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MAR 18 2026

March 18, 2026

Occupational Safety and
Health Review Board
443 Lafayette Road N.
St. Paul, MN 55155

Department of Labor & Industry
Commissioner's Office

RECEIVED

Re: Commissioner v. M&M Manufacturing, Inc. d/b/a Product Fabricators
Inspection No. 318230935
Response to Petition to Vacate

MAR 20 2026
OCCUPATIONAL SAFETY
AND HEALTH REVIEW BOARD

Dear Occupational Safety and Health Review Board Members:

I am counsel for the Minnesota Occupational Safety and Health Administration Division ("MNOSHA") of the Minnesota Department of Labor and Industry in the above-referenced matter. M&M Manufacturing, Inc. d/b/a Product Fabricators ("Petitioner")¹ has filed a Petition to Vacate the Commissioner's February 17, 2026 Order Determining Late Filing ("Commissioner's Order"). The Petition to Vacate ("Petition") should be denied because (1) the Commissioner correctly determined that the Notice of Contest was late; and (2) because Petitioner has not demonstrated good cause to vacate the Commissioner's Order.

FACTS

On December 2, 2025, MNOSHA inspected Petitioner's worksite located at 1120 Holstein Drive NE, Pine City, Minnesota. On December 12, 2025, MNOSHA issued a Citation and Notification of Penalty ("Citation") for violations of occupational safety and health standards.² The Citation clearly states, in multiple places, that a Notice of Contest must be filed within 20

¹ The Citation and Notification of Penalty refers to Petitioner as "M&M Manufacturing Inc dba Product Fabricators". Petitioner's correct name, including punctuation, is M&M Manufacturing, Inc. d/b/a Product Fabricators, as listed above.

² A copy of the Citation is attached as Exhibit 1.

Equal Opportunity Employer

calendar days of the date of receipt. The first paragraph of the Citation provides the following instruction:

You must abate the violations referred to in this Citation by the dates listed and pay the penalties, *unless within 20 calendar days from your receipt of this Citation you file a Notice of Contest with the Commissioner . . .* Your contestation rights and other employer and employee rights and responsibilities are set out in the first three pages of this Citation. (Emphasis added.)

The following instruction appears on pages two and three of the Citation:

Employer Right to Contest - The employer has the right to a hearing to contest any or all parts of this Citation. If the employer wishes to contest, the employer must fully complete and notarize the attached NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES (Notice of Contest form) and file it with the Commissioner at the address shown on page 1 of this Citation within 20 calendar days of receiving the citation.

Important: To be considered filed, all parts of the Notice of Contest form must be completed and the completed form must be deposited in the United States mail and postmarked, or otherwise timely received by the Commissioner at the above address within 20 calendar days after the date this Citation is received by the employer. You may also file electronically at (contestation.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 the employer fails to file the Notice of Contest form on time, this Citation and Notification of Penalty becomes a final order of the Commissioner which is not subject to review by any court or agency and the Occupational Safety and Health Division may file and enforce the penalty as a district court judgment without further notice or additional proceedings pursuant to Minnesota Statutes § 16D.17.

Petitioner received the Citation on December 16, 2025, as evidenced by United States Postal Service tracking information.³ The Petition also acknowledges that the Petitioner received correspondence from the Department on December 16, 2025. The deadline for filing a Notice of Contest to the Citation was therefore January 5, 2026. *See* Minn. R. 5210.0536, subp. 2. Petitioner did not file its Notice of Contest by that date, so the Citation became a final order of the

³ A copy of the relevant tracking information on file with MNOSHA is attached as Exhibit 2.

Commissioner on January 6, 2026. Petitioner then filed its Notice of Contest by email on January 7, 2026.⁴

On February 17, 2026, Petitioner was served with the Commissioner's Order. The Order determined that Petitioner's Notice of Contest was late. Also, the cover letter to the Commissioner's Order provided Petitioner with information about filing a petition to vacate the determination that the Notice of Contest was late.⁵

Petitioner submitted its Petition to the Board by mail in an envelope postmarked March 3, 2026.⁶ The Petition appears to request that the Commissioner's Order be vacated on the basis that Petitioner's office was open for only seven business days between December 16, 2025 and January 6, 2026, and it generally seeks leniency due to the holidays occurring during that period.

MNOSHA now responds in opposition to the Petition.

ARGUMENT

I. THE NOTICE OF CONTEST WAS LATE.

The Commissioner's Order correctly determined that Petitioner's Notice of Contest was late. Petitioner received the Citation on December 16, 2025. The law requires employers to file a notice of contest within 20 days of receiving a citation. Minn. R. 5210.0536, subp. 2. Petitioner's Notice of Contest was due by January 5, 2026. Petitioner filed the Notice of Contest on January 7, 2026, two days after the deadline. So, the Commissioner's determination that Petitioner's Notice of Contest was late should be affirmed.

II. THE BOARD SHOULD DENY THE PETITION BECAUSE PETITIONER HAS NOT ESTABLISHED GOOD CAUSE.

The Board should deny the Petition because Petitioner has not shown good cause to vacate the Commissioner's Order. Without a showing of good cause, the Board may not vacate a final

⁴ A copy of Petitioner's Notice of Contest is attached as Exhibit 3. No employee or authorized representative of employees filed a Notice of Contest.

⁵ A copy of the Commissioner's Order is attached as Exhibit 4.

⁶ A copy of the Petition is attached as Exhibit 5.

order of the Commissioner. Minn. Stat. § 182.664, subd. 5. And “good cause is limited to fraud, mistake of fact by the commissioner, mistake of law by the commissioner, or newly discovered evidence.” *Id.*

Petitioner does not allege that fraud, a mistake of fact by the Commissioner, a mistake of law by the Commissioner, or newly discovered evidence caused its Notice of Contest to be untimely. Moreover, Petitioner’s reliance on the holiday season does not constitute good cause. Petitioner received the Citation on December 16, 2025, which started the statutory twenty-day period to file a Notice of Contest. The Notice of Contest was therefore due by January 5, 2026. Petitioner acknowledges that its office was open for several different business days during that period. Petitioner could have filed the Notice of Contest on any one of those days.

Further, Minnesota law already accounts for how holidays affect filing deadlines in these circumstances. If a deadline to file a notice of contest falls on a legal holiday, the deadline extends to the next day that is not a Saturday, Sunday, or legal holiday. Minn. R. 5210.0007, subp. 3. January 5 and January 6, 2026 were not legal holidays in Minnesota. Minn. Stat. § 645.44, subd. 5. Accordingly, there is no legal basis to extend Petitioner’s deadline to file a notice of contest from January 5, 2026 to January 7, 2026. The law already addresses the concerns Petitioner raises with respect to holidays, and the relief Petitioner seeks from the Board is inconsistent with that law.

MNOSHA gave clear instructions on how to contest the Citation, so Petitioner’s failure to timely file the Notice of Contest “can only logically be construed as negligent and undeserving of pardon.” *Secretary of Labor v. Barretto Granite Corp.*, 830 F.2d 396, 400 (1st Cir. 1987). Mere carelessness or negligence does not constitute good cause to vacate a final order of the Commissioner. *See Secretary of Labor v. Keefe Earth Boring Co.*, 14 O.S.H. Cas. (BNA) 2187, 2192 (Rev. Comm. 1991). In sum, Petitioner has not established good cause to vacate the Commissioner’s Order through the existence of fraud, any mistake in law or fact by the Commissioner, or any newly discovered evidence. The Petition should be denied.

OSH Review Board
RE: Commissioner v. M&M Manufacturing, Inc.
d/b/a Product Fabricators

CONCLUSION

For the reasons stated above, the Petition to Vacate should be denied. Petitioner is served with a copy of this letter as stated in the enclosed Certificate of Service.

