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RECEIVED
MAY 29 2026
OCCUPATIONAL SAFETY
AND HEALTH REVIEW BOARD

May 26, 2026

VIA U.S. MAIL
Peggy Charpentier
Executive Secretary, OSH Review Board
443 Lafayette Road N.
St. Paul, MN 55155

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

On behalf of Pye-Barker Fire & Safety, LLC ("Respondent"), I submit the following enclosures:

- Petition to Vacate Order Determining Late Filing
- Declaration of Janell Stanton In Support of Petition to Vacate
- Declaration of Jay Lindholm In Support of Petition to Vacate
- Declaration of Kelly Swiecinski In Support of Petition to Vacate

Sincerely,

s/ Janell M. Stanton

Janell M. Stanton
Attorney
612.787.3509 Direct
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STATE OF MINNESOTA DEPARTMENT OF LABOR AND INDUSTRY

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

Complainant,

PETITION TO VACATE ORDER DETERMINING LATE FILING

v.

Pye-Barker Fire & Safety, LLC,

Respondent.

Inspection No.: 318232725

This Petition is brought pursuant to Minnesota Statutes section 182.664, subdivision 5, and Minnesota Rules parts 5215.0700 and 5215.5350, which authorize the OSH Review Board (the "Board") to vacate a final order upon a showing of good cause, including mistake of fact or law.

I. RELIEF REQUESTED

Respondent respectfully requests that the Board enter an Order (i) vacating the Commissioner's Order Determining Late Filing dated April 23, 2026 (the "Order"); (ii) deeming Respondent's Notice of Contest to be timely filed, or, in the alternative, permitting the Notice of Contest to proceed notwithstanding the alleged late filing so that this matter may be resolved on its merits; and (iii) granting such other and further relief as the Board deems just, equitable, and appropriate under the circumstances.

II. PARTIES

Respondent, Pye-Barker Fire & Safety, LLC, is an employer subject to the jurisdiction of Minnesota OSHA ("MNOSHA") and the Board.

The Complainant is the Commissioner of Labor and Industry, acting through MNOSHA.

At the time of filing this Petition, Respondent is not aware of any individual or entity that has sought or intends to seek intervenor status in this matter.

III. TIMELINESS OF PETITION

The Commissioner issued the Order on April 23, 2026. Respondent received the Order by mail on April 28, 2026. Respondent files this Petition within the time prescribed by Minnesota

Rule 5215.5350 and is therefore timely. Respondent has acted diligently in seeking review immediately upon receipt of the Commissioner's determination.

IV. FACTUAL BACKGROUND

Respondent seeks vacatur of the Order on the grounds that the Order is affected by both mistake of fact and mistake of law by the Commissioner.

On December 18, 2025, Edmund "Eddie" Hulet, a Safety Investigator with MNOSHA Compliance ("Hulet") conducted an inspection of Respondent's Apple Valley location. Following the December inspection, on January 7, 2026, Hulet held a teleconference with Jay Lindholm, Respondent's Sprinkler Division Manager ("Lindholm"), who works onsite at Respondent's Apple Valley location, to discuss the inspection. Hulet followed up the phone call with an email requesting a copy of Respondent's Hazard Communication/Employee Right to know training and the AWAIR program. (Lindholm Decl., Ex. A). In this email, Hulet indicated if he could get that documentation, he could "close out the inspection. (*Id.*)

After Lindholm sent the responsive documents to Hulet by email on January 15, 2026, the Company was expecting to be contacted by Hulet to set up a date and time for the closing conference. But the Company never again heard from Investigator Hulet. Instead, on February 10, 2026, the Company received a Citation and Notification of Penalty ("Citation") dated February 4, 2026, in the mail from MNOSHA. (Lindholm Decl., Ex. B). The Citation included an alleged Serious violation for failure to provide a written Workplace Accident and Injury Reduction ("AWAIR") Program for review.

Critically, as of the date of receipt of the Citation, MNOSHA had not held a closing conference with the Company, nor had MNOSHA ever attempted to arrange for the scheduling of the closing conference with the Company. Moreover, as of the date of receipt of the Citation, neither Inspector Hulet, nor anyone else from MNOSHA had discussed with the Company the procedures or time limits for contesting a Citation.

The fourth page of the Citation packet received by the Company was the "Notice of Contest and Service to Affected Employees" form. The form included instructions on how to file the Notice of Contest. For example, the instructions at the bottom of the page under the heading of "How to Contest the Citation and Notification of Penalty" stated as follows:

> ***Indicate 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.

(Stanton Decl., Ex A., referred to hereinafter as the "Contest Election and Certification Form".)

While the instructions clearly referenced boxes that the Company needed to complete on "the next page," the Contest Election and Certification Form, was missing from the Citation packet that had been received by the Company. This was not something that Lindholm or anyone from the Company was aware of, so the absence of the second page of the form created confusion and made it impossible for the Company to complete and submit the required forms with the Citation packet MNOSHA provided. The Company cannot be expected to fill out and submit something that it was not provided with.

Unbeknownst to the Company at the time, the Contest Election and Certification Form is the portion of the form that must be filled out by an Employer seeking to contest a Citation. A copy of the second page of the form that was not included in the Citation packet sent to the Company is attached hereto. (Stanton Decl., Ex. A).

The page of the form that was missing (Stanton Decl., Ex. A) in the Citation package provided to the Company is where the Company would have filled out the Citation Number and Item Number that they want to contest. (*Id.*) The Company would then check a box to indicate if they want to contest the Citation, Type of Violation, Abatement Date, and/or Penalty and would be required to describe the reason for contest on the form. The next section would have required the Company to certify that it posted and served the form, while the final section required the form to be signed and sworn before a notary public.

The Company intended to contest the Citation, including its classification as "Serious." The Company did not intend to contest the amount of the fine ($350.00) or the Abatement Date. Accordingly, on February 19, 2026, Kelly Swiecinski, an EHS Manager in Respondent's corporate office ("Swiecinski") submitted the mandatory progress report and paid the $350.00 fine. (Swiecinski Decl., Ex. A). In late March 2026, the Company retained counsel to assist in contesting the Citation.

On April 3, 2026, the Company, through Counsel, filed a Notice of Contest with MNOSHA. The Company's correspondence recognized that it was seeking to file the Notice of Contest late, as it was not filed within 20 days of the Company's receipt of the Citation packet on February 10, 2026. However, the Company respectfully requested that MNOSHA accept the late Notice of Contest due to the extenuating circumstances caused by: (1) The Investigator's failure

to hold a closing conference, and (2) the fact that the Company was not provided the appropriate Notice of Contest form in the Citation packet received on February 10, 2026.

On April 23, 2026, the Minnesota Department of Labor and Industry ("Department") issued an Order denying the Company's request to accept the late Notice of Contest. The Company now files this Petition to Vacate the April 23, 2026, Order and requests that the OSH Review Board ("Board") find that the Company's Notice to Contest should be processed in the normal course despite being filed late.

VI. ARGUMENT

Minnesota Rule 5215.5350 permits the Board to vacate a final order of the Commissioner upon a showing of good cause. Minnesota statute defines good cause as, among other things, "mistake of fact by the commissioner, mistake of law by the commissioner" Minn. Stat. § 182.664, Subd. 5(c). Respondent establishes both grounds here.

A. Mistake of Fact

It is undisputed that the Company's Notice of Contest was filed more than 20 days after receipt of the Citation on February 10, 2026. The Company understands that in most cases, that would be grounds for MNOSHA to deny the Notice of Contest as untimely. However, the Order Determining Late Filing ("Order") in this matter rests on two mistakes of fact insofar as it treats the late filing as dispositive without regard to whether MNOSHA provided Respondent with adequate notice of its rights and a fair opportunity to file a timely Notice of Contest.

