

STATE OF MINNESOTA  
Department of Labor and Industry

In the Matter of Vintage Masonry LLC,  
and Casey W. Cohenour, Individually

**ADMINISTRATIVE ORDER  
WITH PENALTY**

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**I. ORDER**

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against Vintage Masonry LLC, and Casey W. Cohenour, individually (“Respondents”).

Pursuant to Minn. Stat. §§ 326B.701 (2014); 326B.082, subd. 7 (2014) and 326B.083 (2014) the Commissioner hereby assesses against Respondents, jointly and severally, a monetary penalty of \$5,000, which shall be forgiven if Respondents submit a complete response to the Commissioner’s September 26, 2014 subpoena duces tecum by the 31st day after this Administrative Order is issued.

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, but have not registered with the Minnesota Department of Labor and Industry’s (“Department”) Registration Program.
2. As a part of the Department’s investigation of a general contractor, a Department investigator obtained a list of the general contractor’s subcontractors and this list included Respondent. According to the general contractor’s records, Respondent Vintage Masonry LLC has a business address of 2391 Cardinal Dr., Red Wing, MN 55066 .
3. According to the records of the Minnesota Secretary of State, Vintage Masonry LLC is owned by Casey Winston Cohenour and its filing is currently in good standing.
4. On September 26, 2014, a Department investigator mailed a subpoena duces tecum via first-class and certified mail to Respondents’ address. The subpoena required the production of documentation relating to Respondents’ subcontractors, contractors, and employees. Delivery of the subpoena sent via certified mail was acknowledged on September 30, 2014. The subpoena sent via first-class mail was not returned by the United States Postal Service (“USPS”).
5. On November 4, 2014, the Department investigator mailed a second request for information to Respondents. This letter was not returned by the USPS.
6. The Commissioner has not received a reply from Respondents as of the date of this Order.

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

1. Respondents committed a violation of applicable law. Minn. Stat. §§ 181.723, 326B.701, and 326B.082, subd. 7 (2014).
2. Respondents failed to comply with a subpoena issued by the Commissioner. Minn. Stat. § 326B.082, subd. 11 (b)(6) (2014).

### **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 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 (2014), 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. 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, subs. 4 and 8 (2014).

If 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 (2014). 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**

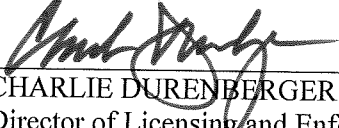
If Respondents do not request a hearing or Respondents' request for a hearing is not served on or faxed to the Commissioner by the deadline specified in the "Request for Hearing" section of this Administrative Order, this Administrative Order shall become a final order of the Commissioner and will not be subject to review by any court or agency. *See* Minn. Stat. § 326B.082, subd. 8 (2014).

The monetary penalty imposed upon Respondents by this Administrative Order is forgivable. However, if the Commissioner determines that Respondents failed to submit a complete response to the Commissioner's September 26, 2014 subpoena within 31 days after the issuance of this Administrative Order, then the monetary 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) (2014).

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 (2014). 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 (2014). Also, pursuant to Minn. Stat. § 16D.13 (2014), 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 (2014) will begin to accrue on the unpaid portion of the penalty.

Dated: 4/30/15

KEN B. PETERSON  
Commissioner

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