Respectfully submitted,

/s/ Ali P. Afsharjavan
ALI P. AFSHARJAVAN
Attorney Reg. No. 0397357
Office of General Counsel
Minnesota Department of Labor and Industry
(651) 284-5019 (main)
(651) 284-5725 (fax)

COUNSEL FOR RESPONDENT

Enclosures

cc: Petitioner M&M Manufacturing, Inc. d/b/a Product Fabricators
James Krueger, MNOSHA

Minnesota Department of Labor and Industry
Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307
Phone: 651-284-5050 FAX: 651-284-5741

Citation and Notification of Penalty

To:
M&M Manufacturing Inc dba Product Fabricators
1120 Holstein Dr NE
Pine City, MN 55063

Inspection Number: 318230935
CSHO ID: N2104
Optional Report No.: 10825
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025

Inspection Site:
1120 Holstein Dr NE
Pine City, MN 55063

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Minnesota Occupational Safety and Health Act of 1973 (the Act). The penalty amounts listed herein are based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation you file a Notice of Contest with the Commissioner of the Department of Labor and Industry. Your contestation rights and other employer and employee rights and responsibilities are set out in the first three pages of this Citation. The description of alleged violations begins on page 5 of this Citation.

EMPLOYER AND EMPLOYEE RIGHTS AND RESPONSIBILITIES

Posting - The Act requires that a copy of this Citation shall be promptly posted at or near each place that an alleged violation referred to in the citation occurred or, if not practicable, in a prominent place where it will be readily visible by all affected employees. If uncontested, this Citation must remain posted until all alleged violations cited therein are corrected, or for 20 days, whichever is longer. If contested, this Citation must remain posted until the contestation is resolved.

Penalty Payment - Payment of all penalties is to be made by check or money order payable to "Minnesota Department of Labor and Industry, MNOSHA", and remitted to the Occupational Safety and Health Division at 443 Lafayette Rd N, St. Paul, MN, 55155-4301, within 20 calendar days following receipt of this Citation. After 60 days, unpaid penalties shall increase 25 percent and shall accrue an additional interest of 10 percent per month compounded monthly until the fine is paid in full.

Effective August 1, 2003, the minimum \$25,000 penalty issued to employers with fewer than 50 employees for serious citations connected to the death of an employee may be made in five payments of \$5,000. The first \$5,000 payment is due within 20 calendar days following receipt of this Citation. The 2nd-5th payments of \$5,000 are due on the next four anniversary dates of this Citation becoming a Final Order. The Commissioner may elect to waive the 2nd-5th \$5,000 payment if in the preceding year the employer receives no citations. MNOSHA will provide written notice of the 2nd-5th payments dates or of any penalty waiver.

Notification of Corrective Action - Progress reports on correction of alleged violations not immediately abated as observed by the occupational safety and health investigator shall be submitted on the Progress Report form provided with this Citation. Written progress reports must be mailed to the address shown on the top of page 1 of this Citation by the latest abatement date on the citation, or within 30 days after receipt of the citation, whichever is earlier. Reports must state the specific corrective action taken on each cited item, the date of such action and the anticipated abatement date of uncompleted items. Additional written progress reports shall be submitted every thirty days until the items are fully abated. Facsimile (FAX) transmittal is acceptable.

All alleged violations not contested must be corrected by the abatement date specified in this Citation. A followup inspection may be made for the purpose of ascertaining that the employer has corrected the alleged violations and posted this Citation as required by the Act. Failure to correct an alleged violation by the abatement date on this Citation may result in further penalties for each day the alleged violation has not been corrected.

Petition for Modification of Abatement Date (PMA) - If, due to factors beyond reasonable control, compliance cannot be achieved by the abatement day on the citation, the employer may file a Petition for Modification of Abatement Date (PMA) to obtain an extension of the abatement time period. The PMA must be in writing and received at the address shown on the top of page 1 of this Citation prior to the expiration of the abatement date on the citation. Facsimile (FAX) transmittal of a PMA is acceptable. A copy of the PMA must be posted for ten days in the location where this Citation is posted. A copy of the PMA must also be served upon authorized employee representatives.

The employer's written petition must describe:

- 1) The action that has been taken so far to achieve compliance;
- 2) The amount of additional time needed for compliance;
- 3) The reasons why additional time is needed;
- 4) A description of the interim steps that will be taken to safeguard employees against the cited hazard;
- 5) A statement that employees have been notified of the PMA filing.

Employees have the right to file a written objection to the Commissioner regarding the employer's PMA request. A copy of the objection must be served on the employer within 10 days of the employer's posting of the PMA. The employee objection must be received by the Commissioner within 15 days of the employer's PMA request. Facsimile (FAX) transmittal is acceptable.

Employer Right to Contest - The employer has the right to a hearing to contest any or all parts of

this Citation. If the employer wishes to contest, the employer must fully complete and notarize the attached NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES (Notice of Contest form) and file it with the Commissioner at the address shown on the top of page 1 of this Citation within 20 calendar days of receiving the citation.

Important: To be considered filed, all parts of the Notice of Contest form must be completed and the completed form must be deposited in the United States mail and postmarked, or otherwise timely received by the Commissioner at the above address within 20 calendar days after the date this Citation is received by the employer. You may also file electronically at (contestation.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 the employer fails to file the Notice of Contest form on time, this Citation and Notification of Penalty becomes a final order of the Commissioner which is not subject to review by any court or agency and the Occupational Safety and Health Division may file and enforce the penalty as a district court judgment without further notice or additional proceedings pursuant to Minnesota Statute § 16D.17.

Employee Right to Contest - An employee or authorized representative of employees has the right to a hearing to contest this Citation by filing a letter with the Commissioner of the Department of Labor and Industry at the address shown on page 1 within 20 calendar days of the employer's receipt of this Citation.

Important: To be considered filed, an employee letter of contest must be deposited in the United States mail and postmarked, or otherwise timely received by the Commissioner at the above address within 20 calendar days after the date this Citation is received by the employer. You may also file electronically at (contestation.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 the employee fails to file a letter of contest on time, this Citation and Notification of Penalty becomes a final order of the Commissioner which is not subject to review by any court or agency and the Occupational Safety and Health Division may file and enforce the penalty as a district court judgment without further notice or additional proceedings pursuant to Minnesota Statute § 16D.17.

Employee Right to Party Status - Affected employees or their authorized employee representatives may elect to participate as parties in the formal contested case hearing by filing written notice with the Commissioner at the address shown above at least 45 days before the start of the hearing. The notice must contain the employees' names, addresses, authorized employee representatives, if any, and a statement that they are affected employees of the cited employer.

Employer Discrimination Unlawful - Employees who believe that they have been discharged or otherwise discriminated against by any person because the employees have exercised any right authorized under the provisions of Minnesota Statutes §§ 182.65 to 182.674, may, within 30 days after such alleged discrimination occurs, file a complaint with the Commissioner of the Department of Labor and Industry at the address shown above, alleging the discriminatory act.

PENALTY INFORMATION

Types of Violations - There are 5 types of violations that may be cited by MNOSHA. They are: Nonserious, Serious, Willful, Repeat and Failure to Abate.

Penalties - In cases not involving the death of an employee, the law allows the following maximum penalties: Nonserious, \$16,550; Serious, \$16,550; Willful, \$165,514; Repeat, \$165,514; and Failure to Abate, \$16,550 per day the violation remains unabated. If a Willful or Repeat violation caused or contributed to the death of an employee, however, MNOSHA is compelled by law to assess the employer a total non-negotiable penalty of at least \$50,000 for all citations connected to the employee's death. If there are no Willful or Repeat violations among the violations that caused or contributed to the employee's death, MNOSHA must assess the employer a non-negotiable penalty of at least \$25,000 for each citation connected to the employee's death. The following violations are not subject to these minimums and will be processed according to MNOSHA's ordinary penalty system: (a) any serious violations issued to an employer with fewer than 50 employees when the victim of a workplace fatality owned a controlling interest in the business unless the Commissioner determines that a fine shall be assessed, and (b) any violations found during a fatality investigation but determined not to be connected to the death of an employee.

Credits - A penalty for a violation may be credited by as much as 95 percent, depending on the employer's good faith (up to 30%), size of business (up to 55%), and previous violation history (up to 10%). The penalties which appear on the Citation and Notification of Penalty have been reduced by the credits described.