While the Citation packet was received by the Company on February 10, 2026, the Order disregards two material facts: (a) the Citation was issued without the Company having received a closing conference, and (b) the Citation packet was incomplete and failed to include the relevant page of the Notice of Contest form that the Company was required to fill out and send back within the required 20 day timeframe.

MNOSHA's own procedures manual (Minnesota OSHA Workplace Inspections) makes it clear that at the conclusion of every inspection, the investigator shall conduct a closing conference with the employer and authorized representative. (Stanton Decl., Ex. B). The purpose of the closing conference is to discuss all unsafe or unhealthy conditions observed during the inspection and indicate violations for which a Citation may be issued. The closing conference is where the Company is verbally informed of its contestation rights and the right to have the abatement date extended. While these rights are also described in writing in the Notice of Contest, for non-lawyers, it is extremely helpful to be able to hear the details and time limits involved with contesting a Citation directly from the Investigator. It provides an opportunity to ask questions if these procedures are not clear. The Company did not have that opportunity here. While Investigator Hulet alluded to the fact that a closing conference would occur in his January 7, 2026, email, he never reached out to schedule a closing conference prior to the issuance of the Citation.

Secondly, the Citation packet that MNOSHA mailed to the Company was incomplete because it omitted the second page of the Notice of Contest—the form the Company is required to complete and return to initiate a challenge. While the first page provides instructions and identifies the applicable deadlines, the Contest Election and Certification Form is the operative document, containing the contest election options, required explanation, employee posting attestation, and notarized oath. MNOSHA's failure to include this required form deprived the Company of the ability to submit a valid contest. As a result, the Company did not receive a complete Citation packet, and the 20-day contest period did not begin to run.

The facts concerning the lack of a closing conference and the absence of the complete Notice of Contest form were presented to the Department when the Company filed its late Notice of Contest on April 3, 2026. The Order, however, completely disregards and fails to address the facts raised by the Company concerning these two issues. The Order is based solely upon the date that the Citation packet was received (February 10) and the date that the Notice of Contest was filed (April 3) without consideration of any other facts. As such, the Company asserts that the Order was premised on mistakes of fact. The Department was required to consider the additional facts concerning the lack of a closing conference and the incomplete Notice of Contest form. It was required to determine whether those additional facts resulted in unfairness to the Company such that it should accept the late filed Notice of Contest or, in the alternative, whether the 20-day time limit should even begin to run when the Citation package was missing such a critical page of the Notice of Contest form.

Based on the foregoing, the Board must vacate the Order, as the Order was premised upon mistakes of fact, and the Company should be able to proceed on the late filed Notice of Contest.

B. Mistake of Law

Independently, the Order rests on a mistake of law because it treats the undisputed procedural deficiencies as legally sufficient notice and process.

First, MNOSHA procedure contemplates that a closing conference will be held at the conclusion of an investigation, during which the investigator explains the apparent violations, discusses their classification and proposed penalties, and affords the employer an opportunity to provide additional information relevant to the cited conditions. Minn. Admin. Rule § 5210.0470 Subp. 5. The closing conference also serves as a critical point at which the employer is informed of its rights and obligations with respect to contesting a citation. *See* https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-inspection-process; Stanton Decl. Ex. B.

Absent this closing conference, Respondent was not provided the customary and expected explanation of the alleged violations, their classification, the available response options, or the steps necessary to preserve its right to contest. This omission deprived Respondent of a

key procedural safeguard designed to ensure that employers are able to understand and meaningfully exercise their rights.

The closing conference is not optional. It is a required part of the MNOSHA inspection process. MNOSHA should not be able to unilaterally decide to dispense with its obligation to hold a closing conference without consequence. The Company recognizes now that the timelines for contesting the Citation were contained in writing in the Citation and that the Company inadvertently failed to comply with those time limits due to failure to read the fine print closely enough. However, there is a reason that MNOSHA's procedures require a closing conference. There is a reason that during the closing conference, the Inspector goes over the procedures for contesting the Citation and the time limits. It is because hearing those procedures and time limits verbally from MNOSHA and getting an opportunity to ask questions and seek clarification of the procedures during the closing conference is an important element of the procedural process. The Company asserts that it would not have filed its Notice of Contest late had it received these procedural safeguards.

The failure of MNOSHA to hold a closing conference, which would have allowed the Company to hear directly from the Investigator as to the procedures and time limits for filing the Notice of Contest is a material procedural defect. The Order's failure to address this material procedural defect after it was raised by the Company was mistake of law that requires the Order to be vacated. Any other result would be creating new legal precedent whereby the Department could determine, on case-by-case basis, which employers it would offer a closing conference to. It would essentially mean that the closing conference has become optional because MNOSHA has no consequences whether or not it holds a closing conference.

MNOSHA's failure to include the portion of the Notice of Contest form that the Company was required to fill out is similarly a material procedural defect. If the Department is providing a form that the Company is required to complete and return within 20 days, it must actually provide the Company with the complete form. It makes no sense to require a form to be completed within a specified timeframe, but have no consequence for failing to actually provide the compete form to the Company. The individuals handling the MNOSHA inspection for the Company, such as Jay Lindholm, are not lawyers and cannot be expected to recognize that the form was incomplete and to contact MNOSHA to request them to send the missing page so it could be filled out. No employer should be expected to have to do this.

In this case, MNOSHA provided only the instructions page of the Notice of Contest form. The second page, the portion that the Company would need to fill out and return within 20 days, was not provided to the Company at any point in time. This was a material procedural defect in the process. It would be completely irrational and unfair to hold the Company to a 20-day deadline for filing a form that MNOSHA never provided to them.

The Order's failure to address this material procedural defect even after it was raised by the Company in their April 3, 2026, correspondence constitutes a mistake of law that requires the

Order to be vacated. Any other result would mean that MNOSHA could determine, on a case-by-case basis, which employers they send the Notice of Contest form to and that those employers lucky enough to be selected as worthy of receiving a complete form would have greater rights to contest than those that are not provided a complete form.

The Company respectfully requests that the Order be vacated by the Board due to the above-described material procedural mistakes by MNOSHA. It should be noted that the Company is not seeking to vacate the Citation in this Petition. Rather, the Company only seeks to have the late Notice of Contest accepted so that the Company can pursue its legal rights to challenge the Citation on its merits.

C. Prejudice and Effect of the Order

The Commissioner's Order forecloses any opportunity for Respondent to challenge the Citation, permanently binding Respondent to a serious violation without substantive review. Treating that result as the product of legally sufficient process constitutes a mistake of law under Minn. Stat. § 182.664, subd. 5. This prejudice is severe and final—the functional equivalent of dismissal with prejudice.

Where procedural irregularities merely affect the manner in which a case proceeds, relief may be limited. However, where, as here, those irregularities operate to entirely extinguish a party's right to be heard, they rise to the level of fundamental due process violations. In *Keefe v. Cargill, Inc.*, the Minnesota Court of Appeals stated, "[d]ismissal of proceedings is an extremely harsh sanction, particularly where, as here, dismissal follows a minor infraction of a procedural rule." *Keefe v. Cargill, Inc.*, 393 N.W.2d 425 427 (Minn. Ct. App. 1986).

The Court in *Keefe* cited extensively to *Firoved v. General Motors Corp.*, 277 Minn. 278, 152 N.W.2d 364 (1967). In that case, the Minnesota Supreme Court emphasized that "[a]n order of dismissal on procedural grounds runs counter to the primary objective of the law to dispose of cases on the merits." *Id.* at 283, 152 N.W.2d at 368. The Court further observed that because dismissal "operates as an adjudication on the merits, it is the most punitive sanction which can be imposed for noncompliance with the rules" and "should therefore be granted only under exceptional circumstances." *Id.* Although *Firoved* addressed dismissal in the context of judicial proceedings, the *Keefe* court specifically found that the reasoning is equally persuasive in the administrative setting. *Keefe*, 393 N.W.2d at 427.

