



*City of Arts & Innovation*

# Public Safety Committee Memorandum

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**TO:** PUBLIC SAFETY COMMITTEE **DATE:** JUNE 20, 2018

**FROM:** RIVERSIDE POLICE DEPARTMENT **WARD:** 2

**SUBJECT:** APPEAL OF REVOCATION OF MASSAGE ESTABLISHMENT PERMIT – SUNNY DAY SPA

## **ISSUE:**

Deny or grant the appeal by Attorney Ricardo Nicol for appellant Mr. Mark Bacher, the owner of Sunny Day Spa located at 1450 University Ave, Unit F, Riverside, of the Riverside Police Department's revocation of the massage establishment permit for the business.

## **RECOMMENDATION:**

The Public Safety Committee deny the appeal and affirm the revocation of the massage establishment permit by the Riverside Police Department.

## **LEGISLATIVE HISTORY:**

Riverside Municipal Code § 5.52.080(C)(2) – Prohibited conduct – states:

No owner, massage technician or other employee of a massage establishment, or any other person, shall touch or expose or cause to be touched, or expose the genitals, anus, or areola of any person before, during or after a massage.

Riverside Municipal Code § 5.52.130(A)(2) – Revocation – states:

The Chief of Police may revoke a massage establishment permit issued pursuant to this Chapter whenever the holder of an establishment permit is acting in a manner that constitutes a public nuisance.

## **DISCUSSION:**

The City of Riverside Police Department's Vice Unit ascertained uncontroverted evidence that prohibited conduct occurred at Sunny Day Spa located at 1450 University Ave., Unit F.

The Vice Unit conducted an undercover operation at the business on February 7, 2018. During this visit, they confirmed that prohibited conduct was occurring in violation of Riverside

Municipal Code Section 5.52.080(C)(2), Prohibited Conduct.

Based on this investigation, the massage establishment permit for Sunny Day Spa was revoked per Riverside Municipal Code Section 5.52.130(A)(2). A Massage Establishment Revocation letter, dated February 9, 2018, was sent to Mr. Mark Bacher via certified mail.

On April 19, 2018, Attorney for the appellant, Ricardo Nicol, attended a pre-imposition hearing with Deputy Chief Jeffrey Greer. On April 20, 2018, Mr. Mark Bacher was sent a letter via certified mail stating no new evidence was presented during that hearing that would refute the allegation of the prohibited conduct and the revocation was upheld.

On April 27, 2018, Attorney Ricardo Nicol submitted the attached letter of appeal through the City Clerk's Office. The letter was accepted by the City Clerk's Office and the appeal for the revocation of the massage establishment permit of Sunny Day Spa is scheduled to be presented to the City Council Public Safety Committee on June 20, 2018.

**FISCAL IMPACT:**

There is no fiscal impact associated with this report.

Prepared by: Sergio G. Diaz, Chief of Police

Certified as to

Availability of funds: Adam Raymond, Chief Financial Officer/City Treasurer

Approved by: Alexander T. Nguyen, Assistant City Manager

Approved as to form: Gary G. Geuss, City Attorney

Attachment: Appeal Letter