



SpencerFane®

## Aaron A. Dean

Partner

### Contact

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## Overview

**Aaron Dean represents general contractors, subcontractors, suppliers, public and private owners, developers, and A/E in every aspect of construction dispute resolution. Notably, he is the Chapter Attorney for the Minnesota Subcontractors Association, where he drafts and testifies about legislation affecting the construction industry.**

Aaron ensures contractors get paid via mechanic's liens, payment bond claims, statutory prompt payment and trust fund claims, and contract claims. He helps contractors by asserting claims for time and money, defending against liquidated damages and delay claims, defending against back charges and offsets, and handling all aspects of change order management.

Aaron has completed more than 100 cases to verdict, judgment, or arbitration award, and administrative rulings in jury trials, bench trials, AAA and private arbitrations, and government administrative proceedings.

On the defense side of his litigation practice, Aaron has extensive knowledge and experience in federal and state administrative proceedings. He has handled more than 550 OSHA investigations for contractors and manufacturers in 27 states, including resolving OSHA and state plan citations in more than 40 fatalities. He also vigorously defends clients against citations issued by MSHA, EPA, DOL, and other regulatory agencies.

Aaron has specific experience with bid protests, competitive bidding, and best value disputes for public procurement. He has completed more than 100 bid protests, including leading a renowned Minnesota case which found a public owner in contempt of court for violating injunctions and proceeding with construction with a second low bidder.

In addition, Aaron's alternative dispute resolution record includes mediating hundreds of construction cases.

A sought-after construction industry thought leader, Aaron has given more than 100 presentations at construction and safety trade events.

Before entering private practice, Aaron was a law clerk for the Honorable David S. Doty and the Honorable James M. Rosenbaum, both U.S. District Court Judges for the District of Minnesota.

## Education

- William Mitchell College of Law (J.D.), *summa cum laude*
- Lafayette College (B.A.)

## Bar Admissions

- Minnesota, 1994
- North Dakota, 2006
- Wisconsin, 2005

## Court Admissions

- U.S. Court of Appeals for the Eighth Circuit
- U.S. District Court for the District of Minnesota

## Community Involvement

- Youth baseball, softball, basketball, and soccer coach
- Traveling Baseball Association, president

## Distinctions

- *Minnesota Super Lawyers*, 2003–2006, 2008–2025
- Construction Lawyers Society of America
  - Chartered Fellow, 2017–present
  - Order of Maximus, 2021
- *Minnesota Lawyer*
  - The POWER 30: Construction and Real Estate Law, 2021, 2024, 2025
  - Attorney of the Year, 2022

## Memberships

- Minnesota Subcontractors Association
  - Chapter Attorney, 2024
  - President, 2014–2016
  - Government Affairs Committee, 2014–2015
  - Board Member, 2008–2015
  - Vice President, 2013–2014
  - Treasurer, 2012–2013
- Construction Financial Management, Board of Directors
- Associated General Contractors of Minnesota, Supervisory Training Program, Instructor
- Associated Builders & Contractors Inc. Minnesota / North Dakota Chapter, Safety Committee
- American Subcontractors Association, Minnesota Board, Board Member
- William Mitchell College of Law, Alumni Board
- SMARCA of Minnesota North & South Dakota Inc.
- Minnesota Asphalt Pavement Association

- American Bar Association
- Federal Bar Association
- Minnesota State Bar Association, Construction Law Section
  - Council Member, 2013–2016
  - Chair, 2011–2012
  - Vice Chair, 2010–2011
  - Treasurer, 2009–2010
  - Secretary, 2008–2009
- ABA Forum on the Construction Industry

