



City of Arts & Innovation

Public Safety Committee Memorandum

TO: PUBLIC SAFETY COMMITTEE **DATE: FEBRUARY 21, 2018**

FROM: RIVERSIDE POLICE DEPARTMENT **WARD: 3**

**SUBJECT: APPEAL OF REVOCATION OF MASSAGE ESTABLISHMENT PERMIT –
MAGNOLIA RELAXING SPA**

ISSUE:

Deny or grant the appeal by Attorney Samuel Tyre for appellant Ms. Ji Gan, the owner of Magnolia Relaxing Spa, located at 7130 Magnolia Ave #M, Riverside, regarding the Riverside Police Department's revocation of the massage establishment permit for the business.

RECOMMENDATION:

That 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 § 5.52.070(Q) – Health and Safety Requirements – states:

Records shall be maintained which include the date and time of each massage, the name and address of the patron, the name of the person administering such massage, and the type of massage given. Such records shall be made available, upon request, for inspection by the City.

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 exposed, 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 a massage 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 Magnolia Relaxing Spa located at 7130 Magnolia Ave, #M. The Vice Unit conducted an undercover operation at the business on October 6, 2017, and again on October 10, 2017. During each visit, they confirmed that prohibited conduct was occurring in violation of Riverside Municipal Code Section 5.52.080 (C)(2), Prohibited Conduct. In addition, on both visits the owner, Ms. Ji Gan, did not require the customer to complete the required information needed for the establishment's records, which is a violation of Riverside Municipal Code Section 5.52.070(Q), Health and Safety Requirements.

Based on this investigation, the massage establishment permit for Magnolia Relaxing Spa was revoked per Riverside Municipal Code Section 5.52.130(A)(2). A Massage Establishment Permit Revocation letter, dated November 3, 2017 was sent to Ms. Ji Gan via certified mail.

On December 1, 2017, Attorney for the appellant, Samuel Tyre, attended a pre-imposition hearing with Deputy Chief Jeffrey Greer. On December 4, 2017, Ms. Ji Gan 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 December 20, 2017, Attorney Samuel Tyre 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 Magnolia Relaxing Spa is scheduled to be presented to the City Council Public Safety Committee on February 21, 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. Guess, City Attorney

Attachment: Appeal Letter