

CITY COUNCIL MEETING OF
February 6, 2008
VERBATIM TRANSCRIPT – ITEM 47

1 **Discussion and possible action regarding complaint seeking disciplinary action against Wu**
2 **Guo d/b/a Asian Magic, 1717 South Decatur Boulevard, Las Vegas, Clark County, Nevada,**
3 **for violations of the Las Vegas Municipal Code - Ward 1 (Tarkanian)**

4

5 **Appearance List:**

6 GARY REESE, Mayor Pro Tem

7 BILL HENRY, Senior Litigation Counsel

8 ALBERT SUNG, Mandarin interpreter

9 LARRY BROWN, Councilman

10 WU GUO

11 RICKI Y. BARLOW, Councilman

12 STEVE WOLFSON, Councilman

13 BEVERLY BRIDGES, City Clerk

14 STEVEN ROSS, Councilman

15 LOIS TARKANIAN, Councilwoman

16

17 16 minutes

18

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21 **MAYOR PRO TEM REESE**

22 Item 47 is discussion and possible action regarding complaint seeking disciplinary action against
23 Wu Guo doing business as Asian Magic, 1717 South Decatur Boulevard, Las Vegas, Clark
24 County, Nevada, for violations for the, of the Las Vegas Municipal Code. This is in Ward 1,
25 Councilwoman Tarkanian. Mr. Henry, please.

26

27 **BILL HENRY**

28 Good morning, Mayor Pro Tem and Members of the Council. This matter is before the Court or,
29 pardon me, the Council for purposes of considering a proposed disciplinary complaint. Before I
30 go further, I'd like to lodge with the Clerk proof of service of notice of today's proceedings to
31 the licensee.

32 The licensee, Mr. Wu Guo, is present. I spoke with him about two weeks ago in the lobby of the
33 City Attorney's Office where he appeared without an appointment. We communicated in the
34 English language and I thought that he understood me and I certainly understood him. During
35 the course of that conversation, I asked him if he could communicate in the English language.
36 He said yes. And I specifically asked him if he could read and write in the English language and
37 he said yes.

38 This morning when he appeared, he told a member of the Business Licensing Department that he
39 couldn't communicate in the English language and he wanted a Mandarin interpreter. Out of an
40 abundance of caution, despite what I told you, we were able to find a Mandarin interpreter, an
41 employee of the Department of Public Works. His name is Albert Sung. I'm told its spelled S-
42 u-n-g and he's present. And to protect our record, I – would ask that we utilize him, although I
43 have every reason to believe that the licensee does understand today's proceedings in the English
44 language.

45

46 **MAYOR PRO TEM REESE**

47 Thank you. Sir.

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48 **ALBERT SUNG**

49 Okay. My name is Albert Sung, City employee, and I'm here, summoned here to assist Mr. Guo
50 for the translation of Mandarin.

51

52 **MAYOR PRO TEM REESE**

53 Do you understand what we're doing, Sir?

54

55 **ALBERT SUNG**

56 (Translating in Mandarin) I think Mr. Guo doesn't understand, what's the purpose of today's
57 hearing? So can somebody explain to him why he is here?

58

59 **BILL HENRY**

60 I can make a – more comprehensive statement, if you would like. He is here today because he
61 holds a City license, business license and –

62

63 **COUNCILMAN BROWN**

64 Mayor Pro Tem.

65

66 **MAYOR PRO TEM REESE**

67 Yes, Sir.

68

69 **COUNCILMAN BROWN**

70 If – I may. Mr. Henry, if we're going to just keep the record intact, allow our interpreter to
71 translate in segments, please.

72

73 **ALBERT SUNG**

74 Thank you.

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75 **BILL HENRY**

76 As I said, he's here today because he holds a City business license.

77

78 **ALBERT SUNG**

79 (Translating in Mandarin)

80

81 **BILL HENRY**

82 Specifically, the licenses at issue are a Reflexology Establishment License and a Reflexology
83 Practitioner License.

84

85 **ALBERT SUNG**

86 (Translating in Mandarin) Can I ask? Reflexology means just for the feet, correct?