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 318230935
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025
OSHI ID: N2104
Optional Report No.: 10825

Citation and Notification of Penalty

Company Name:
dba Product Fabricators

M&M Manufacturing Inc

Inspection Site: 1120 Holstein Dr NE, Pine City, MN 55063

Citation 01 Item 001

Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

Equipment-specific energy control procedures were not developed, documented, and utilized for employees who performed maintenance and tooling changes on press brakes.

Abatement Guidelines: Procedures shall be developed, documented, and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including but not limited to the following:

- 1) A specific statement of the intended use of the procedures;
- 2) Specific procedural steps for shutting down, isolation, blocking, and securing machines or equipment to control hazardous energy;
- 3) Specific procedural steps for the placement, removal, and transfer of lockout devices or tagout devices and the responsibility for them; and

- 4) Specific requirement for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

Date By Which Violation Must Be Abated: 1/9/2026
Penalty: \$1,800.00

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 318230935
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025
OSHI ID: N2104
Optional Report No.: 10825

Citation and Notification of Penalty

Company Name: M&M Manufacturing Inc
dba Product Fabricators
Inspection Site: 1120 Holstein Dr NE, Pine City, MN 55063

Citation 01 Item 002

Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

Equipment specific energy control procedures were not periodically inspected at least annually for the press brakes.

Date By Which Violation Must Be Abated: 1/9/2026
Penalty: \$1,500.00

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 318230935
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025
OSHI ID: N2104
Optional Report No.: 10825

Citation and Notification of Penalty

Company Name:
dba Product Fabricators

M&M Manufacturing Inc

Inspection Site: 1120 Holstein Dr NE, Pine City, MN 55063

Citation 01 Item 003

Type of Violation: **Serious**

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure: 1) that the purpose and function of the energy control program was understood by the employees and 2) that the knowledge and skills required for the safe application, usage and removal of the energy controls was acquired by the employees:

The employer did not provide lockout/tagout training to employees exposed to the unexpected release of hazardous energy while conducting tooling changes on press brakes.

Date By Which Violation Must Be Abated:
Penalty:

1/9/2026
\$1,800.00

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 318230935
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025
OSHI ID: N2104
Optional Report No.: 10825

Citation and Notification of Penalty

Company Name: M&M Manufacturing Inc
dba Product Fabricators
Inspection Site: 1120 Holstein Dr NE, Pine City, MN 55063

Citation 02 Item 001

Type of Violation: **NonSerious**

29 CFR 1910.305(g)(1)(iv): Flexible cords and cables were used for purposes prohibited by subparagraphs (a) through (f) of this paragraph:

A flexible cord was used as a substitute for fixed wiring of the receptacle at the laser computer station.

Date By Which Violation Must Be Abated: 12/26/2025
Penalty: \$300.00

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 318230935
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025
OSHI ID: N2104
Optional Report No.: 10825

Citation and Notification of Penalty

Company Name: M&M Manufacturing Inc
dba Product Fabricators
Inspection Site: 1120 Holstein Dr NE, Pine City, MN 55063

Citation 02 Item 002

Type of Violation: **NonSerious**

29 CFR 1910.334(a)(2)(ii): When there was a defect or evidence of damage that could expose an employee to injury, the defective or damaged item was not removed from service until the repairs and tests necessary to render the electric equipment safe had been made:

Electrical cord powering the receptacle at the laser computer station was damaged, had not been inspected, and was left in service in a damaged condition.

Date By Which Violation Must Be Abated: 12/26/2025
Penalty: \$300.00

Nicole Blissenbach, Commissioner
MN Department of Labor and Industry

USPS Tracking®

FAQs >

Tracking Number:

Remove X

9589071052700398805567

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 1:47 pm on December 16, 2025 in PINE CITY, MN 55063.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Feedback

Delivered

Delivered, Left with Individual

PINE CITY, MN 55063

December 16, 2025, 1:47 pm

In Transit to Next Facility

December 15, 2025

Arrived at USPS Regional Facility

SAINT PAUL MN DISTRIBUTION CENTER

December 14, 2025, 4:02 pm

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



**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	OSHI ID	Optional Report No.:
Employer's Name and Mailing Address: Josh Volk, Plant Manager M&M Manufacturing Inc dba Product Fabricators 1120 Holstein Dr NE Pine City, MN 55063 318230935 N2104 10825		

JAN 7 2025

MINNESOTA OSH DIVISION

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 contestation.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. The abatement date is the deadline to correct the violation and has no effect on the contestation deadline.
- Check the box PENALTY if you wish to contest the amount of the penalty.

Revised 11/25

EXHIBIT 3

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	☒ Citation	☐ Type of Violation	☐ Abatement Date	☒ Penalty
01	002	☒ Citation	☐ Type of Violation	☐ Abatement Date	☒ Penalty
01	003	☒ Citation	☐ Type of Violation	☐ Abatement Date	☒ Penalty
		☐ Citation	☐ Type of Violation	☐ Abatement Date	☐ Penalty
		☐ Citation	☐ Type of Violation	☐ Abatement Date	☐ Penalty
		☐ Citation	☐ Type of Violation	☐ Abatement Date	☐ Penalty

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

SEE ATTACHMENT : REASONS FOR CONTEST

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 12/15/25 (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.

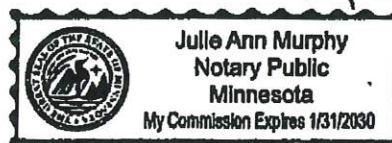
I SWEAR THAT THE INFORMATION PROVIDED ON THIS FORM AND ATTACHED TO THIS FORM IS ACCURATE AND TRUTHFUL TO THE BEST OF MY KNOWLEDGE.

State of MN County of Chicago

Mike Murphy President 320-964-1600
Name of Employer Representative, Title Phone

Mike Murphy 1/7/26
Signature Date

Subscribed and sworn to before me
this 7th day of January 2026
Notary Public Julie Murphy
My Commission expires 1/31/2030



M&M Manufacturing, Inc.
DBA: Product Fabricators
1120 Holstein Dr. NE
Pine City, MN 55063

Inspection Number: 318230935
OSHI ID: N2104
Optional Report No.: 10825
Inspection Date(s): 12/02/2025
Issuance Date: 12/12/2025

NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES – REASONS FOR CONTEST

Citation 01 Item 001 – 29 CFR 1910.147(c)(4)(i)

Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities: Maintenance and Tooling Changes

Maintenance: We do have a Lock Out Tag Out (LOTO) procedure for these machines. I explained to the OSHA inspectors that we use LOTO with a plug cover or LOTO the service box to the machine and document.

Tooling Changes: I have contacted the manufacturer/vendor of our press brakes, and they have never heard of LOTO practices during tool changes. They also provided information about the safety devices that are incorporated into the press brakes.

Our Baykal's and Prima Power Electric were purchased and manufactured with light curtains. The press brakes will not move if the light curtains are inoperable or the light beam has been crossed. The light curtains are a constant safety feature in set up, tool changes, and maintenance.

The Prima electric press brake uses a spring pack to hold the ram up and is only released upon depressing the foot pedal (the pedal has a safety spring inside; if depressed unexpectedly too hard, the machine will alarm and must be reset).

The hydraulic press brakes are all the same brand "Baykal". The Baykal's have a "hold up valve" and is only released upon depressing the foot pedal (the pedals have a safety spring inside; if depressed unexpectedly too hard, the machine will alarm and must be reset).

Contest:

Maintenance: We do indeed have a Lock Out/Tag Out Program for performing maintenance, and employees have been trained on the program.

Tooling Changes: Product Fabricators and our manufacturers/vendors and trainers agree that the press brakes we have are safe to be left on during tooling changes. I have spoken with our manufacturers/vendors and trainers regarding this LOTO procedure during tooling changes and they haven't heard of it or believe it is necessary.

I made it known on the day of inspection I believe this procedure is validated for a Punch Press, not Press Brakes. Two different machines.

