

STATE OF MINNESOTA
Department of Labor and Industry

In the Matter of AA Windows & Doors Inc.
And its principal, Amy Vazquez, aka Amy Baffi

**LICENSING ORDER
WITH PENALTY**

I. ORDER

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against AA Windows & Doors Inc. (“Respondent”) and its principal, Amy Vazquez, aka Amy Baffi.

Pursuant to Minn. Stat. § 326B.082, subds. 11(b) and 12 (2016) and Minn. Stat. § 326B.083 (2016), the Commissioner hereby suspends the Contractor Registrations of Respondent, Nos. IR706849 and IR709988 from the date that this Order becomes final until Respondent provides a complete and truthful response to the Commissioner’s April 6, 2018 subpoena duces tecum. During the term of the license suspension, Respondent and its principal, Amy Vazquez, aka Amy Baffi, shall cease and desist from acting or holding themselves out as a registered contractor.

Pursuant to Minn. Stat. § 326B.082, subd. 12 (b) (2016) and Minn. Stat. § 326B.083 (2016), the Commissioner hereby assesses against Respondent a monetary penalty of \$1,000.

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 providing building construction or improvement services and has two Contractor Registrations issued by the Commissioner, Nos. IR706849 and IR709988.
2. Registration No. IR706849 was issued to Respondent on April 19, 2016. In this registration, Respondent asserted that it was owned by a single individual, Amy Vazquez, though Respondent also stated that the individual who completed the registration application was Amy Baffi. This registration expired December 31, 2017.
3. On June 16, 2016, Respondent registered a second time and once again asserted that it was owned by one individual, though in this registration Amy Baffi was identified as the Respondent’s owner and the individual who completed the registration application. This registration is currently valid through December 31, 2019.

4. Respondent provided the same Social Security number for Amy Vazquez and Amy Baffi.
5. Respondent, as a registered contractor, must understand and comply with all statutes and rules governing the residential and commercial construction industry, including worker classification and contractor registration. *See* Minn. Stat. §§ 181.723 and 326B.701 (2016).
6. On April 6, 2018, the Minnesota Department of Labor and Industry (“Department”) opened an investigation based on receipt of information that indicated that Respondent may have engaged in violations of the Minnesota statutes governing the classification of workers in the construction industry.
7. As a part of the Department’s investigation, the Commissioner issued a subpoena duces tecum to Respondent on April 6, 2018 and subsequent requests for information.
8. After exchanging numerous phone calls and emails providing extensions to the subpoena, Respondent and its principal have yet to fully comply with the April 6, 2018 subpoena.
9. A Department investigator sent Respondent an email warning Respondent that if the Department did not receive a full response to the subpoena by Friday, June 1, 2018, the Department would issue a Licensing Order with penalty against Respondent.
10. As of the date of this Order, Respondent has not complied with the April 6, 2018 subpoena.

III. CONCLUSIONS OF LAW

1. Respondent has committed a violation of applicable law. Minn. Stat. § 326B.082, subd. 11(b)(1) (2016).
2. Respondent failed to cooperate with the Commissioner’s request to produce documents. Minn. Stat. § 326B.082, subd. 11(b)(6) (2016).

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) (2016), 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) (2016).

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) (2016). 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) (2016).


Respondent is prohibited from applying for reinstatement of its Contractor Registrations until such time full compliance with the terms of this Licensing Order has been achieved. Reinstatement after suspension requires: application to the Commissioner no later than two years after completion of the suspension period; submission of a completed license renewal and application and fees if the license expired during the license suspension; and the meeting of all other requirements for licensure. *See* Minn. Stat. § 326B.096, subd. 2 (2016).

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) (2016). 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 (2016) and 326B.083, subd. 2 (2016). 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 (2016). Also, pursuant to Minn. Stat. § 16D.13 (2016), 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 (2016) will begin to accrue on the unpaid portion of the penalty.

Dated: 6/14/18

KEN B. PETERSON
Commissioner


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