, DOING BUSINESS AS BUCKLEY CONSTRUCTION, LICENSE NO. 2101-122080, EXPIRES 5-31-2011, PORT HURON, MICHIGAN: COMPLAINT NO. 309282

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. 309828 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall make restitution in the amount of \$3,700.00 by check or money order made payable to Alex and Cheryl Fisher 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 of the date of mailing of the Final Order 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 sixty (60) days of the date of mailing of the Final Order, then the fine shall increase to \$5,000.00.
- e. 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 (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

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

SCOTT CHRISTOPHER DOLFMAN, DOING BUSINESS AS SCOTTY & SON'S CUSTOM BUILDERS, LICENSE NO. 2101-137351, EXPIRES 5-31-2011, RICHLAND, MICHIGAN: COMPLAINT NO. 311314

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 \$6,000.00. Fine shall be paid by cashier's check or money order, with Complaint No. 311314 clearly indicated on the check or money order, made payable to the State of Michigan within thirty (30) 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall make restitution in the amount of \$6,000.00 by check or money order made payable to Barbara Petoskey within thirty (30) days from the date of mailing of the Final Order.
- c. Failure to comply with the terms of the stipulation within thirty (30) days from the date of mailing of the Final Order 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 from the date of mailing of the Final Order shall result in 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. Haeussler and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

HOUSECARE LLC, RYAN JEFFREY FORREST, Q.O., LICENSE NO. 2102-170386, EXPIRED 5-31-2007, DOUBLE R. INVESTMENT CO LLC, RYAN JEFFREY FORREST, Q.O., LICENSE NO. 2102-181026, EXPIRED 5-31-2009, RYAN JEFFREY FORREST, LICENSE NO. 2101-189841, EXPIRED 5-31-2008, EXPIRED 5-31-2008, FARMINGTON HILLS, MICHIGAN: COMPLAINT NO. 307138

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. 307138 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Respondent shall make restitution in the amount of \$1,000.00 per the Case Evaluation Award for Case Number 2007-128606-GC in the 36th District Court of

the State of Michigan. Gwendolyn M. Flowers shall sign a Satisfaction of Judgment for Case Number 2007-128606-GC provided by Respondent upon payment of the \$1,000.00. Proof of compliance with stipulation shall be in the form of a copy of the front and back of the cancelled check that was payable to the person(s) ordered to receive restitution; or a receipt signed by the person(s) to whom restitution was payable, stating restitution was paid and the amount paid. Proof shall be mailed to the Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909 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 of the date of mailing of the Final 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.

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

RONALD JOSEPH FRANCIS, LICENSE NO. 2101-153498, EXPIRES 5-31-2011, ROYAL OAK, MICHIGAN: COMPLAINT NO. 310663

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. 310663 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to pay fine within sixty (60) days of the mailing of the Final Order, fine shall increase to \$5,000.00.
- c. Respondent shall make restitution in the amount of \$1,841.00 by check or money order made payable to the Homeowner Construction Lien Recovery Fund, P.O. Box 30018, Lansing, MI 48909, within sixty (60) days of the date of mailing of the Final Order in this matter.
- d. Failure to comply with the terms of the stipulation within sixty (60) days of the date of mailing of the Final Order 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.

- e. Failure to comply with the terms of stipulation within sixty (60) days of the date of mailing of the Final Order, fine shall increase to \$5,000.00.
- f. 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 (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

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

MAX – GABREL, INC., DARIUSZ P. GABREL, Q.O., LICENSE NO. 2102-169547, LAPSED-SUSPENDED 8-18-2009, DARIUSZ PIOTR GABREL, LICENSE NO. 2101-167662, EXPIRED 5-31-2004, ARCH-TECH CONSTRUCTION, DARIUSZ PIOTR GABREL, Q.O., EXPIRED 5-31-2003, CHESTERFIELD, MICHIGAN: COMPLAINT NO. 309037 AND 309038

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. 309037 and 309038 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation within sixty (60) days, fine shall increase to \$5,000.00.
- 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 shall result in 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. Haeussler and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

JAMES DAVID JACKSON, DOING BUSINESS AS MICHIGAN CONSTRUCTION, LICENSE NO. 2101-071316, EXPIRES 5-31-2011, MICHIGAN CONST INC, JAMES DAVID JACKSON, Q.O., LICENSE NO. 2102-135784, EXPIRED 5-31-2005, LAPEER, MICHIGAN: COMPLAINT NO. 305542

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

- a. Respondent shall make restitution to the Homeowner Construction Lien Recovery Fund in the amount of \$12,000.00, plus the litigation costs in the amount of \$2,100.00 for a total restitution amount of \$14,100.00 by cashier's check or money order, within six (6) months from the mailing date of the Final Order. The check or money order shall be mailed to the Michigan Construction Lien Recovery Fund, Final Order Monitoring, Bureau of Commercial Services, P.O. Box 30018 Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation within six (6) months shall result in suspension of all licenses of Respondent (individual and/or corporate) or in the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

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

RECOVERY CONSTRUCTION SERVICES LLC, JOHN JOSEPH LINK, Q.O., LICENSE NO. 2102-170662, EXPIRES 5-31-2011, JOHN JOSEPH LINK, LICENSE NO. 2101-147231, EXPIRES 5-31-2011, ACCESS INDUSTRIES INC., JOHN JOSEPH LINK, Q.O., LICENSE NO. 2102-159672, EXPIRED 5-31-2004, J. LINK BUILDING LLC, JOHN JOSEPH LINK, Q.O., LICENSE NO. 2102-155509, EXPIRES 5-31-2011, CLINTON TOWNSHIP, MICHIGAN: COMPLAINT NO. 309894 AND 309895

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. 309894 and 309895 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation within sixty (60) days, fine shall increase to \$5,000.00.

