

RECEIVED

JUN 10 2025

Department of Labor & Industry  
Commissioner's Office

June 10, 2025

Peggy Charpentier  
Occupational Safety and  
Health Review Board  
443 Lafayette Road N.  
St. Paul, MN 55155

RECEIVED

JUN 10 2025

OCCUPATIONAL SAFETY  
AND HEALTH REVIEW BOARD

**Re: Commissioner v. Lexdan Automotive, Inc.  
Inspection No. 318196581  
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 Department of Labor and Industry in the above-referenced matter.

Lexdan Automotive, Inc. ("Petitioner") filed a Petition to Vacate the Commissioner's May 1, 2025 Final Order ("Commissioner's Final Order"). I am submitting this letter in opposition to the Petition to Vacate. The Petition to Vacate should be denied for two reasons. First, the Commissioner's Final Order correctly determined that Petitioner's Notice of Contest was late and incomplete. Second, Petitioner has not demonstrated good cause to vacate the Commissioner's Final Order, which is required by Minnesota Statutes, section 182.664, subdivision 5.

### FACTS

During the period of July 31, 2023 to August 7, 2023, MNOSHA inspected Petitioner's worksite located at 2610 Hwy 61 N Suite 100, Maplewood, Minnesota. On August 22, 2023, MNOSHA issued a Citation and Notification of Penalty ("Citation") for violation of occupational safety and health standards.<sup>1</sup> 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.)

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<sup>1</sup> A copy of the Citation is attached as Exhibit 1.

The following instructions appear on pages 2-3 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](mailto: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 August 25, 2023, as evidenced by the signed receipt form.<sup>2</sup> As a result, the 20-day deadline for filing a Notice of Contest to the Citation was September 14, 2023.<sup>3</sup> The first paragraph of the notice of contest form states: “**For your contest to be valid, you must file this form within 20 calendar days of the date the employer received the Citation.**” (Emphasis in original). The Department received Petitioner’s Notice of Contest form on September 20, 2023, via FedEx delivery.<sup>4</sup> Petitioner’s Notice of Contest was therefore late.

The Petitioner’s Notice of Contest was not only late; it was also incomplete. The Department received only page 1 of Petitioner’s Notice of Contest form, along with a copy of pages 5-7 of the Citation. Page 1 of the form contains instructions for completing the form; page 2 contains the critical sections in which the respondent identifies each citation and item, including the part(s) thereof, that it intends to contest.<sup>5</sup> Page 2 also states: “**FAILURE TO CHECK ANY PART WILL RESULT IN THAT PART OF THE CITATION BECOMING A FINAL**

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<sup>2</sup> A copy of the receipt form is attached as Exhibit 2.

<sup>3</sup> See Minnesota Rules, part 5210.0536, subpart 2 (“The notice of contest form must be filed within 20 calendar days of the date the employer receives the citation and notification of penalty or notification of failure to abate. . . . A notice of contest form may be filed with the commissioner by postage prepaid first class mail, personal delivery, facsimile, or electronic transmission according to part 5210.0007.”).

<sup>4</sup> A copy of Petitioner’s Notice of Contest is attached as Exhibit 3.

<sup>5</sup> For reference, the Department’s contestation form can be found online here:

[https://www.dli.mn.gov/sites/default/files/pdf/contest\\_inspection.pdf](https://www.dli.mn.gov/sites/default/files/pdf/contest_inspection.pdf). (last accessed on June 6, 2025).

**ORDER OF THE COMMISSIONER THAT IS NOT REVIEWABLE BY ANY COURT OR AGENCY.”** (Emphasis in original).

To date, the Department has not received page 2 of the Petitioner’s Notice of Contest form. By failing to file the second page, Respondent failed to complete section 2 (contestation boxes and reasons for contest), section 3 (dates of posting and serving) and section 4 (oath) of the notice of contest form. Accordingly, Petitioner’s Notice of Contest was incomplete.

