

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 31st day of March, he served the attached **NOTICE OF VIOLATION RECOMMENDATION FOR IMPOSITION OF \$500 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Mikayla Eldredge
2245 Jewell Lane
St. Paul, MN 55075

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


Shawn McDonald

Subscribed and sworn to before me
This 31st day of March 2020


Notary Public



OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division
400 City Hall and Court House
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102

Telephone: 651 266-8710
Facsimile: 651 298-5619

March 31, 2020

**NOTICE OF VIOLATION
RECOMMENDATION FOR IMPOSITION
OF \$500 MATRIX PENALTY**

Mikayla Eldredge
2245 Jewell Lane
St. Paul, MN 55075

RE: Massage Practitioner license held by Mikayla Eldredge for the City of Saint Paul
License ID #: 20180003284

Dear Ms. Eldredge:

The Department of Safety and Inspections has recommended adverse action against the Massage Practitioner license held by Mikayla R. Eldredge for the City of Saint Paul. The recommendation is based on the following information:

On January 3, 2020, DSI clerk Linda Koran sent you an email regarding a lapse in your General and Professional Liability Insurance. You were asked to provide a revised CERTIFICATE OF INSURANCE to show that you had active insurance starting December 18, 2019. The CERTIFICATE OF INSURANCE you provided shows an active date of December 31, 2019.

On February 10, 2020 Linda emailed you following up to see if you obtained a revised insurance certificate with no lapse in coverage.

On March 13, 2020 Linda emailed you to inform you that in order to receive your Massage Practitioner license you must submit your revised insurance certificate as soon as possible to avoid adverse action. You responded that the ABMP informed you that you did not have insurance coverage from December 18, 2019 through December 30, 2019.

Saint Paul Legislative Code § 414.03 (c) states the basis for adverse action: *“Every application for a license shall be accompanied by proof of general and professional liability insurance executed by an insurance company authorized to do business in the state, in an amount to be determined by the risk manager pursuant to the Saint Paul Legislative Code. The insurance shall be conditioned that the insurer shall defend, indemnify and hold the city and its officers, employees and agents harmless from and against all claims, damages or liability resulting from the grant or renewal of a license under this chapter, or operations or business of such license. All insurance policies hereunder shall provide for at least thirty (30) days' prior notice to the department of safety and inspections before the cancellation thereof is effective and shall continue to provide coverage as to*

“The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices.”

all matters arising during the term of the insurance policy whether or not later canceled.”

Under Saint Paul Legislative Code Section 310.05 (m)(2) a violation of a provision of the legislative code relating to the licensed activity is a basis for adverse action. The penalty matrix laid out in 310.05 prescribes a \$500 fine for a First-time Violation.

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 **April 14, 2020**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Consent Agenda for approval of the proposed remedy.
2. You can pay the \$500.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **April 14, 2020**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty will be considered a waiver of the hearing to which you are entitled.
3. If you wish to admit the facts but contest the \$500.00 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 no later than **April 14, 2020**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. 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 by **April 14, 2020**. 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 need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

If you have not contacted me by April 14, 2020, I will assume that you are not contesting the 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 contact my Legal Assistant, Shawn McDonald at (651) 266-8729.

Sincerely,

A handwritten signature in blue ink that reads "Therese Skarda / s.m.". The signature is fluid and cursive.

Therese Skarda
Assistant City Attorney
License No. 0240989

Fischbach, Jeffrey (CI-StPaul)

From: Koran, Linda (CI-StPaul)
Sent: Monday, March 16, 2020 3:54 PM
To: Fischbach, Jeffrey (CI-StPaul)
Subject: Most Recent E-mail from Mikayla Eldredge

Hi Jeff,

Below is the most recent response from Mikayla Eldredge.

Thank you,

Linda



Linda Koran

License Clerk

Department of Safety & Inspections

375 Jackson Street, Suite #220

Saint Paul, MN 55101

P: (651) 266-9105

C:

F: (651) 266-9124

linda.koran@ci.stpaul.mn.us

The Most Livable
City in America



Making Saint Paul the Most Livable City in America

“DSI’s Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all.”

