

8/6/2024

Received a voicemail from Danielle stating she has constructed her food truck and received a health license and would like to operate in Jerome.

*I responded to this voicemail with a phone call, giving Ms. Books verbal instructions on filling out a business license application, reading the Town ordinances, and other important information.

8/28/2024 email with images:

Hi Kristen,

We spoke a couple of weeks ago, and I'm now submitting everything to you for obtaining a business license for The Frosty Cauldron (botanical and festive beverages - non alcoholic). Im sending a copy of the temporary paperwork from Yavapai County, as the actual hard copy license is processing. Please let me know if I am missing anything. Also, I want to make sure of the application fee as well as who I should make it payable to and the best way to deliver it.

Thank you so much for all of your information!

Danielle Books

Frosty Cauldron LLC

(Images include a Town of Jerome Business License Application, an Arizona TPT License for Frosty Cauldron with issue date 8/9/2024 and expiration date 12/31/2024, a Food Manager Certification from State Food Safety, and a Yavapai County Health Services Narrative Report stating that payment has been received for a 90-day Provisional Permit and "Health Approval is given to operate.")

8/29/2024 response:

Danielle,

You can make a payment for the application fee out to "Town of Jerome."

If you are sending a check or money order, you can mail it to PO Box 335, Jerome, AZ 86331.

Cash is best paid in person or dropped in the payment box outside of Town Hall at 600 Clark Street, Jerome.

Thank you,

8/29/2024 email:

Hi Kristen,

This is the email that I'll be using for the business, and if you need to communicate via email with me, this is the email to do so. I didn't realize I was logged into an old email when I messaged you initially and I never actually check that email. Thank you for your information, and I'm going to mail a check today.

Danielle

9/4/2024 email:

Hi again,

I was wondering how I will be contacted regarding the business license I applied for. Should I look out in the mail? Also what is the usual time frame?

Thank you

Danielle

9/4/2024 my response:

It usually takes at least a week or two for processing.
Once the application is approved, it will be sent through the mail to you.

9/4/2024 email:

Perfect, thank you for the information 😊

9/20/2024 email:

Hi Kristen,
I'm following up with you to check the status of the business license. Please let me know if you have any updates.
Thank you,
Danielle Books

I reached out to Fire for status on inspections.

9/25/2024 response:

Danielle,

I received your approved application from our department heads yesterday afternoon.
I will be printing your business license today, and it should go out in the mail tomorrow. Look for it to get to you within the next week, depending on the post office.

Thank you,

9/25/2024 email:

Awesome, thank you so much!

10/21/2024 email:

Hi Kristen,
So, today I'm here across from the Spirit Room in the first parking space where the hot dog guy used to park. My serving window is facing the lane for motorcycle traffic. I believe this is how I'm supposed to be parked, but I just want to make certain. The primary reason I ask is that as someone who has worked as an RN for the last 19 years, "safety first" has been etched into my brain very deeply... and I cannot see how parking this way isn't at least potentially dangerous for the motorcyclists and or customers of the gypsy wagon.
Any potential customer would have to stand in the middle of the motorcycle parking to order from my wagon. If a motorcyclist driver is coming from the direction of the Spirit Room they would make a blind turn around my wagon and potentially hit a customer.
I had set up the wagon a few times where my service window was on the other side of the same exact parking space... (facing the parking spaces) and I paid for the space next to the wagon as well as the space with the wagon. This worked great and was safe for everyone but I was told I couldn't park like that because I was taking up two parking spaces. The wagon itself was not taking up two spaces. But I was because I was keeping the space next to the wagon clear for customers. Do you know for certain if that is how "taking up two spaces" is interpreted? It seems much safer that way. I really want to follow whatever rules I need to operate in Jerome, but also I do not want to create an accident. I'll send some pics in the next email.

Thanks
Danielle

10/21/2024 response with attachment of Town Code Article 8-6 Mobile Food Vendors:
Danielle,

Yes, I did leave you a message about this before we issued your business license, but you must not have received it.

Our Town Manager said that we cannot allow the paid parking spaces to be utilized for purposes other than parking because there is no allowance for that in the Ordinance.

I am attaching the ordinance; please see section I on parking. It states that a Food Truck/cart may only use 1 legal space unless they have received special prior permission from the Town; this would be from Town Council specifically.

Because of this, we cannot grant special permission to use a parking space for standing/sitting or other non-parking uses.

I understand your concerns for the safety of your customers. Unfortunately, there is no perfect solution for parking a vending truck at this time.