On May 1, 2025, Petitioner was served with the Commissioner’s Final Order. The Final Order determined that Petitioner’s Notice of Contest was late and incomplete, and provided Petitioner with information related to bringing a petition to vacate the determination.<sup>6</sup>

On May 29, 2025, Petitioner filed its Petition to Vacate in this matter. In its Petition, Petitioner addresses neither the timeliness nor the completeness of its Notice of Contest, and makes no mention nor demonstration of good cause to vacate the Commissioner’s Final Order. Instead, Petitioner makes arguments pertaining to the merits of the underlying citations.<sup>7</sup>

**ARGUMENT**

**I. THE REVIEW BOARD SHOULD DENY THE PETITION BECAUSE THE COMMISSIONER’S FINAL ORDER CORRECTLY DETERMINED THAT PETITIONER’S NOTICE OF CONTEST WAS LATE.**

The Petition should be denied because the Commissioner’s Final Order correctly determined that Petitioner’s Notice of Contest was late. Petitioner received the Citation on August 25, 2023. Employers must file a Notice of Contest within 20 calendar days of receiving an OSHA citation. *See* Minn Stat. § 182.661, subd. 1, and Minn. R. 5210.0536, subp. 2. Petitioner needed to file its Notice of Contest no later than September 14, 2023. The Department received Petitioner’s Notice of Contest via FedEx delivery on September 20, 2023, six days after the deadline passed.

Petitioner had ample notice of the deadline for filing a timely notice of contest. As detailed above, the instructions in the Citation that Petitioner received on August 25, 2023, contain multiple references to both the contestation deadline and the effect if no notice of contest is timely filed – the Citation becomes a final order of the Commissioner and not subject to review by any court or agency. Nevertheless, Petitioner filed its Notice of Contest several days’ late. Despite this, the Petition provides no explanation or argument for the Review Board related to Petitioner filing its Notice of Contest late.

In short, the Review Board should deny the petition because the Notice of Contest was filed six days after the statutory deadline expired.

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<sup>6</sup> A copy of the Commissioner’s Final Order is attached hereto as Exhibit 4.

<sup>7</sup> Petitioner’s statements on page 2 of its petition regarding deadlines and guidance from a MNOSHA investigator are in reference to the basis of Citation 01-003; they do not address the Notice of Contest at issue in this Petition to Vacate.

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

The Petition should be denied because the Commissioner's Final Order correctly determined that Petitioner's Notice of Contest was incomplete.

MNOSHA is authorized to accept as filed only a fully completed notice of contest form. Minnesota Rules, part 5210.0533, states, in pertinent part:

A contest of a citation and notification of penalty or of a notification of failure to abate 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.**

(Emphasis added). The rule goes on to state that a fully completed notice of contest form must contain all of the information listed in items A through F. In this matter, because Petitioner submitted only page 1 of its Notice of Contest to the Department, it failed to provide any of the information required by items C through F of the rule.

The Citation that Petitioner received clearly states on that a notice of contest must be fully completed, in all respects, to be considered filed. The instructions on Page 3 of the Citation state: **"Important: To be considered filed, all parts of the Notice of Contest form must be completed . . ."** Petitioner submitted an incomplete notice of contest form to the Department missing all of the critical information contained on Page 2. Under the law, the Department cannot accept an incomplete notice of contest. The Review Board should deny the petition because the Notice of Contest was incomplete and therefore not considered filed with the Department.

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

Minnesota Statutes, section 182.664, subdivision 5, states that, without a showing of good cause, the Review Board may not vacate a final order of the Commissioner. It further provides that "good cause is limited to fraud, mistake of fact by the commissioner, mistake of law by the commissioner, or newly discovered evidence." *Id.*

Petitioner makes no claim, let alone a showing, that there was fraud, a mistake of fact or law by the commissioner, or newly discovered evidence. Moreover, Petitioner fails to include any information or argument in its petition related to filing the Notice of Contest. Absent a showing of good cause, the Review Board must deny the petition to vacate the Commissioner's Final Order.

Petitioner's status as a pro se party should not alter the determination of the Review Board.

Petitioner received clear instructions from MNOSHA on how to contest the Citation and the time period to do so. Petitioner was further advised of the consequences for failing to file a Notice of Contest on time: the Citation becomes a final order of the Commissioner. 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 shown the existence of fraud, any mistake of law or fact by the commissioner, or any newly discovered evidence. As a result, the Petition to Vacate the Commissioner's Final Order should be denied.

