December 2, 2013

TO: The Honorable Members of the Police Permit Review Panel

FROM: Executive Director, Board of Police Commissioners

SUBJECT: REQUEST FOR DENIAL FOR XUEMEI WANG FOR MASSAGE THERAPIST/OFF-PREMISES, PC NO. 140660,

Upon review of the attached application I concur with the recommendation of Commission Investigation Division to deny the Massage Therapist/Off-Premises application and am forwarding it for your action.

RICHARD M. YEFANK, Executive Director
Board of Police Commissioners
INTRADEPARTMENTAL CORRESPONDENCE

December 2, 2013
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TO: Executive Director, Board of Police Commissioners

FROM: Commanding Officer, Commission Investigation Division

SUBJECT: REQUEST FOR DENIAL FOR XUEMEI WANG FOR MASSAGE THERAPIST/OFF-PREMISES, PC NO. 140660,

APPLICANT’S HISTORY

On July 31, 2013, just one month after her State Massage Therapist permit had been suspended, Ms. Xuemei Wang submitted to the City of Los Angeles, an application requesting a Massage Therapy permit. During the background phase of the permit process, an adverse history was found. The application was then forwarded to the Enforcement Section of the Commission Investigation Division for further investigation. Their investigation revealed several violations which formed the basis for their recommendation for denial of this permit request. Those violations are detailed in the reasons for denial listed below.

REASON 1
Northeast Area Vice received anonymous complaints from citizens complaining of possible prostitution activity at 4861 Eagle Rock Boulevard, DBA Asian Spa. On April 18, 2013, an undercover (U/C) inspection of the above listed business was conducted by Officers of Northeast Area Vice, and the following discrepancies were discovered. The U/C officer entered the Asian Spa massage parlor, and requested a massage. During the massage, the U/C operating officer noted that the person performing his massage (applicant Wang) was dressed in a manner that was not consistent with the requirements of Massage Therapist Board Rule No. 6(a) which states:

(a) Shall be fully clothed except while using restroom facilities. Fully clothed shall mean the wearing of undergarments such as bras and underwear. Outer garments should be clean and nontransparent, comparable to clothing commonly worn by nurses and physical therapists.

The above listed violation causes applicant Wang to be in violation of Los Angeles Municipal Code (LAMC) 103.31 (a) (3) which states:
103.31 LAMC - *If the Board determines that the application does not satisfy the requirements of this article, it shall deny the application. The Board may also deny a permit on any of the following grounds: (a)(3) Grounds for Denial of Application Issued Subject to this Article.*

3. The applicant has committed or aided or abetted in the commission of any act or omission, which, if committed by a permittee, would be a ground for suspension, revocation, or other disciplinary action under this article;

**REASON 2**
Northeast Area Vice received anonymous complaints from citizens complaining of possible prostitution activity at 4861 Eagle Rock Boulevard, DBA Asian Spa. On April 18, 2013, an undercover inspection of the above listed business was conducted by officers of Northeast Area Vice, and the following discrepancies were discovered. The U/C officer entered the Asian Spa massage parlor, and requested a massage. Massage Therapist failed to offer shorts to the U/C officer, and remained in the room while the patron (U/C) was completely nude. These are violations of Massage Therapist Board Rules No. 4(a), and (c).

Board Rule No. 4(a): *Provide clean, sanitary and opaque gym-short type garments which must be worn by Patrons when in the premises and when not otherwise fully clothed so that the genitals and buttocks shall be completely covered.*

Board Rule No. 6(c): *Not be present or remain with a patron in any room unless the patron is fully clothed or the patron is wearing an opaque gym-short type garment that covers the patron’s buttocks and genital areas.*

The above listed violation causes applicant Wang to be in violation LAMC 103.31 (a) (3) which states: *If the Board determines that the application does not satisfy the requirements of this article, it shall deny the application.*

(a)(3): *The applicant has committed or aided or abetted in the commission of any act or omission, which, if committed by a permittee, would be a ground for suspension, revocation, or other disciplinary action under this article;*

**REASON 3**
Northeast Area Vice received anonymous complaints from citizens complaining of possible prostitution activity at 4861 Eagle Rock Boulevard, DBA Asian Spa. On April 18, 2013, an undercover inspection of the above listed business was conducted by officers of Northeast Area Vice, and the following discrepancies were discovered.
The U/C officer entered the Asian Spa massage parlor, and requested a massage. During the massage, the Massage Therapist touched the U/C officer’s genitals and offered to perform a sex act on him for an additional fee. Both acts are violations of Board Rules Nos. 6(d), and 6(e), the details are listed below:

**Massage Board Rule 6(d):** Not fondle or otherwise intentionally touch the genitals, buttocks, pubic or anal areas of another person whether or not these body areas are covered by any garment.