Here, the sanction imposed by the Order is precisely the type disfavored by *Firoved* and *Keefe*: Respondent is denied any opportunity to be heard due to procedural deficiencies that were not of its making. Treating such circumstances as sufficient to bar a contest is legal error and therefore satisfies the "mistake of law" standard under section 182.664, subdivision 5. At the same time, the assumption that Respondent was properly informed reflects a corresponding mistake of fact.

Under these circumstances, good cause exists to vacate the Order Determining Late Filing. Vacatur will restore Respondent's ability to exercise its statutory right to contest and allow the matter to be resolved on its merits. By contrast, denying relief would impose a permanent and unreviewable consequence based on a process that did not provide basic procedural safeguards.

VII. ORAL ARGUMENT

Respondent requests the Board schedule oral argument pursuant to Minn. Stat. § 182.664, subd. 3. Oral argument will assist the Board in clarifying the factual record and legal arguments, and will aid in the fair and efficient resolution of this matter.

VIII. CONCLUSION

For all of the foregoing reasons, Respondent respectfully requests that the Board vacate the Commissioner's Order Determining Late Filing dated April 23, 2026, deem the Notice of Contest timely or otherwise allow the contest to proceed on its merits, and grant such further relief as is just and equitable.

Dated: May 26, 2026

JACKSON LEWIS P.C.

s/ Janell Stanton

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ATTORNEY FOR RESPONDENT

4917-7824-0683

STATE OF MINNESOTA	DEPARTMENT OF LABOR AND INDUSTRY
Nicole Blissenbach, Commissioner, Minnesota Department of Labor and Industry, Complainant, v. Pye-Barker Fire & Safety, LLC, Respondent.	Inspection No.: 318232725 **DECLARATION OF JANELL STANTON IN SUPPORT OF RESPONDENT'S PETITION TO VACATE ORDER DETERMINING LATE FILING**

STATE OF MINNESOTA)
) ss
COUNTY OF HENNEPIN)

NOW COMES the Affiant, Janell Stanton, being first duly sworn under oath, states as follows:

1. I am counsel for Respondent, Pye-Barker Fire & Safety, LLC ("Respondent"), in this matter.

2. I represent employers in matters involving Minnesota OSHA ("MNOSHA") citations and enforcement proceedings. Through this work, I am familiar with the standard Citation packet issued by MNOSHA, including the "Notice of Contest and Service to Affected Employees" form and its associated pages.

3. In or around late March 2026, Respondent retained Jackson Lewis to provide legal advice and representation in connection with the Citation, including its intended contest of the Citation and the classification of the alleged violation.

4. Respondent provided Jackson Lewis with a copy of the Citation packet it had received from MNOHA in connection with this matter.

5. Upon review of the Citation packet provided by Respondent, it was apparent that the Citation packet was incomplete.

6. Specifically, the packet included the instructional page of the "Notice of Contest and Service to Affected Employees" form ("Notice of Contest Form"), which directs the employer to complete certain selections and certifications on "the next page." However, the second page of that form—the portion that must be completed and returned by an employer seeking to contest a citation — was not included in the materials provided to Respondent.

7. The second page of the Notice of Contest Form, is the operative part of the form because it contains the contest selection checkboxes, space for explanation of the reason for citation, employee posting attestation, and the notarized oath. It is the portion of the Notice of Contest form that an Employer is required to fill out and file within 20 days of receipt of the Citation.

8. Attached hereto as Exhibit A is a true and correct copy of the second page of the Notice of Contest Form that MNOSHA failed to include in the Citation packet that Respondent received on February 10, 2026.

9. Further, in connection with my representation of Respondent, I reviewed MNOSHA's publicly available guidance materials, including the document titled Minnesota OSHA Workplace Inspections, which describes the procedures followed during MNOSHA compliance inspections.

10. Attached hereto as Exhibit B is a true and correct copy of the Minnesota OSHA Workplace Inspections materials.

11. The materials state that, at the conclusion of an inspection, the investigator is to conduct a closing conference with the employer and any authorized representative.

12. The materials further describe the purpose of the closing conference as including a discussion of any apparent violations and related next steps in the inspection process.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

s/ Janell Stanton
Signature of Affiant

Date: May 26, 2026

4932-3599-6847

EXHIBIT A

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)
		☐ 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
		☐ 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.)

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 _____(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.

_____
Name of Employer Representative, Title Phone

_____
Signature Date

State of _____ County of _____

Subscribed and sworn to before me

this _____ day of _____

Notary Public _____

My Commission expires _____

EXHIBIT B

Minnesota OSHA Workplace Inspections

OSHA
DEPARTMENT OF LABOR AND INDUSTRY

October 2025
Minnesota Department of Labor and Industry
Occupational Safety and Health Division

Introduction

Under the Minnesota Occupational Safety and Health Act of 1973 (the Act), Minnesota OSHA (MNOSHA) is authorized to conduct workplace inspections to determine whether employers are complying with standards and providing a safe and healthful workplace.

Workplace inspections in Minnesota are performed by Compliance Safety and Health Officers (CSHO) who are knowledgeable and experienced in the occupational safety and health field.

This booklet is divided into six parts: inspection priorities; the inspection process; inspection results; appeals process; consultation services; and information services.

Inspection Priorities

MNOSHA has established a system of inspection priorities described below. Inspections are conducted without advance notice. If an employer refuses to admit a MNOSHA investigator, or if an employer attempts to interfere with the inspection, MNOSHA may pursue legal action to obtain entry.

Imminent Danger

Imminent danger situations are given top priority. An imminent danger is any condition or practice which presents a substantial probability that death or serious physical harm could occur immediately or before the danger can be eliminated through normal enforcement procedures. MNOSHA becomes aware of these situations through reports received from employees, the general public, or direct observation by an investigator.

If an imminent danger situation is identified, the safety and health investigator will ask the employer to voluntarily eliminate the hazard and to remove the endangered employees from exposure. If the employer fails to do this, MNOSHA may "Red Tag" the equipment or job site for 72 hours.

Fatal Accidents

Second priority is given to investigations of work-related fatalities. Fatalities are defined as employee deaths resulting from an employment accident or illness caused by or related to a workplace hazard. All work-related fatalities must be reported to MNOSHA by the employer within 8 hours. Reporting information can be found at https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-report-accident-fatality-or-serious-injury

MNOSHA investigates to determine the cause of such accidents, whether existing OSHA standards were violated, and whether the promulgation of additional standards is necessary to help avoid a recurrence of similar accidents.

Employee Complaints

Third priority is given to formal employee complaints concerning unsafe or unhealthful working conditions.

Every employee can notify MNOSHA to request an inspection when he or she thinks that there is a violation of an OSHA standard that threatens physical harm to employees. MNOSHA will maintain confidentiality of the complainant's identity and will inform the complainant of any action it takes regarding the complaint.

Programmed Inspections

Fourth priority is given to programmed (routine) inspections. Industries are selected for programmed inspections based on factors such as workers' compensation claims, current special emphasis programs, and reports of serious injuries.

Follow-up Inspections

Final priority is given to follow-up inspections. A follow-up is done to determine if previously cited violations have been corrected. If an employer has failed to abate a violation, he or she is subject to "Failure to Abate" violations and additional penalties.

Inspection Process

Preparing for the Inspection

Prior to the inspection, the CSHO will become familiar with as many relevant facts as possible about the workplace, such as the inspection history of the establishment, the nature of the business, and the particular standards that might apply.

Investigator's Credentials

When the MNOSHA investigator(s) arrives at the establishment, he or she presents official credentials and asks to meet an appropriate employer representative. Employers should always be sure they see the CSHO's credentials.

Opening Conference

In the opening conference, the investigator explains the purpose of the investigation and its intended scope of coverage. The CSHO will also check whether an OSHA-funded consultation is in progress, or if there has been a recent enforcement inspection.

An authorized employee representative will be given the opportunity to attend the opening and closing conferences and to accompany the investigator and the employer during the walkaround inspection. The investigator may also consult with a reasonable number of employees concerning safety and health matters in the workplace. Employees are protected under the Act from discrimination by the employer for exercising their safety and health rights.