### CONCLUSION

The Commissioner's Final Order correctly determined that Petitioner's Notice of Contest was late and incomplete. Petitioner received clear instructions, consistent with the law, that it must file its notice of contest form within 20 calendar days of receiving the citation, which it did not do. In addition, Petitioner has not demonstrated good cause to vacate the Commissioner's Final Order. Therefore, the Petition to Vacate should be denied.

Petitioner Lexdan Automotive, Inc. is served with a copy of this letter as stated in the enclosed Affidavit of Service.

Respectfully submitted,

/s/ RYAN P. ANDERSON

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RYAN P. ANDERSON  
Attorney Reg. No. 0399092  
Department of Labor and Industry  
Office of General Counsel  
443 Lafayette Road N.  
St. Paul, Minnesota 55155  
(651) 284-5019 (main)  
(651) 284-5725 (fax)

COUNSEL FOR RESPONDENT

RPA/msg

Enclosures

cc: Dennis Keskin, Lexdan Automotive, Inc.  
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

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## Citation and Notification of Penalty

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**To:**  
Lexdan Automotive Inc  
2610 Hwy 61 N Suite 100  
Maplewood, MN 55109

**Inspection Number:** 318196581  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023

**Inspection Site:**  
2610 Hwy 61 N Suite 100  
Maplewood, MN 55109

*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.

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### 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](mailto: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](mailto: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, \$7,000; Serious, \$7,000; Willful, \$70,000; Repeat, \$70,000; and Failure to Abate, \$7,000 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**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

**Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

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**Citation 01 Item 001** Type of Violation: **Serious**

29 CFR 1910.106(e)(6)(ii): Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 F, were dispensed into containers without electrically interconnecting the nozzle and the container:

An employee transferred category 2 flammable liquids used for detailing cars in the car detailing area without electrically interconnecting the primary and secondary containers.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$1,125.00

**Minnesota**  
**Department of Labor and Industry**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

### **Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

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#### **Citation 01 Item 002** Type of Violation: **Serious**

29 CFR 1910.132(f)(1): Training was not provided to each employee required to use personal protective equipment (PPE):

Employees using hazardous / corrosive products were not trained to wear required personal protective equipment while detailing cars.

#### Abatement Guidelines:

Each employee shall be trained to know at least the following:

- a) When PPE is necessary;
- b) What PPE is necessary;
- c) How to properly don, doff, adjust, and wear PPE;
- d) The limitations of the PPE; and
- e) The proper care, maintenance, useful life and disposal of the PPE.

The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the dates of training and the subject of the certification.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$1,125.00

**Minnesota**  
**Department of Labor and Industry**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

**Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

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**Citation 01 Item 003** Type of Violation: **Serious**

Minn. Rules 5210.0532 Subp. 2: The employer did not certify to the commissioner that each cited violation not immediately corrected had been abated and such abatement certification was not submitted within 30 days after receipt of the citation or by the abatement due date, whichever was earlier:

The employer failed to abate seven cited hazards from a previous inspection and did not submit a progress report as required for the cited hazards.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$450.00

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.

**ALEXIS KESKIN - OFFICE MANAGER**  
**LEXDAN AUTOMOTIVE INC**  
**2610 HWY 61 N SUITE 100**  
**MAPLEWOOD MN 55109**  
**318196581 Y3105 08823**



9590 9402 8168 3030 7217 06

2 - Article Number (Transfer from associated label)

9589 0710 15270 0645 2284

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed name)

ALEXIS KESKIN

C. Date of Delivery

08/25/23

D. Is delivery address different from item 1? ☒ Yes  
If YES, enter delivery address below: ☐ No

AUG 25 2023

55109

USPS

3. Service Type

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

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

91 1/2 lb Restricted Delivery  
(over \$500)

09/20/2023 09:00:25.001  
09/20/2023 09:00:09.001

Minnesota

**Department of Labor and Industry**

Occupational Safety and Health Division  
443 Lafayette Road North  
St. Paul, MN 55155-4307

Phone: 1-800-DIAL-DLI (1-800-342-5354)

(651) 284-5050

FAX: (651) 284-5741

www.dli.mn.gov

Inspection Number <b>318196581</b>	OSHI ID <b>Y3105</b>	Optional Report No.:
Employer's Name and Mailing Address: <b>ALEXIS KESKIN - OFFICE MANAGER LEXDAN AUTOMOTIVE INC 2610 HWY 61 N SUITE 100 MAPLEWOOD MN 55109 318196581 Y3105 08823</b>		
		<b>SEP 20 2023</b>

**NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES** A OSH DIVISION

**PURPOSE OF THIS FORM**

If you have received a Citation and Notification of Penalty from the Minnesota Occupational Safety and Health Division (MNOSHA) and you wish to contest any part of the Citation, including the penalty, you must complete this form. **For your contest to be valid, you must file this form within 20 calendar days of the date the employer received the Citation.**

If you only wish to obtain an extension of time to correct the violation, you may file a Petition for Modification of Abatement Date according to the instructions on the Citation and Notification of Penalty.

By filing this Notice of Contest form, you are initiating a formal contested case proceeding before an administrative law judge of the parts of the Citation and Notification of Penalty you are contesting. This form must be filed in good faith and not solely for delay or avoidance of penalties.

**HOW TO FILE THIS FORM**

- This Notice of Contest form must be filed with the Commissioner of the Department of Labor and Industry at the above address **within 20 calendar days** after the date the employer received the Citation and Notification of Penalty. To be considered filed, all parts of the Notice of Contest form must be completed and the completed form must be mailed and postmarked, **within 20 calendar days** after the date the employer received the Citation and Notification of Penalty. 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 20<sup>th</sup> calendar day**.
- If you fail to file the fully completed Notice of Contest form on time, the Citation and Notification of Penalty becomes a final order of the Commissioner that is not subject to review by any court or agency.

**APPEAL PROCESS**

Upon receipt of a timely filed Notice of Contest form, MNOSHA will contact you and schedule a date, time and location for an informal conference. The purpose of the informal conference is to allow you to discuss with a MNOSHA representative the Citation and Notification of Penalty and the basis for your contest. The goal of the informal conference is to reach an early resolution of the contest. If you and MNOSHA are unable to reach a resolution at the informal conference then the contest will proceed to a formal contested case hearing.

**COMPLETING THIS FORM**

**1. HOW TO IDENTIFY THE INSPECTION BEING CONTESTED.**

Complete the box at the top of this form using the Inspection Number, OSHI ID, Optional Report Number and Employer's Mailing Address from the Citation and Notification of Penalty being contested.

**2. HOW TO CONTEST THE CITATION AND NOTIFICATION OF PENALTY.**

Indicate in the boxes on the next page which part(s) of the Citation and Notification of Penalty you wish to contest. Identify the citations you are contesting by indicating the citation and item numbers. Then indicate which part(s) of each item is being contested. Finally, state your reasons for contesting in the space provided below the boxes.

- Check the box CITATION if you wish to contest that the violation occurred.
- Check the box TYPE OF VIOLATION if you wish to contest the characterization of the violation as non-serious, serious, willful or repeat.
- Check the box ABATEMENT DATE if you wish to contest the date by which you must abate the violation.
- Check the box PENALTY if you wish to contest the amount of the penalty.

**EXHIBIT 3**

Revised 11/14

**Minnesota**  
**Department of Labor and Industry**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

**Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

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**Citation 01 Item 002 Type of Violation: **Serious****

29 CFR 1910.132(f)(1): Training was not provided to each employee required to use personal protective equipment (PPE):

Employees using hazardous / corrosive products were not trained to wear required personal protective equipment while detailing cars.

**Abatement Guidelines:**

Each employee shall be trained to know at least the following:

- a) When PPE is necessary;
- b) What PPE is necessary;
- c) How to properly don, doff, adjust, and wear PPE;
- d) The limitations of the PPE; and
- e) The proper care, maintenance, useful life and disposal of the PPE.

The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the dates of training and the subject of the certification.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$1,125.00

0020 Minnesota 003

**Department of Labor and Industry**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

**Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

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**Citation 01 Item 001 Type of Violation: **Serious****

29 CFR 1910.106(e)(6)(ii): Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 F, were dispensed into containers without electrically interconnecting the nozzle and the container:

An employee transferred category 2 flammable liquids used for detailing cars in the car detailing area without electrically interconnecting the primary and secondary containers.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$1,125.00



09202023 000025.004  
**Minnesota**  
**Department of Labor and Industry**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

**Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

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**Citation 01 Item 003 Type of Violation: **Serious****