We contest that this is a serious violation as we are doing lock out/tag out procedures during maintenance and it is not needed during tooling changes.

Citation 01 Item 002 - 29 CFR 1910.147(c)(6)(i)

The employer did not conduct periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard are being followed.

Contest:

We have a written LOTO program/procedure for all our machines. All of these press brake machines are the same and locking them out is the same. We have had these machines for years and the procedures do not change. The procedures are reviewed every time a machine is locked out.

We contest that this is a serious violation as we are doing lock/out tag out procedures and find this citation redundant of Citation 01 Item 001.

Citation 01 Item 003 - 29 CFR 1910.147(c)(7)(i)

The employer did not provide training to ensure: 1) that the purpose and function of the energy control program was understood by the employees and 2) that the knowledge and skills required for the safe application, usage and removal of the energy controls was acquired by the employees. *The employer did not provide lockout/tagout training to employees exposed to the unexpected release of hazardous energy while conducting tooling changes on press brakes.*

Contest:

As argued in Citation 01 Item 001, we believe these procedures regarding tool changes are for press punch machines, not press brake machines. It is our operator experience and equipment manufacturers opinion that it is safer to perform tool changes while the machine is on rather than shut down and some instances not even feasible to change a tool without power to the machine. These press brake machines have the proper safety features to control the energy during tooling changes. Please see attached email from Manufacturers/Vendors about the safety features.

Hence, we do not believe that training to lockout machines during tool changes is necessary.

We believe these citations are unwarranted and redundant, as all three of these "serious" violations are regarding the same one issue of lockout during tool changes. We have been visited by OSHA many times throughout the years and never once has an inspector brought up hazardous energy and LOTO on tooling changes for the press brakes.



Press brake - Blue Prima Power

From Mike Murphy <michael@productfab.com>

Date Mon 12/22/2025 12:50 PM

To sarah.kickbusch@state.mn.us <sarah.kickbusch@state.mn.us>

 [IMG_1714.jpg](#)

From: Josh Volk <josh@productfab.com>

Sent: Tuesday, December 16, 2025 3:51 PM

To: Julie Murphy <julie@productfab.com>; Mike Murphy <michael@productfab.com>

Subject: FW: Press brake

From: Michael Jones <michael.jones@primapower.com>

Sent: Thursday, December 4, 2025 4:22 PM

To: Josh Volk <josh@productfab.com>

Subject: Press brake

Hello Josh,

You ask that I send you an email concerning installing tools into the press brake. The way that the press brake works is the resting point for the Upper beam is top dead center. The spring packs hold the beam up. The only way for the beam to move down is when the foot pedal is depressed. If you press the estop on the control, you cannot activate the foot pedal. Maybe if you explained this to the inspector and offered to engage the estop that would eliminate you having to completely power off the machine and lock it out to change the tooling. I apologize I do not have a better answer, but I have never heard of having to deenergize and lock out a press brake to change tooling.



Michael Jones
Bending Coordinator

michael.jones@primapower.com

t-847-952-6500

C-847-809-8648

**Prima Power North America
555 W. Algonquin Rd. Arlington Heights, IL 60005**



Prima Power is the Machinery Division of Prima Industrie Group.

This e-mail and any attachments are confidential and may contain privileged information intended for the addressee(s) only. Distribution, copying, printing or use by anybody else is unauthorized. If you are not the intended recipient, please delete this message and any attachments and advise the sender by return e-mail. Before printing this e-mail, assess if it is really needed.



Fw: baykal question

From Josh Volk <josh@productfab.com>
Date Mon 12/22/2025 12:27 PM
To Mike Murphy <michael@productfab.com>

Get Outlook for iOS

From: Chris Garrett <cgarrett@fab-line.com>
Sent: Monday, December 22, 2025 12:17:01 PM
To: Josh Volk <josh@productfab.com>
Cc: pfmike.anderson@outlook.com <pfmike.anderson@outlook.com>
Subject: RE: baykal question

Josh and Mike,

No, we do not require nor train operators to lock out and tag out a machine for tool changes. You can see from the hydraulic diagram snapshot below, that you have a "Hold Up Valve" that holds pressure to the bottom of each cylinder. I circled this valve in RED.

This prevents any movement so long as the down pedal is not pressed. FURTHERMORE, even if the down pedal is pressed in a situation like this, you have safety light curtains/lasers that will still prevent ram movement during tool change.



FLM FAB-LINE MACHINERY™
www.fab-line.com

Thank you
Josh

Jones, Tonya (DLI)

From: Kickbusch, Sarah (She/Her/Hers) (DLI)
Sent: Wednesday, January 7, 2026 11:19 AM
To: Jones, Tonya (DLI)
Subject: FW: Osha Citation 318230935
Attachments: OSHA Citation Progress Report-Notice of Contest - 1.07.2026.pdf

Tonya,

Are you able to separate this pdf into the progress report and the notice of contest for the file? He said he sent it to the contestation email as well.

Sarah

From: Mike Murphy <michael@productfab.com>
Sent: Wednesday, January 7, 2026 11:16 AM
To: Kickbusch, Sarah (She/Her/Hers) (DLI) <sarah.kickbusch@state.mn.us>
Subject: Osha Citation 318230935

You don't often get email from michael@productfab.com. [Learn why this is important](#)

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.

Good morning Sarah,

I went to contestation.dli@state.mn.us and it downloaded the contestation form. The only problem I see with this form is notarizing the form. I have attached everything I want to submit. Please let me know if this will suffice. If not, please point me in the right direction.

Thanks,

Mike Murphy

www.Productfab.com

Direct: 320-964-1600

Cell: 651-248-7371



PRODUCT
FABRICATORS

From: Julie Murphy <julie@productfab.com>
Sent: Tuesday, January 6, 2026 7:41 PM
To: Mike Murphy <michael@productfab.com>
Subject:

Thanks,

Julie Murphy, CPA

CFO/HR Director

Julie@ProductFab.com

320-964-1601 – Direct

651-674-0007 - Main



PRODUCT
FABRICATORS

1120 Holstein Dr. N.E.
Pine City, MN 55063
(651) 674-0007

February 17, 2026

Mike Murphy
M&M Manufacturing, Inc.
d/b/a Product Fabricators
1120 Holstein Dr NE
Pine City, MN 55063

M&M Manufacturing, Inc.
d/b/a Product Fabricators
1120 Holstein Drv NE
Pine City, MN 55063

Re: M&M Manufacturing, Inc. d/b/a Product Fabricators
Inspection No. 318230935

ORDER DETERMINING LATE FILING

Dear Mr. Murphy:

The Department has issued an 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 Order Determining Late Filing. The procedures for filing a Petition to Vacate are explained in Minnesota Statutes section 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 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 Order. The Board may only vacate this 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

STATE OF MINNESOTA

DEPARTMENT OF LABOR
AND INDUSTRY

Nicole Blissenbach, Commissioner,
Minnesota Department of Labor and Industry,

Complainant,

ORDER DETERMINING
LATE FILING

v.

M&M Manufacturing, Inc. d/b/a Product Fabricators,

Inspection No. 318230935

Respondent.

On December 12, 2025, the Occupational Safety and Health Division, on behalf of Nicole Blissenbach, Commissioner, Minnesota Department of Labor and Industry, issued a Citation and Notification of Penalty ("Citation") in this inspection. Exhibit A. United States Postal Service tracking information indicates that M&M Manufacturing, Inc., d/b/a Product Fabricators ("Respondent")¹ received the Citation on December 16, 2025. Exhibit B. On January 7, 2026, the Department of Labor and Industry received a copy of the Notice of Contest and Service to Affected Employees ("Notice of Contest") form via email.² Exhibit C. The Notice of Contest seeks to contest Citation 1, Items 1–3. It does not seek to contest Citation 2, Items 1–2.

