

**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

NOVEMBER 10, 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 November 10, 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 9:03 a.m.

ROLL CALL

Present:	Gary August	Member
	Frank DiStefano	Member
	Mark Glynn	Chairperson
	James Haeussler	Member
	Marilyn Lane	Member
	Kevin Lewand	Member
	Anthony Parker	Vice Chairperson
	Jennifer Shoats-Flack	Member
Staff:	Gloria Keene	Licensing Administrator
	Andrew Brisbo	Assistant Licensing Administrator
	Robin Sirls	Recording Secretary
	Joyce Karr	Director, Licensing Division
	James Nelson	Legal Unit Support Manager
	Judy Dixon	Administrative Law Specialist
	Heather Miller	Compliance Specialist
	Bob Engle	State Administrative Manager
	Kimberly Breitmeyer	Administrative Law Specialist
	Linda Pung	Department Technician, Builders
	Sue Cooper	Department Technician, Builders
	Yvette Robinson	Compliance Specialist
	Belinda Wright	Construction Lien Manager
	Joseph Berry	Compliance Conferee
	Steve Gobbo	Director, Legal Affairs Division
Visitors:	William V. Koczara	Petitioner
	Terry Vincent Moore	Petitioner
	Michael Dunn	Visitor
	Sahir Karim Rashid	Petitioner
	Bryan Matthew Krygier	Petitioner
	Suzanne Krygier	Visitor
	Barney Lee Brooks	Petitioner
	Stacy Andre Hawkins	Petitioner
	Pasquale Longordo	Petitioner

Arthur William Luster	Petitioner
Peter Beck	Visitor
Craig Michael Curran	Petitioner

ADDITIONS TO OR DELETIONS FROM AGENDA

Additions:

Petitioner 4-L Arthur William Luster

Deletions:

Petitioner 4-F James S. LoBretto, Jr.
Petitioner 4-H Stephan Dale McClellan

APPROVAL OF MINUTES FROM SEPTEMBER 15, 2009

MOTION: It was moved by Mr. Haeussler and supported by Ms. Lane that the minutes from the meeting held September 15, 2009 be approved. The motion carried by unanimous vote.

PETITIONS

BARNEY LEE BROOKS DOING BUSINESS AS HOUSE DOCTOR RENOVATIONS

The Board received a petition for review of the Department's denial of an individual residential builder relicensure application received February 13, 2009. The Department denied the license on the basis of a lack of good moral character and a lack of financial stability as evidenced by a relevant criminal conviction history report and a recent credit report. Mr. Brooks 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 recommended to the Department that the grounds for previous denial are no longer considered a bar to licensure. The motion carried by unanimous vote.

The Department concurred.

JONATHAN ALLEN CHERUP

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received June 9, 2008. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Cherup was not present.

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

The Department concurred.

STACY ANDRE HAWKINS DOING BUSINESS AS WEATHERIZATION STIMULUS COMPANY

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received February 25, 2009. 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. Hawkins addressed the Board.

MOTION: It was moved by Ms. Flack and supported by Mr. Parker 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 (1) although the denial was not based upon the convictions alone, the criminal offenses were reasonable 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.

BRYAN MATTHEW KRYGIER

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received April 16, 2008. The Department denied the license on the basis of a lack of financial stability as evidenced by a recent credit report. Mr. Krygier 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. The motion carried with the following vote: Aye: Mr. August, Mr. DiStefano, Mr. Haeussler, Mr. Parker, Ms. Lane, Mr. Lewand. Nay: Ms. Flack.

The Department concurred.

ABIMAE LAUREANO DOING BUSINESS AS ALM CONSTRUCTION

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received May 28, 2008. The Department denied the license on the basis of a lack of financial stability as evidenced by a recent credit report. Mr. Laureano was not present.

MOTION: It was moved by Mr. August and supported by Ms. Flack that, after careful consideration of the written petition, 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 February 8, 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 February 8, 2010, or the accounts are not reconciled, or there are additional derogatory accounts, the Department's denial will be upheld. The motion carried with the following vote: Aye: Mr. August, Mr. DiStefano, Mr. Haeussler, Mr. Parker, Ms. Lane, Ms. Flack. Nay: Mr. Lewand.

