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Department of Labor & Industry
Commissioner's Office

April 3, 2025

Occupational Safety and
Health Review Board
443 Lafayette Road N.
St. Paul, MN 55155**Re: Commissioner v. Dave's Floor Sanding & Installing, Inc.
Inspection No. 318213667
Response to Petition to Vacate**

Dear Occupational Safety and Health Review Board Members:

I am counsel for the Minnesota Occupational Safety and Health Administration division ("MNOSHA") of the Minnesota Department of Labor and Industry in the above-referenced matter. Petitioner Dave's Floor Sanding & Installing, Inc. ("Petitioner") has filed a Petition to Vacate the Commissioner's March 18, 2025 Final Order ("Commissioner's Final Order"). The Petition to Vacate should be denied because (1) the Commissioner's Final Order correctly determined that the Notice of Contest was late and incomplete; and (2) because Petitioner has not demonstrated good cause to vacate the Commissioner's Final Order.

FACTS

During the period of November 20, 2024 to December 6, 2024, MNOSHA inspected Petitioner's worksite located at 1451 92nd Lane NE, Blaine, Minnesota. On February 5, 2025, MNOSHA issued a Citation and Notification of Penalty ("Citation") for violations of occupational safety and health standards.¹ The Citation clearly states, in multiple places, that a Notice of Contest must be filed within 20 calendar days of the date of receipt. The first paragraph of the Citation provides the following instruction:

You must abate the violations referred to in this Citation by the dates listed and pay the penalties, *unless within 20 calendar days from your receipt of this Citation you file a Notice of Contest with the Commissioner . . .* Your contestation rights and other employer and employee rights and responsibilities are set out in the first three pages of this Citation. (Emphasis added.)

¹ A copy of the Citation is attached as Exhibit 1.

The following instruction appears on pages two and three of the Citation:

Employer Right to Contest - The employer has the right to a hearing to contest any or all parts of this Citation. If the employer wishes to contest, the employer must fully complete and notarize the attached NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES (Notice of Contest form) and file it with the Commissioner at the address shown on page 1 of this Citation within 20 calendar days of receiving the citation.

Important: To be considered filed, all parts of the Notice of Contest form must be completed and the completed form must be deposited in the United States mail and postmarked, or otherwise timely received by the Commissioner at the above address within 20 calendar days after the date this Citation is received by the employer. You may also file electronically at (contestation.dli@state.mn.us), by facsimile (FAX), or by hand-delivering the completed form to the Department, if received no later than 4:30 p.m. on the 20th calendar day. If the employer fails to file the Notice of Contest form on time, this Citation and Notification of Penalty becomes a final order of the Commissioner which is not subject to review by any court or agency and the Occupational Safety and Health Division may file and enforce the penalty as a district court judgment without further notice or additional proceedings pursuant to Minnesota Statutes § 16D.17.

Petitioner received the Citation on February 8, 2025, as evidenced by the signed receipt form.² The deadline for filing a Notice of Contest to the Citation was therefore February 28, 2025. Minn. R. 5210.0536, subp. 2. Respondent filed its notice of contest by email on March 4, 2025.³ The certification of posting and service section (section 3) of the Notice of Contest was not completed.

On March 18, 2025, Petitioner was served with a Final Order of the Commissioner.⁴ This Final Order determined that Petitioner's Notice of Contest was late and incomplete. Also, the cover letter to the Commissioner's Final Order provided Petitioner with information about filing a Petition to Vacate the determination that its Notice of Contest was late and incomplete.

Petitioner served its Petition to Vacate upon MNOSHA in an envelope postmarked March 28, 2025. As to why the Notice of Contest was late, Petitioner notes an illness. The Petition offers

² A copy of the receipt form is attached as Exhibit 2.

³ A copy of Petitioner's Notice of Contest is attached as Exhibit 3. No employee or authorized representative of employees filed a Notice of Contest.

⁴ A copy of the Commissioner's Final Order is attached as Exhibit 4.

no explanation as to why the Notice of Contest was incomplete. MNOSHA now responds in opposition to the Petition.

ARGUMENT

I. THE REVIEW BOARD SHOULD DENY THE PETITION TO VACATE BECAUSE THE COMMISSIONER'S FINAL ORDER CORRECTLY DETERMINED THAT THE NOTICE OF CONTEST WAS LATE.

The Board should deny the Petition to Vacate because the Commissioner's Final Order correctly determined that Petitioner's Notice of Contest was late. Petitioner received the Citation on February 8, 2025. The law requires employers to file a Notice of Contest within 20 days of receiving the Citation. Minn. R. 5210.0536, subp. 2. Petitioner's Notice of Contest was due by February 28, 2025. Petitioner filed the Notice of Contest on March 4, 2025, four days after the deadline had passed. So, the Commissioner's determination that Petitioner's Notice of Contest was late should be affirmed.

II. THE REVIEW BOARD SHOULD DENY THE PETITION TO VACATE BECAUSE THE COMMISSIONER'S FINAL ORDER CORRECTLY DETERMINED THAT THE NOTICE OF CONTEST WAS INCOMPLETE.

The Board should deny the Petition to Vacate because the Commissioner's Final Order correctly determined that Petitioner's Notice of Contest was incomplete. MNOSHA is required to accept as filed only a fully completed Notice of Contest form. Indeed, Minnesota Rules, part 5210.0533 states in pertinent part:

A contest of a citation and notification of penalty . . . shall be filed with the commissioner on the notice of contest form provided by the commissioner. The commissioner **shall accept as filed only a fully completed notice of contest form**. A fully completed notice of contest form must provide the following information:

...

E. certification that the notice was served upon the authorized employee representatives, if any, and the employer, if it is an employee or authorized employee representative contest, and that it was posted where the citations and notifications of penalty are required by part 5210.0530, subpart 3, to be posted

(Emphasis added). The Citation itself also states, in multiple places, that a Notice of Contest must be fully completed. The Citation informs the Petitioner that "[t]o be considered filed, all parts of the Notice of Contest form must be completed"

Section 3 of the Notice of Contest was incomplete because it was left entirely blank. So, the Commissioner's determination that Petitioner's Notice of Contest was incomplete should be affirmed.