87

88 **BILL HENRY**

89 Yes. I believe so.

90

91 **ALBERT SUNG**

92 (Translating in Mandarin) Okay. Fine. Okay.

93

94 **BILL HENRY**

95 There is an allegation, an accusation that in managing his business, he's broken the law.

96

97 **ALBERT SUNG**

98 (Translating in Mandarin)

99

100 **BILL HENRY**

101 And those accusations are in a written complaint for disciplinary action, a copy of which I will
102 give to him right now.

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103 **ALBERT SUNG**

104 (Translating in Mandarin) Okay.

105

106 **BILL HENRY**

107 We're here today for me to ask the Council to approve this complaint and set it for hearing.

108

109 **ALBERT SUNG**

110 (Translating in Mandarin)

111

112 **MAYOR PRO TEM REESE**

113 Excuse me just a second please

114

115 **ALBERT SUNG**

116 Yeah.

117

118 **MAYOR PRO TEM REESE**

119 Could you explain to him what is in the complaint? He was – giving massages without a license,
120 wasn't he?

121

122 **BILL HENRY**

123 That, the essence of the complaint is instead of running a reflexology establishment, he's running
124 a massage establishment, that he, and he's not licensed for massage.

125

126 **ALBERT SUNG**

127 I think reflexology means massage, you know, basically it's a massage.

128

129 **BILL HENRY**

130 Not under the City Code.

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131 **ALBERT SUNG**

132 Okay. (Translating in Mandarin)

133

134 **BILL HENRY**

135 So today we're not going to determine whether or not he actually broke the law.

136

137 **ALBERT SUNG**

138 (Translating in Mandarin) Okay.

139

140 **BILL HENRY**

141 Instead, I'm going to ask the City Council to approve the complaint and set the matter for

142 hearing at a later date and at that time, the City Council will determine whether or not he broke

143 the law.

144

145 **ALBERT SUNG**

146 (Translating in Mandarin) Okay.

147

148 **WU GUO**

149 (Inaudible) Okay.

150

151 **ALBERT SUNG**

152 (Translating in Mandarin) Okay.

153

154 **BILL HENRY**

155 And I'd like to point out that at that hearing, he will once again have an interpreter and that he

156 can, at his own expense, hire a lawyer to represent him at that hearing.

157

158 **ALBERT SUNG**

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159 (Translating in Mandarin) Can I ask, whether he can hire a translator on the, I mean, the City
160 pay for that, or –

161 **BILL HENRY**

162 I don't believe there's any provision for the City to pay for a – translator of his choice, but we
163 will be, we will provide, if he wishes, a translator that we believe to be competent.

164

165 **ALBERT SUNG**

166 Okay. (Translating in Mandarin) Okay. He want (sic) the City to provide him a translator.

167

168 **COUNCILMAN BARLOW**

169 Mayor Pro Tem.

170

171 **MAYOR PRO TEM REESE**

172 Yes.

173

174 **COUNCILMAN BARLOW**

175 If I may, is it possible for us to put the onus on this applicant to at least seek out an attorney who
176 possibly may speak Mandarin? I'm pretty sure with the number of attorneys that we have in this
177 City that there's a possibility that one of them just may speak the language, to assist him more
178 efficiently. And Councilman Wolfson, if you will, jump in and share your comments, if you will
179 please.

180

181 **COUNCILMAN WOLFSON**

182 With your permission, Mayor Pro Tem.

183

184 **MAYOR PRO TEM REESE**

185 Yes.

186

187 **COUNCILMAN WOLFSON**

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188 That, that's a good idea, but equally as good or better is that through the Court, they provide
189 Mandarin interpreters so whether it's us, Mr. Henry, the City of Las Vegas or whether it's the
190 applicant himself through the District Court, the Regional Justice Center, our main courthouse,
191 we have a Court Interpreter Office and I know for a fact that they have Mandarin interpreters,
192 but whether the City pays for it or this applicant pays for it, that's not for me to decide. But I
193 don't know that there's necessarily a lawyer that speaks Mandarin, there might be. But certainly
194 there are Mandarin court interpreters, so if the lawyer doesn't speak Mandarin, at least there will
195 be a certified Mandarin interpreter available.