Minn. Rules 5210.0532 Subp. 2: The employer did not certify to the commissioner that each cited violation not immediately corrected had been abated and such abatement certification was not submitted within 30 days after receipt of the citation or by the abatement due date, whichever was earlier:

The employer failed to abate seven cited hazards from a previous inspection and did not submit a progress report as required for the cited hazards.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$450.00

Nicole Blissenbach, Commissioner  
MN Department of Labor and Industry

500 520000 52020260

document here

ETP: 1  
SP-PU: 60:Y  
10019087813800068155600773359412591

315-2097

55155-4301-99



315 LAFAYETTE RD N  
SAINT PAUL MN 55155  
TUE 09/17 02:01 PM 2023

ORIGIN ID: JDTA (651) 484-0551  
ALEXIS KESKIN  
LEXDAN AUTOMOTIVE  
2610 MAPLEWOOD DR

SHIP DATE: 09SEP23  
ACTWGT:  
CAD: 253267120/MNET4640

MAPLEWOOD, MN 55109  
UNITED STATES US

BILL SENDER

TO MINNESOTA OSHA DIVISION

443 LAFAYETTE ROAD N

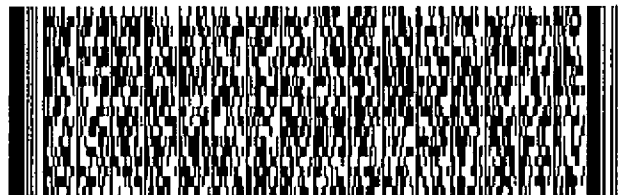
SAINT PAUL MN 55155

(651) 484-0551  
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DEPT:

FedEx Ship Manager - Print Your Label(s)



55155-4301-99

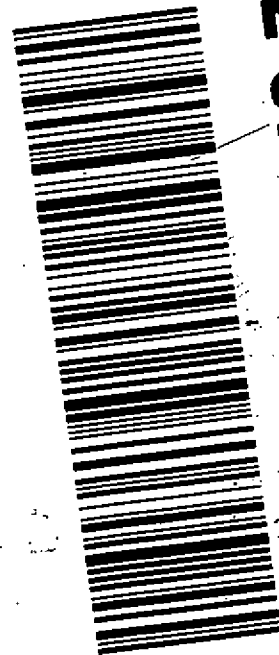
**FedEx**

envelope is only for FedEx Express® shipments.

You can help us get your package safely to its destination by packing your package properly. Need help? Go to [fedex.com/packaging](https://www.fedex.com/packaging) for packing tips.

FedEx Express shipping document, the current FedEx Service conditions of carriage for complete terms, conditions, and

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**AZ SPLLG**

FedEx  
TRK# 7733 5941 2591  
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55155  
MSP  
MN-US  
09/24

TUE - 19 SEP AA  
\*\*2DAY\*\*

May 1, 2025

Dennis Keskin  
Lexdan Automotive, Inc.  
2610 Highway 61 North  
Suite 100  
Maplewood, MN 55109

Lexdan Automotive, Inc.  
2610 MAPLEWOOD DR N  
MAPLEWOOD, MN 55109-1231

Re: Lexdan Automotive, Inc.  
Inspection No. 318196581

**FINAL ORDER DETERMINING LATE AND INCOMPLETE FILING**

Dear Mr. Keskin:

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](http://www.revisor.mn.gov). As the statute and rules 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 and incomplete.

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.

Lexdan Automotive, Inc.,

Inspection No. 318196581

Respondent.

On August 22, 2023, the Occupational Safety and Health Division, on behalf of Nicole Blissenbach, Commissioner, Minnesota Department of Labor and Industry (the “Department”), issued a Citation and Notification of Penalty (“Citation”) in this inspection. Exhibit A. The certified mail return receipt indicates that Lexdan Automotive, Inc. (“Respondent”)<sup>1</sup> received the Citation on August 25, 2023. Exhibit B. On September 20, 2023, the Department received the first page of a Notice of Contest and Service to Affected Employees (“Notice of Contest”) form from the Respondent, along with a copy of pages 5–7 of the Citation. Exhibit C. Respondent submitted these documents to the Department via Federal Express. Exhibit C. To date, the Department has not received the second page of the Notice of Contest form from Respondent. The second page of the Department’s Notice of Contest form states that “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.”<sup>2</sup> (Emphasis removed.) By failing to submit the second page, Respondent also failed to complete sections 3 (dates of positing and serving) and 4 (oath) of the Notice of Contest form.

