



Las Vegas

Agenda Item No.: 55.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JANUARY 3, 2007

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

Consent Discussion

SUBJECT:

Discussion and possible action on an Appeal of Non-renewal of an Independent Massage Therapist License, David P. Silvaggio, 494 West Sahara Avenue, # 250 - Ward 2 (Wolfson)

Fiscal Impact:

No Impact Augmentation Required
 Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Discussion and possible action on an Appeal of Non-renewal of an Independent Massage Therapist License.

RECOMMENDATION:

Recommendation to be provided following discussion of this item at the City Council meeting.

BACKUP DOCUMENTATION:

None

Motion made by STEVE WOLFSON to Hold in Abeyance to 1/17/2007

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, LAWRENCE WEEKLY, LARRY BROWN, OSCAR B. GOODMAN, GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

NOTE: After confirming with MR. SILVAGGIO that PERRY SILVAGGIO is his father, MAYOR GOODMAN indicated that his familiarity with MR. SILVAGGIO'S father is negligible, as they do not have a close relationship.

Minutes:

The appellant was present, accompanied by ATTORNEY REX BELL.

JIM DiFIORE, Manager of Business Services, gave a brief history on the applicant's independent massage therapist license, under which MR. SILVAGGIO could perform massage at a massage establishment within the City. Initially, MR. SILVAGGIO, because of his criminal history, was issued a temporary license, with the condition that he report any arrests or citations to Business Services within 48 hours. Subsequently, a permanent license was issued by the department with the same condition, as well as the added condition that he report any change in probation status. Since January 2005, the applicant has complied with these conditions. MR. SILVAGGIO sought renewal of his license in October 2006, and he submitted a copy of his SCOPE record, which did

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not indicate any additional arrests. However, he pointed out that he violated his probation by leaving the State of Nevada without authorization from his parole officer. Hence, a probation report was obtained, and it reflected that MR. SILVAGGIO was arrested August 2, 2006, and taken to the Clark County Jail for probation violation, which he did not report within the 48-hour period as required. Additionally, his attorney provided Business Services with a change in probation status of reinstatement and dishonorable discharge in September 2006.

Consequently, MR. DiFIORE decided in December 2006 to deny MR. SILVAGGIO renewal of his independent massage therapist license. He requested the Council uphold his action and deny this appeal.

ATTORNEY BELL reminded the Council that MR. SILVAGGIO had a license, despite his previous criminal history, and he was doing fine, until recently, because there was a change in probation officers. MR. SILVAGGIO did leave the state for four days, but under compelling circumstances. His girlfriend received a call that her mother was dying in California, and they had to leave during the late hour. There was no way he could have reached the probation office to obtain permission because it was closed. When he went to see his probation officer, he was told that he was absconding, which is not true, because the same day he did not come back. While he was in the office, MR. SILVAGGIO was handcuffed by the officer and informed that he was not being arrested, but that his car and home would be searched to which MR. SILVAGGIO did not object. During the search, two bottles of beer were found in his refrigerator, and MR. SILVAGGIO explained that the beer bottles were in the car he had purchased. However, the report indicates that MR. SILVAGGIO responded with an aloof attitude when questioned about the beers.

ATTORNEY BELL assured the Council that MR. SILVAGGIO does not have a drinking problem; he leads a very healthy lifestyle. He went to massage school to learn a trade and make an honest living, which he is doing with his son and his live-in girlfriend. He did not report the arrest, because he sincerely did not believe that it was an arrest. ATTORNEY BELL urged the Council to consider granting MR. SILVAGGIO a license, as he has not had any problems in his work.

MR. SILVAGGIO thanked the Council for their time. He indicated that he decided to become a massage therapist after physical therapy helped him recover from a serious injury he suffered after falling off a ladder while he was working. He sincerely apologized for not reporting to Business Services, but he asserted that he was unaware that his probation violation was considered an arrest. Also, at the time, all he could think about was getting back on his feet. He assured the Council that he would not cause any more problems if given another opportunity.

After oscillating discussion with ATTORNEY BELL and MR. SILVAGGIO regarding the sincerity of the appellant and what led to his arrest, COUNCILMAN WOLFSON opted to hold this matter in abeyance for two weeks, so that he could meet with ATTORNEY BELL and his client to thoroughly discuss this matter.