III. THE REVIEW BOARD SHOULD DENY THE PETITION TO VACATE BECAUSE PETITIONER HAS NOT ESTABLISHED GOOD CAUSE.

The Board should deny the Petition because Petitioner has not shown good cause. Without a showing of good cause, the Board may not vacate a final order of the Commissioner. Minn. Stat. § 182.664, subd. 5. And "good cause is limited to fraud, mistake of fact by the commissioner, mistake of law by the commissioner, or newly discovered evidence." *Id.* The Board should disregard Petitioner's citation to Rule 60(b)(1) of the Federal Rules of Civil Procedure because the Board's decisional authority is generally governed by Minnesota Statutes section 182.664 and Minnesota Rules chapter 5215.

Petitioner does not allege that fraud, a mistake of fact by the commissioner, a mistake of law by the commissioner, or newly discovered evidence caused its Notice of Contest to be untimely or incomplete. And MNOSHA gave clear instructions on how to contest the Citation, so Petitioner's failure to timely file the Notice of Contest "can only logically be construed as negligent and undeserving of pardon." *Secretary of Labor v. Barretto Granite Corp.*, 830 F.2d 396, 400 (1st Cir. 1987). Mere carelessness or negligence does not constitute good cause to vacate a final order of the Commissioner. *See Secretary of Labor v. Keefe Earth Boring Co.*, 14 O.S.H. Cas. (BNA) 2187, 2192 (Rev. Comm. 1991). In sum, Petitioner has not established good cause to vacate the Commissioner's Final Order through the existence of fraud, any mistake in law or fact by the Commissioner, or any newly discovered evidence. Therefore, the Petition to Vacate should be denied.

CONCLUSION

For the reasons stated above, the Petition to Vacate should be denied. Dave's Floor Sanding & Installing, Inc. is served with a copy of this letter as stated in the enclosed Certificate of Service.

Respectfully submitted,

/s/ Ali P. Afsharjavan
ALI P. AFSHARJAVAN
Attorney Reg. No. 0397357
Office of General Counsel
Minnesota Department of Labor and Industry
(651) 284-5019 (main)
(651) 284-5725 (fax)

COUNSEL FOR RESPONDENT

Enclosures

cc: Shelly Rouen
James Krueger, MNOSHA

Minnesota Department of Labor and Industry

Occupational Safety and Health Division

443 Lafayette Road

St. Paul, MN 55155-4307

Phone: 651-284-5050 FAX: 651-284-5741

Citation and Notification of Penalty

To:

Daves Floor Sanding & Installing Inc

1451 92nd Ln NE

Blaine, MN 55449

Inspection Number: 318213667

CSHO ID: P6108

Optional Report No.: 03124

Inspection Date(s): 11/20/2024 - 12/6/2024

Issuance Date: 2/5/2025

Inspection Site:

1451 92nd Ln NE

Blaine, MN 55449

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Minnesota Occupational Safety and Health Act of 1973 (the Act). The penalty amounts listed herein are based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation you file a Notice of Contest with the Commissioner of the Department of Labor and Industry. Your contestation rights and other employer and employee rights and responsibilities are set out in the first three pages of this Citation. The description of alleged violations begins on page 5 of this Citation.

EMPLOYER AND EMPLOYEE RIGHTS AND RESPONSIBILITIES

Posting - The Act requires that a copy of this Citation shall be promptly posted at or near each place that an alleged violation referred to in the citation occurred or, if not practicable, in a prominent place where it will be readily visible by all affected employees. If uncontested, this Citation must remain posted until all alleged violations cited therein are corrected, or for 20 days, whichever is longer. If contested, this Citation must remain posted until the contestation is resolved.

Penalty Payment - Payment of all penalties is to be made by check or money order payable to "Minnesota Department of Labor and Industry, MNOSHA", and remitted to the Occupational Safety and Health Division at P.O. Box 64025, St. Paul, MN, 55164-0025, within 20 calendar days following receipt of this Citation. After 60 days, unpaid penalties shall increase 25 percent and shall accrue an additional interest of 10 percent per month compounded monthly until the fine is paid in full.

Effective August 1, 2003, the minimum \$25,000 penalty issued to employers with fewer than 50 employees for serious citations connected to the death of an employee may be made in five payments of \$5,000. The first \$5,000 payment is due within 20 calendar days following receipt of this Citation. The 2nd-5th payments of \$5,000 are due on the next four anniversary dates of this Citation becoming a Final Order. The Commissioner may elect to waive the 2nd-5th \$5,000 payment if in the preceding year the employer receives no citations. MNOSHA will provide written notice of the 2nd-5th payments dates or of any penalty waiver.

Notification of Corrective Action - Progress reports on correction of alleged violations not immediately abated as observed by the occupational safety and health investigator shall be submitted on the Progress Report form provided with this Citation. Written progress reports must be mailed to the address shown on the top of page 1 of this Citation by the latest abatement date on the citation, or within 30 days after receipt of the citation, whichever is earlier. Reports must state the specific corrective action taken on each cited item, the date of such action and the anticipated abatement date of uncompleted items. Additional written progress reports shall be submitted every thirty days until the items are fully abated. Facsimile (FAX) transmittal is acceptable.

All alleged violations not contested must be corrected by the abatement date specified in this Citation. A followup inspection may be made for the purpose of ascertaining that the employer has corrected the alleged violations and posted this Citation as required by the Act. Failure to correct an alleged violation by the abatement date on this Citation may result in further penalties for each day the alleged violation has not been corrected.

Petition for Modification of Abatement Date (PMA) - If, due to factors beyond reasonable control, compliance cannot be achieved by the abatement day on the citation, the employer may file a Petition for Modification of Abatement Date (PMA) to obtain an extension of the abatement time period. The PMA must be in writing and received at the address shown on the top of page 1 of this Citation prior to the expiration of the abatement date on the citation. Facsimile (FAX) transmittal of a PMA is acceptable. A copy of the PMA must be posted for ten days in the location where this Citation is posted. A copy of the PMA must also be served upon authorized employee representatives.