The Department concurred.

PASQUALE LONGORDO

The Board received a petition for review of the Department's denial of an individual residential builder relicensure application received April 8, 2009. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Longordo addressed the Board.

MOTION: It was moved by Mr. Lewand 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 the petitioner supply documentation to the Department demonstrating compliance with all debt and loan modification agreements. The Department will verify the documentation supplied and confirm that there are no new derogatory accounts or information shown on the credit report. If the documentation is not received prior to November 10, 2010, or there are additional derogatory accounts, the Department's denial will be upheld and the application file discarded. The motion carried by unanimous vote.

The Department concurred.

TERRY VINCENT MOORE

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received March 27, 2009. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Moore 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 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 Collections Division of the Michigan Department of Treasury on July 23, 2009 to satisfy the outstanding State Tax Lien has been satisfied in full. (2) Mr. Moore 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 \$50.00 per month payment for the time period of August through January and February through July of each year until the debt has been satisfied. The First submission must be received in the Department prior to January 15, 2010, and will cover the time period of September 1, 2009 through January 1, 2010. Further, Mr. Moore must submit proof of compliance for the time period of February 1, 2010 through July 1, 2010 and each six months thereafter until the debt has been satisfied. The proof of compliance must be received in the Department prior to January 15 and July 15 of each year, beginning with January 15, 2010. (3) Mr. Moore 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 Michigan Department of Treasury 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.

WILLIAM V. KOCZARA

The Board received a petition for review of the Department's denial of an individual residential builder licensure application received June 15, 2009. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Koczara addressed the Board.

MOTION: It was moved by Mr. Haeussler and supported by Mr. Lewand 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 November 10, 2010. The petitioner must submit documentation to the Department demonstrating consistent compliance with all repayment agreements or satisfaction of each derogatory account. 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 10, 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.

CRAIG MICHAEL CURRAN

The Board received a petition for review of the Department's denial of an individual residential builder relicensure application received September 8, 2009. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Curran addressed the Board.

MOTION: It was moved by Mr. Haeussler and supported by Ms. Flack 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 November 10, 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 November 10, 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.

ARTHUR WILLIAM LUSTER

The Board received a petition for review of the Department's denial of an individual residential builder relicensure application received March 5, 2009. The Department denied the license on the basis of a lack of financial stability, as evidenced by a recent credit report. Mr. Luster addressed the Board.

MOTION: It was moved by Mr. Lewand 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 November 10, 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 November 10, 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.

OLD BUSINESS

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. 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. Mr. Rashid requested to address the Board again for clarification on the recommendation made on September 15, 2009.

The Board did not make a motion or take any official action. The recommendation of the Board made on September 15, 2009 stands. In addition, the Department will update the Board on the status of Mr. Rashid's application as requested.

The Department concurred.

HEARING REPORTS

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

RONALD ERIC AHLQUIST, DOING BUSINESS AS AHLQUIST CONSTRUCTION COMPANY, LICENSE NO. 2103-051200, EXPIRED 5-31-2007, SPRING LAKE, MICHIGAN: COMPLAINT NO. 310141

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly incompetence and practicing an occupation without a license), 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 \$2,500.00 made payable to the State of Michigan and restitution in the amount of \$8,014.00 payable to Rick Hawkins 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, 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.

LYON DEVELOPMENT COMPANY LLC, JEFFREY BLAIR APPEL, Q.O., LICENSE NO. 2102-174769, EXPIRED 5-31-2007, JEFFREY BLAIR APPEL, LICENSE NO. 2101-089661, EXPIRED 5-31-2009, APPEL HOMES INC., JEFFREY BLAIR APPEL, Q.O., LICENSE NO. 2102-094012, EXPIRED 5-31-2009, LYON TOWNSHIP, MICHIGAN: COMPLAINT NO. 308623 AND 308624

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

MOTION: It was moved by Mr. Parker and supported by Mr. DiStefano that the following penalty be assessed: Fine of \$2,500.00 made payable to the State of Michigan and restitution in the amount of \$1,080.00 payable to Pamela A. Bratschi 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. 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 308623 and 308624. 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.

