

STATE OF MINNESOTA  
Department of Labor and Industry

In the Matter of Lighting Construction LLC  
and Sergio Quintero

**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 Lighting Construction LLC (“Respondent”) and its principal, Sergio Quintero.

Pursuant to Minn. Stat. §§ 181.723, subd. 4(a) (1); 326B.082, subd. 12(b); and 326B.083 (2016), the Commissioner hereby assesses against Respondent a monetary penalty of \$10,000.

Pursuant to Minn. Stat. §§ 326B.082, subds. 11(b) and 12, and 326B.083 (2016), the Commissioner hereby suspends the construction contractor registration of Respondent, No. IR737345, until such time that Respondent provides a complete response to the Commissioner’s April 6, 2018 subpoena and subsequent requests for documentation, and pays the monetary penalty assessed above.

Pursuant to Minn. Stat. § 326B.082, subd. 12 (b) (2016), the Commissioner also hereby orders Respondent and its principal, Sergio Quintero, to cease and desist from performing public or private sector commercial or residential building construction or improvement services for which registration in the Construction Contractor Registration Program (“Registration Program”) is required until full compliance with this Licensing Order is achieved, including the submission of a complete response to the Commissioner’s April 6, 2018 subpoena and payment of the monetary penalty assessed above.

Pursuant to Minn. Stat. § 326B.082, subd. 11(a)(b)(5) (2016), the Commissioner also hereby orders Respondent and its principal, Sergio Quintero, to cease and desist from registering in the Registration Program under the business name Lighting Construction 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 providing building construction or improvement services and holds a construction contractor registration, No. IR737345,

issued by the Commissioner on February 28, 2018 under the name Lighting Construction LLC.

2. In its registration, Respondent asserted that it was owned solely by Sergio Quintero and that its business address is 3501 – 31<sup>st</sup> Avenue Drive, Minneapolis, MN.
3. According to the records of the Minnesota Secretary of State, Lighting Construction LLC was filed as a Minnesota limited liability company on March 31, 2014 with a Registered Office Address of 3501 – 31<sup>st</sup> Avenue Drive, Minneapolis, MN and a Principal Executive Office at 6017 – 71<sup>st</sup> Avenue, Brooklyn Park, MN. The manager was listed as Sergio Quintero. That registration was terminated by the Secretary of State on March 15, 2018.
4. Lighting Construction LLC was previously registered under the name Lighting Construction LLC with a construction contractor registration, No. IR679184, issued by the Commissioner on April 1, 2014. The sole owner was listed as Sergio Montes with a business address of 3501 – 31<sup>st</sup> Avenue Drive, Minneapolis, MN. Both registration applications listed the same federal employer identification number.
5. Registration No. IR679184 was suspended and a \$5,000 monetary penalty was assessed against the company pursuant to a Licensing Order dated April 19, 2016. That Licensing Order is now final and the monetary penalty remains unpaid.
6. As a registered construction contractor, Respondent must adhere to the Minnesota statutes and regulations governing Contractor Registration and construction worker classification, Minn. Stat. §§ 181.723, 326B.701, and 326B.081 to 326B.085 (2016) and Minn. R. Chapter 5224 (2015).
7. As a result of a review of the duplicate registrations, the Minnesota Department of Labor and Industry (“Department”) opened an investigation of Respondent on February 29, 2018 to determine whether Respondent had engaged in violations of the statutes and rules governing the classification of workers in the construction industry.
8. On April 6, 2018, a Department investigator mailed a subpoena duces tecum via first-class and certified mail to Respondent at its Registered Office Address in Minneapolis.
9. The subpoena required the production of documentation relating to Respondent’s subcontractors, contractors, and employees. The subpoena sent via certified mail was returned by the United States Postal Service (“USPS”) marked “Unclaimed”. The first-class letter was not returned by the USPS.
10. On May 2, 2018, when Respondent failed to respond to the subpoena, the Department investigator mailed a second request for information to Respondent at its Registered Office Address in Minneapolis. The letter was not returned by the USPS.
11. Both the subpoena and supplemental request for information required a response from Respondent within 30 days of the Commissioner’s service of the same.
12. 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 (2016) and 326B.082, subd. 11 (b)(1) (2016).
2. Respondent failed to comply with a subpoena and subsequent request for information from the Commissioner. Minn. Stat. §§ 326B.082, subs. 2(b) and 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 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.

Because Respondent has a history of past violations, the Commissioner also considered: the similarity of the previous violations to the current violations; the time elapsed since the last violation; the number of previous violations; and the Respondent's response to the most recent previous violation.

### **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, subs. 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 and Respondent and Sergio Quintero are prohibited from registering in the Registration Program until full compliance with the terms of this Licensing Order is achieved, including the submission of a complete response to the Commissioner's April 6, 2018 subpoena and payment of the \$10,000 monetary penalty assessed in this Order.


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: \_\_\_\_\_

6/21/18

KEN B. PETERSON  
Commissioner

BY: \_\_\_\_\_

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