As always, feel free to reach out if you have any other questions,

10/21/2024 email:

Thank you so much for your quick and thorough response. How would I go about talking with the City Council about this?

10/21/2024 response:

My suggestion would be to send an email or letter.

You can send an email to me, or a letter to the Town at:

P.O. Box 335, Jerome, AZ 86331

10/21/2024 email:

Thanks Kristen, I will do that

*At this point, I was receiving correspondence both in email and in person from other sources (the public & staff) with concerns about parking, blocking dumpsters and easements, customers queuing into the highway, and expired documentation but did not hear from Ms. Books).

1/9/2025 from myself:

Danielle,

When you first applied for your business license, you provided a county Health License Report. That report stated it was for a 90-day provisional permit, which would have since expired.

Have you received your full Health License yet? We need to keep a current copy of the Health License on file for all restaurants and food vendors that operate in Jerome.

Thank you,

1/21/2025 email:

Hi Kristin,

Yes, here is a picture of my provisional license #2. Sorry I wasn't checking my email this last week or so, as I had some other family issues taking my attention. If you ever need to get a hold of me ASAP, text or calling is the fastest way. Sorry about that!

(An image is attached of Yavapai County Health Services Narrative Report with inspection Date of 12/11/2024 with Comments "Received completed Health License application along with payment for 90-day provisional license. Mobile food unit remains the same. Proper business identification observed on 3-sides of the unit. Refrigeration holding at 36.7 F this date. Commissary agreement is existing with Main Stage Bar. Food manager certificate is current. Health approval to given to operate with new license.)

*Note: again, this is a Narrative Report, not the Provisional Permit

1/21/25 email:

Hi Again,

Also I didn't mean to not send you the new provisional license... I knew I had to send you the actual license when I got it, but since we went with provisional Again, I didn't think about it being necessary. I havent been the sharpest tool since menopause has kicked. Sorry again, and Thanks



*Around this time, Code Enforcement Officer Will Blodgett spoke with Ms. Books again to ask to see her Provisional Permit or Health License. Mr. Blodgett also informed Ms. Books that, due to her parking on Town Property, we needed to have a copy of her liability insurance on file per the Mobile Food ordinance. In addition, her 2024 TPT license was expired; we must have a current copy.

2/13/2025 email:

Hi Kristen.

This is a report from the Health Department after my 1st of 2 inspections for the provisional license that I have for the Frosty Cauldron. The next inspection should be by the end of February and then I will have my license.

Thank you

Danielle Books

(3 screenshots are attached showing the Yavapai County Health Services Food Service Establishment Report Dated 2/12/2025 with 1 listed violation, #4-302.14-Sanitizing Solutions, Testing Devices stating the sanitizer strength needs to be maintained at a service level and this needs to be corrected by 2/12/2025. The report also states that all products must be labeled and a follow up inspection will need to be held by the end of February.)

2/13/2025 email:

This is my insurance policy for your records. Also, my tpt license is active and current per the az tax government agency. I was on the phone with them this morning. However I've been locked out of my account so i cannot at this time send you any screenshot. But the copy of the license that I sent you is still valid. I'll send you further proof when I can. Thank you

Daniellebooks

FrostyCauldron

2/18/2025 my response:

Danielle,

The only TPT certificate I have on file expired on 12/31/2024 and is no longer valid. If you have renewed it, you should have received the new certificate from ADOR; it will have an expiration of 12/31/2025.

As for your policy, we a copy of your Certificate of Insurance to keep on file so that we can verify your coverage is adequate and up to date, and the Town of Jerome must be listed as additional insured if you are going to park on town property/rights-of-way.

Also, I would like to bring up complaints that I have received that you are parking your mobile food trailer and leaving it unattended. Please do not do this, and especially not overnight as that would violate the Mobile Food Vendor ordinance on parking limits. You can park your vehicle in a legal parking space for no longer than 6 hours at a time, and you must not block any sidewalks or dumpsters.

I recognize that parking in Jerome is difficult, but we must maintain health and safety measures for the sake of everyone who visits Jerome.

2/24/2025 email:

Hi Kristen,

I understand that my response is lengthy, and could take a few minutes to get through. In the event that you don't read it all at once, I do need to ask most importantly about what I am supposed to do regarding the fact that I have my final inspection with yavapai county health department scheduled for tomorrow in jerome.