Minnesota Statutes section 182.661, subdivisions 1 and 3b, and Minnesota Rules, part 5210.0007, require that a notice of contest and certification of service be filed on a form provided by the commissioner and postmarked, faxed, emailed, or hand-delivered within twenty (20) calendar days from the date the Citation was received. This requirement is clearly stated in both the Citation and the Notice of Contest form. Respondent did not properly file a completed Notice of Contest within the 20-day time period, so the Notice of Contest was late. As a result, pursuant to Minnesota Statutes section 182.661, subdivision 1, and Minnesota Rules, part 5210.0536, subpart 2, the Citation, in its entirety, became a final order of the Commissioner on January 6, 2026.

Dated: February 17, 2026

/s/ Ali P. Afsharjavan
ALI P. AFSHARJAVAN
Attorney Reg. No. 0397357
Department of Labor and Industry
Office of General Counsel
443 Lafayette Road N.
St. Paul, Minnesota 55155

¹ The Citation and Notification of Penalty refers to Respondent as "M&M Manufacturing Inc dba Product Fabricators". Respondent's correct name, including punctuation, is M&M Manufacturing, Inc. d/b/a Product Fabricators, as captioned above.

² The date stamp on the Notice of Contest mistakenly says "Jan 7 2025". As shown by an email in Exhibit C, the Notice of Contest was emailed to the Department on January 7, 2026.

Minnesota Department of Labor and Industry
Occupational Safety and Health Division
443 Lafayette Road
St. Paul, MN 55155-4307
Phone: 651-284-5050 FAX: 651-284-5741

Citation and Notification of Penalty

To:
M&M Manufacturing Inc dba Product Fabricators
1120 Holstein Dr NE
Pine City, MN 55063

Inspection Number: 318230935
CSHO ID: N2104
Optional Report No.: 10825
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025

Inspection Site:
1120 Holstein Dr NE
Pine City, MN 55063

The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.

This Citation and Notification of Penalty (this Citation) describes violations of the Minnesota Occupational Safety and Health Act of 1973 (the Act). The penalty amounts listed herein are based on these violations. You must abate the violations referred to in this Citation by the dates listed and pay the penalties, unless within 20 calendar days from your receipt of this Citation you file a Notice of Contest with the Commissioner of the Department of Labor and Industry. Your contestation rights and other employer and employee rights and responsibilities are set out in the first three pages of this Citation. The description of alleged violations begins on page 5 of this Citation.

EMPLOYER AND EMPLOYEE RIGHTS AND RESPONSIBILITIES

Posting - The Act requires that a copy of this Citation shall be promptly posted at or near each place that an alleged violation referred to in the citation occurred or, if not practicable, in a prominent place where it will be readily visible by all affected employees. If uncontested, this Citation must remain posted until all alleged violations cited therein are corrected, or for 20 days, whichever is longer. If contested, this Citation must remain posted until the contestation is resolved.

Penalty Payment - Payment of all penalties is to be made by check or money order payable to "Minnesota Department of Labor and Industry, MNOSHA", and remitted to the Occupational Safety and Health Division at 443 Lafayette Rd N, St. Paul, MN, 55155-4301, within 20 calendar days following receipt of this Citation. After 60 days, unpaid penalties shall increase 25 percent and shall accrue an additional interest of 10 percent per month compounded monthly until the fine is paid in full.

Effective August 1, 2003, the minimum \$25,000 penalty issued to employers with fewer than 50 employees for serious citations connected to the death of an employee may be made in five payments of \$5,000. The first \$5,000 payment is due within 20 calendar days following receipt of this Citation. The 2nd-5th payments of \$5,000 are due on the next four anniversary dates of this Citation becoming a Final Order. The Commissioner may elect to waive the 2nd-5th \$5,000 payment if in the preceding year the employer receives no citations. MNOSHA will provide written notice of the 2nd-5th payments dates or of any penalty waiver.

Notification of Corrective Action - Progress reports on correction of alleged violations not immediately abated as observed by the occupational safety and health investigator shall be submitted on the Progress Report form provided with this Citation. Written progress reports must be mailed to the address shown on the top of page 1 of this Citation by the latest abatement date on the citation, or within 30 days after receipt of the citation, whichever is earlier. Reports must state the specific corrective action taken on each cited item, the date of such action and the anticipated abatement date of uncompleted items. Additional written progress reports shall be submitted every thirty days until the items are fully abated. Facsimile (FAX) transmittal is acceptable.

All alleged violations not contested must be corrected by the abatement date specified in this Citation. A followup inspection may be made for the purpose of ascertaining that the employer has corrected the alleged violations and posted this Citation as required by the Act. Failure to correct an alleged violation by the abatement date on this Citation may result in further penalties for each day the alleged violation has not been corrected.

Petition for Modification of Abatement Date (PMA) - If, due to factors beyond reasonable control, compliance cannot be achieved by the abatement day on the citation, the employer may file a Petition for Modification of Abatement Date (PMA) to obtain an extension of the abatement time period. The PMA must be in writing and received at the address shown on the top of page 1 of this Citation prior to the expiration of the abatement date on the citation. Facsimile (FAX) transmittal of a PMA is acceptable. A copy of the PMA must be posted for ten days in the location where this Citation is posted. A copy of the PMA must also be served upon authorized employee representatives.

The employer's written petition must describe:

- 1) The action that has been taken so far to achieve compliance;
- 2) The amount of additional time needed for compliance;
- 3) The reasons why additional time is needed;
- 4) A description of the interim steps that will be taken to safeguard employees against the cited hazard;
- 5) A statement that employees have been notified of the PMA filing.

Employees have the right to file a written objection to the Commissioner regarding the employer's PMA request. A copy of the objection must be served on the employer within 10 days of the employer's posting of the PMA. The employee objection must be received by the Commissioner within 15 days of the employer's PMA request. Facsimile (FAX) transmittal is acceptable.

Employer Right to Contest - The employer has the right to a hearing to contest any or all parts of

this Citation. If the employer wishes to contest, the employer must fully complete and notarize the attached NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES (Notice of Contest form) and file it with the Commissioner at the address shown on the top of page 1 of this Citation within 20 calendar days of receiving the citation.

Important: To be considered filed, all parts of the Notice of Contest form must be completed and the completed form must be deposited in the United States mail and postmarked, or otherwise timely received by the Commissioner at the above address within 20 calendar days after the date this Citation is received by the employer. You may also file electronically at (contestation.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 the employer fails to file the Notice of Contest form on time, this Citation and Notification of Penalty becomes a final order of the Commissioner which is not subject to review by any court or agency and the Occupational Safety and Health Division may file and enforce the penalty as a district court judgment without further notice or additional proceedings pursuant to Minnesota Statute § 16D.17.

Employee Right to Contest - An employee or authorized representative of employees has the right to a hearing to contest this Citation by filing a letter with the Commissioner of the Department of Labor and Industry at the address shown on page 1 within 20 calendar days of the employer's receipt of this Citation.

Important: To be considered filed, an employee letter of contest must be deposited in the United States mail and postmarked, or otherwise timely received by the Commissioner at the above address within 20 calendar days after the date this Citation is received by the employer. You may also file electronically at (contestation.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 the employee fails to file a letter of contest on time, this Citation and Notification of Penalty becomes a final order of the Commissioner which is not subject to review by any court or agency and the Occupational Safety and Health Division may file and enforce the penalty as a district court judgment without further notice or additional proceedings pursuant to Minnesota Statute § 16D.17.

Employee Right to Party Status - Affected employees or their authorized employee representatives may elect to participate as parties in the formal contested case hearing by filing written notice with the Commissioner at the address shown above at least 45 days before the start of the hearing. The notice must contain the employees' names, addresses, authorized employee representatives, if any, and a statement that they are affected employees of the cited employer.

Employer Discrimination Unlawful - Employees who believe that they have been discharged or otherwise discriminated against by any person because the employees have exercised any right authorized under the provisions of Minnesota Statutes §§ 182.65 to 182.674, may, within 30 days after such alleged discrimination occurs, file a complaint with the Commissioner of the Department of Labor and Industry at the address shown above, alleging the discriminatory act.