JEFFREY BLAIR APPEL, LICENSE NO. 2101-089661, EXPIRED 5-31-2009, LYON DEVELOPMENT COMPANY LLC, JEFFREY BLAIR APPEL, Q.O., LICENSE NO. 2102-174769, EXPIRED 5-31-2007, APPEL HOMES INC., JEFFREY BLAIR APPEL, Q.O., LICENSE NO. 2102-094012, EXPIRED 5-31-2009, LYON TOWNSHIP, MICHIGAN: COMPLAINT NO. 308623 AND 308624

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

MOTION: It was moved by Mr. Parker and supported by Mr. DiStefano that the following penalty be assessed: Fine of \$2,500.00 made payable to the State of Michigan and restitution in the amount of \$1,080.00 payable to Pamela A. Bratschi 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, in accordance with statutory provisions. 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 308623 and 308624. 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.

INTECH HOMES LLC, CLAUDIO BIANCHI, Q.O., LICENSE NO. 2102-154073, LAPSED-SUSPENDED 6-1-2009, CLAUDIO BIANCHI, LICENSE NO. 2101-040868, SUSPENDED 6-1-2009, FARMINGTON HILLS, MICHIGAN: COMPLAINT NO. 311274

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. August and supported by Ms. Lane 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 and restitution by satisfying judgment entered in 6th Judicial District Court on October 27, 2008, Case No. 08-093495-CZ, for Kevin Shakes and Kathleen McTigue, in the amount of \$34,226.94, 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.

DEROCHER MASONRY INC., JAMES O. DEROCHER, Q.O., LICENSE NO. 2102-141660, EXPIRES 5-31-2011, JAMES O. DEROCHER, LICENSE NO. 2101-191784, EXPIRES 5-31-2011, OSSINEKE, MICHIGAN: COMPLAINT NO. 298118

The Board reviewed the hearing report and based upon the information contained in the hearing report determined the fine should be lower than the amount recommended in the hearing report.

MOTION: It was moved by Ms. Lane and supported by Mr. August that the following penalty be assessed: Fine of \$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, in accordance with statutory provisions. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

BELVEDERE CONSTRUCTION LLC, PETER DIVITO JR., Q.O., LICENSE NO. 2102-150996, EXPIRES 5-31-2011, PETER DIVITO, JR., LICENSE NO. 2101-096283, EXPIRES 5-31-2011, MADISON HEIGHTS, MICHIGAN: COMPLAINT NO. 306755 AND 306756

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Ms. Flack 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, 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 306755 and 306756. 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.

PETER DIVITO, JR., LICENSE NO. 2101-096283, EXPIRES 5-31-2011, BELVEDERE CONSTRUCTION LLC, PETER DIVITO JR., Q.O., LICENSE NO. 2102-150996, EXPIRES 5-31-2011, MADISON HEIGHTS, MICHIGAN: COMPLAINT NO. 306755 AND 306756

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Ms. Flack 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 held by the Respondent. The Respondent may not serve as the Qualifying Officer of any corporate entity when their individual license is suspended, 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 306755 and 306756. 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.

WOLVERINE CUSTOM HOMES LLC, DALE KENNETH DUBEY, Q.O., LICENSE NO. 2102-155515, EXPIRED 5-31-2007, DALE KENNETH DUBEY, LICENSE NO. 2101-186629, EXPIRES 5-31-2011, WOLVERINE HOMES INC., DALE KENNETH DUBEY, Q.O., LICENSE NO. 2102-184235, EXPIRES 5-31-2011, WOLVERINE, MICHIGAN: COMPLAINT NO. 307068

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 \$1,700.00 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, in accordance with statutory provisions. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

THOMAS BARNES GALLOWAY, LICENSE NO. 2101-155717, EXPIRES 5-31-2011, GALLOWAY CUSTOM HOMES LLC, THOMAS BARNES GALLOWAY, LICENSE NO. 2102-182988, LAPSED-SUSPENDED 5-31-2009, GALLOWAY HOMES LLC, THOMAS BARNES GALLOWAY, LICENSE NO. 2102-166743, EXPIRED 5-31-2008, MUSKEGON, MICHIGAN: COMPLAINT NO. 310721

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), 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: 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 \$29,500.00, plus \$2,170.00 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.

