

November 14, 2018

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City of Riverside
City Clerk's Office

*Hand delivered
2:24 pm
JW*

Colleen J. Nicol, MMC
Riverside City Clerk
[or designee]
City of Riverside
3900 Main Street, 7th Floor
Riverside, Ca 92501

BY HAND DELIVERY

Re: Appeal pursuant to Section 5.52.140 of the Riverside Municipal Code, of Decision of Chief of Police' decision of November 8, 2018 denying renewal of Massage Establishment Permit for Relief-N-Relax, 2308 University Ave. #104

Dear Ms. Nicol [or designee]:

I hereby appeal the denial of my Massage Establishment Permit Application for Relief-N-Relax, 2308 University Ave. #104, Riverside, which decision was rendered by the Deputy Chief of Police, Jeffrey L Greer, on November 8, 2018, and is attached hereto.

I request a formal hearing on this appeal before the Public Safety Committee at the earliest possible date.

The bases for this appeal are as follows:

1. My renewal application was due in September. In early September I visited the Clerk of Court in Moreno Valley regarding the "citation" I received dated 7/19/18, citation number 773427. The citation was not visible on the court's website. So I visited the Moreno Valley courthouse with questions as to whether citation, and the Deputy Clerk of Court at the window told me she couldn't confirm that the citation was real, and informed me that the citation was not registered with the court. I asked the Clerk of Court, based on this information, how I should respond on my renewal application to the question regarding whether my business has ever been given a citation, and she told me I should say no on the application .
2. I submitted my application for renewal of my massage permit on September 10, 2018, following the instruction of the Deputy Clerk of Court, stating "no" in response to question 22 on the application.
3. I visited the court again on October 11, 2018, at 12:30 p.m. ,the date and time that citation 773427 told me I was supposed to appear. I was again informed by the Deputy clerk of court that it was still not in registered with the court. I was turned away, and told, bother personally and on a white form slip that she

attached to the citation, that I should check the court website every 5-10 days to see if it ever appears.

4. On October 25, 2018, my application was denied for "making a false statement on question 22".
5. I appeared before Deputy Chief Jeffrey Greer with my attorney on November 6, 2017 and showed Officer Greer the above information, and showed him documentary evidence that, as of that day, neither of the citations were registered with the court, now almost 4 months after the issuance of the first purported citation. On that basis, my attorney and I had doubts as to whether the citations had actually been issued or whether they were even real. Officer Greer assured us they were real, and was bewildered, as we were, as to why they were not in the court system, now almost 4 months after the first citation was issued.
6. The 2 citations in question, 773427 and 773429 are still not registered in the court system as of the date of this Appeal.
7. I further believe the Deputy Chief of Police abused the discretion given to him under Section 5.52.130 B. Particularly that subsection states:

If, in the discretion of the Chief of Police, the violation is capable of correction, then prior to revocation a written notice shall be given to the permittee or certificate holder of the violation(s) involved to allow a period of time to correct the violation(s), which period shall not exceed five business days, at the end of which period, the police department shall conduct an inspection to determine whether the violation(s) has been corrected. If the Chief of Police determines that the violation is not capable of correction or finds that the violation(s) continues without correction, then the Chief of Police may issue a notice of revocation. Examples of a violation that will be determined by the Chief of Police to be not capable of correction include but are not limited to substantial evidence of prostitution activity on the massage establishment premises or an immediate threat to health, safety or welfare.

The alleged violations in the citations were corrected. Evidence was presented to the Deputy Chief that all unlicensed persons had been terminated, and the only employees of the establishment are licensed. Evidence was also presented to the Deputy Chief that a record keeping system had been instituted after July, 2018, in compliance with section 5.52.070 (q). All alleged violations were corrected. There was no issue regarding prostitution activity, nor any immediate threat to health, safety or welfare.

Accordingly, I respectfully submit this Appeal and request the earliest possible hearing date before the Public Safety Committee.

Thank you,



Xiao M. Zhang, Appellant Applicant and Owner (714)642-9386