196

197 **ALBERT SUNG**

198 (Translating in Mandarin)

199

200 **MAYOR PRO TEM REESE**

201 Thank you. Beverly –

202

203 **COUNCILMAN BARLOW**

204 And that would –

205

206 **MAYOR PRO TEM REESE**

207 Excuse me a second.

208

209 **COUNCILMAN BARLOW**

210 Okay.

211

212 **MAYOR PRO TEM REESE**

213 Ms. Bridges.

214

215 **BEVERLY BRIDGES**

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216 The City contracts with Language Lines through AT&T and they do provide certified translators
217 on our phone service that we can pipe into the house, if that's needed. And we have a contract
218 with them.

219 **MAYOR PRO TEM REESE**

220 Thank you. Councilman Barlow, please.

221

222 **COUNCILMAN BARLOW**

223 She answered. That's fine. Thank you, Mayor Pro Tem.

224

225 **MAYOR PRO TEM REESE**

226 You bet. You might tell your –

227

228 **ALBERT SUNG**

229 So that, see that, this owner need (sic) to decide what he want (sic) to do right now or what,
230 later?

231

232 **MAYOR PRO TEM REESE**

233 He – needs to decide right now, yeah.

234

235 **ALBERT SUNG**

236 (Translating in Mandarin)

237

238 **COUNCILMAN ROSS**

239 Your Honor, while he's thinking about that, can I ask Mr. Henry –

240

241 **MAYOR PRO TEM REESE**

242 Yeah, you bet.

243

244 **COUNCILMAN ROSS**

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245 – couple questions. Help me understand this clearly. He is operating a reflexology, on a –
246 reflexology license –

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247 **BILL HENRY**

248 Yes.

249

250 **COUNCILMAN ROSS**

251 – but he’s actually doing massage therapy. Is that correct? Is that – the allegation of the
252 complaint?

253

254 **BILL HENRY**

255 Yes, in essence. The allegations are –

256

257 **COUNCILMAN ROSS**

258 And you want to set a hearing to hear that complaint to determine whether he’s broken the law.

259

260 **BILL HENRY**

261 Yes.

262

263 **COUNCILMAN ROSS**

264 In that timeframe, what if he makes application for a massage license and fixes that?

265

266 **BILL HENRY**

267 It wouldn’t fix it as a matter of law because –

268

269 **COUNCILMAN ROSS**

270 Okay.

271

272 **BILL HENRY**

273 – the snapshot is at the moment that he was cited.

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274 **COUNCILMAN ROSS**

275 Okay. All right. I'm just curious. Mr. Henry, thank you. Thank you, Your Honor.

276

277 **ALBERT SUNG**

278 (Translating in Mandarin)

279

280 **COUNCILWOMAN TARKANIAN**

281 Mr. Mayor Pro Tem.

282

283 **MAYOR PRO TEM REESE**

284 Yes, Councilwoman.

285

286 **COUNCILWOMAN TARKANIAN**

287 Could – I just ask you Mr. Henry, my understanding is that the gentleman has a license for
288 reflexology and had an establishment for reflexology, in that he did massage there and he had no
289 license, right?

290

291 **BILL HENRY**

292 Yes.

293

294 **COUNCILWOMAN TARKANIAN**

295 And that's what this is all about.

296

297 **BILL HENRY**

298 Yes.

299

300 **COUNCILWOMAN TARKANIAN**

301 Now you're, nobody's making a decision if he's guilty or not guilty today, they're only saying
302 we'll move forward and have a hearing to make that determination. Is that correct?

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303 **BILL HENRY**

304 That's correct.

305

306 **COUNCILWOMAN TARKANIAN**

307 Okay. And in going forward and making a determination, we are giving him choices as to free
308 interpreters. I mean, they're offered free by – us. Right? I mean, they're provided by us. I
309 think it's –

310

311 **BILL HENRY**

312 Yes.

313

314 **COUNCILWOMAN TARKANIAN**

315 – federal law, in fact, that they, we provide interpreters.

