

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE COMMISSIONER OF COMMERCE

In the Matter of David E. Sines  
d/b/a Sines Mobile RV Service

FINDINGS OF FACT,  
CONCLUSIONS, AND  
RECOMMENDATION

This matter came on for hearing before Administrative Law Judge Barbara L. Neilson on Monday, May 5, 1997, at 9:30 a.m. Michael A. Sindt, Assistant Attorney General, 1200 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2130, appeared on behalf of the Minnesota Department of Commerce ("the Department"). There was no appearance by or on behalf of the Respondent, David E. Sines d/b/a Sines Mobile RV Service. The record with respect to this matter closed on May 12, 1997, upon receipt of a letter and affidavit submitted on behalf of the Department.

NOTICE

This Report is a recommendation, not a final decision. The Commissioner of Commerce will make the final decision after a review of the record. The Commissioner may adopt, reject or modify the Findings of Fact, Conclusions, and Recommendations. Under Minn. Stat. § 14.61, the final decision of the Commissioner shall not be made until this Report has been made available to the parties to the proceeding for at least ten days. An opportunity must be afforded to each party adversely affected by this Report to file exceptions and present argument to the Commissioner. Parties should contact David B. Gruenes, Commissioner, 133 East Seventh Street, St. Paul, Minnesota 55101, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The issues in this matter are whether or not the Respondent has breached his contract with two complainants, has been shown to be incompetent, untrustworthy, or financially irresponsible, has engaged in fraudulent, deceptive, or dishonest practices, and has failed to appear as ordered before the representative of the Commissioner, in violation of Minn. Stat. §§ 45.027, subd. 2, and 326.91, subds. 1(2) and (6), and Minn. R. 2891.0400, subp. 1(B), and, if so, whether the Respondent is subject to discipline and/or civil penalties pursuant to Minn. Stat. §§ 45.027, subds. 6 and 7, and 326.91.

Based upon all of the files, records, and proceedings herein, the Administrative Law Judge makes the following:

## FINDINGS OF FACT

1. The Notice of and Order for Hearing and Order to Show Cause in this matter was served upon the Respondent by certified mail at 7124 Newton Avenue North, Brooklyn Center, Minnesota 55430, and 6957 NE Highway 10, Ste. 104, Anoka, Minnesota 55303, on March 25, 1997. These addresses were the addresses maintained by the Department in their official files with respect to the Respondent.

2. The Notice of and Order for Hearing and Order to Show Cause served on the Respondent contained the following informational notice:

If Respondent fails to attend or otherwise appear at the hearing in this matter after having been served with a copy of this Order, Respondent shall be deemed in default and the allegations or issues set forth herein may be deemed proved and Respondent's residential building contractor license may be revoked or suspended. Respondent may also be censured and/or a civil penalty may be imposed against Respondent without further proceedings.

3. The Respondent did not file any Notice of Appearance with the Administrative Law Judge or make any request for a continuance or any other relief. The Respondent did not appear at the hearing scheduled for May 5, 1997, or have an appearance made on his behalf. He also did not contact the Administrative Law Judge between May 5, 1997, and the date on which this Report was issued.

4. Because the Respondent failed to appear at the hearing in this matter, he is in default. Pursuant to Minn. R. 1400.6000 (1995), the allegations contained in the Notice of and Order for Hearing and Order to Show Cause are hereby taken as true and incorporated into these Findings of Fact.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

## CONCLUSIONS

1. The Minnesota Department of Commerce and the Administrative Law Judge have jurisdiction over this matter pursuant to Minn. Stat. §§ 14.50, 45.027, and 326.91 (1994).

2. The Department has given proper notice of the hearing in this matter and has fulfilled all relevant substantive and procedural requirements of law and rule.

3. The Respondent, having made no appearance at the hearing, and not requesting any continuance or relief, is in default. Pursuant to Minn. Stat. § 1400.6000, the allegations contained in the Notice of and Order for Hearing and Order to Show Cause are hereby taken as true.

4. The Respondent has violated Minn. Stat. §§ 45.027, subd. 2, and 326.91, subds. 1(2) and (6), and Minn. R. 2891.0400, subp. 1(B). The Respondent is subject to discipline and/or civil penalties pursuant to Minn. Stat. §§ 45.027, subds. 6 and 7, and 326.91.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RESPECTFULLY RECOMMENDED that the Commissioner of Commerce take disciplinary action against the Respondent and impose an appropriate civil penalty.

Dated this 13th day of May, 1997

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BARBARA L. NEILSON  
Administrative Law Judge

Reported: Default.