Every inspection includes a review of posting and recordkeeping requirements. The CSHO will inspect records of deaths, injuries, and illnesses that the employer is required to keep. Also, the investigator will verify that the MNOSHA workplace poster, which explains employees' safety and health rights, is prominently displayed. Where the employer has records of employee exposure to toxic substances and harmful physical agents, these may also be examined.

MNOSHA places special importance on the development of workplace safety and health programs. The Minnesota Legislature passed "A Workplace Accident and Injury Reduction (AWAIR) Act" in 1990 which requires many employers to establish written safety and health programs. The CSHO will review AWAIR and other OSHA-required programs.

The investigator will also explain the requirements of the federal Hazard Communication Standard and/or Minnesota Employee Right-to-Know (RTK) Standard. Under both standards, employers must establish a written comprehensive program that includes provisions for container labeling, safety data sheets, and employee training. The program must contain a list of the hazardous chemicals in each work area and the means the employer will use to inform employees of the hazards of both every day and non-routine tasks.

The investigator will explain and/or review joint labor-management safety committees. This committee must hold regular scheduled meetings unless otherwise provided in a collective bargaining agreement and have its employee members selected by employees. The requirements for a safety committee can be found under the MN Statute 182.676.

Walkaround

After the opening conference, the investigator and accompanying representatives will proceed through the establishment to inspect work areas for safety or health hazards. An inspection tour may cover part or all of an establishment, even if the

inspection resulted from a specific complaint, fatality, or catastrophe.

The route and duration of the inspection are determined by the investigator. While talking with employees, the investigator makes every effort to minimize work interruptions.

The investigator will observe safety and health conditions and practices; consult with employees privately; take photos, videos and/or instrument readings; examine records, collect air samples, measure noise levels, and survey existing engineering controls; and monitor employee exposure to toxic fumes, gases, and dusts.

During the course of the inspection or at the closing conference, the investigator will point out to the employer any unsafe or unhealthful working conditions observed. It is the responsibility of the employer to take notes on the unsafe and unhealthful conditions and begin correcting them as soon as possible.

Some apparent violations detected by the investigator can be corrected immediately. Even though corrected, these apparent violations still serve as the basis for a citation and penalty. However, prompt action may be considered as a factor in penalty reduction.

Closing Conference

At the conclusion of the inspection the investigator conducts a closing conference with the employer and the authorized employee representative. The investigator will discuss with the employer all unsafe or unhealthful conditions observed during the inspection and indicate violations for which a citation and penalty may be issued. The investigator may explain the basis for penalty calculation but will not indicate any specific penalties. The investigator will also discuss possible abatement methods. The length of time needed for abatement of each item will be discussed and a reasonable amount of time allowed. The employer is also informed of contestation rights and the right to have the abatement date extended. These appeal rights are described on page 6 of this booklet.

Inspection Results

The investigator prepares a report of inspection findings including the basis for all proposed citations and penalties.

Citations

Citations inform the employer and employees of the OSHA standards that are alleged to have been violated, and of the date by which they must be abated. The employer will receive a Citation and Notification of Penalty by certified mail. The employer must post a copy of each citation at or near the place a violation occurred for 20 days or until the violation is corrected, whichever is longer.

Penalties

Penalties are based on the severity and probability of injury that is likely to result from an employee being exposed to the cited hazard. The CSHO considers the combined severity and probability levels for each apparent violation and assigns a corresponding penalty amount.

A penalty for a violation may be credited by as much as 95 percent, depending on the employer's good faith (up to 30% credit for demonstrated efforts to provide a safe workplace), size of business (up to 55%) and previous violation history (up to 10%).

These are the types of violations that may be cited by MNOSHA and the penalties that may be proposed:

- ***Nonserious***—A violation is classified as nonserious where only a minor injury or illness has resulted or would reasonably be expected to result from an employee's exposure to a violation of a standard. Penalties for nonserious violations range

from $0 to $2,000, although the law allows for up to $16,550 to be assessed.

- ***Serious Violation***—A violation is classified as serious where death or serious physical harm has resulted or would reasonably be expected to result from an employee's exposure to a violation of a standard. Penalties for serious violations range from $3,000 to $16,550, the maximum permitted by law.

- ***Willful Violation***—A violation that exposes employees to harm that the employer intentionally and knowingly commits is classified as a willful violation. In order to cite willful, the investigator must collect evidence that the employer is aware that a hazardous condition exists, knows that the condition violates a standard or other obligation of the Act, and does not make a reasonable effort to eliminate it. Penalties of up to $165,514 may be proposed for each willful violation. The minimum willful penalty is $11,823. No credits will be given for good faith or history on a willful violation.

- ***Repeated Violation***—A serious or nonserious violation that exposes employees to harm may be cited as a repeated violation where, upon reinspection, the same standard or a substantially similar standard has been found to have been violated at the same establishment within a 5-year period, and the original citation has become a final order. Repeated violations can bring a fine of up to $165,514 for each such violation.

- ***Failure to Abate***—Failure to correct (abate) a prior violation may bring an additional penalty of up to $16,550 for each day that the violation continues beyond the prescribed abatement date.

- ***Fatality Penalty***—If any serious, willful, repeated, or failure to abate violation causes or contributes to the death of an employee, the minimum total nonnegotiable fine that must be assessed for all citations connected to the death of an employee is $50,000 if there is a willful or repeated violation, or $25,000 if there is no willful or repeated violation. The exception is violations of the General Duty Clause (MN Statutes 182.653 subd. 2), which carry a maximum penalty of $25,000. Employers with fewer than 50 employees and no willful or repeated violations may be eligible for a four-year extended payment plan and possible waiver of part of the $25,000 penalty. For these employers, the fine may be waived entirely if the fatality victim owned or held a controlling interest in the business or enterprise.

Abatement

MNOSHA requires employers to document abatement of each alleged hazard that was not immediately abated at the time of the inspection. A Mandatory Progress Report form is included with the citation. Reports must state the specific corrective action taken on each cited item and the date that the action was abated/completed. Extra documentation, such as photos or invoices and receipts, is required for high-gravity serious citations. Additional written progress reports must be submitted every 30 days until all items are fully abated. Progress reports may be submitted by mail, e-mail to Citation.Progress@state.mn.us or fax. If a progress report is filed by fax, the original signed document must be submitted to MNOSHA within five days. A sample form can be found on the next page. Blank forms can also be printed off the department's website.

Affected employees along with their representatives must be notified of the abatement and of their right to examine and copy all abatement documents. The progress report must remain posted for 15 days or until the hazard is abated. If required progress reports are not submitted, the employer may be subject to an additional citation, penalty, and/or follow-up inspection.

Minnesota Department of Labor and Industry Occupational Safety and Health Division 443 Lafayette Road N. St. Paul, MN 55155 Phone: 651-284-5050 or 800-342-5354 Fax: 651-284-5741 Email: citation.progress@state.mn.us	Inspection no.	CSHO I.D. no.	Optional report no.
	Employer's name and mailing address		

Mandatory progress report

In accordance with Minnesota Rules 5210.0532, this report **must** be returned to the above address. The completed Mandatory Progress Report form should be received by the abatement due-date indicated on the citation. This form is required by the latest abatement date of all citations or within 30 days after receipt of the citation, whichever is earlier. Multiple reports are necessary to verify abatement of citations with abatement periods longer than 30 days. **Failure to submit all required progress reports will result in an additional citation, an additional penalty and/or a follow-up inspection.**

Citation and item no.	Action taken	Abatement date on citation	Date abated (corrected)	Anticipated completion date

Note: If the anticipated completion date is beyond the abatement date on the citation, you must submit a separate written Petition for modification of abatement date (PMA) form to request an extension of time allowed for completion. See the instructions for a PMA form on page 2 of the Citation and Notification of Penalty.

