

STATE OF MINNESOTA  
Department of Labor and Industry

In the Matter of Chad Eich

**ADMINISTRATIVE ORDER  
WITH PENALTY PURSUANT  
TO MINN. STAT. § 181.723**

---

**I. ORDER**

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against Chad Eich, (“Respondent”).

Pursuant to Minn. Stat. §§ 181.723 (2012); 326B.082, subd. 7 (2012) and 326B.083 (2012) the Commissioner hereby assesses against Respondent a monetary penalty of \$7,000; however, \$2,000 of this penalty shall be forgiven per Minn. Stat. § 181.723, subd. 8a (2012) if Respondent demonstrates to the Commissioner by the 31<sup>st</sup> day after this Administrative Order is issued that Respondent has successfully registered with the Commissioner in the Minnesota Construction Contractor Registration Program (“Registration Program”).

The Commissioner also hereby orders Respondent to cease and desist from violating the laws cited in the “Conclusions of Law” section of this Administrative Order. Specifically, the Commissioner orders Respondent to cease and desist from performing public or private sector commercial or residential building construction or improvement services for which registration in the Registration Program is required. The cease and desist order remains in effect until compliance with the registration requirements of Minn. Stat. § 181.723 (2012) is achieved.

The Commissioner takes the above action based upon the following findings of fact and conclusions of law:

**II. FINDINGS OF FACT**

1. Respondent is engaged in the business of providing building construction or improvement services and has not registered with the Minnesota Department of Labor and Industry (“Department”) Registration Program.
2. According to Scott County payment records, Respondent has a business address at 17148 Fairmont Ave, Farmington, Minnesota.
3. According to the records of the Minnesota Department of Public Safety, Respondent lists his address as 17148 Fairmont Ave, Farmington, MN.
4. According to the property records of Dakota County, the real property at 17148 Fairmont Ave, Farmington is owned by Respondent.

5. On April 3, 2014, the Department opened an investigation of Respondent based on information that indicated Respondent may have engaged in violations of the Minnesota statutes and rules governing worker classification in the construction industry.
6. On April 11, 2014, a Department investigator mailed a subpoena duces tecum via first-class and certified mail to Respondent at his Farmington, Minnesota address. The subpoena required the production of documentation relating to Respondent's subcontractors, contractors, and employees. Neither letter was returned by the United States Postal Service ("USPS").
7. On May 16, 2014, a Department investigator mailed a second request for information to Respondent at his Farmington address. This letter was not returned by the USPS.
8. On May 21, 2014, a Department investigator called one of Respondent's subcontractors to verify Respondent's address. Later that day the subcontractor called with Respondent's new address, 21236 Vernon Avenue, Prior Lake, MN.
9. On May 30, 2014, a Department investigator mailed a subpoena duces tecum via first-class and certified mail to Respondent at the Prior Lake address. Neither letter was returned by the United States Postal Service ("USPS").
10. On July 1, 2014, a Department investigator mailed a second request for information to Respondent at the Prior Lake address. This letter was not returned by the USPS.
11. Both the subpoena and supplemental request for information required a response from Respondent within 30 days of the Commissioner's service of the same.
12. Respondent did not respond to the April 11, 2014 subpoena, the May 16, 2014 letter, the May 30, 2014 subpoena, or the July 1, 2014 request for information.

### **III. CONCLUSIONS OF LAW**

1. Respondent committed violations of applicable law. Minn. Stat. §§ 181.723 and 326B.082, subd. 7 (2012).
2. Respondent failed to respond to the subpoena issued by the Commissioner and as a result failed to cooperate with the Commissioner's request for documents, testimony and information. Minn. Stat. §326B.082, subd. 11 (b)(6) (2012).
3. Respondent failed to register with the Minnesota Department of Labor and Industry's Registration Program. Minn. Stat. § 181.723, subd. 4a (b) (2012).

#### **IV. DETERMINATION OF PENALTY AMOUNT**

In determining the amount of the penalty, the Commissioner considered: the extent of deviation from compliance; whether the violation was willful; the gravity of the violation; the number of violations; whether there is a history of past violations; whether Respondent gained economic benefit in not complying with the law; and other factors as justice may require.

#### **V. REQUEST FOR HEARING**

Pursuant to Minn. Stat. § 326B.082, subd. 8 (2012), Respondent shall have 30 days after issuance of this Administrative Order to request a hearing. A request for hearing must be in writing and must be served on or faxed to the Commissioner at the following address or fax number by the deadline.

Minnesota Department of Labor and Industry  
CCLD – Enforcement Services Unit  
Attention: Charlie Durenberger  
443 Lafayette Road North  
St. Paul, MN 55155

Fax number: (651) 284-5746

The date on which a request for hearing is served by mail shall be the postmark date on the envelope in which the request for hearing is mailed. The request for hearing must specifically state the reasons for seeking review of the order. If the request for hearing is served by fax it cannot exceed 15 pages in length and must be received no later than 4:30 p.m. central time on the last day permitted for serving a request. Respondent's review rights are more thoroughly described in Minn. Stat. § 326B.082, subds. 4 and 8 (2012).

If Respondent submits to the Commissioner a timely request for hearing, the Administrative Order shall be stayed unless otherwise ordered by a judge, and a contested case hearing will be conducted. The contested case procedures are set out in chapter 14 of Minnesota Statutes, the Rules of the Office of Administrative Hearings, Minn. Rules 1400.5010 to 1400.8400 (2013), and Minn. Stat. § 326B.082, subd. 8 (2012). These materials may be purchased from the Minnesota Book Store, telephone (651) 297-3000, and are also available at [www.revisor.mn.gov](http://www.revisor.mn.gov).

#### **VI. EFFECT OF FINAL ORDER**


If Respondent does not request a hearing or Respondent's request for a hearing is not served on or faxed to the Commissioner by the deadline specified in the "Request for Hearing" section of this Administrative Order, this Administrative Order shall become a final order of the Commissioner and will not be subject to review by any court or agency. *See* Minn. Stat. § 326B.082, subd. 8 (2012).

The penalty imposed upon Respondent by this Administrative Order, other than the forgivable portion, is due and payable ten days after the date the Administrative Order becomes final. If the Commissioner determines that Respondent failed to register successfully with the Registration Program within the 31-day period required, then the forgivable portion of the penalty is due and payable 20 days after the Commissioner serves notice of this determination or on the date this Administrative Order becomes final, whichever is later. *See* Minn. Stat. § 326B.083, subd. 3 (2012).

When this Administrative Order becomes final, the Commissioner may file and enforce any unpaid portion of the penalty as a judgment in district court without further notice or additional proceedings. *See* Minn. Stat. §§ 16D.17 and 326B.083, subd. 2 (2012). Failure to pay a monetary penalty owed may result in the revocation, suspension, or denial of any or all licenses, permits, certificates, and registrations issued by the Commissioner. *See* Minn. Stat. § 326B.082, subd. 17 (2012). Also, pursuant to Minn. Stat. § 16D.13 (2012), Respondent is hereby notified that thirty (30) days after the date this Administrative Order becomes final, simple interest computed in accordance with Minn. Stat. § 16D.13, subd. 2 (2012) will begin to accrue on the unpaid portion of the penalty.

Dated: 8/4/14

KEN B. PETERSON  
Commissioner

  
BY: CHARLIE DURENBERGER  
Director of Licensing and Enforcement  
Construction Codes and Licensing Division  
Department of Labor and Industry