



May 9, 2016

Veronica Ramirez  
Ramirez Drywall L.L.C.  
17710 Evenfall Avenue  
Farmington, MN 55024

Re: Our Investigative File #REG1510-00057/KBU  
Contractor Registration IR690984

Dear Ms. Ramirez:

The Department of Labor and Industry has concluded its investigation of the above captioned matter. The purpose of this letter is to inform you of the result of our investigation and the disciplinary action that we have determined is appropriate in light of the violations we have discovered.

The Department has prepared a Licensing Order by which your company's construction contractor registration is suspended and a monetary penalty of \$5,000 is assessed. You must provide a complete response to the Subpoena Duces Tecum and pay the monetary penalty for the suspension to be lifted. Enclosed you will find a copy of the Licensing Order containing the basis for the Department's action.

As provided by law and noted in the Order, you have the right to appeal this Order by requesting a hearing. A request for hearing must be made in writing as explained in the Order. However, you should be aware that if an administrative law judge finds that the hearing was requested solely for purposes of delay or that the request was frivolous, the Department may add to the amount of the penalty the costs charged to the agency by the Office of Administrative Hearings for the hearing.

If you have any questions, please contact me directly.

Sincerely,

A handwritten signature in cursive script that reads "Karen Bugar".

Karen Bugar  
Senior Investigator  
Construction Codes and Licensing Division  
Tel: (651) 284-5374  
Fax: (651) 284-5749  
E-mail: [DLI.register@state.mn.us](mailto:DLI.register@state.mn.us)

Encl: Licensing Order

STATE OF MINNESOTA  
Department of Labor and Industry

In the Matter of the Construction Contractor  
Registration of Ramirez Drywall L.L.C. and  
Veronica Ramirez, Individually

**LICENSING ORDER  
WITH PENALTY**

---

**I. ORDER**

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against Ramirez Drywall L.L.C. and Veronica Ramirez (“Respondents”).

Pursuant to Minn. Stat. §§ 181.723, subd. 4(a)(1); 326B.082, subd. 12(b); and 326B.083 (2014), the Commissioner hereby assesses against Respondents, jointly and severally, a monetary penalty of \$5,000.

Pursuant to Minn. Stat. § 326B.082, subds. 11(b) and 12, and 326B.083 (2014) and Minn. Stat. § 326B.083 (2014), the Commissioner hereby suspends the Contractor Registration of Respondent, No. IR690984, until such time that Respondents provide a complete answer to the Commissioner’s October 28, 2015 subpoena and pay the monetary penalty imposed herein.

Pursuant to Minn. Stat. § 326B.082, subd. 12 (b) (2014), the Commissioner also hereby orders Respondents and their principal(s) during the period of contractor registration suspension, to cease and desist from performing public or private sector commercial or residential building construction or improvement services for which registration in the Minnesota Construction Contractor Registration Program (“Registration Program”) is required.

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 hold a construction contractor registration, No. IR690984, issued by the Commissioner on February 27, 2015. When they registered, Respondents provided a business address of 6325 Douglas Drive N., Apt., 104, Brooklyn Park, MN 55429.
2. On September 17, 2015, an agent of the Respondents notified the Department electronically of a new business address of 17710 Evenfall Ave., Farmington, MN 55024.

3. According to the records of the Minnesota Secretary of State, Ramirez Drywall L.L.C. registered as a limited liability company on December 23, 2014, with a registered office address of 17710 Evenfall Ave., Farmington, MN 55024.
4. As a registered construction contractor, Respondents must adhere to the Minnesota statutes and regulations governing Contractor Registration and the classification of construction workers, Minn. Stat. §§ 181.723, 326B.701, and 326B.081 to 326B.085 (2014), and Minn. R. Chapter 5224 (2015).
5. Respondents have maintained a workers' compensation insurance policy since February 6, 2015.
6. On October 20, 2015, the Minnesota Department of Labor and Industry ("Department") opened an investigation of Respondents based on information that Respondents may have engaged in misclassification of its workers.
7. On October 28, 2015, a Department investigator sent Respondents a subpoena duces tecum via first-class mail and certified mail requiring the production of records and other information relating to Respondents' contractors, subcontractors and employees. The subpoena required a response within 20 days. The subpoena was sent to Respondents' registered office address. The certified letter was returned by the United States Postal Service (USPS) marked "Unclaimed." The first-class letter was not returned.
8. On December 11, 2015, the Department investigator sent a warning letter to Respondents via first class mail, requiring Respondents to provide a response to the subpoena duces tecum.
9. A search of an online investigative tool available to the Department revealed a possible address for Respondent Veronica Ramirez of 1227 15<sup>th</sup> Street, Corpus Christi, Texas 78404, based on the Social Security number provided in Respondents' application for contractor registration. The federal employer identification number provided in the application appears to be false.
10. On April 21, 2016, the Department issued an Order to Appear to Respondents, requiring them to appear before the Department investigator at the Department's offices on Tuesday, May 3, 2016.
11. Respondents failed to appear at the Department as ordered, and as of the date of this order, Respondents have not responded to the subpoena.

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

1. Respondents committed violations of applicable law. Minn. Stat. §§ 181.723 (2014) and 326B.082, subd. 11 (b)(1) (2014).
2. Respondents provided false or misleading information to the state in connection with the application for registration in violation of Minn. Stat. § 326B.082, subd. 11 (b)(2) (2014).

3. Respondents failed to comply with a subpoena issued by the Commissioner. Minn. Stat. § 326B.082, subd. 11 (b)(6) (2014).
4. Respondents failed to appear before a representative of the Commissioner when ordered to do so. Minn. Stat. § 326B.082, subd. 2(b) (2014).

#### **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. 12(c) (2014), Respondents 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. Respondents' review rights are more thoroughly described in Minn. Stat. § 326B.082, subsd. 4 and 12(c) (2014).

If Respondents submit 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 (2015), and Minn. Stat. § 326B.082, subd. 12(c) (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 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) (2014).

Respondents are prohibited from applying for reinstatement of its contractor registration until such time full compliance with the terms of this Licensing Order has been achieved.

The monetary penalty assessed against the Respondents by this Licensing Order is due and payable on the date the Licensing Order becomes final. *See* Minn. Stat. § 326B.083, subd. 3(a) (2014). 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 (2014) 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), 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 (2014) will begin to accrue on the unpaid portion of the penalty.

Dated: 5/9/16

KEN B. PETERSON  
Commissioner

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