



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

February 23, 2015

NOTICE OF INTENT TO DENY LICENSE

Christopher James Burgess
315 – 19th Avenue North
Hopkins, MN 55343

RE: Massage Practitioner license application submitted by Christopher James Burgess for the premises located at 762 Cleveland Avenue in Saint Paul
License ID #20140002236

Dear Mr. Burgess:

The Department of Safety and Inspections (DSI) will recommend denial of the Massage Practitioner license application submitted by Christopher James Burgess for the premises located at 762 Cleveland Avenue (The Great Metropolitan Backrub) in Saint Paul. The basis for the recommendation is as follows:

On July 23, 2014, you submitted an application for a Massage Practitioner license with the Department of Safety and Inspections (DSI). During a routine criminal history check as part of the application process, DSI discovered you had a criminal case pending in Hennepin County. Court records show a jury trial was scheduled in February of 2015.

On February 13, 2015 you filed a Petition to Enter a Guilty Plea and were then convicted of Gross Misdemeanor Criminal Sexual Conduct – 5th Degree-Nonconsensual Sexual Contact (Minn. Stat. § 609.3451.1) in Hennepin County.

Saint Paul Legislative Code § 310.06 (b) (6) (c) states the basis for adverse action: “The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.”

At this time, you have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Thursday, March 5, 2015**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.

2. If you wish to admit the facts but you contest the penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing. I will need to receive your letter by **Thursday, March 5, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to deny your Massage Practitioner license. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **Thursday, March 5, 2015**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will then be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

4. You may withdraw your license application. Send a written statement to that effect to the Department of Safety and Inspections (DSI), 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Thursday, March 5, 2015**. Information should be directed to the attention of Dan Niziolek. Any request for a refund of the license application fee must also be made in writing to the Department of Safety and Inspections.

If you have not contacted me by Thursday, March 5, 2015, I will assume that you are not contesting the denial of your Massage Practitioner license. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,



Geoffrey Karls
Assistant City Attorney

cc: Dan Niziolek, DSI Deputy Director
Barb McMonigal-St. Dennis, DSI

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 23rd day of February she served the attached **NOTICE OF INTENT TO DENY LICENSE** and correct copy thereof in an envelope addressed as follows:

Christopher James Burgess
315 - 19th Avenue North
Hopkins, MN 55343

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

Julie Kraus
Julie Kraus

Subscribed and sworn to before me
this 23rd day of February, 2015

Rita M. Bossard
Notary Public

