

STATE OF MINNESOTA  
Department of Labor and Industry

In the Matter of GSD Construction, LLC

**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 GSD Construction, LLC (“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, subds. 11(b) and 12 (2016) and Minn. Stat. § 326B.083 (2016), the Commissioner hereby suspends the Contractor Registration of Respondent, No. IR674568, until such time that Respondent pays the monetary penalty imposed by this Order.

Pursuant to Minn. Stat. § 326B.082, subd. 12 (b) (2016), the Commissioner also hereby orders Respondent and its principals, including Gregory Amundson, 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 principals, including Gregory Amundson, during the period of contractor registration suspension, to cease and desist from registering in the Registration Program under the business name GSD Construction, LLC, 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. Since September 15, 2012, Minnesota law has required all contractors who provide or offer to provide commercial or residential building construction or improvement services in Minnesota to be registered in the Department’s Registration Program if they are not required by the Department to hold a license.
2. On January 12, 2009, Respondent registered as a domestic limited liability company with the Minnesota Secretary of State (“MN SOS”) under file No. 3166331-3 with

Gregory Amundson named as its Manager. This registration is active and in good standing through December 31, 2018.

3. On November 21, 2013, Respondent registered with the Department in the Registration Program and was issued registration No. IR674568. Respondent named Gregory Amundson as its sole owner.
4. On September 23, 2015, the Commissioner issued a Notice of Violation (“2015 Notice”) against Respondent for violating Minn. Stat. § 326.701, subd. 5 (b)(2) (2014) because Respondent “hired persons to provide construction services without a license or construction contractor registration and treated them as independent contractors.” Jendro Contracting LLC (“Jendro”) and Billet Drywall LLC (“Billet”) were among nine unlicensed, unregistered independent contractors named in Respondent’s 2015 Notice.
5. On March 1, 2018, 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.
6. On March 2, 2018, the Commissioner issued a Subpoena Duces Tecum to Respondent requesting information about its business structure, employees and subcontractors. A Department investigator sent the subpoena via first class and certified mail to the addresses included in Respondent’s Department registration and its MN SOS registration.
7. Based on information gathered in its investigation, the Department found evidence that in 2016, 2017 and 2018, Respondent hired and paid Anthony Schiaroli (“Schiaroli”), Joseph Janney (“Janney”), Billet and Jendro to perform building construction or improvement services in Minnesota despite the fact that they were neither licensed by nor registered with the Department.
8. Jendro’s residential building contractor license was revoked by the Department on January 9, 2014 and remains revoked as of the date of this Order. Additionally, Jendro has never registered in the Registration Program and is the subject of an Administrative Order issued by the Commissioner on October, 19, 2015. The Administrative Order required Jendro to cease and desist from performing commercial or residential building construction or improvement services until it registered in the Registration Program. Respondent hired Jendro to perform building construction work in Minnesota despite the revocation of Jendro’s RBC license and the issuance of the Administrative Order in 2015.
9. As of the date of this Order, Billet, Schiaroli and Janney are not and never have ever been registered in the Registration Program or licensed by the Department.

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

1. Respondent committed violations of the applicable law. Minn. Stat. §§ 181.723, 326B.701, and 326B.082, subd. 11(b)(1) (2016).

2. Respondent repeatedly hired persons without a construction contractor registration or license issued by the Commissioner to provide construction services and treated these persons as independent contractors in violation of Minn. Stat. § 326B.701, subd. 5(b)(2) (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.

#### **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 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: 5/16/18

KEN B. PETERSON  
Commissioner

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