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

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<sup>1</sup> The Citation refers to the Respondent as “Lexdan Automotive Inc”. The Respondent’s correct name, including punctuation, is Lexdan Automotive, Inc., as captioned above.

<sup>2</sup> The Department’s Notice of Contest form can be found online here: [https://www.dli.mn.gov/sites/default/files/pdf/contest\\_inspection.pdf](https://www.dli.mn.gov/sites/default/files/pdf/contest_inspection.pdf).

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: May 1, 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

**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

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## Citation and Notification of Penalty

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**To:**  
Lexdan Automotive Inc  
2610 Hwy 61 N Suite 100  
Maplewood, MN 55109

**Inspection Number:** 318196581  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023

**Inspection Site:**  
2610 Hwy 61 N Suite 100  
Maplewood, MN 55109

*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.

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### 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](mailto: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](mailto: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, \$7,000; Serious, \$7,000; Willful, \$70,000; Repeat, \$70,000; and Failure to Abate, \$7,000 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**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

**Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

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**Citation 01 Item 001** Type of Violation: **Serious**

29 CFR 1910.106(e)(6)(ii): Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 F, were dispensed into containers without electrically interconnecting the nozzle and the container:

An employee transferred category 2 flammable liquids used for detailing cars in the car detailing area without electrically interconnecting the primary and secondary containers.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$1,125.00

**Minnesota**  
**Department of Labor and Industry**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

### **Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

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#### **Citation 01 Item 002** Type of Violation: **Serious**

29 CFR 1910.132(f)(1): Training was not provided to each employee required to use personal protective equipment (PPE):

Employees using hazardous / corrosive products were not trained to wear required personal protective equipment while detailing cars.

#### Abatement Guidelines:

Each employee shall be trained to know at least the following:

- a) When PPE is necessary;
- b) What PPE is necessary;
- c) How to properly don, doff, adjust, and wear PPE;
- d) The limitations of the PPE; and
- e) The proper care, maintenance, useful life and disposal of the PPE.

The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the dates of training and the subject of the certification.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$1,125.00

**Minnesota**  
**Department of Labor and Industry**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

**Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

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**Citation 01 Item 003** Type of Violation: **Serious**

Minn. Rules 5210.0532 Subp. 2: The employer did not certify to the commissioner that each cited violation not immediately corrected had been abated and such abatement certification was not submitted within 30 days after receipt of the citation or by the abatement due date, whichever was earlier:

The employer failed to abate seven cited hazards from a previous inspection and did not submit a progress report as required for the cited hazards.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$450.00

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.

**ALEXIS KESKIN - OFFICE MANAGER**  
**LEXDAN AUTOMOTIVE INC**  
**2610 HWY 61 N SUITE 100**  
**MAPLEWOOD MN 55109**  
**318196581 Y3105 08823**



9590 9402 8168 3030 7217 06

2. Article Number (Transfer from sender label)

9589 0710 15270 0645 2284

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed name)

ALEXIS KESKIN

C. Date of Delivery

08/25/23

D. Is delivery address different from item 1? ☒ Yes  
If YES, enter delivery address below: ☐ No

AUG 25 2023

55109

3. Service Type

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

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

91.1 ☐ Restricted Delivery  
(over \$500)

09/20/2023 000025.001  
09/20/2023 000009.001

Minnesota

Department of Labor and Industry

Occupational Safety and Health Division  
443 Lafayette Road North  
St. Paul, MN 55155-4307

Phone: 1-800-DIAL-DLI (1-800-342-5354)  
(651) 284-5050  
FAX: (651) 284-5741  
www.dli.mn.gov

Inspection Number <b>318196581</b>	OSHI ID <b>Y3105</b>	Optional Report No.:
Employer's Name and Mailing Address: <b>ALEXIS KESKIN - OFFICE MANAGER LEXDAN AUTOMOTIVE INC 2610 HWY 61 N SUITE 100 MAPLEWOOD MN 55109 318196581 Y3105 08823</b>		

**SEP 20 2023**

**NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES** A OSH DIVISION

**PURPOSE OF THIS FORM**

If you have received a Citation and Notification of Penalty from the Minnesota Occupational Safety and Health Division (MNOSHA) and you wish to contest any part of the Citation, including the penalty, you must complete this form. **For your contest to be valid, you must file this form within 20 calendar days of the date the employer received the Citation.**

If you only wish to obtain an extension of time to correct the violation, you may file a Petition for Modification of Abatement Date according to the instructions on the Citation and Notification of Penalty.

