



July 19, 2019

SENT VIA FIRST-CLASS U.S. MAIL

United Drywall LLC
420 W 158th Street
Burnsville, MN 55306

Re: Licensing Order; United Drywall LLC REG1905-00023/JOR

To Whom It May Concern:

Enclosed is a Licensing Order for failing to respond to the Department's subpoena. The Order will become final thirty days from the date of signature, upon which date the monetary penalty will become due and owing and the company's contractor registration will be suspended. You can avoid the penalty and suspension if you respond to the subpoena before the Order becomes final. A copy of the subpoena is enclosed for your convenience. Please contact the undersigned with any questions.

Sincerely,

Jonathan Reiner
Senior Investigator
Construction Codes & Licensing – Enforcement
443 Lafayette Road N
St. Paul, MN 55155
P: (651) 284-5396
jonathan.reiner@state.mn.us

Enclosures: Licensing Order; Subpoena

STATE OF MINNESOTA
Department of Labor and Industry

In the Matter of the Contractor
Registration of United Drywall LLC

**LICENSING ORDER
WITH PENALTY**

I. ORDER

The Commissioner of the Minnesota Department of Labor and Industry (“Commissioner”) issues this Order against Respondent United Drywall LLC.

Pursuant to Minn. Stat. § 326B.082, subd. 12 (b) (2018) and Minn. Stat. § 326B.083 (2018), the Commissioner hereby assesses against Respondent a monetary penalty of \$1,000.

Pursuant to Minn. Stat. § 326B.082, subds. 11(b) and 12 (2018) and Minn. Stat. § 326B.083 (2018), the Commissioner hereby suspends the Contractor Registration of Respondent, No. IR739304, from the date that this Order becomes final until Respondent produces the documents requested in the Commissioner’s subpoena dated May 13, 2019 and pays the monetary penalty assessed above.

Pursuant to Minn. Stat. § 326B.082, subd. 12(b) (2018), the Commissioner also hereby orders Respondent, 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 Construction Contractor Registration Program (“Registration Program”) is required.

Pursuant to Minn. Stat. § 326B.082, subd. 11(a)(b)(5) (2018), the Commissioner also hereby orders Respondent and its principal(s) to cease and desist from registering in the Registration Program under any name until full compliance with this order is achieved.

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 Contractor Registration issued by the Commissioner on April 9, 2018, No. IR739304. In its registration, Respondent provided a main address of 420 W. 158th Street, Burnsville, MN 55306. The main address in Respondent’s Contractor Registration is the same as Respondent’s registered office address for its limited liability company filing with the Minnesota Secretary of State.

2. Respondent, as a registered contractor, must adhere to the Minnesota statutes and regulations governing worker classification and contractor registration, Minn. Stat. §§ 181.723 and 326B.701 (2018).
3. On May 10, 2019, the Minnesota Department of Labor and Industry (“Department”) opened an investigation based on receipt of information that indicated that Respondent may have engaged in violations of the Minnesota statutes governing the classification of workers in the construction industry.
4. As a part of the Department’s investigation, the Commissioner issued a subpoena duces tecum to Respondent on May 13, 2019 via certified and first-class U.S. mail to the Burnsville, MN address Respondent provided in its registration.
5. A Department investigator made multiple attempts to contact Respondent at the phone numbers listed in Respondent’s registration. The investigator sent copies of the subpoena and related correspondence to the email address listed in Respondent’s registration.
6. On June 4, 2019, a Department investigator sent a letter and email warning Respondent that the Department would issue an order against it including a monetary penalty if Respondent did not respond to the subpoena.
7. As of the date of this Order, Respondent has not complied with the May 13, 2019 subpoena.

III. CONCLUSIONS OF LAW

1. Respondent has committed a violation of applicable law. Minn. Stat. § 326B.082, subd. 11(b)(1) (2018).
2. Respondent failed to cooperate with the Commissioner’s request to produce documents. Minn. Stat. § 326B.082, subds. 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 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. Minn. Stat. §§ 14.045, subd. 3, 326B.083, subd. 1.

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). 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. Minn. Stat. § 326B.082, subd. 4.

If 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.01 to 326B.085 of the Minnesota Statutes. Copies of these materials or are available at 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).

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. Reinstatement after suspension requires: application to the Commissioner no later than two years after completion of the suspension period; payment of a \$50 license reinstatement fee; submission of a completed license renewal and application and fees if the license expired during the license suspension; and the meeting of all other requirements for licensure. Minn. Stat. § 326B.096, subd. 2 (2018).

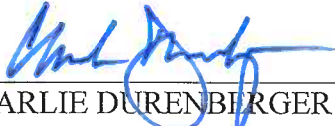
The monetary penalty assessed by this order is due and payable on the date this order becomes final. Minn. Stat. § 326B.083, subd. 3(a) (2018). When this order becomes final, the Commissioner may file and enforce any unpaid portion of the penalty as a judgment in district court without further notice 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: 7/19/19

NANCY J. LEPPINK
Commissioner


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



STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY

Nancy J. Leppink, Commissioner,
Department of Labor and Industry,
State of Minnesota,

ADMINISTRATIVE SUBPOENA
DUCES TECUM

vs.

United Drywall LLC

Investigation No: REG1905-00023/JOR

THE COMMISSIONER OF THE DEPARTMENT OF LABOR AND INDUSTRY to:

United Drywall LLC
420 W 158th Street
Burnsville, MN 55306

Pursuant to Minn. Stat. §§ 326B.082, subd. 2; 326B.701, subd. 2; and 176.184, subd. 3 (2018), you are hereby required to provide the following information and produce the following documents in your possession and control to Jonathan Reiner, a representative of the Minnesota Department of Labor and Industry, Construction Codes and Licensing Division:

1. Submit copies of all Federal business tax returns or applications for extension filed by the business for calendar year 2018 including all schedules related to the business.
2. Did your business have any employees working in the state of Minnesota in 2018?

Yes: _____ No: _____

3. Did your business have subcontractors in the state of Minnesota in 2018?

Yes: _____ No: _____

If you answered yes, please provide the following information for each subcontractor:

- a. The subcontractor's name, business address, and telephone number;
- b. The subcontractor's Minnesota Department of Labor and Industry contractor registration or license number;
- c. List of all payments made to your subcontractors including the date and the amount of the payment (*i.e. QuickBooks*);
- d. All contracts for services provided by the subcontractor;

- e. All bids or invoices received from or provided to the subcontractor *(if requested)*;
- f. Copies of all checks made to the subcontractor *(if requested)*.

4. Did your business work as a subcontractor for another contractor in 2018?

Yes: _____ No: _____

If you answered yes, please provide the following information:

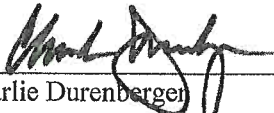
- a. Names, addresses, phone numbers of all contractors your company has worked for in 2018;
- b. Evidence of all payments from contractors such as IRS forms 1099 or copies of checks *(if requested)*.

You must return a copy of this subpoena, with the information and documents requested, no later than 20 days from the date of this subpoena, to:

Jonathan Reiner
Minnesota Department of Labor and Industry
CCLD – Enforcement Services
443 Lafayette Road North
St. Paul, MN 55155

Failure to respond within 20 days is a violation of Minn. Stat. § 326B.082, subd. 2(b) (2018) and would subject you to a monetary penalty of up to \$10,000 as well as formal enforcement action against any license, registration, or certificate that you hold with the Department.

Dated: 5/13/19



Charlie Durenberger
for Nancy J. Leppink, Commissioner,
Minnesota Department of Labor and Industry

