

LEXDAN

Automotive

2610 Hwy. 61, Suite # 100, Maplewood, MN 55109
Phone 651 484 0551 Fax 651 484 0557

RECEIVED

MAY 29 2025

OCCUPATIONAL SAFETY
AND HEALTH REVIEW BOARD

05/27/25

Peggy Charpentier

Executive Secretary, OSHA Review Board

443 Lafayette Rd. N.
Saint Paul, MN 55109

PETITION TO VACATE

This letter is to petition to vacate the final order determining late filing for inspection #
number 318196581.

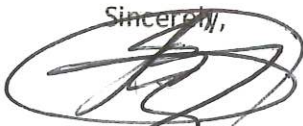
Citation 01 item 001 Mentioned liquids was not in use and in operation at the time of
the inspector's visit.

Citation 01 Item 002 Proper PPE was provided by the employer. However, at the time of
the inspector's visit there was no evidence PPE was required for the type of work
conducted. There is a official complaint filed to supervisor Lee Craig's office regarding
this matter which the inspector Saul Lockerby was not truthful when he noted someone
from our company told him that, "We do not use PPE here" I was with Mr. Lockerby
from his original entrance to the building to the time he exited. There was only one
other employee who was always present with me while I was with Mr. Lockerby. There
was not such statement made. order based on the information and evidence disclosed
on this letter and attached pages.

Citation 01 Item 003. Inspector and paperwork were not clear to notify deadlines as this was our first OSHA inspection in twenty years of operation. Not enough guidance and direction was provided by the Inspector Lockerby, His instructions were not clear, he did not show up several months after the inspection dates. He stated that his supervisor had to remind him to go back to Lexdan Automotive.

I would like to request the dismissal of the late filing order based on the information disclosed on this letter.

Sincerely,

A handwritten signature in black ink, appearing to be 'DK', enclosed within a circular scribble.

Dennis Keskin, President
Lexdan Automotive
2610 Maplewood Dr.
Maplewood, MN 55109

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 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

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

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

Inspection # 318196581 and 318216561

5/27/2025

Lexdan Automotive inc received it's first OSHA inspection conducted by inspector Saul Lockerby in December of 2022 with inspection number 318196581.

Lexdan Automotive was never inspected by OSHA since it's inception date of 2004.

Even so Lexdan Automotive inc had over ten employees at it's current location with 2610 Maplewood Dr. Maplewood MN 55109 since July of 2012 OSHA inspection in 2022 was the first inspection conducted by OSHA Minnesota.

I understand safety compliance of the laws and respect the state and federal employees upholding the safety standards at highest importance. However, the guidance and assistance my company received from inspector Saul Lockerby has been minimum to none in terms of resolving the OSHA citations.

I have been misled and misdirected by the inspector with the examples I will declare in the following sentences which in result I believe My company was subject to bias and unfair treatment by the inspector. Even the complaint letter which I sent to his Supervisor Lee Craig on 2/21/2024 still has not been answered by the OSHA Minnesota to this date. Since then the inspections have been inconsistent as to inspection items and results have been different based on the different inspectors. While one inspector cites a particular thing the next inspector overlooks at the same particular item which the other inspector cited for. I was not present at the beginning of the inspections because I was working out of state during the beginning of the inspections. Therefore I believe Mr. Lockerby was approached by unqualified personnel from the beginning of his visits.

While I was not familiar with the process of the OSHA inspections and also spending most of my time out of state working at a different company I owned, I tried receiving guidance from Inspector Lockerby as to who I can get help from to have my employees and myself better understand the safety concerns and abatements, he suggested I should call the OSHA offices to get field inspector to come to the facility to point at the issues of concern. When I called and spoke to the responsible person I was told he would come to walk through the facility with the efforts to correct the concerned areas. This was until he realized there is a open inspection . He told me he was not able to come to assist me in this matter until the open investigation was closed. Mr. Lockerby never told me that the current inspection must be closed before I can receive this other inspector's assistance of visit. Mr. Lockerby asked me about another company I owned in Milwaukee WI 53224 during his visit at Lexdan Automotive. He asked how many employees I had working in Milwaukee. I told him including myself there was four employees in Milwaukee. I also asked why is he questioning another company I owned in Milwaukee WI as that is a different company name , different entity , different federal tax ID in different State? He stated OSHA MN also does Wisconsin inspections. I also asked Mr. Lockerby why I was getting inspected for the year when I had less then ten employees due to aftermath of Covid pandemic he said the answer was different based on which OSHA manager will request inspections of a particular company which meant one manager may make a different decision versus the other manager.

