

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

In the Matter of Dennis Bridges,
individually and doing business
as Dino Bridges & Associates,
License No. 20274000

ORDER ON DISCIPLINE

The above-entitled matter came on for hearing before Administrative Law Judge Beverly Jones Heydinger on October 14, 2003, at 9:30 a.m. at the Office of Administrative Hearings in Minneapolis, Minnesota. Michael J. Tostengard, Assistant Attorney General, 900 NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2127, appeared on behalf of the Department of Commerce ("Department"). Joseph A. Skokan, Attorney at Law, Piletich and Skokan, P.A., 1675 South Greeley Street, Suite 100, Stillwater, Minnesota 55082, appeared on behalf of Dennis Bridges, individually and doing business as Dino Bridges & Associates ("Licensee"). The Office of Administrative Hearings' hearing record closed on October 14, 2003.

The Administrative Law Judge issued Findings of Fact, Conclusions and Recommendation on November 7, 2003. On November 13, 2003, the Commissioner informed the parties of their rights to file any exceptions or arguments concerning the ALJ Report by December 1, 2003. The Department submitted timely argument concerning the appropriate sanction. The Licensee did not submit anything further.

Pursuant to Minn. Stat. § 14.62, subd. 2a, if the Commissioner fails to issue a final decision within 90 days of the close of the record, the ALJ report constitutes the final agency decision. The record closes upon the filing of exceptions to the report and the presentation of argument to the Commissioner, or upon the expiration of the deadline for doing so. Therefore, the 90-day period in which the Commissioner was permitted to issue a final decision ended on March 1, 2004. By letter dated May 12, 2004, the Assistant Commissioner of Commerce informed the ALJ that the Department "allowed the 90 day decision period to lapse because we concur with your decision. Per your request, we are returning the case to you for imposition of discipline."

On May 17, 2004, the Administrative Law Judge informed the parties that the Commissioner had remanded the case to the ALJ to impose discipline. The ALJ asked that the parties submit argument concerning appropriate discipline by Friday, June 11, 2004. The Department submitted its argument by letter dated May 19, 2004. The Licensee, by letter dated and sent June 14, 2004, also submitted argument. The record on the imposition of discipline closed following the receipt of the Licensee's submission on June 14, 2004.

Based upon the previous Findings of Fact, Conclusions, and Recommendations and the arguments submitted by the parties, the Administrative Law Judge makes the following:

ORDER

IT IS HEREBY ORDERED that the Commissioner of Commerce suspend the residential building contractor license of Dennis Bridges, individually and doing business as Dino Bridges & Associates, for one year. The suspension shall take effect 30 days from the date this order is issued.

Dated: June 22nd , 2004

S/ Beverly Jones Heydinger
BEVERLY JONES HEYDINGER
Administrative Law Judge

MEMORANDUM

Minnesota Statutes § 326.91, subd. 1 (6), provides for the suspension or revocation of contractor licenses on the basis of incompetence, untrustworthiness, or financial irresponsibility. The Department established that the Licensee should be subject to discipline under that law.

The Department believes that the “Respondent’s license should be suspended for a period of 24 months in order to protect the public and to deter similar acts by others.”^[1] The Respondent argues that a suspension of 24 months should be reserved for those cases in which a licensee has acted maliciously or recklessly. The Respondent believes that his “subjective intent to complete the construction contract and pay all contractors and suppliers in full should be considered as a mitigating factor in this case. . . . Under the circumstances, a lesser period of suspension is appropriate.”^[2]

If the purpose of the suspension is to protect the public, and to deter other contractors from not properly managing their finances, then a 24-month suspension is not appropriate in this case. The Licensee has been licensed as a Minnesota Residential Building Contractor since 2001. He has been the general contractor for approximately 30 jobs involving primarily roofing, siding, and small remodeling projects.^[3] The Licensee used subcontractors for these jobs and paid them in full. These jobs had gross revenues of \$181,550.00.^[4]

The Licensee has a track record of successful remodeling jobs prior to this complaint. The Licensee presented evidence that he is attempting to repay all of the debts he owes in connection with the construction job that was the subject of the complaint.

Discipline of the Licensee's license sends a message to residential contractors that there are serious consequences for failing to meet one's financial obligations, regardless of the reasons. A suspension of one year, based on the mitigating factors present in this case, sends the message that a good track record and an attempt to repay all debts are important considerations in imposing discipline.

B.J.H.

^[1] Letter dated May 19, 2004 from Michael J. Tostengard.

^[2] Letter dated June 14, 2004 from Joseph A. Skokan.

^[3] See Bridges Exhibit 1, listing those jobs completed.

^[4] See *id.*