

STATE OF MINNESOTA
Department of Labor and Industry

In the Matter of Campos Construction LLC
and Carlos M. Hernandez Campos, individually

**ADMINISTRATIVE ORDER
WITH PENALTY**

I. ORDER

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against Respondents Campos Construction LLC and Carlos M. Hernandez Campos, individually.

Pursuant to Minn. Stat. §§ 326B.701 (2018); 326B.082, subd. 7 (2018) and 326B.083 (2018), the Commissioner hereby assesses against Respondents, jointly and severally, a monetary penalty of \$4,000.

The Commissioner also hereby orders Respondents to cease and desist from violating the laws cited in the “Conclusions of Law” section of this Administrative Order. Specifically, the Commissioner orders Respondents 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 such time that Respondents respond to the subpoena issued by the Commissioner on September 29, 2017; and comply with the terms of the Commissioner’s Licensing Order with Penalty issued against Campos Construction LLC on February 8, 2018, including payment of the \$5,000 monetary penalty assessed against Campos Construction LLC.

The Commissioner takes the above action based upon the following findings of fact and conclusions of law:

II. FINDINGS OF FACT

1. Respondents are engaged in the business of providing building construction or improvement services, but are not currently registered with the Registration Program and are not currently licensed by the Commissioner in any capacity.
2. According to the records of the Minnesota Secretary of State, Campos Construction LLC was filed as a corporation on August 9, 2013 and this filing is currently inactive. Carlos M. Hernandez Campos is listed as the chief executive officer. In the business filing with the Secretary of State, Respondents disclosed their registered office address as 49 Jackson Heights, Shakopee, MN.
3. According to the records of the Minnesota Workers Compensation Insurers Association, Campos Construction LLC held a Workers Compensation policy which listed the

business address as 12665 Dem Con Blvd. Lot 49, Shakopee, MN. The owner was listed as Carlos Maudiel Hernandez.

4. Respondents were registered with the Minnesota Department of Labor and Industry (“Department”) and held registration no. IR698868, which was issued September 8, 2015 and expired on December 31, 2015. Respondents subsequently held registration No. IR727490, which was issued on July 18, 2017 and was active until it was suspended on March 23, 2018 pursuant to a Licensing Order issued by the Commissioner. The Licensing Order suspended Respondent Campos Construction LLC’s registration until it provided a complete response to a previously issued subpoena and paid a \$5,000 monetary penalty. The Order also required Respondents to cease and desist from performing building construction or improvement services in Minnesota until full compliance with the provisions of the Order was achieved. The Order is final and the monetary penalty remains unpaid.
5. As a result of a subpoena issued to Environmental Materials, LLC on December 26, 2018 it was found that Respondents provided building construction or improvement services to Environmental Materials, LLC and were paid \$244,024.79 in 2017 and \$150,189.75 in 2018.
6. Environmental Materials LLC 2018 accounts payable remittance report showed payments to the Respondent from the week ending April 6, 2018 until September 14, 2018, despite the fact that Campos Construction LLC’s registration had been suspended in March 2018.
7. Respondents knowingly provided building construction or improvement services without being licensed or registered by the Commissioner.

III. CONCLUSIONS OF LAW

1. Respondents committed a violation of applicable law. Minn. Stat. §§ 181.723; Minn. Stat. §§ 326B.701 and 326B.082, subd. 7 (2018).
2. Respondents committed a violation of Minn. Stat. §§ 181.723, subd. 2 and 326B.701, subd. 2 (2018) by providing building construction or improvement services without being licensed or registered by the Commissioner.
3. Respondents violated a final Order of the Commissioner. Minn. Stat. § 326B.082, subd.11(b)(5) (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 Respondents 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), Respondents 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, subds. 4 and 8 (2018).

If Respondents submit 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.

VI. EFFECT OF FINAL ORDER

If Respondents do not request a hearing or Respondents' 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).

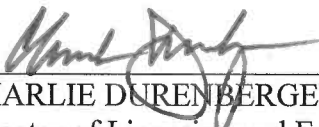
The monetary penalty assessed upon Respondents by this Administrative Order, other than the forgivable portion, is due and payable on the date the Administrative Order becomes final. *See* Minn. Stat. § 326B.083, subd. 3(a) (2018). If the Commissioner determines that Respondents are not employees of another contractors and 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), Respondents are 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: 4/5/19

NANCY J. LEPPINK
Commissioner


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