- 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 shall result in 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. Haeussler and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

STEVE KURT MARCINIAK, DOING BUSINESS AS MARCINIAK BUILDERS, LICENSE NO. 2101-138130, EXPIRES 5-31-2011, OSSINEKE, MICHIGAN; COMPLAINT NO. 311437

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. 311437 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation within sixty (60) days, fine shall increase to \$5,000.00.
- 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 shall result in 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. Haeussler and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

JAMES LEE MEEKHOFF, DOING BUSINESS AS MEEKHOF BUILDERS, LICENSE NO. 2101-084500, EXPIRES 5-31-2009, JAMES L. MEEKHOFF BUILDERS INC., JAMES LEE

MEEKHOFF, Q.O., LICENSE NO. 2102-038732, EXPIRED 3-31-1979, GRAND RAPIDS, MICHIGAN: COMPLAINT NO. 310455

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

- a. Respondent's license number 2101-084500 for James Lee Meekhoff shall be suspended indefinitely until the Homeowners Construction Lien Recovery Fund is repaid in the total sum of \$7,400.00. The repayment shall be paid by certified check or money order, with Complaint No. 310455 clearly indicated on the check or money order, made payable to the State of Michigan. Check or money order shall be mailed to the Department of Energy, Labor & Economic Growth, Bureau of Commercial Services, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation within two (2) years shall result in revocation of license No. 2101-084500 issued in the name of James Lee Meekhoff and the denial of any license renewal or future application for licensure until compliance is made with the terms of the stipulation.

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

MICHAEL L. NEMETH, LICENSE NO. 2101-176089, EXPIRES 5-31-2011, MLN BUILDERS INC., MICHAEL L. NEMETH, Q.O., LICENSE NO. 2102-193606, EXPIRES 5-31-2011, GRAND BLANC, MICHIGAN: COMPLAINT NO. 309090

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

- a. Respondent shall pay a fine in the amount of \$3,000.00. Fine shall be paid by check or money order, with Complaint No. 309090 clearly indicate on the check or money order, 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, Final Order Monitoring, 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. Haeussler and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

CALVIN RICHARDSON, LICENSE NO. 2101-118127, EXPIRES 5-31-2011, EXECUTIVE CONSTRUCTION MANAGEMENT COMPANY, CALVIN RICHARDSON, Q.O., LICENSE NO. 2102-170502, EXPIRES 5-31-2011, TRM INC., CALVIN RICHARDSON, Q.O., LICENSE NO. 2102-148920, EXPIRES 5-31-2011, DETROIT, MICHIGAN: COMPLAINT NO. 304884

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 check or money order, with Complaint No. 304884 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation shall result in suspension Respondent's License Number 2101-118127 until compliance is made with the terms of the stipulation.

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

STEVEN ROBERT RYBO, LICENSE NO. 2101-074266, EXPIRES 5-31-2011, FLINT, MICHIGAN: COMPLAINT NO. 311392

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 \$2,500.00. Fine shall be paid by check or money order, with Complaint No. 311392 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation within sixty (60) days, fine shall increase to \$5,000.00.
- c. Respondent shall make restitution according to the terms of Civil Judgment entered against Respondent in April 2009, in the State of Michigan, 67th District Court, Case No. 5CF08-130, in the amount of \$2,898.89 by check or money order made payable to Arthur and Janice Rodammer, within sixty (60) days of the date of mailing of the Final Order in this matter.
- d. Failure to comply with the terms of the stipulation within sixty (60) days shall result in 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. Haeussler and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

MICHAEL TIMOTHY SMITH, DOING BUSINESS AS CONCRETE SERVICES, LICENSE NO. 2101-153884, EXPIRED 5-31-2009, MONROE, MICHIGAN: COMPLAINT NO. 308127

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 check or money order, with Complaint No. 308127 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.
- b. Failure to comply with the terms of the stipulation within sixty (60) days, fine shall increase to \$5,000.00.
- 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 shall result in 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. Haeussler and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

CHRISTOPHER P. VANNESTE, LICENSE NO. 2101-125466, EXPIRED 5-31-2008, ASC HOME IMPROVEMENTS LLC, CHRISTOPHER P. VANNESTE, Q.O. LICENSE NO. 2102-170661, EXPIRED 5-31-2009, MICHIGAN: COMPLAINT NO. 310845

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 check or money order, with Complaint No. 310845 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, Final Order Monitoring, P.O. Box 30018, Lansing, MI 48909.

- b. Failure to comply with the terms of the stipulation shall result in suspension of Respondent's Individual Residential Builder License, License Number 2101-125466, until compliance is made with the terms of the stipulation.

MOTION: It was moved by Mr. Haeussler and supported by Ms. Lane 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 November 10, 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 12:24 p.m.

Chairperson
Mark Glynn

Recording Secretary
Robin Sirls

Date