I just received the Suspension of License form. Is there somewhere that I could get a copy of the rules and regulations of MFU's, because I appear to be breaking rules that I have never heard of. It was a Police Officer that suggested that I park the Wagon where I have been parking it, and I believed him to be an accurate source of information and direction. He also told me it wouldn't be a big deal if i spent the night, because i have something like 36 hours legally to park there. It was Will who informed me that i shouldnt spend the night, and i have not spent the night since that conversation with him, with exception of when ive been locked in by the car next to me. Also, i have never heard of the rule that I can only park for 6 hours at a time. It would be great to know what the rules are, so that I can follow them, in the future, in the event that I can continue to operate out of Jerome.

I am not sure what you are asking for in relation to the insurance. I have provided to you and Will a copy of my Business Insurance. I can call the Insurance Company and have it amended to list Jerome as an additional insured, if that is what is needed. I apologize for not getting you another copy of a more recent TPT license. As I have informed Will via text, I was locked out of my aztaxes.gov account, however the license is still active per the Agency, as I only bought it about 6 months ago and it is active for a year, even if you have to renew in January. I will send you a copy of the more recently issued TPT license, though the previous one is active per the government agency.

I also sent a copy of my Health License to you via email, and Robert Mumper who is the Health Inspector said that he specifically was going to contact Town Hall, to clarify any questions you had regarding validity of a Provisional License. I actually have an appointment set up for tomorrow with Robert to do my final inspection in Jerome. What do you recommend I do, as Jerome needs to be the place I get inspected, because it is the Town I have a license in?

I am a single female attempting to start a small business. I have put a lot of work into creating this business, and I am not sure how to read the intentions of the Town of Jerome at this point. When I called and spoke to you about my idea of a magical beverage wagon in Jerome a year and a half ago, you were very supportive and welcoming. Now that I'm there, I feel like my business is being derailed because of issues that were never issues until it's too late, and punitive consequences have already been set in place. I understand that certain members of the Jerome community feel invaded by new businesses and the onslaught of tourists. I understand that feeling, as I have also had my home of 31 years in Sedona taken over by corporate greed and arrogant money. I, however am a local woman and artist who is trying to simply exist in my community.

I contacted Town Hall before I built the wagon to see if it would be welcomed and wanted. I do not serve anything that other businesses in Jerome serve, because i didnt want to come into town and take away from other, already existing businesses. I wanted to add to Jerome, not take from it. I feel like I have, in that there are people constant taking pictures of the wagon and having the spirit of old time magic lit inside of them. Unfortunately however, I cannot survive as a small business if I get punitive action against me without warning, for breaking rules that have never been informed of. Or if I cannot provide the right paperwork, even though I do provide the paperwork that is asked of me. If there is nothing I can do to function inside of the town of Jerome correctly, it would be appreciated if I was given a heads up of this reality, because I have a mortgage that is due on the 1st, and no other means to pay it than the Frosty Cauldron in Jerome. It would be helpful to know what is expected of me, or who to listen to when i follow direction of police officers, but then get into trouble with the town for doing so. I would appreciate if you could inform me if providing you with the paperwork could reinstate my license, and when, so that i could prepare for a different means to pay my bills, as opposed to being side swept with a loss of my income and business without warning.

I will send another email after this with screenshots of what I have sent to town hall.

Perhaps it got lost somewhere? In the meantime, i have an appointment set up for tomorrow to have my final inspection with the health department, In Jerome. What do you suggest I do?

Sincerely,
Danielle Books
Frosty Cauldron

2/24/2025 email:

Ms. Books sent a Geico Certificate of Insurance with liability limits of \$1,000,000 per occurrence, listing the Town of Jerome as additional insured. This is adequate for the requirements of the ordinance.

2/25/25 my response:

Ms. Books,

In response to your questions, please see the following responses.

Q: Is there somewhere that I could get a copy of the rules and regulations of MFU's, because I appear to be breaking rules that I have never heard of.

A: Yes, Town Code, Chapter 8, Article 8-6 "Mobile Food Vendors."

I will attach it for your review again. I sent the entire Article to you on October 21, 2024, in response to your questions on parking. Code Enforcement Officer Blodgett also sent you this information in his letter dated February 6, 2025. Here is the section on parking again, including time limits:
**I removed this section of the email for brevity in this report.*

Q: As I have informed Will via text, I was locked out of my aztaxes.gov account, however the license is still active per the Agency, as I only bought it about 6 months ago and it is active for a year, even if you have to renew in January. I will send you a copy of the more recently issued TPT license, though the previous one is active per the government agency.