316

317 **BILL HENRY**

318 I'm not aware of that. It – may be or may not be. As I said, I – am not aware. But – as a matter
319 of just due process, it would be my advice that if someone says that they can't communicate in
320 the English language –

321

322 **COUNCILWOMAN TARKANIAN**

323 Right.

324

325 **BILL HENRY**

326 – without regard to that statement being credible or incredible, the safest thing to do is to provide
327 an interpreter –

328

329 **COUNCILWOMAN TARKANIAN**

330 Make the provision –

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331 **BILL HENRY**

332 – for the language they say they –

333

334 **COUNCILWOMAN TARKANIAN**

335 And –

336

337 **BILL HENRY**

338 can communicate in.

339

340 **COUNCILWOMAN TARKANIAN**

341 And today we've suggested or mentioned two or three ways this could be done. Am I correct in

342 that?

343

344 **BILL HENRY**

345 Yes.

346

347 **COUNCILWOMAN TARKANIAN**

348 And he has to decide which way. So we're not determining if he's guilty or not guilty, we're

349 only saying we will move forward, we can move forward and then you have the opportunity to

350 have an interpreter so you understand everything that's occurring.

351

352 **ALBERT SUNG**

353 Yes. I have explained it to him.

354

355 **COUNCILWOMAN TARKANIAN**

356 Okay.

357

358 **ALBERT SUNG**

359 So he understands.

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360 **COUNCILWOMAN TARKANIAN**

361 Okay. Thank you very much.

362

363 **MAYOR PRO TEM REESE**

364 You bet. Anything else, Mr. Henry?

365

366 **BILL HENRY**

367 I think having said that, I would ask the City Council to approve the complaint and set the matter
368 for hearing within 60 days. I'm told the last date with, for a regular City Council meeting is
369 April 2nd. And I would suggest, given the language problem, that you might consider if you
370 want to set this for a special meeting.

371

372 **MAYOR PRO TEM REESE**

373 No. I – don't think we have to have a special meeting. I think that you might explain to the
374 gentleman that he has to get an attorney and hopefully one that can, speaks Mandarin. I think we
375 can give him 60 days. He should have enough time by then to find somebody that can interpret –
376 for him. If we have to furnish somebody for him, he can contact your office and find out and
377 discuss that. I think we've gone far enough here. Councilwoman.

378

379 **ALBERT SUNG**

380 But I – think he want (sic) the Court or the City to provide him with the attorney, so how does he
381 proceed with that?

382

383 **MAYOR PRO TEM REESE**

384 We don't – do that. He has to find his own attorney.

385

386 **ALBERT SUNG**

387 In the Court? But, just, somebody said that the Court would provide that.

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388 **MAYOR PRO TEM REESE**

389 He needs to find his own attorney. We'll help with the –

390

391 **ALBERT SUNG**

392 Own private attorney?

393

394 **MAYOR PRO TEM REESE**

395 Yeah, we'll help with the interpreter.

396

397 **ALBERT SUNG**

398 Okay. Oh, help the interpreter.

399

400 **COUNCILWOMAN TARKANIAN**

401 It's the interpreter –

402

403 **ALBERT SUNG**

404 Okay.

405

406 **COUNCILWOMAN TARKANIAN**

407 – that we help provide.

408

409 **ALBERT SUNG**

410 Okay.

411

412 **COUNCILWOMAN TARKANIAN**

413 Nothing else.

414

415 **MAYOR PRO TEM REESE**

416 The best thing, Councilman Wolfson said it best, he needs to get an attorney right now.

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417 **ALBERT SUNG**

418 (Translating in Mandarin)

419

420 **COUNCILWOMAN TARKANIAN**

421 I would move forward –

422

423 **COUNCILMAN WOLFSON**

424 Mayor – Pro Tem –

425

426 **MAYOR PRO TEM REESE**

427 Yes.

428

429 **ALBERT SUNG**

430 (Translating in Mandarin)

431

432 **COUNCILMAN WOLFSON**

433 – and I'll clarify. Sir, we wanna make sure that we have a good record here. He's not required
434 to have a lawyer.

