



City of Arts & Innovation

Public Safety Committee Memorandum

TO: PUBLIC SAFETY COMMITTEE MEMBERS **DATE: MAY 17, 2017**
FROM: RIVERSIDE POLICE DEPARTMENT **WARD: 6**
SUBJECT: DENIAL OF MESSAGE ESTABLISHMENT PERMIT RENEWAL – BODY WORKS MESSAGE

ISSUE:

Whether to deny or grant the appeal by Mr. Timothy Moxley, of the City's denial of the massage establishment permit renewal for Body Works Massage (11860 Magnolia Ave. #L).

RECOMMENDATION:

That the Public Safety Committee deny the appeal, and affirm the denial of the massage establishment permit renewal.

BACKGROUND:

The Riverside Police Department's Vice Unit conducts background checks on all Massage Establishment Permit applications. On Jan, 10, 2017, Mr. Moxley applied for a Massage Establishment Permit Renewal for Body Works Massage at 11860 Magnolia Ave #L. During the background check, it was determined that Mr. Timothy Moxley, the owner of the Body Works Massage, was arrested by patrol officers of the Riverside Police Department on July 06, 2016. Mr. Moxley was inside the Body Works Massage located at 11860 Magnolia when he was arrested. On March 3, 2017, Mr. Moxley was found guilty by a jury of his peers and convicted of 26350(A)(1) PC, the misdemeanor crime of openly carrying a loaded handgun.

Riverside Municipal Code Section 5.52.050(A)(4)(c) states the Chief of Police shall not issue or allow the transfer of a massage establishment permit to an applicant if the applicant has been convicted of a crime committed while engaged in the ownership of a massage establishment or the practice of massage; unless the Chief of Police finds the offense was so remote in time and that the applicant has been rehabilitated. Based on the facts recorded in Riverside Police Department file P16-122541, Mr. Moxley was at the Body Works Massage acting as the owner during the commission of the documented offense.

Consequently, on March 21, 2017, the Massage Establishment Permit Renewal application for Mr. Moxley to operate Body Works Massage was denied (Attachment 1). A Denial of Massage Establishment Permit Renewal letter, dated March 21, 2017, was hand delivered to Mr. Timothy Moxley by Detective Sturdavant on April 05, 2017.

On April 05, 2017, Mr. Moxley submitted to the City Clerk a written appeal of the denial. Thereafter, a hearing for the appeal was scheduled to be heard by the Public Safety Committee on May 17, 2017. Notice of said Hearing was provided to appellant by the City Clerk.

FISCAL IMPACT:

There is no fiscal impact to the City of Riverside.

Prepared by: Sergio G. Diaz, Chief of Police
Certified as to
Availability of funds: Scott G. Miller, PhD, Chief Financial Officer/City Treasurer
Approved by: Alex Nguyen, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Denial Letter
2. Appeal Letter