



August 13, 2015

LaBodas Prime Time Painting LLC
1113 Marion St
St Paul, MN 55117

Re: Our Investigative File No. REG1412-00001/JM

Dear Mr. LaBodas:

As you know, the Minnesota Department of Labor and Industry, Construction Codes and Licensing Division, has received evidence that your company has engaged in violations of Minn. Stat. § 181.723 (2012). The Department has concluded its investigation into this matter. This letter is to inform you of the results of that investigation.

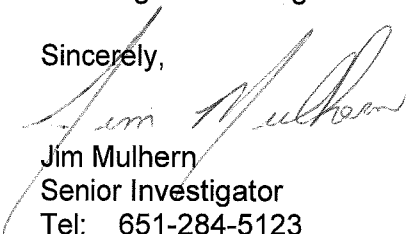
Enclosed is an Administrative Order we issued today by which you are ordered to pay a monetary penalty of \$2,000; however, \$2,000 of the penalty will be forgiven if, within 30 days, you register your company in accordance with the law. Go to www.dli.mn.gov/register to complete your registration.

You have the right to contest the Administrative Order by requesting a hearing within 30 days of the issuance of the Order. In the event a hearing is requested, the hearing would be held before an Administrative Law Judge ("ALJ") who, after hearing the evidence, would make a determination of whether or not violations have occurred.

The ALJ would then issue a recommendation to the Commissioner as to whether the violations were proven and the penalty reasonable. If the ALJ finds that the violation occurred and the penalty is reasonable, the Order will become final and the civil penalty will become due and owing. Once the Order becomes final, the civil penalty will be reduced to a judgment in Ramsey County District Court and any other appropriate district court, and collection procedures will commence. You would have the right to be represented by legal counsel throughout these proceedings, but you are not required to have one.

If you have any questions or concerns regarding this letter, or the enclosed Order, feel free to contact the undersigned investigator directly.

Sincerely,


Jim Mulhern
Senior Investigator
Tel: 651-284-5123
Fax: 651-284-5749
E-mail: james.mulhern@state.mn.us

Enclosure: Administrative Order

STATE OF MINNESOTA
Department of Labor and Industry

In the Matter of LaBodas Prime Time
Painting LLC

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

I. ORDER

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against LaBodas Prime Time Painting LLC (“Respondents”).

Pursuant to Minn. Stat. § 181.723, subd.7 and 8a; Minn. Stat. § 326B.082, subd. 7, and Minn. Stat. § 326B.083 (2012), the Commissioner hereby assesses against Respondents, jointly and severally, a monetary penalty of \$2,000, which shall be forgiven if Respondents demonstrate to the Commissioner by the 31st day after this Administrative Order is issued that Respondents have successfully registered in the Construction Contractor Registration Program (“Registration Program”).

The Commissioner also hereby orders Respondents to cease and desist from violating the laws cited in the “Conclusions of Law” section of this Administrative Order. Specifically, the Commissioner orders Respondents to cease and desist from performing building construction work for which a registration is required under the Minnesota Statutes until compliance with the registration requirements of Minn. Stat. § 181.723, subd. 4a is achieved.

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

II. FINDINGS OF FACT

1. Respondents are engaged in the business of providing building construction or improvement services and have a business address of: 1113 Marion St. St Paul, MN 55117
2. Respondent LaBodas Prime Time Painting LLC is not registered with the Registration Program.
3. On December 16, 2014 a representative of the Commissioner sent to Respondents a subpoena duces tecum requiring the production of records and other information relating to Respondents’ contractors, subcontractors and employees. The subpoena required a response within 20 days.
4. On January 29, 2015 a representative of the Commissioner sent a second letter requesting a response to the subpoena duces tecum.

5. Respondent LaBodas Prime Time Painting LLC has failed to respond.
6. Respondent LaBodas Prime Time Painting LLC has not register with the Registration Program.

III. CONCLUSIONS OF LAW

1. Respondents has failed to register with the Department of Labor and Industry's Construction Contractor Registration Program prior to providing building construction or improvement services in violation of 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 violations were willful; the gravity of the violations; the number of violations; whether there is a history of past violations; whether Respondents 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), Respondents 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 or notice. 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. Respondents' review rights are more thoroughly described in Minn. Stat. § 326B.082, subds. 4 and 8 (2012).

If the Respondents submit 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.

VI. EFFECT OF FINAL ORDER

If Respondents do not request a hearing or Respondents' 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 Respondents by this Administrative Order is forgivable. However, if the Commissioner determines that Respondents failed to successfully register in the Registration Program within 31 days after the issuance of this Administrative Order, 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(a) (2012).


When this Administrative Order becomes final, the Commissioner may file and enforce any unpaid 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), Respondents are 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: _____

8/13/15

KEN B. PETERSON
Commissioner

BY: _____


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