OAH 23-1902-40255

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE DEPARTMENT OF LABOR AND INDUSTRY

In the Matter of the Licensing Order Issued to Main Street Exteriors LLC and Dipnarine Gopaul, a/k/a Ryan Gopaul	**RECOMMENDATION TO GRANT MOTION FOR SUMMARY DISPOSITION AND ORDER**

This matter is pending before Administrative Law Judge Suzanne Todnem.

Katherine N. Arnold, Assistant Attorney General, represents the Minnesota Department of Labor and Industry (Department). Dipnarine Gopaul, a/k/a Ryan Gopaul, represents himself and his company Main Street Exteriors (collectively the Respondents), and they appear without legal counsel.

The Department served and filed a Motion for Summary Disposition (Motion) on March 7, 2025. Respondents were served by U.S. Mail on March 7, 2025[1]. Respondents did not file a response to the Motion. The Motion record closed on March 24, 2025, the deadline to file a response to the Motion.[2]

Based on the record and for the reasons set forth in the accompanying Memorandum, the Administrative Law Judge makes the following:

RECOMMENDATION

1. The Department's Motion for Summary Disposition should be **GRANTED**.

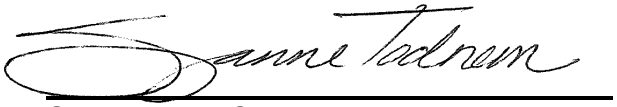
2. The Commissioner should **AFFIRM** the penalty assessed.

[1] Motion Affidavit of Service (Mar. 7, 2025).
[2] The Department served the Motion by mail, extending Respondent's deadline to file by three days pursuant to Minn. R. 1400.6100 (2023).

ORDER

All further proceedings, including the hearing on August 7 and 8, 2025, are **CANCELED**, pending the Commissioner of Labor and Industry's final decision.

Dated: May 8, 2025



SUZANNE TODNEM
Administrative Law Judge

NOTICE

This Report is a recommendation, not a final decision. The Commissioner of the Department of Labor and Industry (Commissioner) 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 (2024), 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 (10) 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 the Office of General Counsel, Department of Labor and Industry, 443 Lafayette Rd., St. Paul, MN 55155, telephone (651) 284-5019, to learn the procedure for filing exceptions or presenting argument.

If the Commissioner fails to issue a final decision within 90 days of the close of the record, this Report will constitute the final agency decision under Minn. Stat. § 14.62, subd. 2a (2024). 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. The Commissioner must notify the parties and the Administrative Law Judge of the date on which the record closes.

Under Minn. Stat. § 14.62, subd. 1 (2024), the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

MEMORANDUM

I. Undisputed Facts

Respondent Main Street Exteriors LLC (Main Street) holds a residential building contractor license (BC645233) issued by the Department.[3] Respondent Dipnarine

[3] Declaration of Allen Filipiak (Filipiak Decl.) at ¶ 2.

Gopaul, a/k/a Ryan Gopaul (Gopaul), holds a qualifying registration (QB645230) issued by the Department.[4] Gopaul is Main Street's designated qualifying person and owner.[5]

In August 2021, homeowners T.G. and E.G.'s (Homeowners) property sustained hail damage.[6] Homeowners discussed repairs with Gopaul in the fall of 2021 but did not enter into a contract with Respondents at that time.[7]

On May 12, 2022, Respondents entered into a home repair contract with Homeowners.[8] Respondents received two checks on May 12, 2022, totaling $9,864.90 from Homeowners as deposit payments.[9] Homeowners canceled the May 12, 2022, contract by email on May 16, 2022, and by U.S. mail on May 18, 2022.[10] Homeowners requested return of their deposit when they canceled the contract.[11] Respondents did not perform any work on Homeowners' property.[12]

The Department received a consumer complaint (Complaint) against Main Street on August 9, 2022.[13] The Complaint alleged Main Street entered into a repair contract with Homeowners and that Respondents accepted a $9,864.90 down payment but had not performed any work.[14] In response to the Complaint, the Department began an investigation.[15]

