

# City of Hesperia

## STAFF REPORT



**DATE:** March 17, 2020  
**TO:** Mayor and Council Members  
**FROM:** Nils Bentsen, City Manager  
**BY:** Mike Blay, Assistant City Manager  
Tina Bulgarelli, Administrative Analyst  
**SUBJECT:** Appeal of Revocation of Business License No. RB-43234

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### RECOMMENDED ACTION

It is recommended that the Council hear evidence and render a decision in the appeal of the revocation of Business License No. RB-43234.

### BACKGROUND

On January 14, 2020, Code Enforcement visited Magic Hands Massage at 12053 Mariposa Rd. Unit I. An inspection was conducted and during that inspection several violations were noted. Firstly, the employee was wearing a mini shirt that showed her buttocks. When asked if the business was open for massage, the employee responded yes. Second, upon interviewing the employee, it was discovered that there was no CAMTC certified massage technician working. CAMTC, or the CA Massage Therapy Council is a state agency that mandates that all massage businesses have a working CAMTC certified massage technician or therapist in order to be open. The Municipal Code also requires this. A citation was issued to the business for this violation.

A second inspection was done on January 17, 2020. Code Enforcement inspected the business and witnessed an adult female wearing lingerie, she was witnessed putting a short robe on and running out the back exit of the business into the alley way. Code Enforcement was able to document this with photographic evidence. A male customer was seen in the business and went and ran to a back room. None of the employees or the customer would come out of the rooms or speak to Code Enforcement. A citation was issued for this violation and Code Enforcement turned the case information over to Development Services to review for revocation.

A third inspection was done on January 27, 2020. Code Enforcement inspected the business and the employees were wearing short skirts and dresses and put coats on when the officer entered the business. One of the massage employees had a CAMTC license, but had no business license. The officer stated to them that they could not be open without both a valid business license and a CAMTC certification even if the business owner possessed a business license. A female business owner came to the business and spoke to the officer, she repeatedly asked the officer if he would like to go for lunch or a coffee and called him "honey". The officer denied her repeatedly and continued to ask for the required documents. She did not produce a business license or a CAMTC license for the officer. A citation was issued for these violations.

The Development Services Department is responsible for the issuance and regulation of business licenses. Upon review of the evidence the department elected to revoke the business

license of Magic Hands Massage per Municipal Code Section 5.20.070(N) which requires a massage facility to have a CAMTC licensed massage therapist working during all hours they are open and 5.20.040(7) which states that a license may be revoked if the CAMTC certified massage therapist has a license that has been suspended or revoked within the previous five years. Additionally, the department is electing to revoke per Hesperia Municipal Code Section 5.04.140(A)(5) to protect the health, safety and welfare of the public.

The business owner has requested an appeal of the revocation of the business license. Per Municipal Code Section 5.04.150 the City Council hears and renders a decision on the appeal of the license revocation.

## **ISSUES/ANALYSIS**

The business owner, Keith Roberts, was not present at his business during the inspections. He stated in his appeal letter that “no massages were being given at the time of inspection”. Staff believes that to be true in a fashion. Based on the wardrobe of the employees, lingerie, buttocks showing, short robes, and the fact that the male customer ran from Code Enforcement, staff suspects that Magic Hands massage is likely a house of prostitution and the employees were likely providing sexual acts.

The massage community is rife with these types of situations. One of the main goals of the CA Massage Therapy Council is to regulate the industry to attempt to reduce this type of activity. The City of Hesperia’s Municipal Code follows state law and requires that the business owner have a Business License, must employ a CAMTC massage therapist, and that person must be working all hours they are open, in fact they may not be open if that person is not present and working. The massage therapist, if they are not an employee of the establishment is also required to have a business license for any facilities that they work for, in addition to their CAMTC license.

## **FISCAL IMPACT**

There is no fiscal impact related to this item.

## **ALTERNATIVE(S)**

1. Provide alternative direction to staff.

## **ATTACHMENT(S)**

1. City Revocation Letter dated March 4, 2020
2. Appeal Packet from Keith Roberts, Owner of Magic Hands Massage