The employer's written petition must describe:

- 1) The action that has been taken so far to achieve compliance;
- 2) The amount of additional time needed for compliance;
- 3) The reasons why additional time is needed;
- 4) A description of the interim steps that will be taken to safeguard employees against the cited hazard;
- 5) A statement that employees have been notified of the PMA filing.

Employees have the right to file a written objection to the Commissioner regarding the employer's PMA request. A copy of the objection must be served on the employer within 10 days of the employer's posting of the PMA. The employee objection must be received by the Commissioner within 15 days of the employer's PMA request. Facsimile (FAX) transmittal is acceptable.

Employer Right to Contest - The employer has the right to a hearing to contest any or all parts of

this Citation. If the employer wishes to contest, the employer must fully complete and notarize the attached NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES (Notice of Contest form) and file it with the Commissioner at the address shown on the top of page 1 of this Citation within 20 calendar days of receiving the citation.

Important: To be considered filed, all parts of the Notice of Contest form must be completed and the completed form must be deposited in the United States mail and postmarked, or otherwise timely received by the Commissioner at the above address within 20 calendar days after the date this Citation is received by the employer. You may also file electronically at (contestation.dli@state.mn.us), by facsimile (FAX), or by hand-delivering the completed form to the Department, if received no later than 4:30 p.m. on the 20th calendar day. If the employer fails to file the Notice of Contest form on time, this Citation and Notification of Penalty becomes a final order of the Commissioner which is not subject to review by any court or agency and the Occupational Safety and Health Division may file and enforce the penalty as a district court judgment without further notice or additional proceedings pursuant to Minnesota Statute § 16D.17.

Employee Right to Contest - An employee or authorized representative of employees has the right to a hearing to contest this Citation by filing a letter with the Commissioner of the Department of Labor and Industry at the address shown on page 1 within 20 calendar days of the employer's receipt of this Citation.

Important: To be considered filed, an employee letter of contest must be deposited in the United States mail and postmarked, or otherwise timely received by the Commissioner at the above address within 20 calendar days after the date this Citation is received by the employer. You may also file electronically at (contestation.dli@state.mn.us), by facsimile (FAX), or by hand-delivering the completed form to the Department, if received no later than 4:30 p.m. on the 20th calendar day. If the employee fails to file a letter of contest on time, this Citation and Notification of Penalty becomes a final order of the Commissioner which is not subject to review by any court or agency and the Occupational Safety and Health Division may file and enforce the penalty as a district court judgment without further notice or additional proceedings pursuant to Minnesota Statute § 16D.17.

Employee Right to Party Status - Affected employees or their authorized employee representatives may elect to participate as parties in the formal contested case hearing by filing written notice with the Commissioner at the address shown above at least 45 days before the start of the hearing. The notice must contain the employees' names, addresses, authorized employee representatives, if any, and a statement that they are affected employees of the cited employer.

Employer Discrimination Unlawful - Employees who believe that they have been discharged or otherwise discriminated against by any person because the employees have exercised any right authorized under the provisions of Minnesota Statutes §§ 182.65 to 182.674, may, within 30 days after such alleged discrimination occurs, file a complaint with the Commissioner of the Department of Labor and Industry at the address shown above, alleging the discriminatory act.

PENALTY INFORMATION

Types of Violations - There are 5 types of violations that may be cited by MNOSHA. They are: Nonserious, Serious, Willful, Repeat and Failure to Abate.

Penalties - In cases not involving the death of an employee, the law allows the following maximum penalties: Nonserious, \$16,131; Serious, \$16,131; Willful, \$161,323; Repeat, \$161,323; and Failure to Abate, \$16,131 per day the violation remains unabated. If a Willful or Repeat violation caused or contributed to the death of an employee, however, MNOSHA is compelled by law to assess the employer a total non-negotiable penalty of at least \$50,000 for all citations connected to the employee's death. If there are no Willful or Repeat violations among the violations that caused or contributed to the employee's death, MNOSHA must assess the employer a non-negotiable penalty of at least \$25,000 for each citation connected to the employee's death. The following violations are not subject to these minimums and will be processed according to MNOSHA's ordinary penalty system: (a) any serious violations issued to an employer with fewer than 50 employees when the victim of a workplace fatality owned a controlling interest in the business unless the Commissioner determines that a fine shall be assessed, and (b) any violations found during a fatality investigation but determined not to be connected to the death of an employee.

Credits - A penalty for a violation may be credited by as much as 95 percent, depending on the employer's good faith (up to 30%), size of business (up to 55%), and previous violation history (up to 10%). The penalties which appear on the Citation and Notification of Penalty have been reduced by the credits described.

Minnesota
Department of Labor and Industry
12/6/2024
Occupational Safety and Health Division

Inspection Number: 318213667
Inspection Date(s): 11/20/2024 -
Issuance Date: 2/5/2025
OSHI ID: P6108
Optional Report No.: 03124

Citation and Notification of Penalty

Company Name: Daves Floor Sanding & Installing Inc
Inspection Site: 1451 92nd Ln NE, Blaine, MN 55449

Citation 01 Item 001

Type of Violation: **Serious**

29 CFR 1910.134(a)(2): The employer did not establish and maintain a respiratory protection program which included the requirements outlined in 29 CFR 1910.134(c):

The employer did not establish and maintain a respiratory protection program for employees that are exposed to hazardous substances. The program contained the following deficiencies:

- a. Lack of medical evaluations of employees required to use respirators prior to use;
- b. Lack of fit testing procedures for tight-fitting respirators prior to use;
- c. Lack of annual training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;
- d. Lack of annual training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and

Abatement Guidelines: Establish and implement a written respiratory protection program with worksite-specific procedures. The program shall include the following provisions where applicable:

- 1. Procedures for selecting respirators for use in the workplace;
-

2. Medical evaluations of employees required to use respirators;
3. Fit testing procedures for tight-fitting respirators;
4. Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;
5. Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;
6. Procedures to ensure adequate air quantity, and flow of breathing air for atmosphere-supplying respirators;
7. Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;
8. Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and
9. Procedures for regularly evaluating the effectiveness of the program.