A copy of this form must be posted for 15 days where the Citation and Notification of Penalty is posted and all affected employees and their representatives must be informed of their right to examine and copy all abatement documents submitted to the commissioner.

I hereby certify this information is accurate.

Completed by	Title
Phone	Date

This form is available at www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-forms.

Appeals Process

Notice of Contest

If the employer files a "Notice of Contest Form" within 20 calendar days after receiving the citation, according to the instructions contained on the form and on the citation, an informal conference is arranged with the employer to discuss the issues of the case and determine if an out-of-court settlement can be negotiated. If an agreement is reached, a written settlement agreement will be prepared for both parties to sign. If not, the case will be scheduled for hearing before an administrative law judge. The employer and the employees have the right to participate in the hearing; the law does not require that they be represented by attorneys. Once the administrative law judge has ruled, any party to the case may appeal the case to the Occupational Safety and Health Review Board. Blank Notice of Contest forms are available through the department's website.

Petition for Modification of Abatement Date (PMA)

Upon receiving a citation, the employer must correct the cited hazard by the abatement date listed in the citation unless the employer contests the citation or abatement date. Factors beyond the employer's control, such as parts on back order, may prevent the completion of corrections by the abatement date. In such a situation, the employer may file a petition to modify the abatement date (PMA). Instructions for submitting a PMA are listed on the Citation and Notification of Penalty received by the employer.

Appeals by Employees

Employees may contest citations, amendments to citations, proposed penalties, or time allowed for abatement of a hazardous condition. They also may contest an employer's "Petition for Modification of Abatement Date" (PMA), which requests an extension of the proposed abatement period. Employee appeal rights are listed on the Citation and Notification of Penalty received by the employer and posted in the work area.

Consultation Services

Consultation assistance is available on request to private and public sector employers who want help in establishing and maintaining a safe and healthful workplace. Largely funded by federal OSHA, the service is provided at no cost to the employer. Primarily developed for smaller employers, consultation assistance may include an appraisal of the workplace and the employer's present safety and health program. The determination of the actual scope and emphasis of the consultation is left up to the employer. No penalties are proposed, or citations issued for hazards identified by the consultant; however, the employer must agree to abate all serious violations of standards identified. MNOSHA Compliance is not informed of those employers requesting consultation assistance.

The program also offers financial assistance to employers in the form of matching grants. Qualified employers can receive up to $10,000 towards the purchase of safety equipment, including installation and operator training for purchased equipment, and tuition reimbursement.

For more information concerning consultation assistance, see the address and phone number listed on page 7 of this publication.

Information Services

MNOSHA offers a variety of public information services, such as publications and technical advice. Employers are encouraged to call MNOSHA to request this assistance. Speakers may also be arranged on a limited basis by submitting a written request to the St. Paul office.

OSHA information is also available on the Internet on the Minnesota Department of Labor and Industry's home page (www.dli.mn.gov) and on federal OSHA's home page (www.osha.gov).

MNOSHA Related Publications

Single free copies of the following publications can be obtained from MNOSHA:

An Employer's Guide to Developing A Workplace Accident and Injury Reduction (AWAIR) Program

A Workplace Accident and Injury Reduction (AWAIR) Program for Small Construction Employers

An Employer's Guide to Developing an Employee Right-To-Know Program

Employee Right-To-Know on Construction Sites

MNOSHA also carries a wide variety of handouts on various subjects. A list of current online publications is available at
http://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries
OSHA posters can be obtained free of charge from our website at Workplace notices and posters | Minnesota Department of Labor and Industry (mn.gov)

OSHA Injury & Illness Recordkeeping Forms 300, 300A, 301 are available on federal OSHA's Recordkeeping webpage under Forms at
https://www.osha.gov/recordkeeping

Federal OSHA Standards and Minnesota OSHA Occupational Safety and Health Standards and Chapter §182 of the Minnesota Statutes are available from the sources listed on the last page of this booklet.

MNOSHA Offices

MNOSHA is part of the MN Department of Labor and Industry and consists of separate enforcement and consultation services.

Compliance (Enforcement) Division

MNOSHA can be contacted at:
443 Lafayette Road North
St. Paul, MN 55155-4307
(651) 284-5050
Toll-free: (877) 470-6742

MNOSHA Consultation

Minnesota Workplace Safety Consultation Division (MNOSHA Consultation) can be contacted at:

443 Lafayette Road North
St. Paul, MN 55155-4307
(651) 284-5060
Toll-free: (800) 657-3776

Minnesota OSHA Rules And Standards

Electronic copies of the MN Statutes and Rules are available at https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-standards-and-regulations

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Federal OSHA Standards

Electronic copies of the Federal Occupational Safety and Health standards are available at www.osha.gov.

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You can order other standards and codes referenced in the OSHA standards from the following:

American National Standards Institute, Inc.
1899 L Street, NW
11th Floor
Washington, DC 20036
PHONE: (202) 293-8020
FAX: (202) 293-9287
www.ansi.org

National Fire Protection Association
1 Batterymarch Park
Quincy, MA 02169-7471
PHONE: (617) 770-3000
TOLL-FREE: 1-800-344-3555
FAX: (617) 770-0700
www.nfpa.org

Underwriters Laboratories Inc.
333 Pfingsten Road
Northbrook, IL 60062-2096
PHONE: (847) 272-8800
TOLL FREE: 1-877-854-3577
www.ul.com

ANSI, NFPA and UL standards are also available from Global Engineering Documents at (800) 854-7179
www.global.ihs.com

STATE OF MINNESOTA	DEPARTMENT OF LABOR AND INDUSTRY
Nicole Blissenbach, Commissioner, Minnesota Department of Labor and Industry, Complainant, v. Pye-Barker Fire & Safety, LLC, Respondent.	Inspection No.: 318232725 **DECLARATION OF JAY LINDHOLM IN SUPPORT OF RESPONDENT'S PETITION TO VACATE ORDER DETERMINING LATE FILING**

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

NOW COMES the Affiant, Jay Lindholm, being first duly sworn under oath, states as follows:

1. I am the Sprinkler Division Manager for Pye-Barker Fire & Safety, LLC ("Pye-Barker" or "Company"), and I work at Pye-Barker's St. Paul location.

2. I make this Affidavit based on my personal knowledge and in support of Pye-Barker's Petition to Vacate the Order Determining Late Filing concerning Minnesota OSHA ("MNOSHA") Inspection No. 318232725.

3. On December 18, 2025, Pye Barker's onsite foreman, Alex Weide, participated in an inspection by Safety Investigator, Edmund "Eddie" Hulet., from MNOSHA Compliance of Pye-Barker's Apple Valley job site. At the time the site visit was conducted, the Apple Valley job site was in the early stages of installation, so there was little equipment onsite. Mr. Weide told me the inspection concluded with Mr. Hulet indicating everything "checked out" and that he would call to obtain the AWAIR program documentation.

4. On January 7, 2026, I participated in a teleconference with Mr. Hulet in furtherance of the inspection that had begun on December 18, 2025. At no time during the conversation did Hulet refer to the meeting as a closing conference. His phone call was solely about the documents that he still needed to review to complete the investigation. He followed up by asking in an e-mail for the same documents he had asked me about on the phone call.

5. Following that telephone conference, Mr. Hulet sent me an email requesting certain documents, including Hazard Communication/Employee Right to Know training materials and Pye-Barker's AWAIR program. His e-mail stated that if I could get these items to him by Friday, "I can close out the inspection." A copy of Investigator Hulet's January 7, 2026, email is attached hereto as Exhibit A.

6. On January 15, 2026, I provided a response to Mr. Hulet's request for information by email. I provided him with all documents responsive to his request for information at that time.

7. Although Mr. Hulet referenced closing the inspection once he received the requested documentation, at no time did Mr. Hulet or anyone else from MNOSHA conduct a closing conference with me, although we were expecting a closing conference would be scheduled. In fact, after January 7, 2026, neither myself nor anyone else from the Company received any additional communication from Mr. Hulet.