On August 11, 2022, the Department's investigator emailed a copy of the Complaint to Respondents and asked Respondents to provide an explanation along with documentation.[16] The Complaint contains Homeowners' address, which matches the address on the contract.[17] The Department investigator advised Respondents that providing incomplete, false or misleading information to the Department is a violation of Minn. Stat. §§ 326B.082, subd. 11(b) and 326B.84(14) (2024).[18]

Gopaul left a voicemail for the investigator on August 12, 2022, asserting he did not know what the Complaint was about and denying he received any money from the Homeowners.[19] Gopaul suggested that Homeowners forged the contract, but Gopaul

[4] Filipiak Decl. at ¶ 2.
[5] *Id*.
[6] Filipiak Decl. at Exhibit (Ex.) 6.
[7] *Id*.
[8] *Id*. at ¶ 4; Declaration of Katherine N. Arnold (Arnold Decl.) at Exs. 3 and 4.
[9] Filipiak Decl. at ¶ 4; Arnold Decl. at Exs. 3 and 4.
[10] Filipiak Decl. at Ex. 6; Arnold Decl. at Ex. 4.
[11] Filipiak Decl. at Ex. 5.
[12] *Id* at Ex. 6.
[13] *Id*. at ¶ 3.
[14] *Id*.
[15] *Id*. at ¶ 4.
[16] *Id*.
[17] *Id*. at ¶¶ 1 and 8.
[18] *Id*. at ¶ 4.
[19] *Id*. at ¶ 5.

nonetheless offered to fulfill the contract for the contract price, less the down payment which Gopaul claimed he had not received.[20]

Gopaul responded in writing to the investigator's August 11, 2022, email on August 14, 2022. He again denied knowledge of the contract or receipt of the down payment, and he offered to complete the work for the contract amount, less the down payment amount.[21]

The investigator asked for additional explanation via email on August 19, 2022.[22] Gopaul responded on August 21, 2022. Gopaul denied entering into a contract with Homeowners, suggested the contract was fabricated on behalf of Main Street, and offered to "credit" Homeowners for the down payment that he claimed he did not receive.[23]

On September 1, 2022, Gopaul admitted to the investigator that he did, in fact, enter into a contract with Homeowners. Gopaul explained that he had not previously realized that the contract with Homeowners was the subject of the Department's inquiry, despite the specific identifying information provided in the Complaint and the Department's inquiries.[24] Gopaul provided documents to the investigator, including a May 16, 2022, letter from the Homeowners canceling the contract and requesting a refund of the down payment.[25]

In January 2024, the Homeowners brought an action against Main Street in Hennepin County District Court for the recovery of the $9,864.90 down payment made by Homeowners pursuant to the cancelled construction contract.[26] After a bench trial on the case, judgment was entered against Main Street and in favor of the Homeowners for $9,865.90, plus costs, disbursement, and interest. The judgment was entered on February 21, 2024.[27] Respondents did not inform the Commissioner that they had been named a judgment debtor based upon conduct requiring licensure.[28]

The Department served a Licensing Order with Penalty (Licensing Order) on Respondents on June 20, 2024.[29] In the Licensing Order, the Department found that Respondents: (1) provided false, misleading, or incomplete information to the Commissioner in violation of Minn. Stat. §§ 326B.82, .84(14); and (2) failed to notify the Commissioner in writing within 15 days of being named a judgment debtor based upon conduct requiring licensure, in violation of Minn. Stat. § 326B.805, subd. 5(c) (2024).[30] The Department assessed a monetary penalty of $3,000 against Respondents.