Date By Which Violation Must Be Abated: 3/3/2025
Penalty: \$800.00

Minnesota
Department of Labor and Industry
12/6/2024
Occupational Safety and Health Division

Inspection Number: 318213667
Inspection Date(s): 11/20/2024 -
Issuance Date: 2/5/2025
OSHI ID: P6108
Optional Report No.: 03124

Citation and Notification of Penalty

Company Name: Daves Floor Sanding & Installing Inc
Inspection Site: 1451 92nd Ln NE, Blaine, MN 55449

Citation 01 Item 002

Type of Violation: **Serious**

29 CFR 1926.28(a): Appropriate personal protective equipment was not worn by employee(s) in all operations where there was exposure to hazardous conditions:

Employees were not provided with appropriate personal protective equipment when working with 240V breaker box wiring.

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employers signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that abatement is complete, (i.e., pictures, receipts, etc.).

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employer's signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that the abatement is complete, (i.e., pictures, receipts, etc.).

Date By Which Violation Must Be Abated:	3/3/2025
Penalty:	\$2,800.00

Minnesota
Department of Labor and Industry
12/6/2024
Occupational Safety and Health Division

Inspection Number: 318213667
Inspection Date(s): 11/20/2024 -
Issuance Date: 2/5/2025
OSHI ID: P6108
Optional Report No.: 03124

Citation and Notification of Penalty

Company Name: Daves Floor Sanding & Installing Inc
Inspection Site: 1451 92nd Ln NE, Blaine, MN 55449

Citation 01 Item 003

Type of Violation: **Serious**

29 CFR 1926.416(a)(1): Employees were permitted to work in proximity to electric power circuits and were not protected against electric shock by deenergizing and grounding the circuits or effectively guarding the circuits by insulation or other means:

Employees working in houses without appropriate wiring for the Hummel sanders were not protected from electric shock while wiring into the 240V breaker box.

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employers signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that abatement is complete, (i.e., pictures, receipts, etc.).

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employer's signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that the abatement is complete, (i.e., pictures, receipts, etc.).

Date By Which Violation Must Be Abated:	3/3/2025
Penalty:	\$2,800.00

Minnesota
Department of Labor and Industry
12/6/2024
Occupational Safety and Health Division

Inspection Number: 318213667
Inspection Date(s): 11/20/2024 -
Issuance Date: 2/5/2025
OSHI ID: P6108
Optional Report No.: 03124

Citation and Notification of Penalty

Company Name: Daves Floor Sanding & Installing Inc
Inspection Site: 1451 92nd Ln NE, Blaine, MN 55449

Citation 01 Item 004

Type of Violation: **Serious**

29 CFR 1926.416(a)(3): Employer did not advise employees of the location of energized electrical power circuits, the hazards involved, and the protective measures to be taken:

Employees working with the Hummel electric floor sanders were not advised or trained on electric hazards while tapping into a 240V breaker box.

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employers signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that abatement is complete, (i.e., pictures, receipts, etc.).

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employer's signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that the abatement is complete, (i.e., pictures, receipts, etc.).

Date By Which Violation Must Be Abated:	3/3/2025
Penalty:	\$2,800.00

Nicole Blissenbach, Commissioner
MN Department of Labor and Industry

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dylan Mohs, Manager
 Daves Floor Sanding & Installing Inc
 1451 92nd Ln NE
 Blaine, MN 55449
 318213667 P6108 03124



9590 9402 8435 3156 2518 96

2. Article Number (Transfer from service label)

7017 1000 0000 0870 5231

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Handwritten Signature]

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

2-8-25

- ☐ Is delivery address different from item 1? ☐ Yes
 delivery address below: ☐ No

3. Service type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

- ☐ Insured Mail Restricted Delivery
 (over \$500)

FAILURE TO CHECK ANY PART WILL RESULT IN THAT PART OF THE CITATION BECOMING A FINAL ORDER OF THE COMMISSIONER THAT IS NOT REVIEWABLE BY ANY COURT OR AGENCY.

CITATION NUMBER	ITEM NUMBER	(check all that apply)			
01	001	<input type="checkbox"/> Citation	<input type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input type="checkbox"/> Penalty
01	002	<input checked="" type="checkbox"/> Citation	<input checked="" type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input checked="" type="checkbox"/> Penalty
01	003	<input checked="" type="checkbox"/> Citation	<input checked="" type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input checked="" type="checkbox"/> Penalty
01	004	<input checked="" type="checkbox"/> Citation	<input checked="" type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input checked="" type="checkbox"/> Penalty
		<input type="checkbox"/> Citation	<input type="checkbox"/> Type of Violation	<input type="checkbox"/> Abatement Date	<input type="checkbox"/> Penalty
		<input type="checkbox"/> Citation	<input type="checkbox"/> Type of Violation	<input type="checkbox"/> Abatement Date	<input type="checkbox"/> Penalty

REASONS FOR CONTEST: (Additional sheets may be attached as necessary, and they will be considered part of this form.) Item 001: abatement due is incorrect, from time we received citation. Item: 002, 003, & 004. - Dave's has been in business for over 40 years and at no time would we allow or train employees to be tapping into a home owner's fuse box. Per the City code no one contractor unless a electrician is allowed in a home owner's fuse box. We provide plugs that they need to get power from oven or dryer.

3. **DATES OF POSTING AND SERVING.** You must certify in Box A or B below the dates you posted and served this form.

<p>A. Union: Complete part A if you have affected Employees Represented by Authorized Employee Representatives</p> <p>I hereby certify that I posted fully completed copies of this form on _____ (date) at the locations where the Citation and Notification of Penalty is required to be posted; and I served fully completed copies of this form on _____ (date) upon the authorized employee representatives of affected employees.</p>
<p>B. Non-Union: Complete part B if you have affected Employees Not Represented by Authorized Employee Representatives</p> <p>I hereby certify that I posted fully completed copies of this form on _____ (date) at the locations where the Citation and Notification of Penalty is required to be posted and that I do not have any affected employees who are represented by authorized employee representatives.</p>

4. **OATH.** The employer completing this form must **sign** and have **notarized** the following statement.

I SWEAR THAT THE INFORMATION PROVIDED ON THIS FORM AND ATTACHED TO THIS FORM IS ACCURATE AND TRUTHFUL TO THE BEST OF MY KNOWLEDGE.

