

November 19, 2018

Christopher M. Kaisershot
Assistant Attorney General
Office of the Attorney General
445 Minnesota Street, Suite 1800
St. Paul, MN 55101-2134

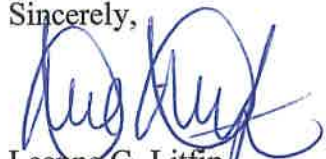
Michael C. Mahoney
Mahoney Lefky, LLC
125 West Lake Street, Suite 201
Wayzata, MN 55391

Re: *In the Matter of the Administrative Order Issued to Affordable Cabinets and Granite, L.L.C.*
OAH Docket No.: 82-1902-35034

Dear Mr. Kaisershot and Mr. Mahoney:

On behalf of Commissioner Ken B. Peterson, enclosed and served upon you by U.S. mail are the Findings of Fact, Conclusions of Law, and Order with respect to the above-referenced matter.

Sincerely,



Leanne G. Litfin
General Counsel
Office of General Counsel
(651) 284-5019 (main)
(651) 284-5725 (fax)

LGL/srh

Enclosure

cc: The Honorable Barbara J. Case (w/enc.)

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
443 LAFAYETTE ROAD N.
ST PAUL, MINNESOTA 55155

In the Matter of the Administrative Order Issued to
Affordable Cabinets and Granite, L.L.C.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

OAH Docket No. 82-1902-35034

The above-entitled matter originally came before Administrative Law Judge Barbara J. Case of the Office of Administrative Hearings on February 8, 2018 pursuant to a Notice and Order for Prehearing Conference filed on that date. Assistant Attorney General Christopher M. Kaisershot appearing on behalf of the Minnesota Department of Labor and Industry and Michael M. Mahoney appearing on behalf of the Respondent. The Department filed a Motion for Summary Disposition on June 15, 2018 and Respondent filed an Opposition to the Motion for Summary Disposition on June 29, 2018. The Administrative Law Judge's Recommended Order on the Department's Motion for Summary Disposition was served July 24, 2018. By letter dated August 2, 2018, General Counsel Leanne G. Litfin, informed the parties of their right to file exceptions and/or argument to the Commissioner regarding the Administrative Law Judge's Recommended Order on the Department's Motion for Summary Disposition. The Department of Labor and Industry filed argument by letter dated and received August 23, 2018. Respondent's argument was made by letter dated July 30, 2018 and a letter dated and received on August 23, 2018. The record closed on August 23, 2018.

NOTICE

Any person aggrieved by the agency's Findings of Fact, Conclusions of Law and Order in this contested case is entitled to judicial review of the decision pursuant to Minn. Stat. §§ 14.63-14.68 (2016). An aggrieved person must file a petition for a writ of certiorari with the Minnesota Court of Appeals and serve it on the agency, all other parties to the proceeding and the attorney

general, personally or by certified mail, not more than 30 days after the aggrieved party receives the final decision and order of the agency. Proof of service on the agency, the other parties and the attorney general must be promptly filed with the Office of the Clerk of Appellate Courts and the appeal will thereafter proceed in the manner provided by the Rules of Civil Appellate Procedure.

Based upon all the facts, records and proceedings herein, the Commissioner makes the following:

FINDINGS OF FACT

1. The Commissioner adopts in their entirety and incorporates as his own all of the Factual and Procedural Background contained in the Administrative Law Judge's Report.
2. Any Finding of Fact herein, which should more properly be deemed a Conclusion of Law, is hereby adopted as such.

Based upon the foregoing Findings of Fact, the Commissioner makes the following:

CONCLUSIONS OF LAW

1. The Commissioner adopts and incorporates herein by reference all of the Legal Standards contained in the Administrative Law Judge's Report.
2. The Commissioner further adopts and incorporates herein by reference all of the Legal Analysis and Conclusions contained in the Administrative Law Judge's Report.
3. Any Conclusion of Law herein, which should more properly be deemed a Finding of Fact, is hereby adopted as such.
4. This Order is in the public interest.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. That the Department of Labor and Industry's Motion for Summary Disposition is GRANTED;
2. That Respondent shall PAY to the State of Minnesota a total civil penalty of **\$10,000.00**. This civil penalty consists of \$2,000.00 for failure to register as required by law and


\$8,000.00 for failure to cooperate as required by law with the Department's investigation;
and

3. That Respondent shall CEASE AND DESIST from violating the laws cited above in the Conclusions of Law section, specifically Respondent shall cease and desist from performing, contracting or offering building construction or improvement services in the State of Minnesota until it is properly registered, pursuant to Minn. Stat. § 326B.701, subd. 2, in the Construction Contractor Registration Program or obtains appropriate licensure as a Residential Building Contractor or Residential Remodeler pursuant to Minn. Stat. § 326B.805, subd. 1 and pays the civil penalty set forth above.

Pursuant to Minn. Stat. § 16D.17(1) (2016), Respondent is notified that when this order becomes final the agency may file and enforce the penalty imposed as a district court judgment without further notice or additional proceedings. Further, pursuant to Minn. Stat. § 16D.13 (2016), Respondent is hereby notified that thirty (30) days after the date of this final order, simple interest computed in accordance with Minn. Stat. § 16D.13, subd. 2 (2016) will begin to accrue on the amount of the civil penalty ordered.

Dated: 11-19-18

KEN B. PETERSON
Commissioner

By: 
KEN B. PETERSON
Department of Labor and Industry
443 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (651) 284-5050

STATE OF MINNESOTA
DEPARTMENT OF LABOR AND INDUSTRY
443 LAFAYETTE ROAD NORTH
ST. PAUL, MINNESOTA 55155

Re: In the Matter of the Administrative Order Issued to Affordable Cabinets and Granite,
L.L.C.
OAH Docket No. 82-1902-35034

AFFIDAVIT OF SERVICE

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

I, Sonya Herr, as an employee of the Office of General Counsel, Minnesota Department of Labor and Industry, declare that in the City of St. Paul, County of Ramsey and State of Minnesota on the 20th day of November, 2018, served the attached Findings of Fact, Conclusions of Law, and Order by depositing in United States first class mail and by first class certified mail, in accordance with Minn. Stat. § 16B.49, a true and correct copy thereof, properly enveloped and addressed to:

U.S. MAIL

The Honorable Barbara J. Case
Administrative Law Judge
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

U.S. MAIL

Christopher M. Kaisershot
Assistant Attorney General
Office of the Attorney General
445 Minnesota Street, Suite 1800
St. Paul, MN 55101-2134

CERTIFIED MAIL

7014 1820 0000 3236 2614

Michael C. Mahoney
Mahoney Lefky, LLC
125 West Lake Street, Suite 201
Wayzata, MN 55391

I am signing this Affidavit in Ramsey County, Minnesota on the 20th day of November, 2018. Pursuant to Minn. Stat. § 358.116, I declare under penalty of perjury that everything I have stated in this document is true and correct.



Sonya Herr