From: Mikayla Eldredge <mikaylaeldredge@gmail.com>

Sent: Friday, March 13, 2020 5:01 PM

To: Koran, Linda (CI-StPaul) <linda.koran@ci.stpaul.mn.us>

Subject: Re: FW: Massage licensing Insurance Certificate

Think Before You Click: This email originated **outside** our organization.

Hey Linda,

I tried to call you but your line was busy so I left you a message. The ABMP Now informing me that I did not have insurance between those dates so my coverage start date is the 31st. My manager is now working on calling them and helping me figure this out. What happens now?

Have a great day
Mikayla E

On Fri, Mar 13, 2020 at 10:43 AM Koran, Linda (CI-StPaul) <linda.koran@ci.stpaul.mn.us> wrote:

Hi Mikayla,

General and Professional Liability Insurance still needs to be submitted covering the lapse in coverage dates. (See below e-mails that were previously sent). The effective date on the insurance certificate needs to be revised to reflect December 18, 2019. (See attached certificate).

Your Massage Practitioner License cannot be issued until this is received. Please have your insurance company submit the revised certificate ASAP to avoid any adverse action against the license due to the lapse in the insurance coverage dates.

Thank you,

Linda



Linda Koran

License Clerk

Department of Safety & Inspections

375 Jackson Street, Suite #220

Saint Paul, MN 55101

P: (651) 266-9105

The Most Livable
City in America C:

F: (651) 266-9124

linda.koran@ci.stpaul.mn.us



Making Saint Paul the Most Livable City in America

"DSI's Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all."

From: Koran, Linda (CI-StPaul)

Sent: Monday, February 10, 2020 10:53 AM

To: Mikayla Eldredge <mikaylaeldredge@gmail.com>

Subject: FW: Massage licensing Insurance Certificate

Hi Mikayla,

Just checking in with you to see if you were able to obtain a revised insurance certificate with no lapse in coverage. The effective date needs to be December 18, 2019, not December 31, 2019.

Attached is what was submitted at renewal.

Please e-mail the revised insurance certificate to me or fax it to my attention at (651) 266-9124.

Thank you,

Linda



Linda Koran

License Clerk

Department of Safety & Inspections

375 Jackson Street, Suite #220

Saint Paul, MN 55101

P: (651) 266-9105

The Most Livable
City in America

C:

F: (651) 266-9124

linda.koran@ci.stpaul.mn.us



Making Saint Paul the Most Livable City in America

"DSI's Mission: To preserve and improve the quality of life in Saint Paul by protecting and promoting public health and safety for all."

From: Koran, Linda (CI-StPaul)

Sent: Friday, January 3, 2020 12:07 PM

To: Mikayla Eldredge <mikaylaeldredge@gmail.com>

Subject: RE: Massage licensing

The active date needs to be December 18, 2019.

Thank you,

Linda

From: Mikayla Eldredge [mailto:mikaylaeldredge@gmail.com]

Sent: Friday, January 3, 2020 8:54 AM

To: Koran, Linda (CI-StPaul) <linda.koran@ci.stpaul.mn.us>

Subject: Massage licensing

Think Before You Click: This email originated **outside** our organization.

when I called ABMP they said there was no lapse in insurance and this is what they sent me.

