



## Legislation Text

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**File #:** RES 25-567, **Version:** 1

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Directing the Department of Safety and Inspections to proceed with the \$500 matrix penalty and license suspension adverse action against Ayako Nakandakari d/b/a Ayako Nakandakari (License ID #20170000614) for the premises located at 762 Cleveland Ave S.

WHEREAS, the Massage Practitioner license (“License”) held by Ayako Nakandakari d/b/a Ayako Nakandakari under License ID #20170000614 for the premises located at 762 Cleveland Ave S., in Saint Paul (“Licensed Premises”), which is owned by Ayako Nakandakari was the subject of adverse action pursuant to an February 25, 2025, Notice of Violation and Request for Imposition of \$500 Matrix Penalty and License Suspension (“Notice”) (**Exhibit 1**) in which the Department of Safety and Inspections (“Department”) provided notice to the Applicant of its intent to suspend license until licensee provides required supporting documents, fee payment to renewal license, and respond to delinquent letter of January 16, 2025, and move forward with adverse action supported by Saint Paul Legislative Code §310.03; and

WHEREAS, On January 16, 2025, Licensing Manager, Eric Hudak mailed the Applicant a letter to inform them that their license had expired and is now delinquent. Applicant was requested to renew the license by February 6, 2025, in failing to do so there would be a voluntary surrender of the license resulting in the administrative cancelation of the license; and

WHEREAS, The Applicant would no longer be authorized to conduct the licensed activity in the City of St. Paul, failing to abide by these rules, the Applicant could be subject to citations and/or adverse license action. A copy of the renewal invoice was enclosed with the January 16, 2025, letter, for reference; and

WHEREAS, the Notice laid out the basis for adverse action and the Legislative Code upon which the Department was relying as follows:

Saint Paul Legislative Code §310.01, defines Adverse Action as: “the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application of the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, Licensee or applicant for a license. “Adverse action” includes any of the foregoing directed at one (1) or more licenses held by a Licensee at any location in the city. “Adverse action” also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license.

Saint Paul Legislative Code §310.02 (2)(e)(3) states: “*Revocation or suspension.* If the director determines that the application for renewal does not meet all of the requirements of law or that there exist no grounds for revocation or suspension of a Class N License, the director must follow the hearing procedures as outlined in Saint Paul Legislative Code §310.03.”

Saint Paul Legislative Code §310.02 (1)(e) 5 states:

1) *Class R Licenses.*

(e) *Levels of approval:*

5. Revocation or suspension. If the director determines that the renewal application for the

renewal of a license does not meet all of the requirements of law or that there exist grounds for revocation or suspension of a Class R License the director will follow the hearing procedures as outlined in Saint Paul Legislative Code Section 310.03.

Saint Paul Legislative Code §310.03 (m) 1 (2) & (8) - **(please see attachment Exhibit 2).**

Saint Paul Legislative Code §414.01 states: "No person shall engage in providing services as a massage or bodywork practitioner in Saint Paul without a license. Exception: Massage or bodywork services conducted under the control of an accredited school at a special event in which there are no fees or money being collected from the consumer for the massage services do not require a license."

Saint Paul Legislative Code §414.02 (a) states:

- (a) "License fee. The fee required for the massage or bodywork practitioner licenses shall be established by ordinance as specified in section 310.18(f) Enforcement Level 6 of the Legislative Code."

WHEREAS, the Licensee had failed to provide required information, the Department of Safety and Inspections will recommend a \$500 matrix penalty and license suspension of the Massage Practitioner license application based on violation to Saint Paul Legislative Code §310.01, §310.02 (2)(e)(3), §310.03 (m) 1 (2) & (8), §414.01, and §414.02 (a); and

WHEREAS, the Department of Safety and Inspections recommended a \$500 matrix penalty and license suspension; and

WHEREAS, the Notice laid out options for the Licensee:

"You have four (4) options on how 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 **March 7, 2025**, 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 imposition of the \$500 matrix penalty and suspension of your License.
2. You can complete the renewal process by providing all supporting documents for renewal as well as the renewal fee. 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 **March 7, 2025**. Please contact the Department immediately.
3. If you wish to admit the facts but you contest the \$500 matrix penalty and suspension of your License, you may have a 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 Council hearing no later than **March 7, 2025**. The matter will then be scheduled before the City Council to determine whether to impose the \$500 matrix penalty and License suspension. 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 no later than **March 7, 2025**. 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 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.

WHEREAS, the Notice was sent to the licensee on **February 25, 2025**, providing that you respond by **March 7, 2025**, on whether you contest the proposed adverse action; and

WHEREAS, on March 11, 2025, the City Attorney's Office contacted the Department of Safety and Inspections to confirm whether the requested documents and renewal fee was received and was informed that they have not heard from the Applicant/or received the requested documents; and

WHEREAS, the Notice stated if the Applicant failed to contest to submit the renewal payment and all supporting documents to the Department of Safety and Inspections, that the matter would be placed on the City Council Agenda to impose the recommended penalty; now, therefore, be it

RESOLVED, the Massage Practitioner license held by Ayako Nakandakari d/b/a Ayako Nakandakari, (License ID #20170000614) for the premises located at 762 Cleveland Ave S. Saint Paul, MN 55116, is hereby to pay the \$500 penalty fee and provide required documents and renewal fee to the Department of Safety and Inspections in violation of Saint Paul Legislative Codes §310.01, §310.02 (1)(e) 5, §310.03 (m) 1 (2) & (8), §414.01, and §414.02 (a).