



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

November 14, 2013

NOTICE OF INTENT TO DENY LICENSE

Christopher Frank, Owner
Perfect Tan
2180 Marshall Avenue
Saint Paul, MN 55104

RE: Tanning Facility license application submitted by Phoenix Acquisitions, Inc. d/b/a Perfect Tan for the premises located at 2180 Marshall Avenue in Saint Paul
License ID #20130001542

Dear Mr. Frank:

The Department of Safety and Inspections (DSI) has recommended denial of the Tanning Facility license application submitted by Phoenix Acquisitions, Inc. d/b/a Perfect Tan for the premises located at 2180 Marshall Avenue in Saint Paul. The basis for the recommendation is as follows:

On April 12, 2013, you were sent a letter from the Department of Safety and Inspections (DSI) indicating that your Tanning Facility license application had been "pending" since April 2, 2013. In order for DSI to continue processing the application you would need to complete the following by May 3, 2013:

- **Obtain DSI Environmental Health inspection approval. You needed to contact Peter Kishel at (651) 266-9133 to arrange for the inspection approval. Note: you would also be required to submit payment of an Environmental Health Inspection fee as part of the approval process.**
- **Provide a valid Minnesota Sales Tax identification number.**
- **Provide a signed lease between you and the property owner (Kvasnik Properties li, LLC) or a signed letter of permission form the property owner, specifically permitting you to operate a tanning facility at this location. *The lease you submitted was not with the property owner.***

On August 28, 2013, you were sent a 2nd Notice Incomplete Application indicating that you had not responded to the April 12, 2013 letter. You were given until September 20, 2013, to arrange your Environmental Health Inspection approval and submit the required information in order to continue the application process. As of today's date DSI has not received a response from you concerning these outstanding issues.

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

1. You can call Barbara McMonigal-St. Dennis at (651) 266-9137 to schedule an Environmental Health Inspection approval. You can also submit the required tax identification and lease information directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, November 25, 2013**. A self-addressed envelope is enclosed for your convenience. Scheduling your Environmental Health Inspection approval and submitting required 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, November 25, 2013**. The matter will then be scheduled before the City Council for a public hearing to determine whether to deny your Tanning Facility license. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. 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 **Monday, November 25, 2013**. Information should be directed to the attention of Christine Rozek. 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 or DSI by Monday, November 25, 2013, I will assume that you do not contest the denial of your Tanning Facility 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: Christine Rozek, Deputy Director of DSI
Phoenix Acquisitions, Inc., Attn: Christopher Frank, P.O. Box 28302, Oakdale, MN 55128
Bernadette Chlebeck, Executive Director, Union Park District Council, 1570 Concordia Avenue, Ste. LL100
Saint Paul, MN 55104

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

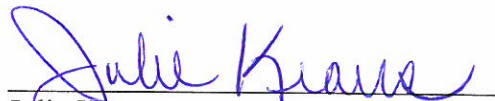
Julie Kraus, being first duly sworn, deposes and says that on the 14th day of November she served the attached **NOTICE OF INTENT TO DENY LICENSE** and a correct copy thereof in an envelope addressed as follows:

Christopher Frank, Owner
Perfect Tan
2180 Marshall Avenue
Saint Paul, MN 55104

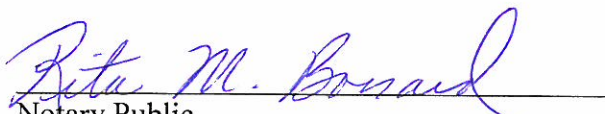
Phoenix Acquisitions, Inc.
Attn: Christopher Frank
P.O. Box 28302
Oakdale, MN 55128

Bernadette Chlebeck, Executive Director
Union Park District Council
1570 Concordia Avenue, Ste. LL100
Saint Paul, MN 55104

(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

Subscribed and sworn to before me
this 14th day of November, 2013


Notary Public

