



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

July 13, 2012

NOTICE OF INTENT TO SUSPEND LICENSES

Kong Xiong, Owner
Kay's Massage
1001 Johnson Parkway, Unit 170
St. Paul, MN 55106

RE: Massage Practitioner license held by Kong Xiong d/b/a Kong Xiong - License ID #20100000805
✓ Massage Center – A (Commercial) license held by Kay's Massage d/b/a Kay's Massage - License ID #20110001127 for the premises located at 1001 Johnson Parkway, Unit 170 in Saint Paul

Dear Ms. Xiong:

The Department of Safety and Inspections (DSI) has recommended suspension of the Massage Practitioner license held by Kong Xiong d/b/a Kong Xiong and Massage Center – A (Commercial) license held by Kay's Massage d/b/a Kay's Massage for the premises located at 1001 Johnson Parkway, Unit 170 in Saint Paul. The basis for the recommendation is as follows:

On May 29, 2012, you were sent two (2) separate letters and RENEWAL INVOICES from the Department of Safety and Inspections (DSI) stating that your Massage Practitioner and Massage Center – A (Commercial) licenses both expired as of February 23, 2012. You currently owe a combined total of \$468.00 in delinquent license and late fees.

You were also asked to submit the following information to renew your licenses: 1) a current certificate of General and Professional Liability insurance with a 30-day notice of cancellation and naming the City of Saint Paul as additional insured; 2) Proof of Affiliation; 3) a list of employee names and their license numbers and 4) a completed Certificate of Compliance Minnesota Workers' Compensation Law form.

You were given until June 12, 2012, to pay the license and late fees and submit the requested information. As of today's date, neither has been received.

In addition to the suspension of your Massage Practitioner and Massage Center – A (Commercial) licenses, per Saint Paul Legislative Code §310.05 (m) (2), the licensing office will also recommend a \$500.00 matrix penalty for failure to submit the required information in order to maintain your license.

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At this time, you have three options on how to proceed:

1. You can pay the delinquent license and late fees and submit the requested information. If this is your choice, you should send the payment and information directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, July 23, 2012**. Information should be directed to the attention of Christine Rozek. A self-addressed envelope is enclosed for your convenience. Payment of the delinquent license and late fees and submission of the requested information will be considered to be a waiver of the hearing to which you are entitled.
2. If you wish to admit the facts but 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 the facts and requesting a public hearing. I will need to receive your letter by **Monday, July 23, 2012**. The matter will then be scheduled before the City Council for a public hearing to determine whether to suspend your licenses and impose the \$500.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. If you no longer wish to do business in the City of Saint Paul, you will need to send a written statement to that effect to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, July 23, 2012**. Information should be directed to the attention of Christine Rozek.

If you have not contacted me by Monday, July 23, 2012, I will assume that you do not contest the suspension of your licenses and imposition of the \$500.00 matrix penalty. 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,



Daphne Lundstrom
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Kong Xiong, 917 Barclay Street, St. Paul, MN 55106

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 13th day of July she served the attached **NOTICE OF INTENT TO SUSPEND LICENSES** and correct copy thereof in an envelope addressed as follows:

Kong Xiong, Owner
Kay's Massage
1001 Johnson Parkway, Unit 170
St. Paul, MN 55106

Kong Xiong
917 Barclay Street
St. Paul, MN 55106

(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 13th day of July, 2012

Rita M. Bossard
Notary Public

