

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BEFORE THE CITY COUNCIL
OF THE CITY OF LAS VEGAS, NEVADA

* * *

IN THE MATTER OF:

DEPARTMENT OF FINANCE AND
BUSINESS SERVICES on behalf of the
CITY OF LAS VEGAS,

Petitioner,

vs.

WU GUO d/b/a ASIAN MAGIC,

Respondent.

**COMPLAINT FOR
DISCIPLINARY ACTION**

The DEPARTMENT OF FINANCE AND BUSINESS SERVICES, on behalf of the CITY OF LAS VEGAS, NEVADA (Department), Petitioner, makes this Complaint for Disciplinary Action against WU GUO d/b/a ASIAN MAGIC, 1717 South Decatur Boulevard, Las Vegas, Clark County, Nevada, and states:

1. Respondent holds Reflexology Establishment License No. R03-00019-H-127248 and Reflexology Practitioner License No. R11-00037-A-127248.
2. Records in the Department's possession reflect that the ownership of ASIAN MAGIC, 1717 South Decatur Boulevard, Las Vegas, Clark County, Nevada, is in the name of WU GUO.
3. Las Vegas Municipal Code (LVMC) § 6.02.330(A), (C), (E), (G) and (H) provides:

A licensee may be subject to disciplinary action by the City Council for good cause, which may, without limitation, include the following:

The licensee or any of its principals is engaged, or has commenced, instituted, advertised, aided, carried on, continued or engaged, in a business, trade or profession **without having obtained a valid license**, an approval for suitability, a permit or

1 a work card when such a person knew that one was required or
2 under such circumstances that they reasonably should have known
3 one was required, or has solicited, encouraged, caused or pro-
4 cured another to do so;

5

6 The licensee or any of its principals has been **convicted of**
7 **an act** which constitutes a crime which involves moral turpitude
8 or involves any local, state or federal law or regulation **which**
9 **relates to the same or a similar business**, or has been convicted
10 of having solicited, encouraged, caused or procured another to
11 commit such a violation;

12

13 The licensee or any of its principals has been **convicted of**
14 **having perpetrated**, or has solicited, encouraged, caused or
15 **procured another to perpetrate, deceptive practices upon the**
16 **public**;

17

18 **The premises** on which the business is conducted **do not**
19 **satisfy** local, state or federal law or regulations which pertain to
20 the activity which is actually engaged in;

21 **The business activity constitutes**, promotes, causes,
22 allows, fosters, aids, or otherwise enables a **private nuisance,**
23 **public nuisance or chronic nuisance**, or has been or is being
24 conducted in an unlawful, illegal or impermissible manner,
25 including but not limited to causing, allowing, promoting, foster-
26 ing, aiding, enabling, exercising deliberate ignorance towards or
27 failing to abate a private nuisance, public nuisance or chronic
28 nuisance [Emphasis added.]

4. LVMC § 6.52.040(A) provides:

Except as otherwise provided in this Section, **no person**
shall engage in, conduct or carry on, or permit to be engaged in,
conducted or carried on, in or upon any premises, **the operation**
of a massage establishment or the performance of massage as a
massage therapist or as an independent massage therapist, **with-**
out first obtaining and thereafter maintaining a **valid unexpired**
license for that activity pursuant to this Title. [Emphasis added.]

5. LVMC § 6.69.130(A) and (B) provides:

It is unlawful for any licensee, employee, or person
contracted by a licensee to:

Use lotions, creams or mechanical devices in perform-
ing reflexology; or

. . . .

1 Diagnose or treat for specific diseases; practice spinal or
2 other joint manipulations; prescribe or adjust medication; or
prescribe or administer vitamins. [Emphasis added.]

3 6. Records held by and investigation conducted by the Business Services Division
4 of the City of Las Vegas' Department of Finance and Business Services reveal that licensee,
5 **WU GUO d/b/a ASIAN MAGIC**, was cited by City of Las Vegas business licensing officer
6 Robert Cone for performing massage without a business license in violation of LVMC §
7 6.52.040 January 26, 2007. WU GUO **pled nolo contendere** in the Las Vegas Municipal
8 Court and was **found guilty** April 11, 2007.

9 7. As a result of this conviction, the Department alleges that WU GUO d/b/a
10 ASIAN MAGIC has operated in an illegal manner, contrary to law, and in violation of LVMC
11 §§ 6.02.330, 6.52.040, and 6.69.130.

12 8. LVMC § 6.88.090 sets forth the procedure for the conduct of a disciplinary
13 hearing and provides:

14 (A) The hearing need not be conducted according to
15 technical rules relating to evidence and witnesses. Any relevant
evidence may be admitted.

16 (B) The respondent shall have the right to call and exam-
17 ine witnesses on his own behalf, cross-examine opposing wit-
18 nesses, introduce exhibits and evidence relevant to the issues of
the case, and offer rebuttal evidence.

19 (C) The respondent may be called and examined by the
20 City.

21 9. LVMC § 6.02.360, sets forth the range of penalties available to the City
Council upon finding a violation by a licensee, and provides:

22 Upon a showing of good cause and in the discretion of the
23 City Council, disciplinary action against a holder may take the
24 form of cancellation, revocation, refusal to renew, suspension,
25 imposition of conditions or restrictions or civil fine in an amount
26 not to exceed one thousand dollars for each day that the violation
27 which forms the subject matter of the complaint that recommends
28 such disciplinary action is demonstrated to have been in exis-
tence, or any combination of such actions, as the particular
situation may require. The Council may also impose against the
licensee the actual costs incurred, and a reasonable amount for
attorney's fees, resulting from the imposition of disciplinary
action. The disciplinary actions available in this Section shall be

1 in addition to, and not exclusive of, any other civil or criminal
2 remedy which otherwise might be available.

3 10. As a result of these convictions, the Department alleges that WU GUO d/b/a
4 ASIAN MAGIC has operated in an illegal manner contrary to law and in violation of LVMC
5 §§ 6.02.330, 6.52.040, and 6.69.130.

6 11. The allegations set forth above constitute grounds for disciplinary action with
7 respect to WU GUO d/b/a ASIAN MAGIC.

8 WHEREFORE, the Petitioner respectfully requests the City Council to:

9 A. Approve the Complaint for Disciplinary Action and order a disciplinary hearing
10 at which the Respondent shall appear and show cause why the licenses that are the subject of
11 this Complaint should not be suspended or revoked, or other disciplinary action taken; or

12 B. Grant such other and further relief as the Council deems appropriate.

13 DATED this 17th day of January, 2008.

14 RESPECTFULLY SUBMITTED:

15
16 By:



17 MARK R. VINCENT, Director
Finance and Business Services

18 BRADFORD R. JERBIC
19 City Attorney

20 By:



21 WILLIAM P. HENRY
22 Senior Litigation Counsel
23 Nevada Bar No. 102
400 Stewart Avenue, Ninth Floor
Las Vegas, NV 89101
Attorneys for CITY OF LAS VEGAS