State of Mn County of Wright

Shelly Raven, Controller 763 202 1080
Name of Employer Representative, Title Phone

Subscribed and sworn to before me

this 4th day of March

Notary Public Kathleen M. Dudley

My Commission expires January 31, 2027

Shelly Raven
Signature Date 3/4/25



EXHIBIT 3

Healy, Sue (DLI)

From: Shelly Rouen <shelly@davesfloorsanding.com>
Sent: Tuesday, March 4, 2025 2:49 PM
To: MN_DLI_Contestation
Subject: Notice of Contest
Attachments: img20250304_14472361.pdf

You don't often get email from shelly@davesfloorsanding.com. [Learn why this is important](#)

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Shelly Rouen-Controller
Dave's Floor Sanding & Installing, Inc.

March 18, 2025

Shelly Rouen
Dave's Floor Sanding & Installing, Inc.
1451 92nd Ln NE
Blaine, MN 55449

Dave's Floor Sanding & Installing, Inc.
1451 92nd Ln NE
Blaine, MN 55449

Re: Dave's Floor Sanding & Installing, Inc.
Inspection No. 318213667

FINAL ORDER DETERMINING LATE AND INCOMPLETE FILING

Dear Ms. Rouen:

The Department has issued a Final Order Determining Late and Incomplete Filing related to this inspection by the Occupational Safety and Health Division (MNOSHA). It is attached to this letter.

While I cannot give you legal advice, I can tell you the following:

You have the right to file a Petition to Vacate this Final Order Determining Late and Incomplete Filing. The procedures for filing a Petition to Vacate are explained in Minnesota Statutes section 182.664, subdivision 5, and Minnesota Rules, parts 5215.0700 and 5215.5350, which are available at www.revisor.mn.gov. As the statute and rules clearly state, any Petition to Vacate must be filed within 30 days following service by mail of this Final Order Determining Late and Incomplete Filing. If you would like to appear before the OSH Review Board, you may make a request for oral argument in the Petition to Vacate.

The statute sets forth the grounds under which the Board may grant a Petition to Vacate this Final Order. The Board may only vacate this Final Order upon a showing of good cause. Good cause is limited to fraud, mistake of fact by the Commissioner, mistake of law by the Commissioner, or newly discovered evidence. At this time, the Board may only review the determination that the Notice of Contest was late.

The Petition to Vacate must be filed with the Board by mail or personal delivery to: Peggy Charpentier, Executive Secretary, OSH Review Board, 443 Lafayette Road N., St. Paul, Minnesota, 55155. Additionally, a copy of the Petition to Vacate must be served on the Department by mail or personal delivery to: Occupational Safety and Health Division, Department of Labor & Industry, 443 Lafayette Road N., St. Paul, Minnesota 55155.

Sincerely,
/s/ Ali P. Afsharjavan
ALI P. AFSHARJAVAN
General Counsel for the
Occupational Safety and Health Division
Minnesota Department of Labor and Industry
(651) 284-5019

APA/msg

Enclosures

Equal Opportunity Employer

STATE OF MINNESOTA

DEPARTMENT OF LABOR
AND INDUSTRY

Nicole Blissenbach, Commissioner,
Minnesota Department of Labor and Industry,

Complainant,

**FINAL ORDER DETERMINING
LATE AND INCOMPLETE FILING**

v.

Dave's Floor Sanding & Installing, Inc.,

Inspection No. 318213667

Respondent.

On February 5, 2025, the Occupational Safety and Health Division, on behalf of Nicole Blissenbach, Commissioner, Minnesota Department of Labor and Industry, issued a Citation and Notification of Penalty ("Citation") in this inspection. Exhibit A. The certified mail return receipt indicates that Dave's Floor Sanding & Installing, Inc. ("Respondent")¹ received the Citation on February 8, 2025. Exhibit B. On March 4, 2025, the Department of Labor and Industry received a copy of a Notice of Contest and Service to Affected Employees ("Notice of Contest") form via email, stating that Respondent was contesting the Citation. Exhibit C. The certification of posting and service section (section 3) of the Notice of Contest was not complete.

Minnesota Statutes section 182.661, subdivisions 1 & 3b, and Minnesota Rules part 5210.0007, require that a notice of contest and certification of service be filed on a form provided by the Commissioner and postmarked, faxed, emailed, or hand-delivered within twenty (20) calendar days from the date the Citation was received. And Minnesota Rules part 5210.0533 provides that the Commissioner shall accept as filed only a fully completed Notice of Contest form. These requirements are stated on both the Citation and the Notice of Contest form. Respondent did not properly file a completed Notice of Contest within the 20-day time period, so the Notice of Contest was late and incomplete. As a result, the Citation is final.

Dated: March 18, 2025

/s/ Ali P. Afsharjavan
ALI P. AFSHARJAVAN
Attorney Reg. No. 0397357
Department of Labor and Industry
Office of General Counsel
443 Lafayette Road N.
St. Paul, Minnesota 55155

¹ The Citation refers to the Respondent as "Daves Floor Sanding & Installing, Inc". The Respondent's correct name, including punctuation, is Dave's Floor Sanding & Installing, Inc., as captioned above.

Minnesota Department of Labor and Industry

Occupational Safety and Health Division

443 Lafayette Road

St. Paul, MN 55155-4307

Phone: 651-284-5050 FAX: 651-284-5741

Citation and Notification of Penalty

To:

Daves Floor Sanding & Installing Inc

1451 92nd Ln NE

Blaine, MN 55449

Inspection Number: 318213667

CSHO ID: P6108

Optional Report No.: 03124

Inspection Date(s): 11/20/2024 - 12/6/2024

Issuance Date: 2/5/2025

Inspection Site:

1451 92nd Ln NE

Blaine, MN 55449

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Minnesota Occupational Safety and Health Act of 1973 (the Act). The penalty amounts listed herein are based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation you file a Notice of Contest with the Commissioner of the Department of Labor and Industry. Your contestation rights and other employer and employee rights and responsibilities are set out in the first three pages of this Citation. The description of alleged violations begins on page 5 of this Citation.