Properties For License 2245 JEWELL LANE

Pay
 Print
 Wait
 Hist
 Summ

Licensee **MIKAYLA R ELDREDGE**
 DBA **MIKAYLA R ELDREDGE**

License | Licensee | Lic. Types | Insurance | Bond | Requirements |

License Type:
< 1 of 1 >

Insurance Type:

Policy #:
Vehicles

Company:

Address:

Phone #:

Effective:	<input type="text" value="12/16/2018"/>	Liability Limits	Insurance Rec'd	<input type="text" value="08/07/2019"/>
Expiration:	<input type="text" value="12/17/2019"/>	EA OCC \$2,000,000	Days To Cancel:	<input type="text"/>
Continuous	<input type="checkbox"/>	AGG \$6,000,000	Canceled:	<input type="text" value="00/00/0000"/>
City Insured	<input checked="" type="checkbox"/>		Cancel Rec'd:	<input type="text" value="00/00/0000"/>

Agency:

Address:

Phone #: Contact:

<< 1 of 1 >>

License # **180003284** Save Changes to History



Certificate of Insurance

OCCURRENCE COVERAGE ABMP In-Dues Liability Program

ABMP MAILING ADDRESS:

Associated Bodywork & Massage Professionals
25188 Genesee Trail Road
Suite 200
Golden, CO 80401

MASTER POLICY HOLDER

Allied Professionals Insurance RPG

AGENT/BROKER

Allied Professionals Insurance Services

ISSUED BY:

Allied Professionals Insurance Company, A
Risk Retention Group, Inc.

POLICY #: API-ABMP-19

LIABILITY LIMITS <small>(per member)</small>	ANNUAL AGGREGATE	\$6,000,000
	PER OCCURRENCE LIMIT	\$2,000,000
COMMERCIAL GENERAL LIABILITY	PRODUCTS-COMP/OP	included
	PROFESSIONAL LIABILITY	included
	GENERAL LIABILITY	included
	FIRE LIABILITY LIMIT	\$100,000

To verify information, contact ABMP. Tel: 303-674-8478 Fax: 303-674-0859

This Policy is issued by your risk retention group. Your risk retention group may not be subject to all of the insurance laws and regulations of your State. State insurance insolvency guaranty funds are not available for your risk retention group. Coverage is afforded to person(s) named herein as Named Insureds according to the terms and conditions of the Policy to which this Certificate refers, subject to limitation by any applicable state licensing laws. No other rights or conditions, except as specifically stated herein, are granted or inferred.

COVERAGES

THIS IS TO CERTIFY THAT THE POLICY OF INSURANCE LISTED ABOVE HAS BEEN ISSUED TO THE INSURED NAMED BELOW. THE INSURED ACTIVE DATE LISTED BELOW APPLIES ONLY TO ELEMENTS OF COVERAGE CONTINUOUSLY IN PLACE SINCE THE INCEPTION OF THE NAMED INSURED'S POLICY. CHANGES TO COVERAGE ARE EFFECTIVE RETROACTIVELY ONLY TO THE DATE THE CHANGE WAS MADE. REPORT IN WRITING WITHIN 48 HOURS ANY & ALL CLAIMS, OR INCIDENTS THAT YOU BELIEVE MAY RESULT IN A CLAIM, EVEN IF GROUNDLESS.

This Certificate, along with the Policy to which it refers, is valid evidence of coverage extended to the Certificate Holder listed below.

CERTIFICATE HOLDER

(Active Registered Members are on file with the ABMP Membership Director.)

Member/Named Insured:	Mikayla Eldredge
Membership I.D. #:	1300633
Member/Policy Term Active:	Dec-31-2019
Member/Policy Term Expires:	Dec-17-2020
Total Member Cost:	\$ 259 <small>(ABMP Membership, including Member Liability Coverage)</small>

Paul 87

Authorized Representative

CANCELLATION: Should any of the above described policies be cancelled before the expiration date thereof, the issuing company will endeavor to mail 10 days written notice for non-payment or 90 days written notice for any other reason to the certificate holder named above, but failure to mail such notice shall impose no obligation or liability of any kind upon the company, its agents or representatives.

ADDITIONAL INSURED:

(with inception date)

City of Saint Paul DSI 375 Jackson St, #220 Saint Paul, MN 55101-1006	Dec 31, 2019
--	--------------

Estetica Salon & Spa	Dec 31, 2019
----------------------	--------------

Coverage is extended subject to all terms and conditions of the Policy.