**Massage Board Rule 6(e)** Not offer to engage, engage or agree to engage in any act for purposes of sexual arousal or gratification. The above listed violation causes the applicant to be in violation of Los Angeles Municipal Code (LAMC) 103.31 (a) (3) which states: If the Board determines that the application does not satisfy the requirements of this article, it shall deny the application

(a)(3) The applicant has committed or aided or abetted in the commission of any act or omission, which, if committed by a permittee, would be a ground for suspension, revocation, or other disciplinary action under this article;

**REASON 4**

Northeast Area Vice received anonymous complaints from citizens complaining of possible prostitution activity at 4861 Eagle Rock Boulevard, DBA Asian Spa. On April 18, 2013, an undercover inspection of the above listed business was conducted by officers of Northeast Area Vice, and the following discrepancies were discovered. Applicant Wang greeted the U/C officer at the desk; she escorted him to the massage room, accepted payment for massage, performed the massage, and solicited him for an act of prostitution. Applicant Wang was arrested and charged with violations of 647(b)PC (Prostitution) and 316PC (keeping a disorderly house). In the ensuing court case, Wang was allowed a plea bargain and was only convicted of 103.205.1(b) (operating without a permit).

The above listed violations cause the applicant to be in violation of Los Angeles Municipal Code (LAMC) 103.31 (a) (3) which states:

If the Board determines that the application does not satisfy the requirements of this article, it shall deny the application

(a)(3) The applicant has committed or aided or abetted in the commission of any act or omission, which, if committed by a permittee, would be a ground for suspension, revocation, or other disciplinary action under this article;

316. Every person who keeps any disorderly house, or any house for the purpose of assignation or prostitution, or any house of public resort, by which the peace, comfort, or decency of the immediate neighborhood is habitually disturbed, or who keeps any inn in a disorderly manner; and every person who lets any apartment or tenement, knowing that it is to be used for the purpose of assignation or prostitution, is guilty of a misdemeanor.
REASON 5
On or about September 1, 2012, at Target Store No. 1408, at 2626 Colorado Blvd in Eagle Rock, CA, applicant Wang was observed on the in-store surveillance system, shoplifting several items. Applicant Wang was arrested for theft. In the ensuing court trial she was found guilty of violating PC Section 484(a), and sentenced to 36 months summary probation and special conditions. This conviction causes applicant Wang to be in violation of PC Section 484(a) (Theft). This causes applicant Wang to be guilty of LAMC Section 103.31(a) 9 which states: **If the Board determines that the application does not satisfy the requirements of this article, it shall deny the application.** The Board may also deny a permit on any of the following ground:

(a) **Grounds for Denial of Application Issued Subject to this Article.**

9. **The applicant has within five years immediately preceding the date of the filing of the application been convicted of any offense involving deceptive trade practices or other illegal business practices reasonably and narrowly related to the nature of conduct of the business for which the application is made.**

REASON 6
Applicant Wang was issued a license for Massage Therapy by the State of California Massage Therapy Council (CMTC) on September 23, 2011. This license was suspended for a Possible Criminal Issue on September 23, 2013. This suspension causes applicant Wang to be in violation of Section 103.31(a) 4 LAMC - **If the Board determines that the application does not satisfy the requirements of this article, it shall deny the application.** The Board may also deny a permit on any of the following grounds:

(a) **Grounds for Denial of Application Issued Subject to this Article.**

4. **The applicant has had a similar type of permit previously denied, suspended or revoked within five years immediately preceding the date of the filing of the application, and the applicant can show no material change in circumstances since the denial, suspension or revocation;**

The Los Angeles Municipal Code (LAMC) specifically states that a permit **SHALL BE DENIED** if there are violations of the type which have been sustained by Xuemei Wang. The Department therefore respectfully request that the application be DENIED.
CHRIS WATERS, Lieutenant
Commanding Officer
Commission Investigation Division

Concur with Recommendation

Date: 12-02-13

( ) Issue Permit

RICHARD M. TRIFANK, Executive Director
Board of Police Commissioners

Attachments