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[20] *Id*.
[21] *Id*. at ¶ 6.
[22] *Id*. at ¶ 7.
[23] *Id*.
[24] *Id*. at ¶ 8.
[25] *Id*.
[26] *Id*. at Ex. 6.
[27] Arnold Decl. at ¶ 5; Filipiak Decl. at ¶ 9, Ex. 7.
[28] Filipiak Decl. at ¶ 11.
[29] *Id*. at ¶ 12.
[30] *Id*. at Ex. 8.

Respondents timely requested a hearing to challenge the Licensing Order.[31] The Department initiated this contested case proceeding on August 21, 2024.

On December 5, 2024, the Department served Respondents with Requests for Admissions (Requests).[32] The Request were served by U.S. Mail upon Respondents at the address on file with the Department for Main Street's residential builder registration and Gopaul's qualifying builder registration.[33] The Requests were not returned as undeliverable.[34]

The Requests asked Respondents to admit:

> Request No. 1: Admit that Main Street Exteriors LLC entered into a contract for home repairs to 292 Ruby Drive, West St. Paul, MN 55118 with [Homeowners] dated May 12, 2022.
>
> . . .
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> Request No. 7: Admit that [Homeowner E. G.] paid Main Street Exteriors LLC $9,864.90 as a downpayment on the May 12, 2022 contract.
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> Request No. 8: Admit that Main Street Exteriors LLC received an email from [Homeowner E. G.] on May 16, 2022, stating that she was cancelling the May 12, 2022 contract.
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> Request No. 9: Admit that Main Street Exteriors LLC received a letter from [Homeowner E. G.] cancelling the May 12, 2022 contract on May 18, 2022.
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> Request No. 10: Admit that the Department of Labor and Industry contacted Main Street Exteriors LLC on August 11, 2022 about a complaint regarding [Homeowners].
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> . . .
>
> Request No. 13: Admit that in your August 12 voicemail to Mr. Filipiak, you stated "I don't have a clue about what that's all about."
>
> Request No. 14: Admit that in your August 12 voicemail to Mr. Filipiak, you offered to complete the contracted home repairs for [Homeowners] at the price identified in the May 12, 2022 contract "minus whatever they felt they had given some salesman from my company."

[31] *Id*. at ¶ 13.
[32] Arnold Decl. at ¶ 2.
[33] *Id*.
[34] *Id*.

Request No. 15: Admit that in your August 12 voicemail to Mr. Filipiak, you stated you "did not know" what [Homeowners] "were after."

Request No. 16: Admit that in your August 12 voicemail to Mr. Filipiak, you suggested that [Homeowners] may have "made up some contract."

Request No. 17: Admit that in your August 12 voicemail to Mr. Filipiak, you stated that [Homeowner T. G.] "never signed any contract with me."

Request No. 18: Admit that in your August 12 voicemail to Mr. Filipiak, you stated you did not know how [Homeowner T. G.] got a copy of Main Street Exterior LLC's contract.

Request No. 19: Admit that Exhibit C is a true and correct copy of an email you sent to Mr. Filipiak on August 14, 2022.

Request No. 20: Admit that Main Street Exteriors was ordered by a Minnesota district court on January 22, 2024 to reimburse [Homeowners] for their $9,864.90 down payment, plus costs, and interests.

Request No. 21: Admit that the court found [Homeowners] provided proper and timely notice to Main Street Exteriors LLC of their decision to cancel the home repair contract under Minnesota Statute § 325G.08.

Request No. 22: Admit that Exhibit D is a true and correct copy of the Findings of Fact, Conclusions of Law, and Order for Judgment entered by the Court in Court File No. 27-CV- 1778.

Request No. 23: Admit that judgment was entered against Main Street Exteriors LLC and in favor of [Homeowners] for $9,864.90, costs, and interests on February 21, 2024.

Request No. 24: Admit that Exhibit E is a true and correct copy of the Order for Judgment entered by the Court in Court File No. 27-CV-1778.

Request No. 25: Admit that Exhibit F is a true and correct copy of the Notice of Entry of Judgment entered by the Court in Court File No. 27-CV-1778.