8. I was never asked to participate in a closing conference, and no closing conference was ever offered to me. No closing conference was conducted with any Pye-Barker personnel at the Apple Valley location prior to or after the issuance of the Citation.

9. During my communications with Mr. Hulet, he did not explain next steps in the inspection process, including abatement, payment, or the process to contest any citation that might be issued.

10. On February 10, 2026, I physically received the Citation and Notification of Penalty ("Citation") relating to this inspection in the mail. A true and correct copy of the complete Citation packet as received is attached hereto as Exhibit B.

11. Only after consulting with legal counsel did I learn that the Citation package that I received did not include the page of the Notice of Contest form the Company would need to fill out and file to contest the Citation.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Signature of Affiant

Date: 5-26-2026

4897-3090-9359

EXHIBIT A

From:	Hulet, Eddie (He/Him/His) (DLI) <eddie.hulet@state.mn.us>
Sent:	Wednesday, January 7, 2026 4:00 PM
To:	Jay Lindholm
Subject:	Inspection on 12/18/2025
Attachments:	Inspection Booklet 2025.pdf; Contact Sheet 2025.pdf
Follow Up Flag:	Follow up
Flag Status:	Flagged

You don't often get email from eddie.hulet@state.mn.us. Learn why this is important

Hello,

Thank you for taking the time to talk to me today.

Attached is the MNOSHA contact sheet and the MNOSHA inspection booklet. My supervisor is Kevin Sundet and I was there for an activity generated inspection.

The only things I will need from you are a documentation of:
-Hazard Communication/Employee Right to know training - for any chemicals used
-an AWAIR (A workplace accident and injury reduction program) - general safety program

As we discussed I already got info on the safety committee. If you could get these by Friday I can close out the inspection.

Thanks and have a good day

Edmund "Eddie" Hulet
Safety Investigator | MNOSHA Compliance

Minnesota Department of Labor and Industry
443 Lafayette Road N., St. Paul, MN 55155
Phone: 651-284-5159 | Web: www.dli.mn.gov

DEPARTMENT OF
LABOR AND INDUSTRY

EXHIBIT B

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

INVOICE 8318232725X

Company Name:	Pye-Barker Fire & Safety LLC
Inspection Site:	15555 English Ave, Apple Valley, MN 55124
Mailing Address:	405 County Rd E, Saint Paul, MN 55126
Issuance Date:	2/4/2026
CSHO ID#:	P6108
Optional Report No.:	05725

Summary of Penalties for Inspection Number: 318232725

Citation 1, Serious	= $350.00
TOTAL PENALTIES	= $350.00

Penalty Payment - Payment of all penalties is to be made online, by check or money order payable to the order of "Minnesota Department of Labor and Industry" and remitted with a copy of this invoice to the Occupational Safety and Health Division, 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 or until the fine has accrued to 300 percent of the original assessed amount.

SAVE TIME AND PAY ONLINE AT WWW.DLI.MN.GOV/PAYCENTER

If any portion of this Citation and Notification of Penalty is contested, that portion of the penalty is not due and payable until the resolution of the contestation. However, you are still obligated to pay the penalty on the uncontested portion of the citation within 20 calendar days following receipt of this Citation.

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.

NOTE: The penalties shown above have already been adjusted for Good Faith, Size and History credits.

Minnesota Department of Labor and Industry Occupational Safety and Health Division 443 Lafayette Road N. St. Paul, MN 55155 Phone: 651-284-5050 or 800-342-5354 Fax: 651-284-5741 Email: citation.progress@state.mn.us	Inspection no.	CSHO I.D. no.	Optional report no.
	JAY LINDHOLM - BRANCH SUPERVISOR PYE-BARKER FIRE & SAFETY LLC 405 COUNTY RD E ST PAUL MN 55126 318232725 P6108 05725		

Mandatory progress report

In accordance with Minnesota Rules 5210.0532, this report **must** be returned to the mailing or email address listed above. The completed Mandatory Progress Report form should be received by the abatement due-date indicated on the citation. This form is required by the latest abatement date of all citations or within 30 days after receipt of the citation, whichever is earlier. Multiple reports are necessary to verify abatement of citations with abatement periods longer than 30 days. **Failure to submit all required progress reports will result in an additional citation, an additional penalty and/or a follow-up inspection.**

Citation and item no.	Action taken	Abatement date on citation	Date abated (corrected)	Anticipated completion date

Note: If the anticipated completion date is beyond the abatement date on the citation, you must submit a separate written Petition for modification of abatement date (PMA) form to request an extension of time allowed for completion. See the instructions for a PMA form on page 2 of the Citation and Notification of Penalty.

A copy of this form must be posted for 15 days where the Citation and Notification of Penalty is posted and all affected employees and their representatives must be informed of their right to examine and copy all abatement documents submitted to the commissioner.

I hereby certify this information is accurate and that I have posted this form as described above.

Completed by	Title
Phone	Date

Minnesota Department of Labor and Industry
Occupational Safety and Health Division
443 Lafayette Road N.
St. Paul, MN 55155
Phone: 651-284-5050 or 800-342-5354
Fax: 651-284-5741
Email: citation.progress@state.mn.us

Inspection no.	CSHO I.D.	Optional report no.
JAY LINDHOLM - BRANCH SUPERVISOR **PYE-BARKER FIRE & SAFETY LLC** **405 COUNTY RD E** **ST PAUL MN 55126** **318232725 P6108 05725**		

Petition for modification of abatement date

Purpose of this form

If additional time to abate one or more items is needed after receiving a Citation and Notification of Penalty from the Minnesota Occupational Safety and Health Administration (MNOSHA), complete this form. **Do not** file this form if you filed a Notice of Contest form and contested the abatement date.

How to request more time for abatement

This form must be filed in good faith and not solely for delay. The form must be filed at the above address no later than the next working day after the original (or previously modified) abatement date. **To be considered, all parts of the form must be completed and the form must be postmarked, emailed, faxed or hand-delivered on or before the due date. Forms filed by fax, email or hand delivery must be received no later than 4:30 p.m. on the due date.**

If this form is received late, the abatement date on the citation becomes a final order and requests for changes will not be reviewed.

Complete the chart and other information below. In the first column, list only the citations that need more time. For example: "Citation 1, Item 2" or "1-2." Add additional pages if needed.

Citation and item no.	Abatement date on citation	Anticipated completion date	Reason for additional abatement period	Interim steps taken to safeguard employees, including dates

Posting: The employer certifies completed copies of this form were posted on_____(date) at the locations where the Citation and Notification of Penalty is posted. The form must remain posted for **10** days. **(This is required for all employers.)**

Employee Objection: Employees or their authorized employee representatives who file an objection {to this petition} in writing with the Commissioner must serve a copy of the objection on the employer. Failure to serve and file an objection within ten days of the date of posting of the petition or of service upon an authorized employee representative shall constitute a waiver of any further right to object to the petition. The objection must state the reasons for opposing the petition.

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	CSHO ID	Optional Report No.:

Employer's Name and Mailing Address:

JAY LINDHOLM - BRANCH SUPERVISOR
PYE-BARKER FIRE & SAFETY LLC
405 COUNTY RD E
ST PAUL MN 55126
318232725 P6108 05725

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 by 4:30pm 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 also have the option to 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, CSHO 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.

DEPARTMENT OF LABOR AND INDUSTRY

Citation and notification of penalty for alleged occupational safety and health violations

An inspection of your company has resulted in the enclosed Citation and Notification of Penalty.

What happens next?

- Follow the citation's instructions under "employer and employee rights and responsibilities" for next steps.

If you are not contesting the citation, you must:

- correct the violation(s) by the date(s) shown,
- pay the penalty,
- send us a Progress Report explaining how you corrected the violation, and
- post a copy of the citation in the workplace for at least 20 days, or until all items are corrected, if longer.

