

officer then waited 20 minutes, but received no call from Rasmussen or any representative. In conformity with the scheduling order, the hearing officer then closed the record in this matter.

5. Rasmussen has failed to make any payment of wages owed and has not yet paid any portion of the wages owed to Visser. The initial determination by the Wage and Hour Unit was accurate in the amount of the unpaid wages owed and the amount of penalty due to Visser.

II. CONCLUSIONS OF LAW

1. The State of Montana and the Commissioner of the Department of Labor and Industry have jurisdiction over this complaint under § 39-3-201 et seq. MCA. *State v. Holman Aviation* (1978), 176 Mont. 31, 575 P.2d 925.

2. Rasmussen failed to appear at hearing despite proper notice of the hearing. By failing to appear, Rasmussen has shown no reason why the original order issued by the Wage and Hour Unit should not be affirmed.

3. A review of the determination shows no legal cause why the determination should not be affirmed.

III. ORDER

Based upon the foregoing, the initial determination of the Wage and Hour Unit is affirmed. Erik Rasmussen d/b/a Rasmussen Flooring and Construction is hereby ORDERED to tender a cashier's check or money order in the amount of \$14,035.10, representing \$6,683.38 in wages and \$7,351.72 in penalty, made payable to Bradley O. Visser, and mailed to the Employment Relations Division, P.O. Box 6518, Helena, Montana 59624-6518, no later than 30 days after service of this

decision. Rasmussen d/b/a Rasmussen Flooring and Construction may deduct applicable withholding from the wage portion but not the penalty portion.

DATED this 9th day of August, 2007.

DEPARTMENT OF LABOR AND INDUSTRY

By: /s/ GREGORY L. HANCHETT
Gregory L. Hanchett
Hearings Bureau

NOTICE: You are entitled to judicial review of this final agency decision in accordance with Mont. Code Ann. § 39-3-216(4), by filing a petition for judicial review in an appropriate district court within 30 days of service of the decision. See also Mont. Code Ann. § 2-4-702.

If there is no appeal filed and no payment is made pursuant to this Order, the Commissioner of the Department of Labor and Industry will apply to the District Court for a judgment to enforce this Order pursuant to Mont. Code Ann. § 39-3-212. Such an application is not a review of the validity of this Order.