

LEXDAN *Automotive*

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

RECEIVED

MAY 08 2025

OCCUPATIONAL SAFETY
AND HEALTH REVIEW BOARD

Peggy Charpentier

5/7/2025

Executive Secretary, OSH 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 #
318216561

Attached pages confirm the notice to contest for the inspection number 318216561 was
contested on time per instructions and deadline date indicated as 3/24/2025 by OSHA
inspector Greg Moltzan. Please view the email dated 3/20/2025 sent from Mr. Moltzan to
Dennis Keskin confirming the last day to submit contest was 3/24/2025. Please also view
the email sent to citation.progress@state.mn.us on 3/24/2025.

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

Sincerely,



Dennis Keskin, President

Lexdan Automotive

2610 Maplewood dr.

Maplewood MN 55109

LEXDAN

Automotive

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

Occupational Safety and Health Division

5/7/2025

Department of Labor & Industry

443 Lafayette Rd. N.

Saint Paul MN 55109

PETITION TO VACATE

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Attached pages confirm the notice to contest for the inspection number 318216561 was contested on time per instructions and deadline date indicated as 3/24/2025 by OSHA inspector Greg Moltzan. Please view the email dated 3/20/2025 sent from Mr. Moltzan to Dennis Keskin confirming the last day to submit contest was 3/24/2025. Please also view the email sent to citation.progress@state.mn.us on 3/24/2025.

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

Sincerely,



Dennis Keskin, President

Lexdan Automotive

2610 Maplewood dr.

Maplewood MN 55109



April 9, 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. 318216561
FINAL ORDER DETERMINING LATE FILING

Dear Mr. Keskin:

The Department has issued a Final Order Determining Late 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 Filing. The procedures for filing a Petition to Vacate are explained in Minnesota Statutes § 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 state, any Petition to Vacate must be filed within 30 days following service by mail of this Final Order Determining Late 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

Office of General Counsel, 443 Lafayette Road North, St. Paul, MN 55155
(651) 284-5019 | www.dli.mn.gov | Fax (651) 284-5725



Citation and notification of penalty for alleged occupational safety and health violations

An inspection of your company has resulted in the enclosed Citation and Notification of Penalty.

What happens next?

- Follow the citation's instructions under "employer and employee rights and responsibilities" for next steps.

If you are not contesting the citation, you must:

- correct the violation(s) by the date(s) shown,
- pay the penalty,
- send us a Progress Report explaining how you corrected the violation, and
- post a copy of the citation in the workplace for at least 20 days, or until all items are corrected, if longer.

If you are contesting the citation, you must:

- submit a Notice of Contest form within 20 calendar days of receiving this citation,
- post a copy of the Notice of Contest form in your workplace, and
- correct any items or pay any penalties that you are not contesting.

Questions?

Contact us at (651) 284-5050, at the address shown above or at osha.compliance@state.mn.us. Please remember, even if you contact us with questions, you still must file your Notice of Contest within 20 calendar days of receiving the citation.

Inspection results online

Federal OSHA posts the information related to your inspection online 30 calendar days after the citation is issued to your company. You can search for and review the inspection records at <https://www.osha.gov/pls/imis/establishment/html>.

A handwritten signature in black ink, appearing to read 'Lee Craig'.

Lee Craig
Supervisor
Occupational Safety and Health Division

(Rev. 12/2014)

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 318216561	OSHI ID G3073	Optional Report No.: 00825
Employer's Name and Mailing Address: Dennis Keskin, Owner Lexdan Automotive Inc 2610 Hwy 61 N Suite 100 Maplewood, MN 55109 318216561 G3073 00825		

NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES

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 contest.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 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.

Re: RE: RE: MNOSHA #318216561 - G3073 Lexdan Automotive inc contest and abatements

03/24/25 16:40

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

To: "Moltzan, Greg (DLI)" <greg.moltzan@state.mn.us>, citation.progress@state.mn.us

Attachments: OSHA.pdf (1.7 MB); IMG_2047.JPG (2.5 MB); IMG_2048.JPG (2.7 MB); IMG_2049.JPG (2.6 MB); IMG_2050.JPG (2.8 MB); IMG_2051.JPG (1.7 MB); IMG_2052.JPG (2 MB);

Re: RE: RE: MNOSHA #318216561 - G3073 Lexdan Automotive inc contest and abatements. Fifteen pages are attached.

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: Moltzan, Greg (DLI) (greg.moltzan@state.mn.us)

Date: 03/20/25 12:09

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

Subject: RE: RE: MNOSHA

Hi Dennis,

The certified delivery card we have says you received the package on 3/3/2025, your package (example on page 6) puts the end of your 20 Calander days at 3/24/2025.

Gregory Moltzan
Safety Investigator

Minnesota Department of Labor and Industry
443 Lafayette Road N., St. Paul, MN 55155
Phone: 651-284-5461| Cell: 651-706-2759
Web: www.dli.mn.gov



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

Sent: Thursday, March 20, 2025 10:51 AM

To: Moltzan, Greg (DLI) <greg.moltzan@state.mn.us>

Subject: Re: RE: MNOSHA

What is the last day to contest for the citations (20 Calendar days) ? The envelope I have shows the sent date of 2/28/2025 but does not show the received/signed date by Lexdan Automotive. USPS does not show anything on the web site either .