EMPLOYER AND EMPLOYEE RIGHTS AND RESPONSIBILITIES

Posting - The Act requires that a copy of this Citation shall be promptly posted at or near each place that an alleged violation referred to in the citation occurred or, if not practicable, in a prominent place where it will be readily visible by all affected employees. If uncontested, this Citation must remain posted until all alleged violations cited therein are corrected, or for 20 days, whichever is longer. If contested, this Citation must remain posted until the contestation is resolved.

Penalty Payment - Payment of all penalties is to be made by check or money order payable to "Minnesota Department of Labor and Industry, MNOSHA", and remitted to the Occupational Safety and Health Division at P.O. Box 64025, St. Paul, MN, 55164-0025, within 20 calendar days following receipt of this Citation. After 60 days, unpaid penalties shall increase 25 percent and shall accrue an additional interest of 10 percent per month compounded monthly until the fine is paid in full.

Effective August 1, 2003, the minimum \$25,000 penalty issued to employers with fewer than 50 employees for serious citations connected to the death of an employee may be made in five payments of \$5,000. The first \$5,000 payment is due within 20 calendar days following receipt of this Citation. The 2nd-5th payments of \$5,000 are due on the next four anniversary dates of this Citation becoming a Final Order. The Commissioner may elect to waive the 2nd-5th \$5,000 payment if in the preceding year the employer receives no citations. MNOSHA will provide written notice of the 2nd-5th payments dates or of any penalty waiver.

Notification of Corrective Action - Progress reports on correction of alleged violations not immediately abated as observed by the occupational safety and health investigator shall be submitted on the Progress Report form provided with this Citation. Written progress reports must be mailed to the address shown on the top of page 1 of this Citation by the latest abatement date on the citation, or within 30 days after receipt of the citation, whichever is earlier. Reports must state the specific corrective action taken on each cited item, the date of such action and the anticipated abatement date of uncompleted items. Additional written progress reports shall be submitted every thirty days until the items are fully abated. Facsimile (FAX) transmittal is acceptable.

All alleged violations not contested must be corrected by the abatement date specified in this Citation. A followup inspection may be made for the purpose of ascertaining that the employer has corrected the alleged violations and posted this Citation as required by the Act. Failure to correct an alleged violation by the abatement date on this Citation may result in further penalties for each day the alleged violation has not been corrected.

Petition for Modification of Abatement Date (PMA) - If, due to factors beyond reasonable control, compliance cannot be achieved by the abatement day on the citation, the employer may file a Petition for Modification of Abatement Date (PMA) to obtain an extension of the abatement time period. The PMA must be in writing and received at the address shown on the top of page 1 of this Citation prior to the expiration of the abatement date on the citation. Facsimile (FAX) transmittal of a PMA is acceptable. A copy of the PMA must be posted for ten days in the location where this Citation is posted. A copy of the PMA must also be served upon authorized employee representatives.

The employer's written petition must describe:

- 1) The action that has been taken so far to achieve compliance;
- 2) The amount of additional time needed for compliance;
- 3) The reasons why additional time is needed;
- 4) A description of the interim steps that will be taken to safeguard employees against the cited hazard;
- 5) A statement that employees have been notified of the PMA filing.

Employees have the right to file a written objection to the Commissioner regarding the employer's PMA request. A copy of the objection must be served on the employer within 10 days of the employer's posting of the PMA. The employee objection must be received by the Commissioner within 15 days of the employer's PMA request. Facsimile (FAX) transmittal is acceptable.

Employer Right to Contest - The employer has the right to a hearing to contest any or all parts of

this Citation. If the employer wishes to contest, the employer must fully complete and notarize the attached NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES (Notice of Contest form) and file it with the Commissioner at the address shown on the top of page 1 of this Citation within 20 calendar days of receiving the citation.

Important: To be considered filed, all parts of the Notice of Contest form must be completed and the completed form must be deposited in the United States mail and postmarked, or otherwise timely received by the Commissioner at the above address within 20 calendar days after the date this Citation is received by the employer. You may also file electronically at (contestation.dli@state.mn.us), by facsimile (FAX), or by hand-delivering the completed form to the Department, if received no later than 4:30 p.m. on the 20th calendar day. If the employer fails to file the Notice of Contest form on time, this Citation and Notification of Penalty becomes a final order of the Commissioner which is not subject to review by any court or agency and the Occupational Safety and Health Division may file and enforce the penalty as a district court judgment without further notice or additional proceedings pursuant to Minnesota Statute § 16D.17.

Employee Right to Contest - An employee or authorized representative of employees has the right to a hearing to contest this Citation by filing a letter with the Commissioner of the Department of Labor and Industry at the address shown on page 1 within 20 calendar days of the employer's receipt of this Citation.

Important: To be considered filed, an employee letter of contest must be deposited in the United States mail and postmarked, or otherwise timely received by the Commissioner at the above address within 20 calendar days after the date this Citation is received by the employer. You may also file electronically at (contestation.dli@state.mn.us), by facsimile (FAX), or by hand-delivering the completed form to the Department, if received no later than 4:30 p.m. on the 20th calendar day. If the employee fails to file a letter of contest on time, this Citation and Notification of Penalty becomes a final order of the Commissioner which is not subject to review by any court or agency and the Occupational Safety and Health Division may file and enforce the penalty as a district court judgment without further notice or additional proceedings pursuant to Minnesota Statute § 16D.17.

Employee Right to Party Status - Affected employees or their authorized employee representatives may elect to participate as parties in the formal contested case hearing by filing written notice with the Commissioner at the address shown above at least 45 days before the start of the hearing. The notice must contain the employees' names, addresses, authorized employee representatives, if any, and a statement that they are affected employees of the cited employer.

Employer Discrimination Unlawful - Employees who believe that they have been discharged or otherwise discriminated against by any person because the employees have exercised any right authorized under the provisions of Minnesota Statutes §§ 182.65 to 182.674, may, within 30 days after such alleged discrimination occurs, file a complaint with the Commissioner of the Department of Labor and Industry at the address shown above, alleging the discriminatory act.

PENALTY INFORMATION

Types of Violations - There are 5 types of violations that may be cited by MNOSHA. They are: Nonserious, Serious, Willful, Repeat and Failure to Abate.

