

STATE OF MINNESOTA
Department of Labor and Industry

In the Matter of the Contractor Registration of
Precision Drywall Minnesota LLC

**LICENSING ORDER
WITH PENALTY**

I. ORDER

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against Precision Drywall Minnesota LLC (“Respondent”).

Pursuant to Minn. Stat. §§ 326B.701, subd. 6; 326B.082, subd. 12 (b); and 326B.083 (2014), the Commissioner hereby assesses against Respondent a monetary penalty of \$5,000.

Pursuant to Minn. Stat. § 326B.082, subds. 11(b) and 12 (2014) and Minn. Stat. § 326B.083 (2014), the Commissioner hereby suspends the Contractor Registration of Respondent, No. IR711934, until such time that Respondent provides a complete answer to the Commissioner’s April 14, 2015 subpoena and pays the monetary penalty imposed herein.

Pursuant to Minn. Stat. § 326B.082, subd. 12 (b) (2014), the Commissioner also hereby orders Respondent and its principal, 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.

Pursuant to Minn. Stat. § 326B.082, Subd. 11(a) (b)(5) (2014), the Commissioner also hereby orders Respondent and its principal to cease and desist from registering in the Registration Program under the business name Precision Drywall Minnesota LLC or any other business name.

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 Registration Program is required.
2. Rosalio Navarro Vega (“Navarro”) is the sole principal and chief manager of Respondent, which was filed as a limited liability company with the Minnesota Secretary of State on June 14, 2010. In that filing, Navarro was listed as the company’s manager and its registered office address and principal executive office address were listed as

13961 Exley Ct., Apple Valley, Minnesota, which is the same address listed on Navarro's Minnesota driver's license and is a single family home owned by Navarro according to Dakota County property records.

3. Respondent first registered with the Minnesota Department of Labor and Industry ("Department") through the Registration Program on April 23, 2013 and was assigned registration No. IR665886, though in this initial registration, Respondent's name was misspelled as "Percision Drywall Minnesota LLC." When Respondent created this registration, it provided a business address of 1501 E. Burnsville Parkway, Apt. 316, Burnsville, Minnesota.
4. Later the same day, Respondent registered a second time, with its name spelled correctly and listing the same Burnsville address. Registration number IR665888 was issued to Respondent at that time.
5. On September 29, 2015, the Department issued a Licensing Order that suspended both of Respondent's registrations until it provided a complete response to a subpoena issued by the Commissioner on April 14, 2015 and paid a \$5,000 monetary penalty. As of the date of this Order, the September 2015 Licensing Order is final and Respondent has not paid the \$5,000 monetary penalty or provided a response to the April 2015 subpoena.
6. On the same day the Licensing Order was issued, the Department also issued an Administrative Order to Navarro, ordering him to cease and desist from performing building construction or improvement services until Respondent provided a complete response to the April 2015 subpoena and he paid a \$1,000 monetary penalty. As of the date of this Order, the Administrative Order is final Navarro has not paid the \$1,000 monetary penalty or provided a complete response to the April 2015 subpoena.
7. On August 2, 2016, Respondent registered a third time using the same Burnsville address and was assigned registration number IR711934.

III. CONCLUSIONS OF LAW

1. Respondent committed a violation of applicable law. Minn. Minn. Stat. §§ 181.723, 326B.701, and 326B.082, subd. 11(b)(1) (2014).
2. Respondent has unresolved violations and unpaid monetary penalties. Minn. Stat. § 326B.082, subd. 11 (a) (2014).
3. Respondent has committed one or more violations of the applicable law. Minn. Stat. § 326B.082, subd. 11(b)(1) (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 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) (2014), 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, subs. 4 and 12(c) (2014).

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 (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.

VI. EFFECT OF FINAL ORDER

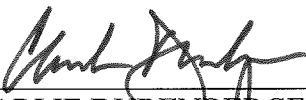
If Respondent does not request a hearing or Respondent's request for a hearing is not served on or faxed to the Commissioner by 30 days after issuance of this Licensing Order, this Licensing Order shall become a final order of the Commissioner and will not be subject to review by any court or agency. *See* Minn. Stat. § 326B.082, subd. 12(c) (2014).

Respondent is 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 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) (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: 8/18/16

KEN B. PETERSON
Commissioner


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