By filing this Notice of Contest form, you are initiating a formal contested case proceeding before an administrative law judge of the parts of the Citation and Notification of Penalty you are contesting. This form must be filed in good faith and not solely for delay or avoidance of penalties.

**HOW TO FILE THIS FORM**

- This Notice of Contest form must be filed with the Commissioner of the Department of Labor and Industry at the above address **within 20 calendar days** after the date the employer received the Citation and Notification of Penalty. To be considered filed, all parts of the Notice of Contest form must be completed and the completed form must be mailed and postmarked, **within 20 calendar days** after the date the employer received the Citation and Notification of Penalty. 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 20<sup>th</sup> calendar day**.
- If you fail to file the fully completed Notice of Contest form on time, the Citation and Notification of Penalty becomes a final order of the Commissioner that is not subject to review by any court or agency.

**APPEAL PROCESS**

Upon receipt of a timely filed Notice of Contest form, MNOSHA will contact you and schedule a date, time and location for an informal conference. The purpose of the informal conference is to allow you to discuss with a MNOSHA representative the Citation and Notification of Penalty and the basis for your contest. The goal of the informal conference is to reach an early resolution of the contest. If you and MNOSHA are unable to reach a resolution at the informal conference then the contest will proceed to a formal contested case hearing.

**COMPLETING THIS FORM**

**1. HOW TO IDENTIFY THE INSPECTION BEING CONTESTED.**

Complete the box at the top of this form using the Inspection Number, OSHI ID, Optional Report Number and Employer's Mailing Address from the Citation and Notification of Penalty being contested.

**2. HOW TO CONTEST THE CITATION AND NOTIFICATION OF PENALTY.**

Indicate in the boxes on the next page which part(s) of the Citation and Notification of Penalty you wish to contest. Identify the citations you are contesting by indicating the citation and item numbers. Then indicate which part(s) of each item is being contested. Finally, state your reasons for contesting in the space provided below the boxes.

- Check the box CITATION if you wish to contest that the violation occurred.
- Check the box TYPE OF VIOLATION if you wish to contest the characterization of the violation as non-serious, serious, willful or repeat.
- Check the box ABATEMENT DATE if you wish to contest the date by which you must abate the violation.
- Check the box PENALTY if you wish to contest the amount of the penalty.

**EXHIBIT C**

Revised 11/14

**Minnesota**  
**Department of Labor and Industry**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

**Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

---

**Citation 01 Item 002 Type of Violation: **Serious****

29 CFR 1910.132(f)(1): Training was not provided to each employee required to use personal protective equipment (PPE):

Employees using hazardous / corrosive products were not trained to wear required personal protective equipment while detailing cars.

**Abatement Guidelines:**

Each employee shall be trained to know at least the following:

- a) When PPE is necessary;
- b) What PPE is necessary;
- c) How to properly don, doff, adjust, and wear PPE;
- d) The limitations of the PPE; and
- e) The proper care, maintenance, useful life and disposal of the PPE.

The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the dates of training and the subject of the certification.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$1,125.00

0020 Minnesota 003

**Department of Labor and Industry**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

**Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

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**Citation 01 Item 001 Type of Violation: **Serious****

29 CFR 1910.106(e)(6)(ii): Category 1 or 2 flammable liquids, or Category 3 flammable liquids with a flashpoint below 100 F, were dispensed into containers without electrically interconnecting the nozzle and the container:

An employee transferred category 2 flammable liquids used for detailing cars in the car detailing area without electrically interconnecting the primary and secondary containers.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$1,125.00



09202023 000025.004  
**Minnesota**  
**Department of Labor and Industry**  
Occupational Safety and Health Division

**Inspection Number:** 318196581  
**Inspection Date(s):** 07/31/2023 - 08/07/2023  
**Issuance Date:** 08/22/2023  
**OSHI ID:** Y3105  
**Optional Report No.:** 08823