## Presentations and Publications

- Quoted. "Council Hires Contractor for East End Road Project," *Superior Telegram*, May 2025
- Quoted. "Superior Council Considers Splash Pad Road Construction Contracts," *Superior Telegram*, May 2025
- Legislative and Case Law Update, National Subcontractors Alliance's Spring Conference, April 2025
- "General Conditions of the Contract for Construction," MMCA Training Center, Hopkins, Minnesota, February 2025
- "Subcontractors' Perspective and Innovations Panel," 17th Annual Minnesota Construction Summit, Golden Valley, Minnesota, January 2025
- "Solving Construction Contract Issues: Payments & Bids," Roseville, Minnesota, October 2024
- Safety Training, Northdale Construction Company, Inc., Albertville, Minnesota, April 2024
- "Changes to Construction Contracts," Minnesota Mechanical Contractors Association, March 2024
- "OSHA Changes and Policy Updates that Impact Your Company," The Builders Group, Eagan, Minnesota, March 2024
- "Legal Hot Topics: Permit Liability, Changing of the Guard and MnOSHA Legislative Changes and Enforcement Trends," 2023 MN Asphalt Conference & Trade Show, Prior Lake, Minnesota, December 2023
- "MnOSHA Legislative Changes," OSHA Environmental Compliance Systems, December 2023
- "2023 MnOSHA Regulatory Changes – Lunch & Learn," The Builders Group, Eagan, Minnesota, December 2023
- "Handling OSHA Inspections and How to Get Paid, Close Out Contracts, and Avoid Liquidated Damages," North Dakota Safety Council, Bismarck, North Dakota, June 2023
- "How to Get Paid, Close Out Contracts, and Avoid Liquidated Damages," West Fargo, North Dakota, April 2023
- Safety Training, Minger Construction, Jordan, Minnesota, April 2023
- "OSHA Inspections, SVEP, MN / Fed OSHA," 2023 Northwest Chapter of the American Society of Safety Professionals (ASSP) Professional Development Conference, Eagan, Minnesota, April 2023
- "Handling OSHA Inspections Lunch and Learn," Associated Builders & Contractors (ABC) of Minnesota / North Dakota, Border States Electric, Fargo, North Dakota, April 2023
- "How to Get Paid, Close Out Contracts, and Avoid Liquidated Damages," Minnesota Mechanical Contractors Association (MMCA), March 2023
- "Handling OSHA Inspections," Minnesota Utility Contractors Association (MUCA) Leadership Series – Spring Session, The Builders Group, Eagan, Minnesota, March 2023
- "How to Get Paid, Close Out Contracts, and Avoid Liquidated Damages," Associated Builders and Contractors (ABC) Minnesota / North Dakota Chapter, March 2023
- "How to Avoid Mistakes that Make Contractors Go Out of Business and Get Paid for Your Work," Associated Builders & Contractors (ABC) of Minnesota / North Dakota and the Construction Financial Management Association, Fargo, North Dakota, March 2023
- "Handling OSHA Inspections," Associated Builders & Contractors (ABC) Minnesota / North Dakota Chapter, February 2023
- "Handling OSHA Inspections," Minnesota Utility Contractors Association Leadership Series, 0020 Winter Session, UEL Conference Center, St. Paul, Minnesota, March 2022

- "Collecting Change Orders and Contract Balances and Current Construction Law Issues," National Surety and Insurance Agency, March 2022
- "OSHA Investigations & Responding to Citations," Mahowald, August 2021
- "Handling OSHA Inspections," Minnesota Utility Contractors Association, May 2021
- "How to Get Paid for Your Company's Work," Multi-Association Alliance for Mechanical Subcontractors, April 2021
- "OSHA Shows Up on the Job Site – What Is Next?" Minnesota Subcontractors Association, April 2021
- "Avoiding Common Mistakes Contractors Make," Associated Builders & Contractors (ABC) Minnesota / North Dakota Chapter, October 2020
- "How to Prevent Contractors from Going Out of Business," Management Guidance seminar to multiple trade groups, April 2020
- "Part II – Avoiding Common Mistakes that Contractors Make," Associated Builders & Contractors (ABC), April 2020
- "Contracts and Change Order Training," seminar and training to national trade subcontractor, April 2020
- "Avoiding Common Mistakes that Contractors Make," ABC of MN / ND, April 2020
- "Bid Terms and Conditions and Modifying Construction Contracts," seminar and training to national trade subcontractor, April 2020
- "Dealing with OSHA," Minnesota Mechanical Contractors Association, Minneapolis, Minnesota, April 2020
- "How to Get Paid," in-house seminar for several glass companies, March 2020
- "How to Get Paid," Minnesota Mechanical Contractors Association, Minneapolis, Minnesota, March 2020
- "How to Avoid Going Out of Business," ABC of MN / ND Lunch 'n' Learn, Comstock Construction, Fargo, North Dakota, March 2020
- "How to Avoid Going Out of Business," ABC of MN / ND Lunch 'n' Learn, Mankato, Minnesota, March 2020
- "How to Avoid Going Out of Business," ABC of MN / ND Breakfast Seminar, Eden Prairie, Minnesota, March 2020
- "How to Avoid Going Out of Business," ABC of MN / ND Lunch 'n' Learn, Bismarck, North Dakota, February 2020
- "How to Get Paid," Minnesota Mechanical Contractors Association, Minneapolis, Minnesota, February 2020
- "Safety Director Liability & OSHA," The Builders Group, Eagan, Minnesota, December 2019
- "Year In Review for OSHA Citations and Cases Defended," Twin Cities, Minnesota, September 2019
- "How to Modify Construction Contracts," Rochester Golf and Country Club, Rochester, Minnesota, September 2019
- "Practical Perspectives on Minnesota OSHA Disputes," Minneapolis, Minnesota, June 2019
- "Risk Management and Contracts," The Builders Group, Eagan, Minnesota, May 2019
- "Changes to Construction Contracts," Minnesota Mechanical Contractors Association, Minneapolis, Minnesota, April 2019
- "What Happens When OSHA Arrives?" ACME Tools, Grand Forks, North Dakota, April 2019
- "When OSHA Comes A-Knockin'," ABC 2019 Safety & Construction Conference, March 2019
- "When OSHA Comes A-Knockin'," St. Cloud River's Edge Convention Center, St. Cloud, Minnesota, March 2019
- "Important Construction Contract Terms," San Antonio, Texas, February 2019
- "What Happens When OSHA Arrives?" Bilfinger Westcon, Inc., Bismarck, North Dakota, February 2019
- "Handling OSHA Inspections in 2019," Mystic Lake Center, Prior Lake, Minnesota, February 2019
- "Handling a Serious Injury Case," Minneapolis Marriott Northwest, Brooklyn Park, Minnesota, February 2019
- "Subcontractors Perspective: The Value of Collaborating with General Contractors and Developers," Golden Valley Country Club, Golden Valley, Minnesota, January 2019
- "Dealing with OSHA," Minnesota Mechanical Contractors Association, Minneapolis, Minnesota, January 2019
- "How to Get Paid," Associated Builders and Contractors of MN / ND Breakfast & Learn, Fargo, North Dakota, January 2019
- "Lien Law," 5th Annual ABC & CFMA Construction Management Regional Conference, West Fargo, North Dakota, November 2018
- "Your Safety Record Impacts Contracting Opportunities," Associated General Contractors of Minnesota Safety & Health Committee Meeting, St. Paul, Minnesota, May 2018

