

**m** DEPARTMENT OF  
LABOR AND INDUSTRY

December 28, 2017

J. Joseph Weinmann  
d/b/a Floor One Flooring  
13186 Johnson Street NE  
Blaine, MN 55434

Re: Our Investigative File No. REG1807-00052/WWH.

Dear Mr. Weinmann:

As you know, the Minnesota Department of Labor and Industry, Construction Codes and Licensing Division, has received evidence that your company has engaged in violations of Minn. Stat. § 181.723 (2018). The Department has concluded its investigation into this matter. This letter is to inform you of the results of that investigation.

Enclosed is an Administrative Order we issued today by which you are ordered to pay a civil penalty of \$7,000; however, \$2,000 of the penalty will be forgiven if, within 30 days, you register your company in accordance with the law. Go to <https://secure.doli.state.mn.us/license/initialapp.aspx?code=IR> to complete your registration.

You have the right to contest the Administrative Order by requesting a hearing within 30 days of the issuance of the Order. In the event a hearing is requested, the hearing would be held before an Administrative Law Judge ("ALJ") who, after hearing the evidence, would make a determination of whether or not violations have occurred.

The ALJ would then issue a recommendation to the Commissioner as to whether the violations were proven and the penalty reasonable. If the ALJ finds that the violation occurred and the penalty is reasonable, the Order will become final and the civil penalty will become due and owing. Once the Order becomes final, the civil penalty will be reduced to a judgment in Ramsey County District Court and any other appropriate district court, and collection procedures will commence. You would have the right to be represented by legal counsel throughout these proceedings, but you are not required to have one.

If you have any questions or concerns regarding this letter, or the enclosed Order, feel free to contact the undersigned investigator directly.

Sincerely,



Ward Wheeler  
Senior Investigator  
Tel: 651-284-5140  
Fax: 651-284-5749  
E-mail: [ward.wheeler@state.mn.us](mailto:ward.wheeler@state.mn.us)

Enclosure: Administrative Order

STATE OF MINNESOTA  
Department of Labor and Industry

In the Matter of Jeffrey Joseph  
Weinmann, d/b/a Floor One Flooring

**ADMINISTRATIVE ORDER  
WITH PENALTY PURSUANT  
TO MINN. STAT. § 326B.701**

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**I. ORDER**

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against Jeffrey Joseph Weinmann, dba Floor One Flooring (“Respondent”).

Pursuant to Minn. Stat. §§ 181.723 (2018); 326B.082, subd. 7 (2018); and 326B.083 (2018), the Commissioner hereby assesses against Respondent a monetary penalty of \$7,000, \$2,000 of which shall be forgiven if Respondent demonstrates to the Commissioner by the 31<sup>st</sup> day after this Administrative Order is issued that Respondent has successfully registered with the Commissioner in the Minnesota Construction Contractor Registration Program (“Registration Program”) or obtained licensure with the Commissioner in some capacity.

The Commissioner also hereby orders Respondent to cease and desist from violating the laws cited in the “Conclusions of Law” section of this Administrative Order. Specifically, the Commissioner orders Respondent to cease and desist from performing public or private sector commercial or residential building construction or improvement services for which registration in the Registration Program is required. The cease and desist order remains in effect until the monetary penalty assessed herein is paid, a complete response to the Commissioner’s August 16, 2018 subpoena is submitted, and compliance with the registration requirements of Minn. Stat. § 326B.701, subd. 2 (2018) or licensure with the Commissioner is achieved.

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, but is not currently licensed by the Minnesota Department of Labor and Industry (“Department”) and has not registered with the Registration Program.
2. According to the records of the Minnesota Workers Compensation Association, Respondent was engaged in the performance of building construction services in Minnesota in 2016 and maintained a policy of workers’ compensation insurance. The

address Respondent provided at the time he applied for workers' compensation insurance was 13186 Johnson St. NE, Blaine, MN.

3. Respondent filed the business name Floor One Flooring as an assumed name with the Minnesota Secretary of State on March 27, 1989. That filing, which is currently active, lists a Principal Place of Business Address of 13186 Johnson St. NE, Blaine, MN.
4. According to records of the Minnesota Department of Public Safety, Respondent's current Minnesota driver's license also lists an address of 13186 Johnson St. NE, Blaine, MN.
5. On July 30, 2018, the Department opened an investigation of Respondent based on information that indicated that Respondent may have engaged in violations of the Minnesota statutes and rules governing worker classification in the construction industry.
6. On August 16, 2018, a Department investigator mailed a subpoena duces tecum via first-class and certified mail to Respondent at his Blaine address. The subpoena required the production of documentation relating to Respondent's subcontractors, contractors, and employees.
7. The signed return receipt evidencing an acceptance of delivery of the subpoena sent via certified mail and the subpoena sent via first-class mail was not returned to the Department by the United States Postal Service ("USPS").
8. On October 3, 2018, the Department investigator mailed a second request for information to Respondent at his Blaine address. This letter was not returned to the Department by the USPS.
9. Both the subpoena and supplemental request for information required a response from Respondent within 30 days of the Commissioner's service of the same.
10. The Commissioner has received no reply from Respondent as of the date of this Order.

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

1. Respondent committed violations of applicable law. Minn. Stat. §§ 181.723 and 326B.082, subd. 7 (2018).
2. Respondent failed to comply with a subpoena issued by the Commissioner. Minn. Stat. § 326B.082, subd. 11 (b)(6) (2018).
3. Respondent performed building construction or improvement services in Minnesota without first obtaining a license or registering with the Registration Program. Minn. Stat. § 326B.701, subs. 2 and 5(b)(1) (2018).

#### **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 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. 8 (2018), Respondent 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 (2018).

If Respondent submits 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 (2017), and Minn. Stat. § 326B.082, subd. 8 (2018). 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**

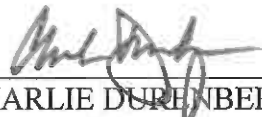
If Respondent does not request a hearing or Respondent's request for a hearing is not served on or faxed to the Commissioner by the deadline specified in the "Request for Hearing" section of this Administrative Order, this Administrative Order shall become a final order of the Commissioner and will not be subject to review by any court or agency. *See* Minn. Stat. § 326B.082, subd. 8 (2018).

The monetary penalty assessed upon Respondent by this Administrative Order, other than the forgivable portion, is due and payable on the date the Administrative Order becomes final. *See* Minn. Stat. § 326B.083, subd. 3(a) (2018). If the Commissioner determines that Respondent failed to successfully register in the Registration Program within 31 days of the issuance of this Order, then the forgivable portion of the 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 (2018).

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 (2018). 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 (2018). Also, pursuant to Minn. Stat. § 16D.13 (2018), Respondent is 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 (2018) will begin to accrue on the unpaid portion of the penalty.

Dated: 12/28/18

KEN B. PETERSON  
Commissioner

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