If you are contesting the citation, you must:

- submit a Notice of Contest form within 20 calendar days of receiving this citation,
- post a copy of the Notice of Contest form in your workplace, and
- correct any items or pay any penalties that you are not contesting.

Questions?

Contact us at (651) 284-5050, at the address shown above or at osha.compliance@state.mn.us. Please remember, even if you contact us with questions, you still must file your Notice of Contest within 20 calendar days of receiving the citation.

Inspection results online

Federal OSHA posts the information related to your inspection online 30 calendar days after the citation is issued to your company. You can search for and review the inspection records at https://www.osha.gov/pls/imis/establishment/html.

Kevin Sundet
Supervisor
Occupational Safety and Health Division

(Rev. 12/2014)

Making Online Payments

- Go to: https://www.dli.mn.gov/paycenter
  Click on **MAKE A PAYMENT**

- Click **PAY YOUR INVOICE**

PAYMENT CENTER

PAY YOUR INVOICE

You can pay some agency invoices online by credit card or from a checking or savings account. If your invoice number doesn't work, view tips below.

- Enter invoice number.
  - (Invoice number is this format: 8InspNumberX ie: 8318123456X) Click Continue.

MAKE A PAYMENT TO THE M

Invoice number

Continue

- If paying in full, click **Make payment**.
  - Email confirmation number to oshapenalties.dli@state.mn.us with the Inspection number.

Edit/update	Ref. line number	Description	Amount billed	Previous amount paid	Balance due	Amount to be paid
Edit	1		$800.00	$0.00	$800.00	$800.00
		Total	$800.00	$0.00	$800.00	$800.00

If the information above is correct, click the **Make payment** button to provide your credit card or electronic-check information. Clicking the **Make payment** button will direct you to the US Bank for online payment. Accepted methods of payment are Visa, MasterCard and electronic-check (money is taken from your checking account).

$30 service charge will be added to all dishonored electronic checks. Additional civil penalties will be imposed for dishonored electronic checks if not paid within 30 days. MS 604.113 and 609.535

Make payment | Cancel

- If making a partial payment or an EISA, click Edit,

Edit/update	Ref. line number	Description	Amount billed	Previous amount paid	Balance due	Amount to be paid
Edit	1		$800.00	$0.00	$800.00	$800.00
		Total	$800.00	$0.00	$800.00	$800.00

If the information above is correct, click the **Make payment** button to provide your credit card or electronic-check information. Clicking the **Make payment** button will direct you to the US Bank for online payment. Accepted methods of payment are Visa, MasterCard and electronic-check (money is taken from your checking account).

$30 service charge will be added to all dishonored electronic checks. Additional civil penalties will be imposed for dishonored electronic checks if not paid within 30 days. MS 604.113 and 609.535

Make payment | Cancel

- Enter the amount to be paid, click **Update** on the left, then click make a payment.
  - If EISA is being accepted and timely, email completed form and payment confirmation number to Citation.progress@state.mn.us.

Edit/update	Ref. line number	Description	Amount billed	Previous amount paid	Balance due	Amount to be paid
Update | Cancel	1		$800.00	$0.00	$800.00	
		Total	$800.00	$0.00	$800.00	$800.00

If the information above is correct, click the **Make payment** button to provide your credit card or electronic-check information. Clicking the **Make payment** button will direct you to the US Bank for online payment. Accepted methods of payment are Visa, MasterCard and electronic-check (money is taken from your checking account).

$30 service charge will be added to all dishonored electronic checks. Additional civil penalties will be imposed for dishonored electronic checks if not paid within 30 days. MS 604.113 and 609.535

Make payment | Cancel

Dear Minnesota Employer:

To help you handle all the documents in this mailing, we have prepared this summary. Please refer to the actual document for complete details.

1. **Citation and Notification of Penalty** – This document describes the alleged safety or health violation(s), including the deadline for correction and any penalty. You must post this entire document until the item(s) is corrected or 20 calendar days, whichever is longer.

2. **Invoice** – You do not have to post this sheet. Penalty payments are due within 20 calendar days of receipt (unless contested). Save time and pay online at **WWW.DLI.MN.GOV/PAYCENTER**

3. **Mandatory Progress Report** (form) – With this form you tell us how you corrected the alleged violation. This is a required form. You must submit and post this form according to the directions on the form. This form is not required if all items on the citation are indicated as "Corrected During Inspection". This completed form must be sent to Citation.Progress@state.mn.us
   - **Documentation of Abatement** – If the citation indicates documentation of abatement is required, you must submit pictures, receipts, etc. that demonstrate the abatement is completed. Documentation of abatement must be submitted by mail to the St. Paul OSHA office or by email to Citation.Progress@state.mn.us.

4. **Petition for Modification of Abatement Date** (form) – If you wish to request an extension of time to abate one or multiple items, you must complete this form and return it no later than the next working day following the date on which the abatement was originally required. You must post this form for 10 days.

5. **Notice of Contest** (Optional) – If you wish to appeal the Citation, you must complete this form. Incomplete and/or incorrect forms will be required to be redone, resubmitted and may result in delays. It must be received by our office within 20 calendar days of receipt. Please be advised that weekends and holidays *count* as calendar days. However, if the 20th day is a Saturday, Sunday, or legal holiday, the Notice of Contest form must be received on the next day that is not a Saturday, Sunday, or legal holiday. *Minnesota Rule* 5210.0007, subpart 3. You must post this form. You may also file electronically at contestation.dli@state.mn.us.

6. **Expedited Informal Settlement Agreement (EISA)** (Optional if eligible) – If you qualify for this agreement, a letter of explanation will be included with your citation package. If you wish to accept the terms of this agreement, **you must complete the steps on the EISA within 10 calendar days of receipt**.

If you have any questions, please call the office at 651-284-5050 for further assistance.

Thank you.

(√)	**Required Actions**
	Post a copy of the Citation and Notification of Penalty
	Complete and return the Progress Report Form, Documentation of Abatement (if necessary) and/or Petition for Modification of Abatement Date (PMA) form
	Post the Progress Report and/or PMA form
	Pay your Citation (www.dli.mn.gov/paycenter) unless a Notice of Contest is filed

(√)	**Optional Actions**
	A. Complete EISA, if provided as an option • Sign and return the Expedited Informal Settlement Agreement (EISA) to Citation.Progress@state.mn.us **AND** submit payment within 10 days of receipt by paying online at www.dli.mn.gov/paycenter • Post EISA
	OR
	B. Complete and return Notice of Contest Form within 20 calendar days of receipt • Is the Dates of Posting and Serving section boxed in yellow completed? • Is the form notarized? • Did you post the form?

*Additional copies of forms are available on our web site at www.dli.mn.gov.

December 2025

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

Citation and Notification of Penalty

To:
Pye-Barker Fire & Safety LLC
405 County Rd E
Saint Paul, MN 55126
1/12/2026

Inspection Number: 318232725
CSHO ID: P6108
Optional Report No.: 05725
Inspection Date(s): 12/18/2025 -

Issuance Date: 2/4/2026

Inspection Site:
15555 English Ave
Apple Valley, MN 55124

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 can be made online at **www.dli.mn.gov/paycenter** or 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 additional interest of 10 percent per month compounded monthly until the fine is paid in full or until the fine has accrued to 300 percent of the original assessed amount.

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. Email and facsimile (FAX) transmittal is acceptable.

All alleged violations not contested must be corrected by the abatement date specified in this Citation. A follow-up 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; and
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 Statutes 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 Statutes 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 and 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 182.669, 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; (b) any violations found during a fatality investigation but determined not to be connected to the death of an employee; and (c) a violation of section 182.653 subdivision 2.