- "How to Get Paid," Associated Builders & Contractors Lunch 'n' Learn, Mandan, North Dakota, April 2018
- "OSHA on the Jobsite," Associated Builders and Contractors, Inc.'s 2018 Safety & Construction Conference, St. Cloud River's Edge Convention Center, St. Cloud, Minnesota, March 2018
- "How to Get Paid," Dakota Chapter of Construction Financial Management Association (CFMA), West Fargo, North Dakota, February 2018
- "Construction Law Landscape," Golden Valley Country Club, Golden Valley, Minnesota, February 2018
- "Four Ways to Modify a Contract," Minnesota Subcontractors Association, Roseville, Minnesota, January 2018
- "Protecting Your Company's Safety Record," 2018 Minnesota Construction Summit, Minneapolis Convention Center, Minneapolis, Minnesota, January 2018
- "Waiting on \$1 million from the state of North Dakota," *News & Views with Joel Heitkamp* Podcast, January 2018
- "OSHA Is On-Site: Now What," Twin City Roofing Contractors Association and SMARCA, Roseville, Minnesota, October 2017
- "Handling a Serious Injury Case," Marsh and McLennan Agency, Brooklyn Park, Minnesota, May 2017
- "How to Handle OSHA Investigations," Lametti & Sons, Inc. Annual Safety Day, April 2017
- "Negotiating Construction Contracts," Minnesota Subcontractors Association, Roseville, Minnesota, April 2017
- "Retainage Law and Legislative Update: 2016 and Beyond," Minnesota Plumbing-Heating-Cooling Contractors Association 121st Annual Convention & Vendor Show, Minneapolis Marriott Northwest, Brooklyn Park, Minnesota, February 2017
- "Subcontractors Perspective," Real Estate & Construction Contractors Summit: "Building Relationships Not Just Projects," Golden Valley, Minnesota, September 2016
- "My Contract Says What?" 9th Annual MNCPA Construction Conference, Crowne Plaza Minneapolis West, Plymouth, Minnesota, September 2016
- "Legislative Update: 2016 and Beyond," 9th Annual MNCPA Construction Conference, Crowne Plaza Minneapolis West, 3131 Campus Drive, Plymouth, Minnesota, September 2016
- "What the New 2016 Retainage Law Means to Subcontractors," Minnesota Subcontractors Association, June 2016
- "Training Your Employees to Handle an OSHA Inspection," Presentation to 40+ representatives of general contractors, North Dakota State College of Science, Fargo, North Dakota, May 2016
- "Ask the Attorney: What to Do When My Contract Says What?," Subcontractor Trade Association, Roseville, Minnesota, May 2016
- "To Appeal or Not to Appeal: That is the Question," 2016 Appellate Practice Institute, Minneapolis, Minnesota, March 2016
- "Retainage Reform During the 2016 Legislative Session," Minnesota Subcontractors Association, St. Paul, Minnesota, February 2016
- "Professional Liability for Safety Professionals," American Society of Safety Engineers Northwest Chapter, 2016 Annual Professional Development Conference, The Commons Hotel, Minneapolis, Minnesota, February 2016
- "Responsible Contractor Act," Minnesota Contractor Trade Organization, Las Vegas, Nevada, February 2016
- "How to Get Paid Early and in Full," Minnesota Contractor Trade Organization, Las Vegas, Nevada, February 2016
- "What to Do When the Contract Documents You Receive Post-Bid Are Different than Your Bid," Minnesota Contractor Trade Organization, Las Vegas, Nevada, February 2016
- "New Responsible Contractor Act," AGC, MMCA, NECA, and other contractor trade groups, Roseville Radisson, Roseville, Minnesota, January 2016