THOMAS BARNES GALLOWAY, LICENSE NO. 2101-155717, EXPIRES 5-31-2011, GALLOWAY CUSTOM HOMES LLC, THOMAS BARNES GALLOWAY, LICENSE NO. 2102-182988, LAPSED-SUSPENDED 5-31-2009, GALLOWAY HOMES LLC, THOMAS BARNES GALLOWAY, LICENSE NO. 2102-166743, EXPIRED 5-31-2008, MUSKEGON, MICHIGAN: COMPLAINT NO. 310723

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), 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: 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 \$18,631.53, plus \$1,904.00 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.

THOMAS BARNES GALLOWAY, LICENSE NO. 2101-155717, EXPIRES 5-31-2011, GALLOWAY CUSTOM HOMES LLC, THOMAS BARNES GALLOWAY, LICENSE NO. 2102-182988, LAPSED-SUSPENDED 5-31-2009, GALLOWAY HOMES LLC, THOMAS BARNES GALLOWAY, LICENSE NO. 2102-166743, EXPIRED 5-31-2008, MUSKEGON, MICHIGAN: COMPLAINT NO. 310865

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), 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: 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 \$8,800.00, plus \$1,904.00 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.

THOMAS BARNES GALLOWAY, LICENSE NO. 2101-155717, EXPIRES 5-31-2011, GALLOWAY CUSTOM HOMES LLC, THOMAS BARNES GALLOWAY, LICENSE NO. 2102-182988, LAPSED-SUSPENDED 5-31-2009, GALLOWAY HOMES LLC, THOMAS BARNES GALLOWAY, LICENSE NO. 2102-166743, EXPIRED 5-31-2008, MUSKEGON, MICHIGAN: COMPLAINT NO. 310869

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), 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: 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 \$5,000.00, plus \$2,215.50 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.

RONALD EUGENE ISAAC, LICENSE NO. 2101-176437, EXPIRES 5-31-2011, BRIGHTON, MICHIGAN: COMPLAINT NO. 311107

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 \$2,012.14 payable to Steven Cascadden 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, 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.

KALABAT CONSTRUCTION INC., JAMAL KALABAT, Q.O., LICENSE NO. 2102-080027, EXPIRED 5-31-2008, JAMAL S. KALABAT, LICENSE NO. 2101-049961, EXPIRED 5-31-1988, FARMINGTON HILLS, MICHIGAN: COMPLAINT NO. 311174

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Mr. DiStefano, that the following penalty be assessed: Immediate revocation of any and all licenses, including licenses issued to a corporate entity and the individual license(s) held by the Qualifying Officer of the Respondent upon issuance of the Final Order, in accordance with statutory provisions. 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. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

CARPENTER DEVELOPMENT LLC, CHARLES EMMETT KIRBY, Q.O., LICENSE NO. 2102-161939, EXPIRED 5-31-2007, KIRBY CONSTRUCTION COMPANY, CHARLES EMMETT KIRBY, Q.O., LICENSE NO. 2102-143741, EXPIRES 5-31-2011, KIRBYCO INC., CHARLES EMMETT KIRBY, Q.O., LICENSE NO. 2102-075078, EXPIRED 5-31-1998, CHARLES EMMETT KIRBY, LICENSE NO. 2101-067367, EXPIRES 5-31-2011, CHESTERFIELD, MICHIGAN: COMPLAINT NO. 308024

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

MOTION: It was moved by Mr. August and supported by Ms. Flack that the following penalty be assessed: Fine of \$1.00 made payable to the State of Michigan and restitution to be determined by the parties in Civil Court. Upon a lengthy discussion it was further determined that the restitution amount should be resolved through civil litigation between the parties because the amount of restitution could not be determined based on the record presented. The motion carried by unanimous vote.