Dennis Keskin
Lexdan Automotive
2610 Maplewood DR.
Maplewood MN.55109

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Saturday : 9am - 5pm
Sunday Closed

----- Original Message -----

From: Moltzan, Greg (DLI) (greg.moltzan@state.mn.us)

Date: 03/19/25 10:00

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

Subject: RE: MNOSHA

Hi Dennis,

I would say talk to the building owner and see what options you have for abatement (repair/replace). You can use the PMA form in your package to request additional time to our administrative email account if you need it. Please let me know if you have any other questions.

Gregory Moltzan
Safety Investigator

Minnesota Department of Labor and Industry
443 Lafayette Road N., St. Paul, MN 55155
Phone: 651-284-5461| Cell: 651-706-2759
Web: www.dli.mn.gov



From: Dennis Keskin-Lexdan Automotive <dennis@lexdanauto.com>
Sent: Wednesday, March 19, 2025 9:09 AM
To: Moltzan, Greg (DLI) <Greg.Moltzan@state.mn.us>
Subject: Re: MNOSHA

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.

I had two companies came to resolve the water drainage issue. They were not able to remove the metal grids to access the debris which needs to be cleaned in order to clear the water flow. These metal grids are rusted, bonded to their base which is also metal frame around it. When forced started to bend and not break off. I told the staff not to use water in the area until further notice. Considering I do not own the building I don't want to torch these grids for removal which the new replacement will be very costly. What are my alternatives to clear the Osha inspection for this particular matter ?
Thank you

Dennis Keskin
Lexdan Automotive
2610 Maplewood DR.
Maplewood MN.55109

WWW.LEXDANAUTO.COM

Phone 651 484 0551

Fax 651 484 0557

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Sunday Closed

From: Moltzan, Greg (DLI) (Greg.Moltzan@state.mn.us)

Date: 03/19/25 08:19

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

Subject: MNOSHA

Good morning Dennis,

I received your voicemail yesterday but was out on an inspection. I have some meetings today, so if you have a time you would like me to call you back or you can email me with any questions.

Thanks,

Gregory Moltzan

Safety Investigator

Minnesota Department of Labor and Industry
443 Lafayette Road N., St. Paul, MN 55155
Phone: 651-284-5461| Cell: 651-706-2759
Web: www.dli.mn.gov

 DEPARTMENT OF
LABOR AND INDUSTRY

Lexdan Automotive,
2610 Maplewood Dr.
Maplewood, MN, 55109

RECEIVED

MAY 08 2025

OCCUPATIONAL SAFETY
AND HEALTH REVIEW BOARD

Peggy Charpentier

Executive Secretary

OSH Review Board

443 Lafayette St. S.D.N.

Saint Paul, MN 55155

HAND DELIVERED

MAY 08 2025

DEPARTMENT OF LABOR & INDUSTRY

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 checked="" type="checkbox"/> Citation	<input checked="" type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input checked="" type="checkbox"/> Penalty
02	001	<input checked="" type="checkbox"/> Citation	<input checked="" type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input checked="" type="checkbox"/> Penalty
02	002	<input checked="" type="checkbox"/> Citation	<input checked="" type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input checked="" type="checkbox"/> Penalty
02	003	<input checked="" type="checkbox"/> Citation	<input checked="" type="checkbox"/> Type of Violation	<input checked="" type="checkbox"/> Abatement Date	<input checked="" type="checkbox"/> Penalty
03	001	<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

REASONS FOR CONTEST: (Additional sheets may be attached as necessary, and they will be considered part of this form.)

01-001 At the time of inspection some of the exhaust outlet holes were closed with caps. Some were open because of the mechanics continuously working on the vehicles by the hoists. At such times holes are open because of activity of the usage. opening of the holes are in 3 inch in diameter. Abated on 3/19/25 See pictures

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 3-5-25 (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 WASHINGTON

Name of Employer Representative, Title

Phone

Subscribed and sworn to before me

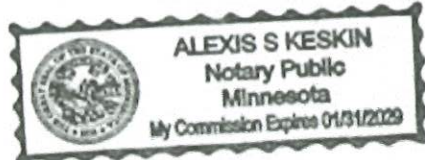
this 21 day of MARCH

Notary Public

My Commission expires

Signature

Date



LEXDAN

Automotive

2610 Hwy. 61, Suite # 100, Maplewood, MN 55109

Phone 651 484 0551 Fax 651 484 0557

Occupational Safety and Health Division,

3/21/2025

02-002

Drainage area is minimum in square footage of the shop are compared to the workspace. Drainage was active however slow in draining yet not completely clogged to the level to create safety hazards. Some of the drainage area was covered by matts. The only wet area was on the center and the middle of the shop as a minimum coverage area of 21 square feet.

02-003

One subject electrical receptacle had a crack on the surface which did not affect or impact its performance as it was only cosmetic on the surface. It did not create a hazard to user safety. It did not create an electrical endangerment.

02-001 Conducted safety meeting
and not recorded it in the past.
Conducted safety meeting on 3-24-25.
record is attached

03 -001 Requested Extension to
further date. Assigned to third party
company.
DENNIS FESKIN 3-21-25