Penalties - In cases not involving the death of an employee, the law allows the following maximum penalties: Nonserious, \$16,131; Serious, \$16,131; Willful, \$161,323; Repeat, \$161,323; and Failure to Abate, \$16,131 per day the violation remains unabated. If a Willful or Repeat violation caused or contributed to the death of an employee, however, MNOSHA is compelled by law to assess the employer a total non-negotiable penalty of at least \$50,000 for all citations connected to the employee's death. If there are no Willful or Repeat violations among the violations that caused or contributed to the employee's death, MNOSHA must assess the employer a non-negotiable penalty of at least \$25,000 for each citation connected to the employee's death. The following violations are not subject to these minimums and will be processed according to MNOSHA's ordinary penalty system: (a) any serious violations issued to an employer with fewer than 50 employees when the victim of a workplace fatality owned a controlling interest in the business unless the Commissioner determines that a fine shall be assessed, and (b) any violations found during a fatality investigation but determined not to be connected to the death of an employee.

Credits - A penalty for a violation may be credited by as much as 95 percent, depending on the employer's good faith (up to 30%), size of business (up to 55%), and previous violation history (up to 10%). The penalties which appear on the Citation and Notification of Penalty have been reduced by the credits described.

Minnesota
Department of Labor and Industry
12/6/2024
Occupational Safety and Health Division

Inspection Number: 318213667
Inspection Date(s): 11/20/2024 -
Issuance Date: 2/5/2025
OSHI ID: P6108
Optional Report No.: 03124

Citation and Notification of Penalty

Company Name: Daves Floor Sanding & Installing Inc
Inspection Site: 1451 92nd Ln NE, Blaine, MN 55449

Citation 01 Item 001

Type of Violation: **Serious**

29 CFR 1910.134(a)(2): The employer did not establish and maintain a respiratory protection program which included the requirements outlined in 29 CFR 1910.134(c):

The employer did not establish and maintain a respiratory protection program for employees that are exposed to hazardous substances. The program contained the following deficiencies:

- a. Lack of medical evaluations of employees required to use respirators prior to use;
- b. Lack of fit testing procedures for tight-fitting respirators prior to use;
- c. Lack of annual training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;
- d. Lack of annual training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and

Abatement Guidelines: Establish and implement a written respiratory protection program with worksite-specific procedures. The program shall include the following provisions where applicable:

1. Procedures for selecting respirators for use in the workplace;
-

2. Medical evaluations of employees required to use respirators;
3. Fit testing procedures for tight-fitting respirators;
4. Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;
5. Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;
6. Procedures to ensure adequate air quantity, and flow of breathing air for atmosphere-supplying respirators;
7. Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;
8. Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and
9. Procedures for regularly evaluating the effectiveness of the program.

Date By Which Violation Must Be Abated:	3/3/2025
Penalty:	\$800.00

Minnesota
Department of Labor and Industry
12/6/2024
Occupational Safety and Health Division

Inspection Number: 318213667
Inspection Date(s): 11/20/2024 -
Issuance Date: 2/5/2025
OSHI ID: P6108
Optional Report No.: 03124

Citation and Notification of Penalty

Company Name:

Daves Floor Sanding &

Installing Inc

Inspection Site: 1451 92nd Ln NE, Blaine, MN 55449

Citation 01 Item 002

Type of Violation: **Serious**

29 CFR 1926.28(a): Appropriate personal protective equipment was not worn by employee(s) in all operations where there was exposure to hazardous conditions:

Employees were not provided with appropriate personal protective equipment when working with 240V breaker box wiring.

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employers signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that abatement is complete, (i.e., pictures, receipts, etc.).

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employer's signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that the abatement is complete, (i.e., pictures, receipts, etc.).

Date By Which Violation Must Be Abated: **3/3/2025**
Penalty: **\$2,800.00**

Minnesota
Department of Labor and Industry
12/6/2024
Occupational Safety and Health Division

Inspection Number: 318213667
Inspection Date(s): 11/20/2024 -
Issuance Date: 2/5/2025
OSHI ID: P6108
Optional Report No.: 03124

Citation and Notification of Penalty

Company Name: Daves Floor Sanding & Installing Inc
Inspection Site: 1451 92nd Ln NE, Blaine, MN 55449

Citation 01 Item 003

Type of Violation: **Serious**

29 CFR 1926.416(a)(1): Employees were permitted to work in proximity to electric power circuits and were not protected against electric shock by deenergizing and grounding the circuits or effectively guarding the circuits by insulation or other means:

Employees working in houses without appropriate wiring for the Hummel sanders were not protected from electric shock while wiring into the 240V breaker box.

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employers signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that abatement is complete, (i.e., pictures, receipts, etc.).

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employer's signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that the abatement is complete, (i.e., pictures, receipts, etc.).

Date By Which Violation Must Be Abated:	3/3/2025
Penalty:	\$2,800.00

Minnesota
Department of Labor and Industry
12/6/2024
Occupational Safety and Health Division

Inspection Number: 318213667
Inspection Date(s): 11/20/2024 -
Issuance Date: 2/5/2025
OSHI ID: P6108
Optional Report No.: 03124

Citation and Notification of Penalty

Company Name: Daves Floor Sanding & Installing Inc
Inspection Site: 1451 92nd Ln NE, Blaine, MN 55449

Citation 01 Item 004

Type of Violation: **Serious**

29 CFR 1926.416(a)(3): Employer did not advise employees of the location of energized electrical power circuits, the hazards involved, and the protective measures to be taken:

Employees working with the Hummel electric floor sanders were not advised or trained on electric hazards while tapping into a 240V breaker box.

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employers signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that abatement is complete, (i.e., pictures, receipts, etc.).

This citation requires both Certification of Abatement and Documentation of Abatement to be submitted by the abatement due date.

Certification of Abatement: An employer's signed statement, submitted on a Progress Report form, that the violation has been abated.

Documentation of Abatement: Documents submitted by the employer demonstrating that the abatement is complete, (i.e., pictures, receipts, etc.).

