

STATE OF MINNESOTA  
Department of Labor and Industry

In the Matter of Restoration Contractors, Inc.

**LICENSING ORDER  
WITH PENALTY**

---

**I. ORDER**

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against Respondent Restoration Contractors, Inc.

Pursuant to Minn. Stat. § 326B.082, subd. 12 (b) (2016) and Minn. Stat. § 326B.083 (2016), the Commissioner hereby assesses against Respondent a monetary penalty of \$ 3,000.

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

**II. FINDINGS OF FACT**

1. Respondent holds a residential building contractor license, No. BC216404, issued by the Commissioner on April 7, 2000. Respondent’s legal address is 480 Prior Ave. North, St. Paul, MN.
2. According to the records of the Minnesota Secretary of State, Restoration Contractors, Inc. has a registered office at 480 N. Prior Ave., St. Paul, MN and its Chief Executive Officer is Mark E. Larson.
3. Respondent, as a licensed residential building contractor, must adhere to the Minnesota statutes and regulations governing Contractor Registration and worker classification, Minn. Stat. §§ 181.723, 326B.701, and 326B.081 to 326B.085 (2018) and Minn. R. Ch. 5224 (2017).
3. As a result of a review of the records of a subcontractor, the Minnesota Department of Labor and Industry (“Department”) opened an investigation of Respondent on December 7, 2018 to determine whether Respondent had engaged in violations of the statutes and rules governing the classification of workers in the construction industry and to identify the true business entity.
4. On December 17, 2018, a Department investigator mailed a subpoena duces tecum via first-class and certified mail to Respondent at the St. Paul address it provided in its contractor license application.

5. On February 8, 2019, Respondent supplied a partial response to the subpoena.
6. On March 1, 2019, the Department investigator mailed a request for additional information to Respondent at its St. Paul address. This letter was not returned by the USPS.
7. When Respondent failed to respond to this request for information, the Department investigator emailed a request for a full response to the subpoena on April 9, 2019
8. On April 19, 2019, the Department investigator emailed another request for a full response to the subpoena.
9. Both the subpoena and supplemental requests 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. §§ 326B.701 and 326B.082, subd. 11 (b) (1) (2018).
2. Respondent failed to comply fully with a subpoena and subsequent requests for information from the Commissioner. Minn. Stat. §§ 326B.082, subsd. 2(b) and 11(b) (6) (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. 12(c), Respondent shall have 30 days after issuance of this 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. Minn. Stat. § 326B.082, subd. 12 (c) (2018). The request for hearing must specifically state the reasons for seeking review of the order or notice. If the request for hearing is served by facsimile, 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.

If the Respondent submits to the Commissioner a timely request for hearing, this order shall be stayed unless otherwise ordered by a judge, and a contested case hearing will be commenced. The contested case procedures are set out in chapter 14 of Minnesota Statutes, chapter 1400 of the Minnesota Rules, and sections 326B.081 to 326B.085 of the Minnesota Statutes. Copies of these materials are available at [www.revisor.mn.gov](http://www.revisor.mn.gov) or may be purchased from the Minnesota Book Store, telephone (651) 297-3000.

## VI. EFFECT OF FINAL ORDER

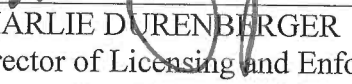
If Respondent does not request a hearing or submit a timely hearing request to contest this order, it shall become a final order of the Commissioner and will not be subject to review by any court or agency. *See* Minn. Stat. § 326B.082, subd. 12(c) (2018).

The monetary penalty assessed by this order is due and payable on the date this order becomes final. Minn. Stat. § 326B.083, subd. 3(a) (2018). When this 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. 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. Minn. Stat. § 326B.082, subd. 17 (2018).

Finally, Respondent is notified that thirty (30) days after the date this 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: 7/3/19

NANCY J. LEPPINK  
Commissioner

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