CRAIG S. LANCASTER, DOING BUSINESS AS LANCASTER CONSTRUCTION, LICENSE NO. 2101-069160, EXPIRES 5-31-2011, SPRING OAKS DEVELOPMENT CO., CRAIG S. LANCASTER, Q.O., LICENSE NO. 2102-079566, EXPIRED 5-31-1989, HUDSONVILLE, MICHIGAN: COMPLAINT NO. 310563

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

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 \$23,284.22, plus \$2,156.00 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.

ROBERT JAMES MOREAU, LICENSE NO. 2101-180627, EXPIRES 5-31-2011, ROBERT JAMES MOREAU, LICENSE NO. 2105-091507, EXPIRED 5-31-1997, NORDIC DESIGN CONCEPTS LLC, ROBERT JAMES MOREAU, LICENSE NO. 2102-182595, EXPIRED 5-31-2009, BELDING, MICHIGAN: COMPLAINT NO. 310000

The Board reviewed the hearing report and determined that because of the severity of the offenses (particularly abandonment, 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. Parker 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 payable to the State of Michigan and restitution in the amount of \$9,078.00 payable to Gayle Andrus 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.

KEVIN HARLEY NIELSEN, LICENSE NO. 2101-164224, EXPIRED 5-31-2009, MANCELONA, MICHIGAN: COMPLAINT NO. 311763

The Board reviewed the hearing report.

MOTION: It was moved by Mr. August 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 \$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.

O'MEARA CONSTRUCTION INC., THOMAS J. O'MEARA JR., Q.O., LICENSE NO. 2102-145984, EXPIRED 5-31-2007, WYANDOTTE, MICHIGAN: COMPLAINT NO. 306842

The Board reviewed the hearing report and determined that because of the severity of the offense (particularly failing to satisfy an unpaid judgment), a fine should be imposed.

MOTION: It was moved by Mr. August 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, in accordance with statutory provisions. Fine of \$5,000.00 made payable to the State of Michigan and restitution by satisfying the judgment in the amount of \$10,087.72 plus costs, fees, and statutory interest payable to James Morelli 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.

J & E HOME IMPROVEMENTS LTD, JAMES ROBERT QUIGLEY III, Q.O., LICENSE NO. 2102-156427, EXPIRED 5-31-2009, JAMES ROBERT QUIGLEY III, LICENSE NO. 2101-192422, EXPIRES 5-31-2011, JAMES ROBERT QUIGLEY III, LICENSE NO. 2105-142782, EXPIRED 5-31-1999, BASEMENT EXPERTS OF AMERICA LLC, JAMES ROBERT QUIGLEY III, Q.O., LICENSE NO. 2102-175567, EXPIRES 5-31-2011, SHELBYVILLE, MICHIGAN: COMPLAINT NO. 311382 AND 311383

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Ms. Lane that the following penalty be assessed: Fine of \$500.00 made payable to the State of Michigan and restitution in the amount of \$257.00 payable to Rainsville Township 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. 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 311382 and 311383. 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.

JAMES ROBERT QUIGLEY III, LICENSE NO. 2101-192422, EXPIRES 5-31-2011, J & E HOME IMPROVEMENTS LTD, JAMES ROBERT QUIGLEY III, Q.O., LICENSE NO. 2102-156427, EXPIRED 5-31-2009, JAMES ROBERT QUIGLEY III, LICENSE NO. 2105-142782, EXPIRED 5-31-1999, BASEMENT EXPERTS OF AMERICA LLC, JAMES ROBERT QUIGLEY III, Q.O., LICENSE NO. 2102-175567, EXPIRES 5-31-2011, SHELBYVILLE, MICHIGAN: COMPLAINT NO. 311382 AND 311383

The Board reviewed the hearing report.

MOTION: It was moved by Mr. Parker and supported by Ms. Lane that the following penalty be assessed: Fine of \$500.00 made payable to the State of Michigan and restitution in the amount of \$257.00 payable to Rainsville Township 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, in accordance with statutory provisions. 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 311382 and 311383. 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.