PENALTY INFORMATION

Types of Violations - There are 5 types of violations that may be cited by MNOSHA. They are: Nonserious, Serious, Willful, Repeat and Failure to Abate.

Penalties - In cases not involving the death of an employee, the law allows the following maximum penalties: Nonserious, \$16,550; Serious, \$16,550; Willful, \$165,514; Repeat, \$165,514; and Failure to Abate, \$16,550 per day the violation remains unabated. If a Willful or Repeat violation caused or contributed to the death of an employee, however, MNOSHA is compelled by law to assess the employer a total non-negotiable penalty of at least \$50,000 for all citations connected to the employee's death. If there are no Willful or Repeat violations among the violations that caused or contributed to the employee's death, MNOSHA must assess the employer a non-negotiable penalty of at least \$25,000 for each citation connected to the employee's death. The following violations are not subject to these minimums and will be processed according to MNOSHA's ordinary penalty system: (a) any serious violations issued to an employer with fewer than 50 employees when the victim of a workplace fatality owned a controlling interest in the business unless the Commissioner determines that a fine shall be assessed, and (b) any violations found during a fatality investigation but determined not to be connected to the death of an employee.

Credits - A penalty for a violation may be credited by as much as 95 percent, depending on the employer's good faith (up to 30%), size of business (up to 55%), and previous violation history (up to 10%). The penalties which appear on the Citation and Notification of Penalty have been reduced by the credits described.

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 318230935
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025
OSHI ID: N2104
Optional Report No.: 10825

Citation and Notification of Penalty

Company Name:
dba Product Fabricators

M&M Manufacturing Inc

Inspection Site: 1120 Holstein Dr NE, Pine City, MN 55063

Citation 01 Item 001

Type of Violation: **Serious**

29 CFR 1910.147(c)(4)(i): Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by this section:

Equipment-specific energy control procedures were not developed, documented, and utilized for employees who performed maintenance and tooling changes on press brakes.

Abatement Guidelines: Procedures shall be developed, documented, and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

The procedures shall clearly and specifically outline the scope, purpose, authorization, rules, and techniques to be utilized for the control of hazardous energy, and the means to enforce compliance including but not limited to the following:

- 1) A specific statement of the intended use of the procedures;
 - 2) Specific procedural steps for shutting down, isolation, blocking, and securing machines or equipment to control hazardous energy;
 - 3) Specific procedural steps for the placement, removal, and transfer of lockout devices or tagout devices and the responsibility for them; and
-

- 4) Specific requirement for testing a machine or equipment to determine and verify the effectiveness of lockout devices, tagout devices, and other energy control measures.

Date By Which Violation Must Be Abated:

1/9/2026

Penalty:

\$1,800.00

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 318230935
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025
OSHI ID: N2104
Optional Report No.: 10825

Citation and Notification of Penalty

Company Name: M&M Manufacturing Inc
dba Product Fabricators
Inspection Site: 1120 Holstein Dr NE, Pine City, MN 55063

Citation 01 Item 002 Type of Violation: **Serious**

29 CFR 1910.147(c)(6)(i): The employer did not conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard were being followed:

Equipment specific energy control procedures were not periodically inspected at least annually for the press brakes.

Date By Which Violation Must Be Abated: 1/9/2026
Penalty: \$1,500.00

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 318230935
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025
OSHI ID: N2104
Optional Report No.: 10825

Citation and Notification of Penalty

Company Name:
dba Product Fabricators

M&M Manufacturing Inc

Inspection Site: 1120 Holstein Dr NE, Pine City, MN 55063

Citation 01 Item 003

Type of Violation: **Serious**

29 CFR 1910.147(c)(7)(i): The employer did not provide training to ensure: 1) that the purpose and function of the energy control program was understood by the employees and 2) that the knowledge and skills required for the safe application, usage and removal of the energy controls was acquired by the employees:

The employer did not provide lockout/tagout training to employees exposed to the unexpected release of hazardous energy while conducting tooling changes on press brakes.

Date By Which Violation Must Be Abated:
Penalty:

1/9/2026
\$1,800.00

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 318230935
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025
OSHI ID: N2104
Optional Report No.: 10825

Citation and Notification of Penalty

Company Name:
dba Product Fabricators

M&M Manufacturing Inc

Inspection Site: 1120 Holstein Dr NE, Pine City, MN 55063

Citation 02 Item 001

Type of Violation: **NonSerious**

29 CFR 1910.305(g)(1)(iv): Flexible cords and cables were used for purposes prohibited by subparagraphs (a) through (f) of this paragraph:

A flexible cord was used as a substitute for fixed wiring of the receptacle at the laser computer station.

Date By Which Violation Must Be Abated:
Penalty:

12/26/2025
\$300.00

Minnesota
Department of Labor and Industry
Occupational Safety and Health Division

Inspection Number: 318230935
Inspection Date(s): 12/2/2025
Issuance Date: 12/12/2025
OSHI ID: N2104
Optional Report No.: 10825

Citation and Notification of Penalty

Company Name:
dba Product Fabricators

M&M Manufacturing Inc

Inspection Site: 1120 Holstein Dr NE, Pine City, MN 55063

Citation 02 Item 002

Type of Violation: **NonSerious**

29 CFR 1910.334(a)(2)(ii): When there was a defect or evidence of damage that could expose an employee to injury, the defective or damaged item was not removed from service until the repairs and tests necessary to render the electric equipment safe had been made:

Electrical cord powering the receptacle at the laser computer station was damaged, had not been inspected, and was left in service in a damaged condition.

Date By Which Violation Must Be Abated:
Penalty:

12/26/2025
\$300.00

Nicole Blissenbach, Commissioner
MN Department of Labor and Industry

USPS Tracking®

FAQs >

Tracking Number:

Remove X

9589071052700398805567

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered to an individual at the address at 1:47 pm on December 16, 2025 in PINE CITY, MN 55063.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

PINE CITY, MN 55063

December 16, 2025, 1:47 pm

In Transit to Next Facility

December 15, 2025

Arrived at USPS Regional Facility

SAINT PAUL MN DISTRIBUTION CENTER

December 14, 2025, 4:02 pm

Hide Tracking History

Feedback

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



EXHIBIT B

**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	OSHI ID	Optional Report No.:
Employer's Name and Mailing Address: Josh Volk, Plant Manager M&M Manufacturing Inc dba Product Fabricators 1120 Holstein Dr NE Pine City, MN 55063 318230935 N2104 10825 JAN 7 2025		

NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES MINNESOTA OSH DIVISION

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 contestatn.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. The abatement date is the deadline to correct the violation and has no effect on the contestation deadline.
- Check the box PENALTY if you wish to contest the amount of the penalty.

Revised 11/25

EXHIBIT C

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	☒ Citation	☐ Type of Violation	☐ Abatement Date	☒ Penalty
01	002	☒ Citation	☐ Type of Violation	☐ Abatement Date	☒ Penalty
01	003	☒ Citation	☐ Type of Violation	☐ Abatement Date	☒ Penalty
		☐ Citation	☐ Type of Violation	☐ Abatement Date	☐ Penalty
		☐ Citation	☐ Type of Violation	☐ Abatement Date	☐ Penalty
		☐ Citation	☐ Type of Violation	☐ Abatement Date	☐ Penalty

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

SEE ATTACHMENT : REASONS FOR CONTEST

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 12/15/25 (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.

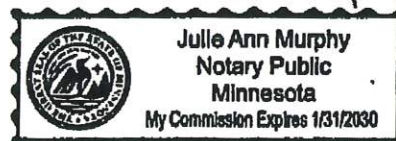
I SWEAR THAT THE INFORMATION PROVIDED ON THIS FORM AND ATTACHED TO THIS FORM IS ACCURATE AND TRUTHFUL TO THE BEST OF MY KNOWLEDGE.