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
1/12/2026
Occupational Safety and Health Division

Inspection Number: 318232725
Inspection Date(s): 12/18/2025 -

Issuance Date: 2/4/2026
CSHO ID: P6108
Optional Report No.: 05725

Citation and Notification of Penalty

Company Name: Pye-Barker Fire & Safety LLC
Inspection Site: 15555 English Ave, Apple Valley, MN 55124

Citation 01 Item 001 Type of Violation: **Serious**

Minn. Stat. 182.653 subd. 8: A written Workplace Accident and Injury Reduction (AWAIR) Program that promotes safe and healthful working conditions and is based on clearly stated goals and objectives for meeting those goals was not established; specifically:

The employer failed to provide a written Workplace Accident and Injury Reduction (AWAIR) Program for review.

Abatement Guidelines: The program must describe:

1) How managers, supervisors, and employees are responsible for implementing the program and how continued participation of management will be established, measured, and maintained;

2) The methods used to identify, analyze, and control new or existing hazards, conditions, and operations;

3) How the plan will be communicated to all affected employees so that they are informed of work-related hazards and controls;

4) How work place accidents will be investigated and corrective action implemented;

5) How safe work practices and rules will be enforced.

An employer must conduct and document a review of the work place accident and injury reduction program at least annually and document how procedures set forth in the program are met.

Date By Which Violation Must Be Abated: **2/23/2026**
Penalty: **$350.00**

Nicole Blissenbach, Commissioner
MN Department of Labor and Industry

STATE OF MINNESOTA	DEPARTMENT OF LABOR AND INDUSTRY
Nicole Blissenbach, Commissioner, Minnesota Department of Labor and Industry, Complainant, v. Pye-Barker Fire & Safety, LLC, Respondent.	Inspection No.: 318232725 **DECLARATION OF KELLY SWIECINSKI IN SUPPORT OF RESPONDENT'S PETITION TO VACATE ORDER DETERMINING LATE FILING**

STATE OF GEORGIA)
) ss
COUNTY OF FULTON)

NOW COMES the Affiant, Kelly Swiecinski, being first duly sworn under oath, states as follows:

1. I am an EHS Manager for Pye-Barker Fire & Safety, LLC ("Pye-Barker" or the "Company"). I work at the Company's corporate office in Alpharetta, Georgia.

2. I make this Affidavit based on my personal knowledge and in support of Pye-Barker's Petition to Vacate the Order Determining Late Filing concerning Minnesota OSHA ("MNOSHA") Inspection No. 318232725.

3. I understand that Jay Lindholm, Respondent's Sprinkler Division Manager, received the Citation and Notification of Penalty ("Citation") in the mail on February 10, 2026. The Citation related to an Inspection (318232725) that commenced on December 18, 2026.

4. At no time between the commencement of the inspection on December 18, 2025, and the Company's receipt of the Citation on February 10, 2026, did MNOSHA conduct a closing conference with the Company. Nor did MNOSHA make any effort to arrange for a closing

conference with the Company. On the contrary, MNOSHA completely disregarded its obligation to hold a closing conference in this matter prior to issuance of the Citation.

5. Upon receiving the Citation packet from Jay Lindholm, I was confused by the contents of the "Notice of Contest and Service to Affected Employees." The instructions referenced selections and information to be completed on "the next page," but the materials I received did not include a corresponding page containing those items. Because of this inconsistency, I did not understand what need to occur for the Company to contest the Citation, nor the timeframe within which this needed to occur.

6. Following receipt of the Citation package on February 10, 2026, the Company determined that it wanted to contest the Citation, including the classification of the violation as Serious. The Company further determined that it would not contest the amount of the penalty ($350.00) or the Abatement Date.

7. On February 19, 2026, I paid the $350.00 penalty amount to MNOSHA and also submitted the mandatory progress report to MNOSHA in response to the Citation. The mandatory progress report that I submitted indicated that the Company had developed and implemented a complete AWAIR program in compliance with MNOSHA requirements. A copy of the document that I submitted to MNOSHA on February 19, 2026, is attached hereto as Exhibit A.

8. At the time I submitted the required abatement information and the paid the penalty, I did not intend for those actions to waive the Company's right to contest the Citation. At that time, the Company did not dispute the abatement requirements or the amount of the proposed penalty but did intend to contest the Citation and the classification of the violation as "Serious." Because the applicable form to contest the Citation was not provided, and in the absence of having received

a closing conference with MNOSHA, I did not understand what needed to be completed or submitted to initiate a contest, nor the time limitations for taking necessary action.

I declare under penalty of perjury that everything I have stated in this document is true and correct.

Kelly Swiecinski
Signature of Affiant

Date: 5/26/2026

4906-3798-0587, v. 6

EXHIBIT A

PR Reviewed by P6108 on 2/20/2026; All citations have been abated.

Minnesota Department of Labor and Industry Occupational Safety and Health Division 443 Lafayette Road N. St. Paul, MN 55155 Phone: 651-284-5050 or 800-342-5354 Fax: 651-284-5741 Email: citation.progress@state.mn.us	Inspection no.	CSHO I.D. no.	Optional report no.
	JAY LINDHOLM - BRANCH SUPERVISOR PYE-BARKER FIRE & SAFETY LLC 405 COUNTY RD E ST PAUL MN 55126 318232725 P6108 05725		

FEB 19 2026

Mandatory progress report

MINNESOTA OSH DIVISION

In accordance with Minnesota Rules 5210.0532, this report must be returned to the mailing or email address listed above. The completed Mandatory Progress Report form should be received by the abatement due-date indicated on the citation. This form is required by the latest abatement date of all citations or within 30 days after receipt of the citation, whichever is earlier. Multiple reports are necessary to verify abatement of citations with abatement periods longer than 30 days. **Failure to submit all required progress reports will result in an additional citation, an additional penalty and/or a follow-up inspection.**

Citation and Item no.	Action taken	Abatement date on citation	Date abated (corrected)	Anticipated completion date
318232725	A complete AWAIR program has been developed and implemented to meet MNOSHA requirements	2/4/2025	2/19/2025	

Note: If the anticipated completion date is beyond the abatement date on the citation, you must submit a separate written Petition for modification of abatement date (PMA) form to request an extension of time allowed for completion. See the instructions for a PMA form on page 2 of the Citation and Notification of Penalty.

A copy of this form must be posted for 15 days where the Citation and Notification of Penalty is posted and all affected employees and their representatives must be informed of their right to examine and copy all abatement documents submitted to the commissioner.

I hereby certify this information is accurate and that I have posted this form as described above.

Completed by Kelly Swiecinski	Title EHS Manager
Phone 264-464-1247	Date 2/19/2025

This form is available at www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-forms.

December 2025

Exhibit B

Jones, Tonya (DLI)

From:	Kelly Swiecinski <Kelly.Swiecinski@PyeBarkerFS.com>
Sent:	Thursday, February 19, 2026 12:18 PM
To:	Progress, Citation (DLI)
Cc:	Jeremy Grandstrand
Subject:	Mandatory progress report - Inspection # 318232725
Attachments:	Progress Report - Inspection 318232725.pdf

You don't often get email from kelly.swiecinski@pyebarkerfs.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.

Attn: Jay Lindholm

Attached is the Mandatory progress report for Inspection # 318232725.

Please let me know if any additional information or documentation is needed.

Thank you,

Kelly Swiecinski
EHS Manager

PYE • BARKER
FIRE & SAFETY • EST. 1946

Branch: (800) 927-8610
Direct: (267) 464-1247
Mobile: (770) 372-0381
Email: Kelly.Swiecinski@PyeBarkerFS.com

Pye-Barker Fire & Safety
2500 Northwinds Pkwy Ste. 200
Alpharetta, GA 30009

www.pyebarkerfs.com

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JacksonLewis

Jackson Lewis P.C.
150 South Fifth Street, Suite 3500
Minneapolis, MN 55402

Peggy Charpentier
Executive Secretary
OSH Review Board
443 Lafayette Road N.
St. Paul, MN 55155

RECEIVED
MAY 29 2026
OCCUPATIONAL SAFETY
AND HEALTH REVIEW BOARD