

1-1901-7809-2
OSHRB No. 4049

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE COMMISSIONER OF LABOR AND INDUSTRY

John B. Lennes, Commissioner,
Department of Labor and Industry,
State of Minnesota, .
Complainant,

V.

Knisley Construction, Inc.,
Respondent.

ORDER DISMISSING
NOTICE OF CONTEST, AND
Affirming Citation
AND PENALTIES

The above-captioned matter is pending before the undersigned Administrative Law Judge pursuant to a Motion for an Order Dismissing Notice of Contest, and Affirming Citation and Penalties filed with the Office of Administrative Hearings by the Department of Labor and Industry on June 2, 1993.

Helen G. Rubenstein, Special Assistant Attorney General, 520 Lafayette Road, Suite 200, St. Paul, Minnesota 55155 submitted the Department's motion. Gary Knisley, President of Knisley Construction, Inc., 1120 N.W. 137th Lane, Andover, Minnesota 55303 represents Respondent in this matter.

On May 13, 1993, an Order Directing Respondent to File an Answer or Dismissing Notice of Contest and Affirming Citations and Penalty was served upon Respondent. That Order required Respondent to file an Answer within fifteen days of the date of that Order. As of the date of this Order, no Answer has been filed by Respondent.

NOW, THEREFORE, based on all the files, records, and proceedings herein:

IT IS HEREBY ORDERED that:

1. Respondent's Notice of Contest, received on December 7, 1992, is hereby DISMISSED.
2. Serious citation number 1, item 1, issued on November 13, 1992, should be and is hereby AFFIRMED.
2. The appropriate penalty for the serious violation set forth in paragraph I is \$333.00 as proposed in the Citation and Notification of Penalty issued November 13, 1992.
3. Respondent shall immediately forward the penalty of \$333.00 to the Minnesota Department of Labor and Industry.

Dated: June 10th, 1993.

GEORGE A. BECK
Administrative Law Judge