Request No. 26: Admit that Main Street Exteriors LLC did not notify the Department of Labor and Industry that it had been named a judgment debtor based upon conduct requiring licensure.

Pursuant to Minn. R. 1400.6100, subp. 2, and .6800, Respondents' answers to the Requests were due on December 18, 2025.[35]

Respondents did not respond to the Requests.[36] On January 13, 2025, counsel for the Department sent Respondents an email advising them of their duty to respond to the Requests and giving them until January 27, 2025, to serve their responses.[37] To date, Respondents have not answered the Requests.[38]

II. Standard of Review

Summary disposition is the administrative law equivalent of summary judgment.[39] A motion for summary disposition shall be granted when there is no genuine issue regarding any material fact, and the moving party is entitled to judgment as a matter of law.[40] The Office of Administrative Hearings follows the summary judgment standards developed in the state district courts when considering motions for summary disposition in contested case matters.

The function of the Administrative Law Judge on a motion for summary disposition, like a trial court's function on a motion for summary judgment, is not to decide issues of fact, but to determine whether genuine, material factual issues exist.[41] The Administrative Law Judge does not weigh the evidence; instead, she views the facts and evidence in a light most favorable to the non-moving party.[42] The facts asserted by the nonmoving party must be taken as true.[43]

The moving party has the initial burden to show the absence of any genuine issue regarding any material fact.[44] A fact is material if its resolution will affect the outcome of the case.[45] If the moving party meets the initial burden, the burden shifts to the non-moving party to prove the existence of any genuine issue of any material fact.[46] A genuine issue is not a "sham or frivolous" one and it cannot rely on mere allegations or

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[35] *Id*. at ¶ 6.
[36] *Id*.
[37] *Id*. at ¶ 7.
[38] *Id*. at ¶ 8.
[39] *Pietsch v. Minnesota Bd. of Chiropractic Exam'rs*, 683 N.W.2d 303, 306 (Minn. 2004); *see also* Minn. R. 1400.5500(K) (2023).
[40] *Sauter v. Sauter*, 70 N.W.2d 351, 353 (Minn. 1955); *Louwagie v. Witco Chemical Corp.*, 378 N.W.2d 63, 66 (Minn. Ct. App. 1985).
[41] *DLH, Inc. v. Russ*, 566 N.W.2d 60, 70 (Minn. 1997).
[42] *Ostendorf v. Kenyon*, 347 N.W.2d 834, 836 (Minn. Ct. App. 1984).
[43] *Electric Fetus Co., Inc. v. City of Duluth,* 547 N.W.2d 448, 451 (Minn. Ct. App. 1996) (citing *Hauser v. Mealey*, 263 N.W.2d 803, 805 n. 1 (Minn.1978)).
[44] *Thiele v. Stich*, 425 N.W.2d 580, 583 (Minn. 1988).
[45] *O'Malley v. Ulland Bros*., 549 N.W.2d 889, 892 (Minn. 1996) (citing *Zappa v. Fahey*, 245 N.W.2d 258, 259-260 (Minn. 1976)).
[46] *Thiele,* 425 N.W.2d at 583.

denials.[47] Instead, a genuine issue requires presentation of specific facts demonstrating a need for resolution in a hearing or trial.[48]

Summary disposition cannot be used as a substitute for a hearing or trial on the facts of a case.[49] Thus, summary disposition is only proper when no fact issues need to be resolved by a hearing.[50]

III. Analysis

The Department argues summary disposition should be granted because there is no genuine issue of material fact in dispute that Respondents provided false, misleading or incomplete information to the Commissioner and failed to notify the Commissioner that they were named a judgment debtor based upon conduct requiring licensure.

