



City of Saint Paul

Signature Copy

Resolution: RES 25-619

City Hall and Court
House
15 West Kellogg
Boulevard
Phone: 651-266-8560

File Number: RES 25-619

Directing the Department of Safety and Inspections to proceed with the \$500 matrix penalty and license suspension adverse action against Ruth Sharon Atherly d/b/a Ruth Sharon Atherly (License ID #20240000111) for the premises located at 621 Cleveland Avenue South.

WHEREAS, the Massage Practitioner license ("License") held by Ruth Sharon Atherly d/b/a Ruth Sharon Atherly under License ID #20240000111 for the premises located at 621 Cleveland Avenue South., in Saint Paul ("Licensed Premises"), which is owned by Ruth Sharon Atherly was the subject of adverse action pursuant to an March 17, 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 Licensee of its intent to suspend license until Licensee provides required supporting documents, fee payment to renewal license, and respond to delinquent letter of January 30, 2025, and move forward with adverse action supported by Saint Paul Legislative Code §310.03; and

WHEREAS, On January 30, 2025, Licensing Manager, Eric Hudak mailed the Licensee a letter to inform them that their license had expired on January 12, 2025, and is now delinquent. Licensee was requested to renew the license by February 20, 2025; in failing to do so the delinquent/expired license application would be submitted to the City Attorney's Office for adverse action; and

WHEREAS, the Licensee was advised to submit the renewal fee payment and all supporting documents to the Department of Safety and Inspections. A copy of the renewal invoice was enclosed with the January 30, 2025, letter; 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 (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) states (**see attached 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 (1)(e) 5, §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 27, 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 27, 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 27, 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 27, 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 **March 17, 2025**, providing that you respond by **March 27, 2025**, on whether you contest the proposed adverse action; and

WHEREAS, on April 1, 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 Licensee/or received the requested documents; and

WHEREAS, the Notice stated if the Licensee failed 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 Ruth Sharon Atherly d/b/a Ruth Sharon Atherly, (License ID #20240000111) for the premises located at 621 Cleveland Avenue South., 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).

At a meeting of the City Council on 4/23/2025, this Resolution was Passed.

Yea: 6 Councilmember Noecker, Councilmember Yang, Councilmember Bowie, Councilmember Jost, Councilmember Johnson, and Councilmember Privratsky

Nay: 0

Absent: 1 Councilmember Kim

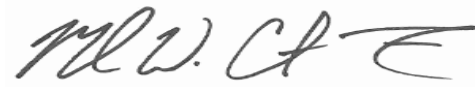
Vote Attested by
Council Secretary



Shari Moore

Date 4/23/2025

Approved by the Mayor



Melvin Carter III

Date 4/29/2025