BAY AREA BUILDERS, DAVID FRANCIS RYTLEWSKI JR., Q.O., LICENSE NO. 2102-121272, EXPIRED 5-31-2009, DAVID FRANCIS RYTLEWSKI JR., LICENSE NO. 2101-053163, EXPIRES 5-31-2011, BAY CITY, MICHIGAN: COMPLAINT NO. 310980 AND 310981

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. 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 \$5,000.00 made payable to the State of Michigan and restitution in the amount of \$59,513.00, plus \$2,100.00 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 310980 and 310981. 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.

DAVID FRANCIS RYTLEWSKI JR., LICENSE NO. 2101-053163, EXPIRES 5-31-2011, BAY AREA BUILDERS, DAVID FRANCIS RYTLEWSKI JR., Q.O., LICENSE NO. 2102-121272, EXPIRED 5-31-2009, BAY CITY, MICHIGAN: COMPLAINT NO. 310980 AND 310981

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. 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 \$59,513.00, plus \$2,100.00 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 310980 and 310981. 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.

NICHOLAS JOSEPH SAVIANO, DOING BUSINESS AS NJS CONSTRUCTION & PAINTING, LICENSE NO. 2101-162304, EXPIRES 5-31-2011, NILES, MICHIGAN: COMPLAINT NO. 308834

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

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

and restitution to be determined by the parties in Civil Court. 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, in accordance with statutory provisions. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

DAVID ALLEN TAGHON, LICENSE NO. 2101-132724, EXPIRES 5-31-2011, NORTH MUSKEGON, MICHIGAN: COMPLAINT NO. 308679

The Board reviewed the hearing report.

MOTION: It was moved by Mr. DiStefano and supported by Ms. Lane 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, in accordance with statutory provisions. No application for licensure, relicensure, or reinstatement shall be considered until fine is paid in full. The motion carried by unanimous vote.

TLC BUILDERS LLC, THOMAS LEE TIPTON, Q.O., LICENSE NO. 2102-161869, EXPIRED 5-31-2009, ADRIAN, MICHIGAN: COMPLAINT NO. 311400

The Board reviewed the hearing report.

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 \$14,000.00, plus \$2,660.00 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.

WHITE CONSTRUCTION CORPORATION, MICHAEL JOHN WHITE, Q.O., LICENSE NO. 2102-160550, EXPIRED 5-31-2008, MICHAEL JOHN WHITE, LICENSE NO. 2101-107223, EXPIRED 5-31-2002, BYRON CENTER, MICHIGAN: COMPLAINT NO. 304866

The Board reviewed the hearing report and determined that, because of the severity of the offenses (particularly abandonment, failure to account for or remit funds and failing to satisfy

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

MOTION: It was moved by Mr. Parker and supported by Ms. Lane 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 Kent County Judicial District Court on September 5, 2007, Case No. 07-08610-CZ, for Denise Flafcan, in the amount of \$13,200.50, 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.

PRO-BILT INC., DOING BUSINESS AS PROBILT CONSTRUCTION CO., ALLEN ROGER WILLIAMS, Q.O., LICENSE NO. 2102-169452, LAPSED-SUSPENDED 5-31-2005, ALLEN ROGER WILLIAMS, LICENSE NO. 2105-152765, LAPSED-SUSPENDED 10-1-2007, ROCHESTER HILLS, MICHIGAN: COMPLAINT NO. 308975

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 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, 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 according to the Claims of Lien, filed February 7, 2008 in the amount of \$1,500.00 payable to Cashway Building Company and January 30, 2008 in the amount of \$3,607.01 payable to Ulrich Lumber and Builders Supply Inc., 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.

PRO-BILT INC., DOING BUSINESS AS PROBILT CONSTRUCTION CO., ALLEN ROGER WILLIAMS, Q.O., LICENSE NO. 2102-169452, LAPSED-SUSPENDED 5-31-2005, ALLEN ROGER WILLIAMS, LICENSE NO. 2105-152765, LAPSED-SUSPENDED 10-1-2007, ROCHESTER HILLS, MICHIGAN: COMPLAINT NO. 310718

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

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 \$4,500.00, plus \$927.50 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.