Pursuant to Minn. R. 1400.6800, responses to requests for admissions are due within 10 days of receipt of the requests. "Failure to make a written answer within ten days will result in the subject matter of the request being deemed admitted unless it can be shown that there was a justifiable excuse for failing to respond."[51]

The Department served Respondents with the Requests on December 5, 2024. Respondents' answers were due by December 18, 2024. The Department reminded Respondents of their obligation to timely respond to the Requests via email dated January 13, 2025. The Department gave Respondents until January 27, 2025, to respond. To date, Respondents have not answered the Requests for Admission. Respondents have failed to assert a justifiable excuse for their failure to respond. Thus, by operation of Minn. R. 1400.6800, the Requests for Admission are deemed admitted.

The Commissioner is authorized to assess a monetary penalty against a licensee who provides incomplete, false, or misleading information to the Commissioner in connection with activities for which the license was issued.[52] There is no dispute of fact that Respondents provided false or misleading information to the Commissioner in response to the Department's August 11 and 19, 2022, inquiries.

In August 2022, Respondents denied to the Department's inspector any knowledge of the Homeowners, the May 12, 2022, contract, or the receipt of a $9,864.90 down payment. Three months later, Gopaul, on behalf of himself and his company, finally acknowledged the contract with the Homeowners, thereby acknowledging the falsity of the August 2022 representations.[53] Respondents admit: that they entered into a contract for home repairs with Homeowners, that they received $9,864.90 as a downpayment for that contract, that Homeowners subsequently cancelled the contract, that Respondents

[47] *Highland Chateau, Inc. v. Minnesota Dep't of Pub. Welfare*, 356 N.W.2d 804, 808 (Minn. Ct. App. 1984) (citing *A & J Builders, Inc. v. Harms*, 179 N.W.2d 98, 103 (Minn. 1970)).
[48] Minn. R. Civ. P. 56.05.
[49] *Sauter*, 70 N.W.2d at 353.
[50] *Id*.
[51] Minn. R. 1400.6800.
[52] Minn. Stat. §§ 326B.82, .84(14).
[53] Filipiak Decl. at Ex. 5.

denied to the Commissioner knowledge of Homeowners or the contract for home repairs, that Homeowners obtained a judgment for the downpayment in the amount of $9,864.90 plus costs and interest, that Respondents did not notify the Department that it had been named a judgment debtor based upon conduct requiring licensure.[54]

There is also no dispute of material fact that Respondents failed to notify the Commissioner that Main Street was named as a judgment debtor in a judgment entered on February 21, 2024. The basis of the judgment was Respondents' failure to return the $9,864.90 downpayment to the Homeowners.

A licensed contractor is required to notify the Commissioner within 15 days if a judgment has been obtained that is based upon conduct requiring licensure.[55] The failure to notify the Commissioner of a judgment is grounds for discipline, including the imposition of monetary penalties.[56] The facts are undisputed that Respondents failed to notify the Commissioner of the February 21, 2024 judgment, which arose out of a contract to perform home repairs that included roofing and exterior siding.[57] Accordingly, the Department is entitled to summary disposition on this violation as well.

The Department assessed a penalty of $3,000 for the two violations. The Department's Motion is silent as to the reasonableness of the penalty and Respondents did not respond to the Motion to present any argument.

In determining the amount of penalty to impose, the Commissioner is required to consider the willfulness of the violation, the gravity of the violation, the number of violations, the economic benefit gained by the person allowing or committing the violation, and other factors that justice may require.[58] The Commissioner considered the required factors in determining the penalty amount.[59] Respondent has presented no evidence to create a dispute of fact about the Commissioner's consideration of statutory factors in her determination of the penalty amount.

For these reasons, the Administrative Law Judge recommends that the Commissioner grant the Department's Motion.

S. T.

[54] Arnold Decl. at Ex. 3.
[55] Minn. Stat. § 326B.805, subd. 5(c) (2024).
[56] Minn. Stat. § 326B.84 (2024).
[57] Minn. Stat. § 326B.802 (2024).
[58] Minn. Stat. §§ 326B.083, subd. 1, 14.045, subd. 1.
[59] Licensing Order with Penalty (Jun. 20, 2024).