Date By Which Violation Must Be Abated: 3/3/2025
Penalty: \$2,800.00

Nicole Blissenbach, Commissioner
MN Department of Labor and Industry

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dylan Mohs, Manager
 Daves Floor Sanding & Installing Inc
 1451 92nd Ln NE
 Blaine, MN 55449
 318213667 P6108 03124



9590 9402 8435 3156 2518 96

2. Article Number (Transfer from service label)

7017 1000 0000 0870 5231

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

[Handwritten Signature]

- ☐ Agent
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

2-8-25

- ☐ Is delivery address different from item 1? ☐ Yes
 delivery address below: ☐ No

3. Service type

- ☐ Adult Signature
☐ Adult Signature Restricted Delivery
☐ Certified Mail®
☐ Certified Mail Restricted Delivery
☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery
☐ Insured Mail
☐ Registered Mail Restricted Delivery

- ☐ Priority Mail Express®
☐ Registered Mail™
☐ Registered Mail Restricted Delivery
☐ Signature Confirmation™
☐ Signature Confirmation Restricted Delivery

FAILURE TO CHECK ANY PART WILL RESULT IN THAT PART OF THE CITATION BECOMING A FINAL ORDER OF THE COMMISSIONER THAT IS NOT REVIEWABLE BY ANY COURT OR AGENCY.

CITATION NUMBER	ITEM NUMBER	(check all that apply)			
01	001	<input type="checkbox"/> Citation	<input type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input type="checkbox"/> Penalty
01	002	<input checked="" type="checkbox"/> Citation	<input checked="" type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input checked="" type="checkbox"/> Penalty
01	003	<input checked="" type="checkbox"/> Citation	<input checked="" type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input checked="" type="checkbox"/> Penalty
01	004	<input checked="" type="checkbox"/> Citation	<input checked="" type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input checked="" type="checkbox"/> Penalty
		<input type="checkbox"/> Citation	<input type="checkbox"/> Type of Violation	<input type="checkbox"/> Abatement Date	<input type="checkbox"/> Penalty
		<input type="checkbox"/> Citation	<input type="checkbox"/> Type of Violation	<input type="checkbox"/> Abatement Date	<input type="checkbox"/> Penalty

REASONS FOR CONTEST: (Additional sheets may be attached as necessary, and they will be considered part of this form.) Item 001: abatement due is incorrect, from time we received citation. Item: 002, 003, & 004. - Dave's has been in business for over 40 years and at no time would we allow or train employees to be tapping into a home owner's fuse box. Per the City code no one contractor unless a electrician is allowed in a home owners fuse box. We provide plug what they need to get power from oven or dryer.

3. DATES OF POSTING AND SERVING. You must certify in Box A or B below the dates you posted and served this form.

A. Union: Complete part A if you have affected Employees Represented by Authorized Employee Representatives

I hereby certify that I posted fully completed copies of this form on _____ (date) at the locations where the Citation and Notification of Penalty is required to be posted; and I served fully completed copies of this form on _____ (date) upon the authorized employee representatives of affected employees.

B. Non-Union: Complete part B if you have affected Employees Not Represented by Authorized Employee Representatives

I hereby certify that I posted fully completed copies of this form on _____ (date) at the locations where the Citation and Notification of Penalty is required to be posted and that I do not have any affected employees who are represented by authorized employee representatives.

4. OATH. The employer completing this form must sign and have notarized the following statement.

I SWEAR THAT THE INFORMATION PROVIDED ON THIS FORM AND ATTACHED TO THIS FORM IS ACCURATE AND TRUTHFUL TO THE BEST OF MY KNOWLEDGE.

State of Mn County of Wright

Shelly Raven, Controller 763 202 4080
Name of Employer Representative, Title Phone

Shelly Raven 3/4/25
Signature Date

Subscribed and sworn to before me

this 4th day of March

Notary Public Kathleen M. Dudley

My Commission expires January 31, 2027



EXHIBIT C

Healy, Sue (DLI)

From: Shelly Rouen <shelly@davesfloorsanding.com>
Sent: Tuesday, March 4, 2025 2:49 PM
To: MN_DLI_Contestation
Subject: Notice of Contest
Attachments: img20250304_14472361.pdf

You don't often get email from shelly@davesfloorsanding.com. [Learn why this is important](#)

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Shelly Rouen-Controller
Dave's Floor Sanding & Installing, Inc.

Certificate of Service

I, MICHAEL GRAY, hereby declare that in the City of St. Paul, County of Ramsey and State of Minnesota on the 18th day of March, 2025, I served the attached FINAL ORDER DETERMINING LATE AND INCOMPLETE FILING by depositing in the United States mail, a true and accurate copy of it, properly enveloped, and addressed to:

Shelly Rouen
Dave's Floor Sanding & Installing, Inc.
1451 92nd Ln NE
Blaine, MN 55449

Dave's Floor Sanding & Installing, Inc.
1451 92nd Ln NE
Blaine, MN 55449

I am signing this document in Ramsey County, Minnesota on the 18th day of March, 2025. Pursuant to Minn. Stat. § 358.116, I declare under penalty of perjury that everything I have stated in this document is true and correct.

Michael Gray
Michael S. Gray

Commissioner v. Dave's Floor Sanding & Installing, Inc.
Inspection No. 318213667

1. I, MICHAEL GRAY, hereby declare that at the City of St. Paul, County of Ramsey and State of Minnesota on the 3rd day of April, 2025, I served the attached RESPONSE TO PETITION TO VACATE, by depositing in the United States mail, a true and accurate copy thereof, properly enveloped, with postage prepaid, and addressed to:

Shelly Rouen
Dave's Floor Sanding & Installing, Inc.
1451 92nd Ln NE
Blaine, MN 55449

Dave's Floor Sanding & Installing, Inc.
1451 92nd Ln NE
Blaine, MN 55449

2. I, MICHAEL GRAY, hereby declare that at the City of St. Paul, Ramsey County, and State of Minnesota, on the 3rd day of April, 2025, I served the attached RESPONSE TO PETITION TO VACATE, upon Carey Wagner, on behalf of Peggy Charpentier, Executive Secretary to the OSH Review Board, by personally handing and leaving with her a true and correct copy thereof.

I am signing this document in Ramsey County, Minnesota on the 3rd day of April, 2025. Pursuant to Minn. Stat. § 358.116, I declare under penalty of perjury that everything I have stated in this document is true and correct.

Michael Gray
Michael Gray