STIPULATIONS

ALLEN HOME BUILDERS INC., DOING BUSINESS AS MODERN HOMES OF MUSKEGON INC., TODD CHARLES ALLEN, Q.O., LICENSE NO. 2102-177660, EXPIRES 5-31-2011, TODD CHARLES ALLEN, LICENSE NO. 2101-135243, EXPIRES 5-31-2011, MUSKEGON, MICHIGAN: COMPLAINT NOS. 307837 AND 307838

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. 307837 and 307838 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 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

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

ROBERT KEITH BRANIM, LICENSE NO. 2101-158752, EXPIRES 5-31-2011, WESTLAND, MICHIGAN: COMPLAINT NO. 311106

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. 311106 clearly indicated on the check or money order, made payable to the State of Michigan within sixty (60) days of the date of mailing of the Final Order. 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 repair the roofing gap cited in the Building Inspection Report (BIR) in a manner approved by the building inspector or pay another contractor to perform said repairs. Respondent shall repair the damaged aluminum damage cited in the BIR or pay complainant \$450.00 in restitution based on the estimate Complainant provided at the conference. Respondent shall pay Complainant an additional \$100.00 restitution for the installation of roof vent caps that were not installed. Proof of repairs 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.
- c. Failure to comply with the terms of the stipulation within ninety (90) 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. August and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

JON L. BROERS, DOING BUSINESS AS BROERS OF ALPENA, LICENSE NO. 2101-108633, EXPIRES 5-31-2011, ALPENA, MICHIGAN: COMPLAINT NO. 308413

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. 308413 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 terms of the stipulation.

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

PHILIP D'ANNA, LICENSE NO. 2101-083057, EXPIRED 5-31-2008, SHELBY TOWNSHIP, MICHIGAN: COMPLAINT NO. 310741

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. 310741 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 from 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. August and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

MICHAEL WILLIE GOMEZ, LICENSE NO. 2101-101065, EXPIRES 5-31-2011, HERBERT REALTY & MANAGEMENT INC., MICHAEL WILLIE GOMEZ, Q.O., LICENSE NO. 2102-055300, PROFESSIONAL MAINTENANCE INC., MICHAEL WILLIE GOMEZ, Q.O., LICENSE NO. 2102-169451, EXPIRED 5-31-2006, DETROIT, MICHIGAN: COMPLAINT NO. 310250

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 \$10,000.00. Fine shall be paid by cashier's check or money order, with Complaint No. 302589 and 310250 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 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. August and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

MID-MICHIGAN CONCRETE CONSTRUCTION INC., CLARENCE G. MESSENGER, Q.O., LICENSE NO. 2102-159190, EXPIRES 5-31-2011, CLARENCE G. MESSENGER, LICENSE NO. 2101-061601, EXPIRES 5-31-2011, ATHENS, MICHIGAN: COMPLAINT NO. 306753 AND 306754

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

- a. Respondent shall make restitution (joint and severally) in the amount of \$5,262.00 by cashier's check or money order made payable to Bill Wheeler, within sixty (60) days of the date of mailing of the Final Order in this matter.
- b. 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. 306753/306754 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.
- 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. August and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

ASI IMPROVEMENT CO., JOSEPH MICHAEL MILLER, Q.O., LICENSE NO. 2102-097999, EXPIRES 5-31-2011, JOSEPH MICHAEL MILLER, LICENSE NO. 2101-094174, EXPIRES 5-31-2011, LAPEER, MICHIGAN: COMPLAINT NO. 309695 AND 309696

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. 309695 and 309696 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, shall result in the fine being increased to \$5,000.00.
- 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. August and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

AARON L. MINNER, LICENSE NO. 2101-176604, EXPIRES 5-31-2011, GRAND BLANC, MICHIGAN: COMPLAINT NO. 308929

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

- a. Restitution is not applicable as the issue is being adjudicated in Civil Court: 7th Circuit, Genesee County, Case No. 08-89813-CZ, Michigan Lumber Co. vs Family Investments, Co., Inc., Aaron Minner, Scipio and Rosa Williams.
- b. 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. 308929 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.
- 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. August and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