435

436 **ALBERT SUNG**

437 Okay.

438

439 **COUNCILMAN WOLFSON**

440 He can certainly come on his own.

441

442 **ALBERT SUNG**

443 Right.

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444 **COUNCILMAN WOLFSON**

445 But in situations like this, where the City of Las Vegas is contemplating discipline which could
446 be the revocation of this license –

447

448 **ALBERT SUNG**

449 Right.

450

451 **COUNCILMAN WOLFSON**

452 It's in his best interest to at least consult with a lawyer.

453

454 **ALBERT SUNG**

455 Okay.

456

457 **COUNCILMAN WOLFSON**

458 Now, I don't know anything about the case and I'm trusting that you'll communicate this to–

459

460 **ALBERT SUNG**

461 Right.

462

463 **COUNCILMAN WOLFSON**

464 – to this, and thank you for helping us, but probably the best thing he can do is to contact a
465 lawyer and then have that lawyer contact Mr. Henry. Mr. Henry can have discussions with the
466 lawyer who can then inform this gentleman of everything that's going on so that he can be fully
467 informed and then make – decisions. We're not requiring him to have a lawyer –

468

469 **ALBERT SUNG**

470 Okay.

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471 **COUNCILMAN WOLFSON**

472 – but when you have a business that’s subject to having a license revocation, it’s probably a good
473 idea to at least consult with a lawyer.

474

475 **ALBERT SUNG**

476 Okay. (Translating in Mandarin)

477

478 **COUNCILMAN BROWN**

479 Mayor – Pro Tem?

480

481 **MAYOR PRO TEM REESE**

482 Yes.

483

484 **COUNCILMAN BROWN**

485 In light of what’s happened today, if the first meeting in April is the last opportunity by Code, I
486 perhaps would suggest that we have it the second meeting in March, just in case there’s a
487 breakdown, that we could push it to the first meeting in April.

488

489 **MAYOR PRO TEM REESE**

490 Very good. Councilwoman.

491

492 **COUNCILWOMAN TARKANIAN**

493 Yes. **I would move that we move forward with the complaint, setting the date for the**
494 **hearing, the second meeting in March.**

495

496 **COUNCILMAN BROWN**

497 March 19th.

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498 **MAYOR PRO TEM REESE**

499 March 19th.

500

501 **COUNCILWOMAN TARKANIAN**

502 Which would be March 19th. March 19th.

503

504 **MAYOR PRO TEM REESE**

505 Any questions on the motion?

506

507 **COUNCILWOMAN TARKANIAN**

508 And if he has any questions about the interpreter, Mr. Henry, you could advise him as to, make

509 sure he understand (sic) how that's done.

510

511 **BILL HENRY**

512 Yes, Councilwoman.

513

514 **COUNCILWOMAN TARKANIAN**

515 I think he understands, but I just wanted to be sure.

516

517 **ALBERT SUNG**

518 Yeah.

519

520 **COUNCILWOMAN TARKANIAN**

521 And then he has the right to have his attorney present at that. And for this type of situation, as

522 the Councilpeople have mentioned, it's important.

523

524 **ALBERT SUNG**

525 Yeah. I've explained that to him.

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526 **COUNCILWOMAN TARKANIAN**

527 That's my motion **to move forward, setting it March 19th.**

528

529 **MAYOR PRO TEM REESE**

530 Any question on the motion? Hearing none, cast your vote, please. Please post. Motion carries.

531 **(Motion carried unanimously with MAYOR GOODMAN excused.)**

532

533 **BILL HENRY**

534 May the record reflect that I'm lodging a copy of the original of the complaint for disciplinary
535 action with the Clerk.

536

537 **MAYOR PRO TEM REESE**

538 Thank you.

539

540 **(END OF DISCUSSION)**

541 /cv;da