A: As I informed you on February 18th, the TPT license you provided previously has an expiration date of 12/31/2024 and is no longer valid. If you renewed, you should have received a new certificate from ADOR. Arizona TPT licenses are issued for Calendar Years, i.e. from January to December of that year, regardless of when it was applied for and issued. If you look at your license from 2024, you will see that it was issued 08/09/2024 but still expires on the last day of 2024. Yesterday, I received screenshots showing that you have applied for a renewal. Have you received a TPT yet, or did you just do that recently?

Q: I am not sure what you are asking for in relation to the insurance.

A: On February 24, 2025, you sent a Certificate of Insurance from Geico with effective policy date of 2/14/2025 listing the Town of Jerome as additional insured. This is the document that I asked you for previously. The previous screenshots sent by you did not show your name, your business name, the liability coverage, or the effective date which is why I explained that it was not adequate information in my email from February 18th, 2025.

Q: What do you recommend I do, as Jerome needs to be the place I get inspected, because it is the Town I have a license in?

A: I would suggest that you keep your appointment for your inspection. You are still able to park in Jerome, so long as you are not conducting business without licensing. Please follow all applicable parking regulations, including parking inside a public space or lot. Again, our Business License Application requires all businesses that are subject to a County Health Certificate to comply. This is the exact wording:
If your business is subject to a certificate of health or sanitary examination, please include a copy of your current license from Yavapai County Community Health Services. Where any business activity is subject to a certificate of health or sanitary examination, before commencing operation, the applicant must produce a current license, certificate or permit from Yavapai County Community Health Services. Failure to do so is grounds for revocation or suspension of the license. Your initial Provisional Permit expired after 90 days, which is why we requested a Health License Certificate from you to continue to operate. What you sent in response was only the Narrative Report, not a License or Permit.

Since then, you have sent another Provisional Permit from Yavapai County with an expiration of February 28, 2025, for which you must pass the inspection in order to get the full Health License Certificate.

Q: It would be helpful to know what is expected of me, or who to listen to when I follow direction of police officers, but then get into trouble with the town for doing so. I would appreciate if you could inform me if providing you with the paperwork could reinstate my license, and when, so that I could prepare for a different means to pay my bills, as opposed to being side swept with a loss of my income and business without warning.

A: The letter sent to you, dated February 18, 2025, RE: Suspension of License included the Appeal Process. The letter spells out the documents that you would need to present in order for Town Council to consider your appeal.

2/25/2025 email:

Good Morning Kristen,

Thank you for your timely response, I do appreciate it.

I want to respond here to these issues, in hopes of clarification. I did receive your email on October 21st. It had two attachments that open but do not lead to anything related to mobile food units. In the future I want to use my yahoo account when corresponding with you, if that is possible.

*****. I see also that I sent you an email last week, from *****, but it's not in my 'Sent' box. I don't believe that there is a problem with Gmail, but I do think that between the phone I'm using and my lack of experience of navigating Gmail, I may be unknowingly causing inconsistent communication with you, and I apologize.

I did receive the letter from Officer Blodgett, and because of the attachments from your email not opening properly, that was the first time I had heard of the 6 hour rule.

In regards to my TPT license- this is the full story: I went to apply for a new license around the first of the year, but got locked out of my account in the process. It took quite a while to be able to gain access again. During this time, I talked to the az tax gov agency, who informed me that my license was still active. When I did gain access to my account again, I could see that my application for a new license was "in progress". (i have provided you a screen shot of this). However, it wasn't me or anybody I know who paid for a new license. So. I do not know why it says that it's in progress, and neither does the agency. I cannot buy another renewal because the system already thinks I've purchased one. I have not received any new physical license in the mail at this time. I have been told by the Agency that it "should come". I've also been told that it is "active' and would be, because i havent purchased it over a year ago, and even though it says "expired", its actually still active. They also have stated that this can be verified. In order to get this matter potentially taken care of at a higher level, I get a call back. They call one time and leave a message without a return phone number. So, if I miss their call, as I have, I have to start the whole process again. I will send another screen shot of what the site says today when I log in. It just says "Active". I'm not sure at this point what to do about it, but I've been up until this point, taking the operators advice and waiting for a physical copy in the mail while relying on the web site saying that it's active.

Last week I sent the email that I referred to in the first paragraph that is not in my SENT box. It had all of the insurance information. I sent it to you again yesterday. Do you still need it at this time, or do you see all of the information?