ADRIANO LINO PACIOCCO, LICENSE NO. 2101-063289, SUSPENDED 7-30-2008, CAN PA BUILDING INC., ADRIANO LINO PACIOCCO, Q.O., LICENSE NO. 2102-075280, LAPSED-SUSPENDED 7-30-2008, HIDDEN COVE ESTATES LLC, ADRIANO LINO PACIOCCO, Q.O., LICENSE NO. 2102-136182, LAPSED-SUSPENDED, 7-30-2008, HOMES BY ADRIANO LLC, ADRIANO LINO PACIOCCO, Q.O., LICENSE NO. 2102-180557, LAPSED-SUSPENDED 7-30-2008, MULTI BUILDING CO INC., ADRIANO LINO PACIOCCO, Q.O., LICENSE NO. 2102-075806, LAPSED-SUSPENDED, 7-30-2008, MULTI OF BYRAM RIDGE LLC, ADRIANO LINO PACIOCCO, Q.O., LICENSE NO. 2102-172993, LASPED-SUSPENDED 7-30-2008, MULTI OF MILL RIVER LLC, ADRIANO LINO PACIOCCO, Q.O., LICENSE NO. 2102-179201, LAPSED-SUSPENDED 7-30-2008, OPTIMA HOMES LLC, ADRIANO LINO PACIOCCO, Q.O., LICENSE NO. 2102-169134, LAPSED-SUSPENDED 7-30-2008, NORTHVILLE, MICHIGAN: COMPLAINT NO. 308823

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 \$11,000.00, plus \$2,800.00 for litigation costs incurred in the defense of the fund, for a total amount of \$13,800.00. Restitution shall be made 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.
- b. Failure to pay the full restitution amount 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.
- c. Failure to pay the full restitution amount 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. August and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

DAVID ALLEN WIETecha, DOING BUSINESS AS NU-WAY CONTRACTORS, LICENSE NO. 2101-161069, EXPIRES 5-31-2011, MT. CLEMENS, MICHIGAN: COMPLAINT NO. 310432

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 cashier's check or money order, with Complaint No. 310432 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, shall result in the fine being increased to \$5,000.00.
- c. Respondent shall make restitution to John Lynn, by immediately correcting and/or repairing all of the violations set forth in the building inspection reports dated August 28 and December 17, 2008. Repairs shall be subject to approval by the building inspector.
- d. 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.
- e. 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. August and supported by Ms. Lane to accept the stipulation as prepared. The motion carried by unanimous vote.

STAFF REPORT

Belinda Wright updated the Board on the Homeowner Construction Lien Recovery Fund.

ITEMS FOR CONSIDERATION FROM VISITORS

None

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS OR DEPARTMENT

2010 Board Meeting Schedule:

January 12, 2010
March 9, 2010

May 11, 2010
July 13, 2010

September 14, 2010
November 9, 2010

ELECTION OF OFFICERS 2009-2010

Mark Glynn passed the role of Chairperson over to Gloria Keene, so he could vote for the motion. Ms. Keene opened the nominations for Chairperson.

CHAIRPERSON

MOTION: It was moved by Mr. DiStefano and supported by Ms. Lane that the nominations be closed and a unanimous ballot be cast for Mark Glynn as Chairperson. The motion carried by unanimous vote.

Gloria Keene opened the nominations for Vice-Chairperson.

VICE-CHAIRPERSON

MOTION: It was moved by Mr. DiStefano and supported by Ms. Lane that the nominations be closed and a unanimous ballot be cast for Anthony Parker as Vice-Chairperson. The motion carried by unanimous vote.

NEXT MEETING DATE

The next regularly scheduled meeting of the Residential Builders and Maintenance and Alteration Contractors Board will be held on January 12, 2010, 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 12:50 p.m.

Chairperson
Mark Glynn

Recording Secretary
Robin Sirls

Date