## Related Experience

### **Trials and Arbitrations**

- Represented general contractor in jury trial against the State of North Dakota related to a public construction project obtaining \$1.4 Million jury verdict and finding of defective design.

- Represented general contractor in jury trial against Faribault County and defeated multimillion performance bond claim in a “bet the company” case and recovered contract balance.
- Represented mechanical subcontractor in AAA Arbitration and recovered contract balance and \$500,000+ of legal fees and statutory prompt payment interest.
- Represented general contractor in AAA Arbitration and defeated \$20+ Million claim by project owner and recovered general contractor’s contract balance.
- Represented general contractor in AAA Arbitration and defeated \$3+ Million claim by subcontractor on North Dakota public construction project.
- Represented general contractors and subcontractors at trial and recovered contract balances and defeated construction defect Counterclaims.
- Represented property owner and obtained fraud and punitive damages awards.
- Secured complete dismissal of a county’s \$2+ million claim for alleged defects to repair the county’s law enforcement center.
- Successfully defended more than 98% of a contractor’s claims against the City of Chanhassen related to construction of a \$5.1 million public library. De minimis award below settlement offer.

## **Bid Disputes**

- Represented a contractor joint venture in the largest successful bid protest in Minnesota history related to the Hiawatha Light Rail project.
- Represented contractors in bid protests and obtained injunctive relief to stop construction with a second low bidder and obtain judicial declaratory relief that contract award was void and illegal.
- Represented contractor in bid protests through permanent injunction evidentiary hearings and obtained ruling that public owner was in contempt of Court and obtained an award of legal fees for wrongfully rejected contractor.
- Represented general contractors and subcontractors to prevent contract award following significant bid mistakes and obtained return of Bid Bonds.
- Represented a DBE contractor in an administrative contested case hearing following MnDOT’s first-ever attempt to decertify a DBE company in which he stopped decertification.

## **OSHA**

- Represented contractor and obtained successful dismissal of OSHA Citation following a fatality.
- Represented contractor and obtained successful dismissal of OSHA Citations following serious injuries.
- Represented manufacturer and successfully defended multi-million OSHA fine.
- Represented a specialty subcontractor and obtained dismissal of a fatality Citation issued under OSHA’s General Duty Clause.
- Represented a roofing subcontractor at trial, resulting in complete dismissal of OSHA Citation.
- Represented an underground utility contractor, obtaining complete dismissal of MNOSHA Citations issued to contractor. Administrative law judge issued an order dismissing MNOSHA’s complaint with prejudice, dismissing MNOSHA Citations in their entirety, and vacating all fines issued to a contractor; also issued pre-trial ruling dismissing all claims against the contractor.
- Obtained dismissal of Citations issued by MNOSHA following administrative contested case hearing based on employee misconduct defense. Dismissal of Citations affirmed on appeal.
- Obtained dismissal of federal OSHA citations on appeal following contested case hearing in Colorado.
- Obtained complete dismissal of a “repeat” level fall protection OSHA citation issued to general contractor / developer for safety violations committed by framing subcontractor.
- Obtained complete dismissal of OSHA citations issued to general contractor under the Multi-Employer Doctrine.
- Obtained dismissal of multiple citations issued by OSHA and state plans to a temporary labor / staffing company at manufacturing facilities, where more than 1,000 temporary employees were working during an almost two-year

lockout and in other long-term lockouts.

### **Mechanic's Liens**

- Represented a lumber supplier on appeal; established priority of lumber supplier's mechanic's lien over bank's mortgage and allowed lumber supplier's blanket lien to be foreclosed on less than all residential lots without apportionment.
- Represented material supplier; affirmed judgment in favor of mechanic's lien claimants and against lender regarding priority of various claims.
- Represented contractor on appeal, where contractor did not waive right to seek attorneys' fees by prosecuting mechanic's lien and breach of contract claims in arbitration.
- Represented building owner; obtained dismissal of mechanic's liens for failing to provide lienable services and intentionally overstating lien amounts.