This is a similar result I experienced based on the different inspectors citing

different areas while they are inconsistent in their inspection areas. It very much makes me think they are not holding the same decisions based on the requirements of OSHA yet each inspector differ what they will cite the company being inspected versus the other inspector who will overlook at the same item.

I have other examples of the mishaps, mistakes and inconsistencies in inspections by OSHA inspector Saul Lockerby and other inspectors since his visit.

I am still waiting for the resolution or even a answer for the complaint I made for Saul Lockerby since 2/21/2024.

I still do not have a answer to my recent complaint I made to Lee Craig when the inspector Dasha Johnson asked my employee Mr. Giovanni Valdez how long he has been working for

Lexdan Automotive as Mr. Valdez answered for four years the inspector replied to Mr. Valdez as "for now". I am still waiting for the result of my complaint from Mr. Lee Craig

as he promised and or he stated he would get me an answer to why the inspector made such comment to Mr. Valdez. Original complaint was sent to Craig Lee on 2/14/2025 via email

which was never addressed or answered.

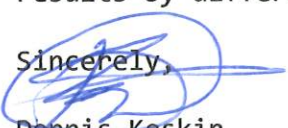
On the recorded conversation Mr. Lee Craig and Mr. Greg Moltzan stated that the employees asked before the private meeting between the inspector and the employee begins the

question if the employee is comfortable in speaking with the inspector, My employees notified me they were never asked that particular question nor were they notified by the

inspector Dasha Johnson and Greg Moltzan they did not have to speak with inspectors if they did not want or preferred to at the time of the inspection and during the private conversation at the time of the inspection.

Several other instances I experienced the inconsistency and different inspection results by different inspectors.

Sincerely,



Dennis Keskin
Lexdan Automotive
2610 Maplewood Dr.
Maplewood MN 55109

Re: RE: RE: RE: Re[2]: RE: RE: Notice of Contest by Lexdan Automotive - Osha ID Y3105 - 318187804

From: "Dennis Keskin-Lexdan Automotive" <dennis@lexdanauto.com>

02/21/24 08:02

To: "Craig, Lee (DLI)" <lee.craig@state.mn.us>, dennis@lexdanauto.com, fantum719@yahoo.com

Mr. Lee Craig,

The following are my statement of facts: I was with inspector Saul Lockerby and his trainer from the time they entered to the building to the time they exited during that visit. As they entered the show floor I escorted them to vehicle detail area per their request. They looked at the car was soap container and the air hose pressure in this area. After inspector Saul asking me questions regarding the car soap usage frequency, I called the only detail person Tyler who was wiping down a vehicle at the time. Because I was not familiar how often the container and the spray bottle is refilled. Inspector Saul, his trainer, Tyler and I were all together during this time. Each one of us was always within each others small circle conversating as we were always in a few feet of distance between us at all time. I was never far enough to disengage from the conversation between four of us. There never was a conversation regarding the use of the PPE during this time and anytime during this visit. All three of us left Tyler back to his work after answering questions. Inspector even took a picture of me holding the pressured air hose with my finger which validates my presence at that time. We started walking back towards the show floor. Inspectors did not speak with anyone else during that time of the visit. I escorted them out of the building as they walked out from the very same show room door they originally entered.

The inspector Saul Lockerby is not telling the truth as he reported an employee stated that, "I, We do not use PPE here" during that visit. Bluntly saying It is a big lie. I had unsatisfactory and difficult experiences with Mr. Lockerby in the past which I shared my frustration with Mr. Clayton Handt during our phone conversation.

