

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the City Council:

Subject: Appeal of the License Review Board's Revocation of the Business License (Massage Establishment) issued to Healthy Spa Massage (located at 1515 Crenshaw Blvd, Units: 102 & 103)

RECOMMENDATION

Staff recommends that your Honorable Body concur with the decision of the License Review Board (LRB) to revoke the business license issued to Healthy Spa Massage, for numerous violations of the City of Torrance Municipal Code.

BACKGROUND/ANALYSIS

At the request of the City of Torrance's Chief of Police, a revocation hearing was held on January 19, 2010 before the LRB regarding the revocation of a business license issued to Healthy Spa Massage for numerous violations of the Torrance Municipal Code.

At the revocation hearing, testimony was heard as well as arguments from both the City and Healthy Spa Massage representatives pertaining to the revocation. The LRB voted unanimously (3-0) to revoke the business license based on the evidence.

On February 8, 2010, Jun Nam Choi, owner of Healthy Spa Massage, filed an appeal of the LRB decision with the Torrance City Clerk and as such, the record of the LRB has been presented to you for your review and this hearing has been set. Attached is a copy of the record of the proceedings before the LRB, Healthy Spa

Massage's Notice of Appeal, the City's Appeal Brief, Healthy Spa Massage's Brief in Opposition to Revocation, and the City's Reply Brief.

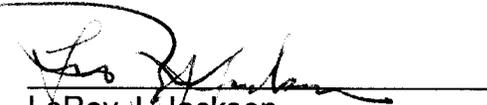
Respectfully submitted,


Kenneth Flewellyn
Assistant Finance Director

CONCUR:


Michael D. Smith
Chairperson, License Review Board

NOTED:


LeRoy J. Jackson
City Manager

*Attachments:

- A. City of Torrance - City Council Appeal Brief
- B. Appellant – City Council Appeal Brief
- C. City of Torrance License Review Board Revocation Brief
- D. City of Torrance – Letter from Chief of Police to City Clerk
- E. City of Torrance – Notice of License Suspension or Revocation from City Clerk to Appellant
- F. City of Torrance – Business License Application of Appellant
- G. City of Torrance - Police Report
- H. City of Torrance - License Review Interview Summary
- I. City of Torrance - Torrance Police Department Municipal Code Highlights
- J. City of Torrance - Article 9 - Torrance Municipal Code - Licenses
- K. City of Torrance - Article 11 - Torrance Municipal Code - Massage Establishments

- L. City of Torrance – Ordinance No. 3720 – Article 14 - Massage Establishments
- M. City of Torrance – Certified Court Docket dated December 29, 2009
- N. City of Torrance – Torrance License Review Board Agenda for January 19, 2010 Hearing
- O. City of Torrance – Findings of Fact and Conclusions of Law approved on February 2, 2010
- P. City of Torrance – Appeal Form filed by Appellant – Grounds for Appeal
- Q. Appellant's Exhibits – Torrance Municipal Code, Rules and Regulations, Acknowledgment of Independent Contractor, Massage Technician License, Driver's License and Identification Card, State Massage License, Alphabetical List, Business Open List, Check List
- R. City of Torrance – Minutes from January 19, 2010 License Review Board Hearing
- S. City of Torrance – Transcript of January 19, 2010 License Review Board Hearing
- T. Settlement Agreement between City of Torrance and Licensee Jun Nam Choi d.b.a. Healthy Spa Massage

*Limited Distribution

ALL MATERIALS HAVE BEEN DISTRIBUTED TO THE:

THE MAYOR
6 COUNCIL MEMBERS
CITY MANAGER'S OFFICE
CITY CLERK'S OFFICE
CITY ATTORNEY'S OFFICE

PROCEDURE FOR HEALTHY SPA MASSAGE APPEAL

An appeal is decided based on the administrative record pursuant to Section 7.7 of the Council Rules of Order. Arguments will be heard from the appellant and the representative for the Finance Department. The appellant will argue first. Then the representative for the Finance Department will present an argument. Both arguments are a maximum of 15 minutes each. The appellant will have an opportunity for rebuttal. Rebuttal is a maximum of 5 minutes. The City Council will have an opportunity to ask questions of either side. Members of the public will also have an opportunity to make a statement. After questions from the City Council and after the public portion, the City Council will deliberate and make a final decision to grant or deny the appeal.