State of MN County of Chicago

Mike Murphy President 320-964-1600
Name of Employer Representative, Title Phone

Mike Murphy 1/7/26
Signature Date

Subscribed and sworn to before me
this 7th day of January 2026
Notary Public Julie Murphy
My Commission expires 1/31/2030



M&M Manufacturing, Inc.
DBA: Product Fabricators
1120 Holstein Dr. NE
Pine City, MN 55063

Inspection Number: 318230935
OSHA ID: N2104
Optional Report No.: 10825
Inspection Date(s): 12/02/2025
Issuance Date: 12/12/2025

NOTICE OF CONTEST AND SERVICE TO AFFECTED EMPLOYEES – REASONS FOR CONTEST

Citation 01 Item 001 – 29 CFR 1910.147(c)(4)(i)

Procedures were not developed, documented and utilized for the control of potentially hazardous energy when employees were engaged in activities: Maintenance and Tooling Changes

Maintenance: We do have a Lock Out Tag Out (LOTO) procedure for these machines. I explained to the OSHA inspectors that we use LOTO with a plug cover or LOTO the service box to the machine and document.

Tooling Changes: I have contacted the manufacturer/vendor of our press brakes, and they have never heard of LOTO practices during tool changes. They also provided information about the safety devices that are incorporated into the press brakes.

Our Baykal's and Prima Power Electric were purchased and manufactured with light curtains. The press brakes will not move if the light curtains are inoperable or the light beam has been crossed. The light curtains are a constant safety feature in set up, tool changes, and maintenance.

The Prima electric press brake uses a spring pack to hold the ram up and is only released upon depressing the foot pedal (the pedal has a safety spring inside; if depressed unexpectedly too hard, the machine will alarm and must be reset).

The hydraulic press brakes are all the same brand "Baykal". The Baykal's have a "hold up valve" and is only released upon depressing the foot pedal (the pedals have a safety spring inside; if depressed unexpectedly too hard, the machine will alarm and must be reset).

Contest:

Maintenance: We do indeed have a Lock Out/Tag Out Program for performing maintenance, and employees have been trained on the program.

Tooling Changes: Product Fabricators and our manufacturers/vendors and trainers agree that the press brakes we have are safe to be left on during tooling changes. I have spoken with our manufacturers/vendors and trainers regarding this LOTO procedure during tooling changes and they haven't heard of it or believe it is necessary.

I made it known on the day of inspection I believe this procedure is validated for a Punch Press, not Press Brakes. Two different machines.

We contest that this is a serious violation as we are doing lock out/tag out procedures during maintenance and it is not needed during tooling changes.

Citation 01 Item 002 - 29 CFR 1910.147(c)(6)(i)

The employer did not conduct periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirement of this standard are being followed.

Contest:

We have a written LOTO program/procedure for all our machines. All of these press brake machines are the same and locking them out is the same. We have had these machines for years and the procedures do not change. The procedures are reviewed every time a machine is locked out.

We contest that this is a serious violation as we are doing lock/out tag out procedures and find this citation redundant of Citation 01 Item 001.

Citation 01 Item 003 - 29 CFR 1910.147(c)(7)(i)

The employer did not provide training to ensure: 1) that the purpose and function of the energy control program was understood by the employees and 2) that the knowledge and skills required for the safe application, usage and removal of the energy controls was acquired by the employees. *The employer did not provide lockout/tagout training to employees exposed to the unexpected release of hazardous energy while conducting tooling changes on press brakes.*

Contest:

As argued in Citation 01 Item 001, we believe these procedures regarding tool changes are for press punch machines, not press brake machines. It is our operator experience and equipment manufacturers opinion that it is safer to perform tool changes while the machine is on rather than shut down and some instances not even feasible to change a tool without power to the machine. These press brake machines have the proper safety features to control the energy during tooling changes. Please see attached email from Manufacturers/Vendors about the safety features.

Hence, we do not believe that training to lockout machines during tool changes is necessary.

We believe these citations are unwarranted and redundant, as all three of these "serious" violations are regarding the same one issue of lockout during tool changes. We have been visited by OSHA many times throughout the years and never once has an inspector brought up hazardous energy and LOTO on tooling changes for the press brakes.



Press brake - Blue Prima Power

From: Mike Murphy <michael@productfab.com>

Date: Mon 12/22/2025 12:50 PM

To: sarah.kickbusch@state.mn.us <sarah.kickbusch@state.mn.us>

 [IMG_1714.jpg](#)

From: Josh Volk <josh@productfab.com>

Sent: Tuesday, December 16, 2025 3:51 PM

To: Julie Murphy <julie@productfab.com>; Mike Murphy <michael@productfab.com>

Subject: FW: Press brake

From: Michael Jones <michael.jones@primapower.com>

Sent: Thursday, December 4, 2025 4:22 PM

To: Josh Volk <josh@productfab.com>

Subject: Press brake

Hello Josh,

You ask that I send you an email concerning installing tools into the press brake. The way that the press brake works is the resting point for the Upper beam is top dead center. The spring packs hold the beam up. The only way for the beam to move down is when the foot pedal is depressed. If you press the estop on the control, you cannot activate the foot pedal. Maybe if you explained this to the inspector and offered to engage the estop that would eliminate you having to completely power off the machine and lock it out to change the tooling. I apologize I do not have a better answer, but I have never heard of having to deenergize and lock out a press brake to change tooling.



Michael Jones
Bending Coordinator

michael.jones@primapower.com

t-847-952-6500

C-847-809-8648

**Prima Power North America
555 W. Algonquin Rd. Arlington Heights, IL 60005**



Prima Power is the Machinery Division of Prima Industrie Group.

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Fw: baykal question

From Josh Volk <josh@productfab.com>
Date Mon 12/22/2025 12:27 PM
To Mike Murphy <michael@productfab.com>

