

# **Dave's Floor Sanding & Installing, Inc.**

**1451 92nd Lane NE  
Blaine, MN 55449**

**Phone: (763) 784-3000 • Fax: (763) 784-3127**

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March 27, 2025

OSH Review Board  
Attn: Peggy Charpentier, Executive Secretary  
443 Lafayette Road N.  
St. Paul, MN 55155

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MAR 31 2025

OCCUPATIONAL SAFETY  
AND HEALTH REVIEW BOARD

Petition for Relief/Vacate from Final Order  
Inspection No. 318213667

Dear Peggy Charpentier,

I am writing to formally request relief from the final order issued by OSHA on March 18<sup>th</sup>, 2025, regarding Inspection No. 318213667. The final order was issued due to the late filing of my Notice of Contest related to the citation issued on 2/5/25 OSHI ID: P6108 Citation 01 Item 002, Citation 01 Item 003 and Citation 01 Item 004.

The delay in filing the Notice of Contest was due to my illness, which prevented me from responding within the required 20- day period. Upon recovering and realizing the missed deadline, I promptly contacted OSHA to address the situation and express my intent to contest the citations noted above. I also sent via e-mail on Citation 01 Item 001 the mandatory progress report, proof all abatement guidelines were met, and payment in full of the penalty amount of \$800.00

Under Federal Rule of Civil Procedure 60(b)(1), relief from final order may be granted due to excusable neglect. Given that the delay resulted from a legitimate health-related issue beyond my control, I respectfully request that the final order be vacated, and that I be granted the opportunity to file my Notice to Contest.

Granting this petition will not prejudice OSHA's enforcement efforts or compromise public safety. Allowing my contest to proceed will ensure that I can fully exercise my rights while maintaining compliance with OSHA's regulations.

I am committed to addressing any deficiencies identified during the inspection and have taken steps to strengthen compliance procedures within my company.

In light of these circumstances, I respectfully request that OSHA grant relief from the final order, vacate the order, and permit the filing of my Notice of Contest.

Thank you for your time and consideration. Please feel free to contact me at 763-784-3000 or [shelly@davesfloorsanding.com](mailto:shelly@davesfloorsanding.com) if you require any further information.

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

Commissioner v. Dave's Floor Sanding & Installing, Inc.

Inspection No.: 318213667

**Certificate of Service**


I, SHELLY ROUEN, hereby declare that in the City of Blaine, County of Anoka and State of Minnesota on the 28<sup>th</sup> day of March, 2025, I served the attached PETITION FOR RELIEF/VACATE FINAL ORDER by depositing in the United States mail, a true and accurate copy of it, properly enveloped, and addressed to:

Peggy Charpentier, Executive Secretary  
OSH Review Board  
443 Lafayette Road N.  
St. Paul, MN 55155

Occupational Safety and Health Division  
Minnesota Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

Ali P. Afsharjavan, General Counsel  
Occupational Safety and Health Division  
Minnesota Department of Labor and Industry  
443 Lafayette Road N.  
St. Paul, MN 55155

I am signing this document in Anoka County, Minnesota on the 27<sup>th</sup> 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.



Shelly Rouen

**Dave's Floor Sanding and Inst., Inc.**  
1451 92nd Lane N.E. • Blaine, Minnesota 55449

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