**Citation and Notification of Penalty**

**Company Name:** Lexdan Automotive Inc  
**Inspection Site:** 2610 Hwy 61 N Suite 100, Maplewood, MN 55109

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**Citation 01 Item 003 Type of Violation: **Serious****

Minn. Rules 5210.0532 Subp. 2: The employer did not certify to the commissioner that each cited violation not immediately corrected had been abated and such abatement certification was not submitted within 30 days after receipt of the citation or by the abatement due date, whichever was earlier:

The employer failed to abate seven cited hazards from a previous inspection and did not submit a progress report as required for the cited hazards.

**Date By Which Violation Must Be Abated:** 9/14/2023  
**Penalty:** \$450.00

Nicole Blissenbach, Commissioner  
MN Department of Labor and Industry

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ORIGIN ID: JDTA (651) 484-0551  
ALEXIS KESKIN  
LEXDAN AUTOMOTIVE  
2610 MAPLEWOOD DR

MAPLEWOOD, MN 55109  
UNITED STATES US

SHIP DATE: 09SEP23  
ACTWGT:  
CAD: 253267120/MNET4640

BILL SENDER

TO MINNESOTA OSHA DIVISION

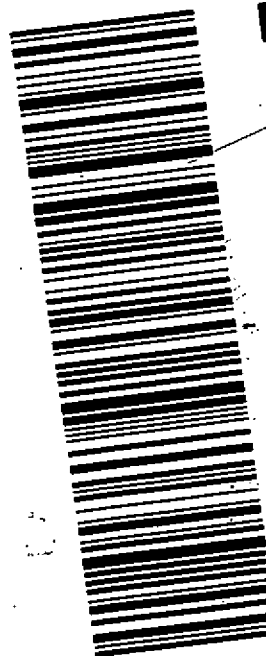
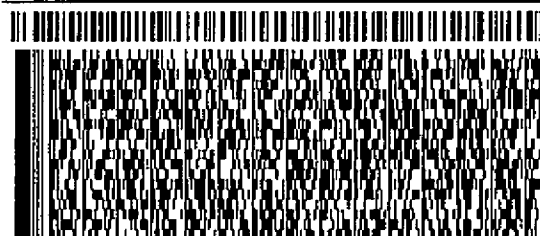
443 LAFAYETTE ROAD N

SAINT PAUL MN 55155

(651) 484-0551  
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DEPT:



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SPLLG  
443 LAFAYETTE RD N  
SAINT PAUL MN  
TUE 09/19 02:01 3M-203770273  
G

**Certificate of Service**

I, MICHAEL GRAY, hereby declare that in the City of St. Paul, County of Ramsey and State of Minnesota on the 1st day of May, 2025, I served the attached FINAL ORDER DETERMINING LATE AND INCOMPLETE FILING by depositing in the United States mail with postage prepaid, a true and accurate copy of it, properly enveloped, and addressed to:

Dennis Keskin  
Lexdan Automotive, Inc.  
2610 Highway 61 North - Suite 100  
Maplewood, MN 55109

Lexdan Automotive, Inc.  
2610 MAPLEWOOD DR N  
MAPLEWOOD, MN 55109-1231

I am signing this document in Ramsey County, Minnesota on the 1st day of May, 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

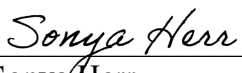
1. I, SONYA HERR, hereby declare that at the City of St. Paul, County of Ramsey and State of Minnesota on the 10th day of June, 2025, I served the attached RESPONSE TO PETITION TO VACATE, by depositing in the United States mail, a true and accurate copy thereof, properly enveloped, with postage prepaid, and addressed to:

Dennis Keskin  
Lexdan Automotive, Inc.  
2610 Highway 61 North - Suite 100  
Maplewood, MN 55109

Lexdan Automotive, Inc.  
2610 MAPLEWOOD DR N  
MAPLEWOOD, MN 55109-1231

2. I, SONYA HERR, hereby declare that at the City of St. Paul, Ramsey County, and State of Minnesota, on the 10th day of June, 2025, I served the attached RESPONSE TO PETITION TO VACATE, upon Julie Klejewski, 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 10th day of June, 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.

  
\_\_\_\_\_  
Sonya Herr