I am not having my inspection today as I wasn't able to get a hold of the Inspector with an answer as to if I could have the inspection, per Jerome, before he went out on the field for the day. I do not know if he will agree to an inspection when I'm not actually open. I hope that I can at least look open but not charge a customer for a drink if they order one...? I know I have until February 28th and then that Provisional license will expire, and I will have to purchase another one (if that's even possible), for at least \$700.00. Please let me know if its possible to just hand out drinks, or if having

my license reinstated would be possible before 2/28. If so, I can handle deliver whatever paperwork you still need. At this point I'm unsure If there is anything else.

Attached should be the screenshot of the tpt az tax government site, as of today
Thank you for your time,

Danielle Books

2/25/2025 my response:

Ms. Books,

I cannot override the Town Manager's decision on the Suspension of your Business License. However, you can follow the steps to appeal that decision outlined in the letter that was sent to you. And as for continuing to operate while your provisional health permit is still valid, please notice this section:

Section 8-3-10 Validity of Business License During Appeal.

Throughout the administrative appeal process outlined herein, a licensee holding a suspended or revoked license may continue to operate his or her business pending final decision on the appeal, or until the time for appeal has passed, whichever occurs first.

[Ord. 416, 5/12/2015]

2/25/2025 email:

Kristen,

Again thank you for your timely response. My questions would be;

Is the evidence I have provided to you of an Active TPT license adequate at this time, and at what point would it not longer be adequate?

Is there any other paperwork that I need to provide to you at this time?

Is there a way to get a hold of the County Clerk, and what form do I need to fill out for an appeal?

During the Appeal Process, where should I park the Wagon? Is there a designated spot? Will had thanked me for no longer parking in the spot that was designated by you, across from the Spirit Room, so I was under the assumption that where I have been parking across from the police station was a better space than the spot across from the Spirit Room. Is this correct or false?

I know you are aware, parking in Jerome is hard to get, and that is why I have in the past parked in a spot early in the morning, then returned to the wagon a few hours later to operate the business. I am guessing that the 6 hours of parking includes all parking and not just operating. Is this correct?

It seems that in one calendar day, if i was to change to a different parking spot more than 100 feet away from my original parking spot of the day, I would be allowed to operate in the new space on the same day. Is this correct?

Thank you,

Danielle Books

2/25/2025 my response:

Ms. Books,

We need to see the actual TPT certificate from the State that has the issue/expiration dates and the name of the business on it. A screenshot of it will suffice, so long as the entire license is visible in the image.

If you would like to appeal, you need to send the Notice of Appeal to the Town Clerk, not the County. You can mail it to P.O. Box 335, Jerome, AZ 86331 or email it to Brett Klein at b.klein@jerome.az.gov

As for parking in Jerome, the normal parking regulations apply; Mobile Food Units have a time limit of 6 hours in a legal parking space. Could you move a unit to a different parking space not less than 100 feet away to avoid going over the time limit? Potentially, if you can find another legal parking space in that time frame. As you have stated, parking can be hard to find in Jerome.

2/26/2025 email:

Hi Kristen,

Thank you for your information. If you can, please specify what parking spaces I can use.

Thank you

2/26/2025 email:

Hello Kristen,

I am curious if the fairly large parking lot down and next to Jerome Winery is a place I could park? It's also kitty corner from the Bobbys BBQ.

OR

On what I believe is First Ave (the one way street/steep public bathrooms).. either directly on the side of the street in one of those parking spaces, or in one of the spaces in front of the public restrooms.

2/26/2025 my response:

Ms. Books,

If you are referring to the parking spaces that are next to Original Jerome Winery, that is their private property. You could only park there with the owner's permission.

As for First Street, they are public spaces but you would have to be sure your service window is not facing into the street.

2/26/2025 email:

Hi Kristen,

Thank you for the information you have given. Shortly I am going to send an email of Appeal to Brent Klein. I am assuming that once the Appeal email is sent, that would be the beginning of the time that the Appeal is active, and therefore I could be open for my rescheduled inspection tomorrow with the health department.

I am also at this point assuming that you or Town Hall does not need anything more from me in the form of paperwork with the exception of a copy or photo of my full TPT license when it is delivered, and that I may continue to work with the photos that I have supplied to you until then, or until further notice. If I am assuming incorrectly with any of this i hope I will be informed.

Also, I will attach a screenshot of the az taxes gov page that shows that my license is active that was timestamped last night. Also, I spoke with the Agency last night again, and according to their records the license has been mailed out.

Thank you

Danielle

*(Attached screenshot of the AZtaxes License Verification page showing license #***** matching Frosty Cauldron's 2024 TPT license is valid as of 2/25/2025.)*

