

STATE OF MINNESOTA  
Department of Labor and Industry

In the Matter of the Contractor  
Registration of P.M. L.L.C.

**LICENSING ORDER  
WITH PENALTY**

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**I. ORDER**

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against P.M. L.L.C. (“Respondent”).

Pursuant to Minn. Stat. §§ 326B.701, subd. 6; 326B.082, subd. 12 (b); and 326B.083 (2016), the Commissioner hereby assesses against Respondent a monetary penalty of \$5,000.

Pursuant to Minn. Stat. § 326B.082, subs. 11(b) and 12 (2016) and Minn. Stat. § 326B.083 (2016), the Commissioner hereby suspends the Contractor Registration of Respondent, No. IR731901, until such time that Respondent provides a complete answer to the Commissioner’s September 6, 2017 subpoena and pays the monetary penalty imposed herein.

Pursuant to Minn. Stat. § 326B.082, subd. 12 (b) (2016), 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 Department of Labor and Industry’s (“Department”) Construction Contractor Registration Program (“Registration Program”) is required.

Pursuant to Minn. Stat. § 326B.082, subd. 11(a)(b)(5) (2016), the Commissioner also hereby orders Respondent and its principal to cease and desist from registering in the Registration Program under the business name P.M. L.L.C., or any other business or personal name.

The Commissioner takes the above action based upon the following Findings of Fact and Conclusions of Law:

**II. FINDINGS OF FACT**

1. Respondent was registered as a limited liability company with the Minnesota Secretary of State on May 22, 2015 and was assigned File No. 8276231000027. In its business registration, Respondent disclosed that Arturo Perez-Marcos was its Registered Agent and 3925 – 3<sup>rd</sup> Street NE, Apt. 6, Columbia Heights, Minnesota was listed as the company’s Registered Office Address. This registration was terminated on March 1, 2017 due to failure to renew.
2. On August 10, 2017, the Department opened an investigation of Respondent based on information indicating that Respondent may have engaged in violations of the Minnesota statutes governing the classification of workers in the construction industry.

3. On September 6, 2017, a Department investigator mailed a Subpoena Duces Tecum via first-class and certified mail to Respondent at his Registered Office Address. The first-class mailing was not returned to the Commissioner by the U.S. Postal Service (“USPS”). The certified mailing was returned to the Commissioner marked “Unclaimed” on September 26, 2017.
4. On September 29, 2017, the Department investigator mailed a follow up letter with a copy of the Subpoena Duces Tecum via first-class and certified mail to Respondent at his Registered Office Address. The first-class mailing was not returned to the Commissioner by the USPS. The second certified mailing was returned to the Commissioner marked “Unclaimed” on October 23, 2017.
5. On October 19, 2017, Respondent registered in the Department’s Registration Program and was issued registration No. IR731901 with a mailing address of 4305 – 2<sup>nd</sup> Street NE, Minneapolis, Minnesota. In its contractor registration, Respondent asserted that it was owned by one individual, Arturo Perez-Marco.
6. On November 1, 2017, the Department investigator mailed a follow up letter with a copy of the Subpoena Duces Tecum via first-class and certified mail to Respondent at the Minneapolis address. The first-class mailing was not returned to the Commissioner by the USPS. The second certified mailing was returned to the Commissioner marked “Unclaimed” on November 13, 2017.
7. In the course of its investigation, the Department learned that since 2014 and as late as August 21, 2017, Respondent performed residential building construction or improvement services for which registration in the Registration Program is required, as a subcontractor for TC Discount Granite, LLC.
8. As of the date of this Order, Respondent has failed to respond to the Subpoena Duces Tecum.

### **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) (2016).
2. Respondent failed to comply with a subpoena issued by the Commissioner. 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](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 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 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) (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: 11/15/17

KEN B. PETERSON  
Commissioner

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