Please allow me to know, How and which department of O.S.H.A should I enter this as a official complaint and escalate this matter.

Sincerely,

Dennis Keskin

Lexdan Automotive inc.

2610 Maplewood Dr.

Maplewood MN.55109

6513873275

From: Craig, Lee (DLI) (lee.craig@state.mn.us)

Date: 02/16/24 15:22

To: Dennis Keskin-Lexdan Automotive (dennis@lexdanauto.com)

Subject: **RE: RE: RE: Re[2]: RE: RE: Notice of Contest by Lexdan Automotive - Osha ID Y3105 - 318187804**

Dennis,

What I was reading to you was from the follow up inspection on July 31st, 2023. This would have been the 2nd inspection date.

Thanks

Lee Craig

MNOSHA South Supervisor

MNOSHA Compliance

Minnesota Department of Labor and Industry

443 LaFayette Rd N., St. Paul, MN 55155

Phone: 651-284-5073 | Web: www.dli.mn.gov

 **DEPARTMENT OF
LABOR AND INDUSTRY**



From: Dennis Keskin-Lexdan Automotive <dennis@lexdanauto.com>

Sent: Wednesday, February 14, 2024 11:20 AM

To: Craig, Lee (DLI) <lee.craig@state.mn.us>

Subject: Re: RE: RE: Re[2]: RE: RE: Notice of Contest by Lexdan Automotive - Osha ID Y3105 - 318187804

Importance: High

Sir,

You already shared this information verbally during our meeting. I am not asking name of the employee.

I am trying to find the time of this matter.

RE: In receipt of your letter

From: "Craig, Lee (DLI)" <lee.craig@state.mn.us>

03/12/24 12:25

To: "Dennis Keskin-Lexdan Automotive" <dennis@lexdanauto.com>

Dennis,

I'll advance your concerns about the inspector to the proper people within our organization. You do still have until the 15th. I misunderstood your intent with the letter and offer my apology. You most certainly do still have the opportunity to accept the settlement offer or to decline it.

Let me know.

Thanks

Lee Craig

MNOSHA South Supervisor

MNOSHA Compliance

Minnesota Department of Labor and Industry

443 LaFayette Rd N., St. Paul, MN 55155

Phone: 651-284-5073 | Web: www.dli.mn.gov



From: Dennis Keskin-Lexdan Automotive <dennis@lexdanauto.com>

Sent: Tuesday, March 12, 2024 11:39 AM

To: Craig, Lee (DLI) <lee.craig@state.mn.us>

Subject: Re: In receipt of your letter

You don't often get email from dennis@lexdanauto.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.

Letter intended to have the complaint regarding the matter of inspector making false statement escalated to a proper department of OSHA but you replied as inspection advanced to the AG's office for litigation.

Yet I have until the 15th to decide on the direction of the inspection to go forward with litigation or not .

is this not the case ?

Thank you

Dennis Keskin

Lexdan Automotive

2610 Maplewood DR.

Maplewood MN.55109

WWW.LEXDANAUTO.COM

Phone 651 484 0551

Fax 651 484 0557

Business Hours

Monday-Thursday : 9am - 7pm

Friday : 9am - 6pm

Saturday : 9am - 5pm

Sunday Closed

From: Craig, Lee (DLI) (lee.craig@state.mn.us)

Date: 03/12/24 07:29

To: Carol A Keyes (carkey@chess-safety.com), dennis@lexdanauto.com

Subject: In receipt of your letter

I received your letter via FedEx mail letting me know you want this inspection advanced to the AG's office for litigation. Thank you for getting this to me. I'll process this request and the file will be moved to the AG's office. At some point in the future, they'll reach out and work with you from there. If you have any questions, please let me know.

Thanks

LEXAN AUTOMAKE

#318196581

RECEIVED

MAY 29 2025

OCCUPATIONAL SAFETY
AND HEALTH REVIEW BOARD

PEGGY CHARLENTER

EXECUTIVE SECRETARY,

OSHA REVIEW BOARD

HAND DELIVERED

MAY 29 2025

DEPARTMENT OF LABOR & INDUSTRY