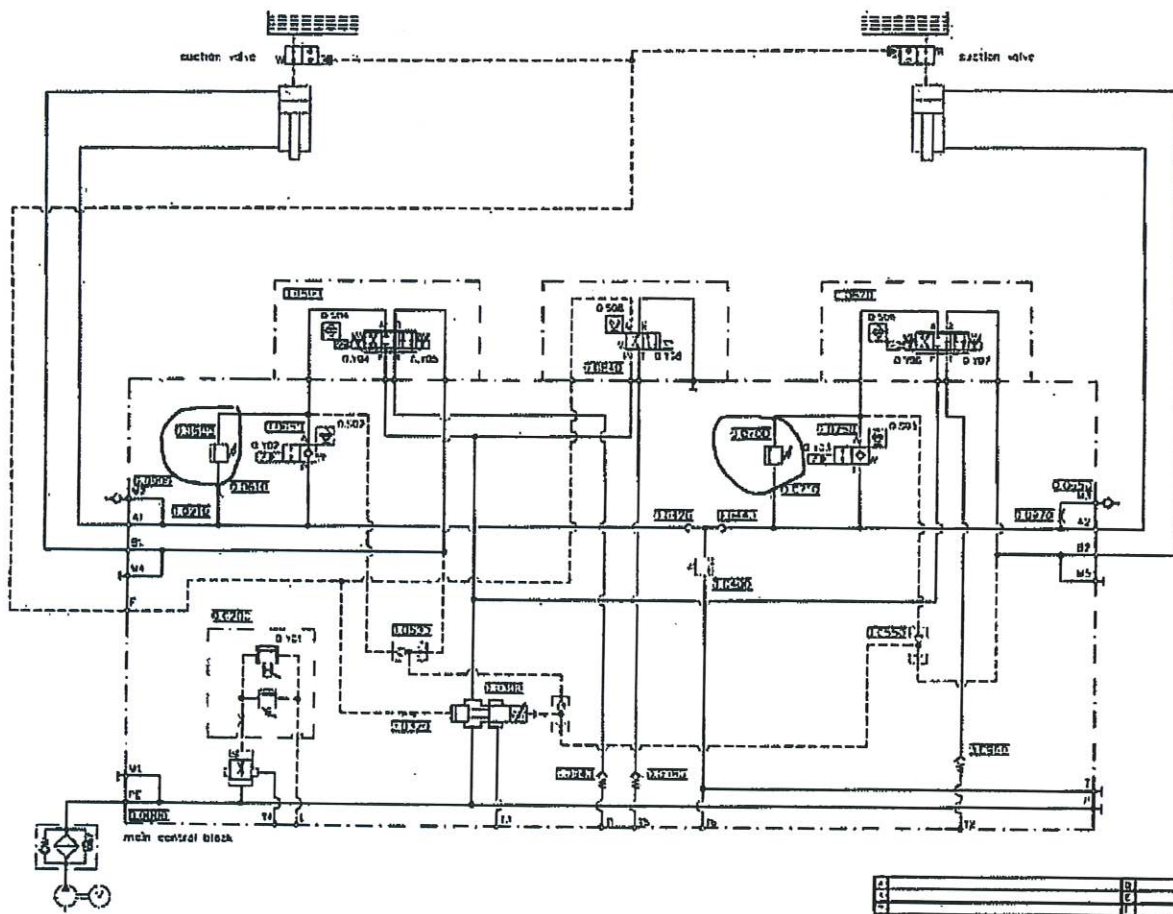
Get Outlook for iOS

From: Chris Garrett <cgarrett@fab-line.com>
Sent: Monday, December 22, 2025 12:17:01 PM
To: Josh Volk <josh@productfab.com>
Cc: pfmike.anderson@outlook.com <pfmike.anderson@outlook.com>
Subject: RE: baykal question

Josh and Mike,

No, we do not require nor train operators to lock out and tag out a machine for tool changes. You can see from the hydraulic diagram snapshot below, that you have a "Hold Up Valve" that holds pressure to the bottom of each cylinder. I circled this valve in RED.

This prevents any movement so long as the down pedal is not pressed. FURTHERMORE, even if the down pedal is pressed in a situation like this, you have safety light curtains/lasers that will still prevent ram movement during tool change.



Hope this helps!
Thanks,



Chris Garrett
Service Department Manager
Cell: (615)545-6870
Office: (888)317-3615 ext1
Email: cgarrett@fab-line.com
7126 Loblolly Pine Blvd.
Fairview, TN 37062

From: Josh Volk <josh@productfab.com>
Sent: Tuesday, December 2, 2025 2:35 PM
To: Chris Garrett <cgarrett@fab-line.com>
Subject: baykal question

Good afternoon Chris.

I have an interesting question about changing tools in the machine not in the computer. I was informed today that we should be shutting the machine down and locking it out when we change tools in the machine. Do you know anything about this? Do you guys train people to do this now?

Thank you
Josh

Jones, Tonya (DLI)

From: Kickbusch, Sarah (She/Her/Hers) (DLI)
Sent: Wednesday, January 7, 2026 11:19 AM
To: Jones, Tonya (DLI)
Subject: FW: Osha Citation 318230935
Attachments: OSHA Citation Progress Report-Notice of Contest - 1.07.2026.pdf

Tonya,

Are you able to separate this pdf into the progress report and the notice of contest for the file? He said he sent it to the contestation email as well.

Sarah

From: Mike Murphy <michael@productfab.com>
Sent: Wednesday, January 7, 2026 11:16 AM
To: Kickbusch, Sarah (She/Her/Hers) (DLI) <sarah.kickbusch@state.mn.us>
Subject: Osha Citation 318230935

You don't often get email from michael@productfab.com. [Learn why this is important](#)

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.

Good morning Sarah,

I went to contestation.dli@state.mn.us and it downloaded the contestation form. The only problem I see with this form is notarizing the form. I have attached everything I want to submit. Please let me know if this will suffice. If not, please point me in the right direction.

Thanks,

Mike Murphy

www.Productfab.com

Direct: 320-964-1600

Cell: 651-248-7371



PRODUCT
FABRICATORS

From: Julie Murphy <julie@productfab.com>
Sent: Tuesday, January 6, 2026 7:41 PM
To: Mike Murphy <michael@productfab.com>
Subject:

Thanks,

Julie Murphy, CPA

CFO/HR Director

Julie@ProductFab.com

320-964-1601 – Direct

651-674-0007 - Main



PRODUCT
FABRICATORS
1120 Holden Dr. N.E.
Pine City, MN 55063
(651) 674-0007

Certificate of Service

I, Alyssa Westergard, hereby declare that in the City of St. Paul, County of Ramsey and State of Minnesota on the 17th day of February, 2026, I served the attached ORDER DETERMINING LATE FILING by depositing in the United States mail with postage prepaid, a true and accurate copy of it, properly enveloped, and addressed to:

Mike Murphy
M&M Manufacturing, Inc.
d/b/a Product Fabricators
1120 Holstein Dr NE
Pine City, MN 55063

M&M Manufacturing, Inc.
d/b/a Product Fabricators
1120 Holstein Drv NE
Pine City, MN 55063

I am signing this document in Ramsey County, Minnesota on the 17th day of February, 2026. Pursuant to Minn. Stat. § 358.116, I declare under penalty of perjury that everything I have stated in this document is true and correct.

Alyssa Westergard
Alyssa Westergard

M&M Manufacturing, Inc.
DBA: Product Fabricators
1120 Holstein Dr. NE
Pine City, MN 55063

Inspection Number: 318230935
OSHI ID: N2104
Optional Report No.: 10825
Inspection Date(s): 12/02/2025
Issuance Date: 12/12/2025

Petition to Vacate this Order Determining Late Filing

- 3/2/2026

MAR 10 2026

Dear Peggy Charpentier,

MINNESOTA OSH DIVISION

I have received a letter from the Department of Labor and Industry regarding my contestation.

I received a letter from The Department of Labor and Industry on 12/16/25 and I emailed my contestation letter on 1/6/26. I am asking for leniency due to the holidays. My office was only open for 7 business days from 12/16/25-1/6/26.

Thank you for your consideration in this matter,



Mike Murphy

www.Productfab.com

Direct: 320-964-1600



PRODUCT
FABRICATORS

m DEPARTMENT OF
LABOR AND INDUSTRY

February 17, 2026

Mike Murphy
M&M Manufacturing, Inc.
d/b/a Product Fabricators
1120 Holstein Dr NE
Pine City, MN 55063

M&M Manufacturing, Inc.
d/b/a Product Fabricators
1120 Holstein Drv NE
Pine City, MN 55063

Re: M&M Manufacturing, Inc. d/b/a Product Fabricators
Inspection No. 318230935
ORDER DETERMINING LATE FILING

Dear Mr. Murphy:

The Department has issued an 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 Order Determining Late Filing. The procedures for filing a Petition to Vacate are explained in Minnesota Statutes section 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 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 Order. The Board may only vacate this 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



**PRODUCT
FABRICATORS**
1120 Holstein Dr. N.E.
Pine City, MN 55063
(651) 674-0007



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Occupational Safety and Health
Division
Department of Labor & Industry
443 Lafayette Road N.
St. Paul, MN 55155

55155-430799



Certificate of Service

1. I, MICHAEL GRAY, hereby declare that in the City of St. Paul, County of Ramsey and State of Minnesota on the 18th day of March, 2026, I served the attached RESPONSE TO PETITION TO VACATE in the United States mail with postage prepaid, a true and accurate copy of it, properly enveloped, and addressed to:

Mike Murphy
M&M Manufacturing, Inc.
d/b/a Product Fabricators
1120 Holstein Dr NE
Pine City, MN 55063

M&M Manufacturing, Inc.
d/b/a Product Fabricators
1120 Holstein Drv NE
Pine City, MN 55063

2. I, MICHAEL GRAY, hereby declare that at the City of St. Paul, Ramsey County, and State of Minnesota, on the 18th day of March, 2026, I served the attached RESPONSE TO PETITION TO VACATE upon Carey Wagner, on behalf of Peggy Charpentier, Executive Secretary to the OSH Review Board, by personally handing and leaving with her a true and correct copy thereof.

I am signing this document in Ramsey County, Minnesota on the 18th day of March, 2026. Pursuant to Minn. Stat. § 358.116, I declare under penalty of perjury that everything I have stated in this document is true and correct.

Michael Gray
Michael Gray