REG1404-00016/WWH

STATE OF MINNESOTA
Department of Labor and Industry

In the Matter of the Contractor Registration of
MN Remodeling Vision LLC

LICENSING ORDER WITH PENALTY

I. ORDER

The Commissioner of the Minnesota Department of Labor and Industry ("Commissioner") issues this Order against MN Remodeling Vision LLC ("Respondent").

Pursuant to Minn. Stat. §§ 181.723, subd. 7 and 8a; 326B.082, subd. 12 (b) (2012) and 326B.083 (2012), the Commissioner hereby assesses against Respondent a monetary penalty of $1,000.

Pursuant to Minn. Stat. § 326B.082, subds. 11(b) and 12 (2012) and Minn. Stat. § 326B.083 (2012), the Commissioner hereby suspends the Contractor Registration of Respondent, registration Nos. IR664402 and IR646945, until such time Respondent provides a complete answer to the Commissioner's April 30, 2014 subpoena, responds to the Department's June 12, 2014 request for information, and the penalty assessed by this Order is paid. During the term of the license suspension, Respondent and its principals shall cease and desist from acting or holding themselves out as a registered contractor.

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 performing public or private sector commercial or residential building construction or improvement services for which registration in the Construction Contractor Registration Program is required. Respondent's business address as reported to the Department of Labor and Industry ("Department") and to the Minnesota Secretary of State is 905 Westminster, Apt 205, St. Paul, MN.

2. Respondent holds two Contractor Registrations issued by the Commissioner, Nos. IR664402 and IR656945. The contact name for IR656945 is Francisco Sevilla. The Contact name for IR664402 is Francisco Romero. The registered agent for Respondent is Reinaldo Antonio Sevilla Romero. Respondent, as a Registered Contractor, must adhere to the Minnesota statutes and regulations governing Contractor Registration, Minn. Stat. §§ 181.723 and 326B.081 to 326B.085 (2012) and Minn. R. Chapter 5224 (2013).

3. On April 29, 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.

4. On April 30, 2014, a Department investigator mailed a subpoena duces tecum via first-class and certified mail to Respondent at its St. Paul, Minnesota business address. The subpoena required

the production of documentation relating to Respondent's subcontractors, contractors, and employees. The certified letter was returned, marked "unclaimed." The first class mailing was not returned by the United States Postal Service ("USPS").

5. On June 12, 2014, a Department investigator mailed Respondent a second request for information. This letter was again mailed to the St. Paul, Minnesota address and was not returned by the USPS as undeliverable.

6. Both the subpoena and subsequent request for information required a response from Respondent within 30 days. Respondent failed to respond to the subpoena or the subsequent request for information.

III. CONCLUSIONS OF LAW

1. Respondent has committed a violation of applicable law. Minn. Stat. §§ 181.723 and 326B.082, subd. 11(b)(1) (2012).

2. Respondent failed to respond fully to a subpoena issued by the Commissioner and failed to reply to the Department's subsequent request for information. Minn. Stat. §326B.082, subd. 11 (b)(6) (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 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. 12(c) (2012), Respondent shall have 30 days after issuance of this Licensing 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. 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 12(c) (2012).

If Respondent submits to the Commissioner a timely request for hearing, this Licensing 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 the Minnesota Statutes, and the Rules of the Office of Administrative Hearings, Minn. Rules 1400.5010 to 1400.8400 (2011), and Minn. Stat. § 326B.082, subd. 12(c) (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 Respondent does not request a hearing or Respondent's request for a hearing is not served on or faxed to the Commissioner by 30 days after issuance of this Licensing Order, this Licensing 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. 12(c) (2012).

Respondent is prohibited from applying for reinstatement of its contractor registration until such time Respondent fully responds to the Commissioner's April 30, 2014 subpoena, the Department's June 12, 2014 request for information and submits payment of the monetary penalty assessed under this Order.

The monetary penalty assessed against the Respondent by this Licensing Order is due and payable on the date the Licensing Order becomes final. *See* Minn. Stat. § 326B.083, subd. 3(a) (2012). When this Licensing 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 (2012) 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 Licensing 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: 8/26/14

KEN B. PETERSON
Commissioner

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