

CITY COUNCIL MEETING OF
March 19, 2008
VERBATIM TRANSCRIPT – ITEM 45

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 OSCAR GOODMAN, Mayor

7 BILL HENRY, Senior Litigation Counsel

8 ALEX YOUNG, Mandarin interpreter

9 WU GUO

10 LOIS TARKANIAN, Councilwoman

11 BEVERLY K. BRIDGES, City Clerk

12 JIM DiFIORE, Manager, Business Services

13 GARY REESE, Councilman

14 ROBERT CONE, License Officer

15 STEVEN D. ROSS, Councilman

16 STEVE WOLFSON, Councilman

17 BRAD JERBIC, City Attorney

18

19

20 36 minutes

21

22 Typed by: Lean Coleman

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24 **MAYOR GOODMAN**

25 Item 45 is a hearing, discussion and possible action regarding complaint seeking disciplinary
26 action against Wu Guo doing business as Asian Magic at 1717 South Decatur Boulevard in Las
27 Vegas for violations of the Las Vegas Municipal Code. This is in Ward 1. Mr. Henry.

28

29 **BILL HENRY**

30 Good morning, Mayor, Council.

31

32 **MAYOR GOODMAN**

33 Good morning.

34

35 **BILL HENRY**

36 First of all, I'd – like to state that pursuant to the direction of the Council, we have a court
37 interpreter present. The licensee at the last hearing indicated that he'd be more comfortable if he
38 had someone that could interpret from English to his native language. Having said that, before
39 we begin, I would like to lodge with the Clerk proof of notice or pardon me, proof of service of
40 notice of today's proceeding.

41

42 **MAYOR GOODMAN**

43 That's not my problem. Does, excuse me, some Council members have brought to my attention
44 that there does not appear to be any interpretation taking place here.

45

46 **ALEX YOUNG**

47 Well, yeah, Your Honor, I'm going to.

48

49 **MAYOR GOODMAN**

50 Are you the interpreter?

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51 **ALEX YOUNG**

52 Yeah, I'm the interpreter.

53

54 **MAYOR GOODMAN**

55 What's your – name?

56

57 **ALEX YOUNG**

58 Alex Young.

59

60 **MAYOR GOODMAN**

61 Mr. Young, are you interpreting?

62

63 **ALEX YOUNG**

64 Yeah.

65

66 **MAYOR GOODMAN**

67 Okay, because –

68

69 **ALEX YOUNG**

70 I was going to because I'm – saying very low. Maybe – I can speak up little bit.

71

72 **MAYOR GOODMAN**

73 Well, I don't care. As long as your client, as long as the gentleman understands what's

74 happening, that's all I care about. I don't – care whether you speak to him, give him sign

75 language, I don't care, just as long as he understands. Do you understand what's happening, Sir?

76

77 **WU GUO**

78 Yes.

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79 **ALEX YOUNG**

80 Yes.

81

82 **MAYOR GOODMAN**

83 Okay, so what we'll do is we'll go slowly and you'll be able to tell him what the story is and
84 we'll get through this. All right.

85

86 **BILL HENRY**

87 Initially, if I – might, Mayor, I – would note that we brought a complaint against the licensee
88 who holds a reflexology license for violation of 6.52.040 of the Municipal Code. He has filed an
89 answer, which I assume is in your backup and he cites 6.52.030 as a legal defense, so I thought
90 before we went into the evidence that we might address that.

91

92 **MAYOR GOODMAN**

93 All right. Go ahead.

94

95 **BILL HENRY**

96 As you can see from 6.52.040, which is up on the screen, our Municipal Code proscribes
97 practicing massage without a license.

98

99 **MAYOR GOODMAN**

100 Well, the record should reflect, Mr. Henry, that we don't have his answer.

101

102 **BILL HENRY**

103 Pardon me.

104

105 **MAYOR GOODMAN**

106 Well – I don't have his answer in my file.

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107 **BILL HENRY**

108 I, mine shows received by the City Clerk February 26th.

109

110 **MAYOR GOODMAN**

111 I don't have it.

112

113 **BILL HENRY**

114 Well –

115

116 **COUNCILWOMAN TARKANIAN**

117 I think what, Mr. Mayor, you're saying, in our white file –

118

119 **MAYOR GOODMAN**

120 Either file –

121

122 **COUNCILWOMAN TARKANIAN**

123 Yeah, I don't have –

124

125 **MAYOR GOODMAN**

126 Not either in my backup with the agenda or in the confidential file.

127

128 **COUNCILWOMAN TARKANIAN**

129 I don't have it either.

130

131 **BEVERLY K. BRIDGES**

132 We'll make copies.

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133 **BILL HENRY**

134 Perhaps while the Clerk's making copies, with the indulgence of the Council, I can go out of
135 order and just start proving up the facts.

136

137 **MAYOR GOODMAN**

138 All right.

139

140 **BILL HENRY**

141 If that's fine. I call as my first witness, Mr. DiFiore. Would you state your name please and
142 spell your last name for the Clerk?

143

144 **JIM DiFIORE**

145 My name is Jim DiFiore, D-i-capital F-i-o-r-e.

146

147 **BILL HENRY**

148 And how are you employed, Mr. DiFiore?

149

150 **JIM DiFIORE**

151 I'm employed as the Manager of the Business Services Division for Finance and Business
152 Services.

153

154 **BILL HENRY**

155 Directing your attention to the Complaint for Disciplinary Action that is before the Council, are
156 you familiar with this Complaint?

157

158 **JIM DiFIORE**

159 Yes, I am.

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160 **BILL HENRY**

161 On Page 1, Line 19 and Line 20, it alleges that the respondent, Wu Goo (sic) doing, doing
162 business as Asian Magic, holds a reflexology establishment license. Is that allegation and that
163 license number correct?

164

165 **JIM DiFIORE**

166 Yes it is.

167

168 **BILL HENRY**

169 And at Page 1, Lines 21 to 23, there's an allegation that his license indicates that his business is
170 located at 1717 South Decatur Boulevard, Las Vegas, Clark County, Nevada. Is that correct as
171 well?

172

173 **JIM DiFIORE**

174 Yes it is.

175

176 **COUNCILMAN REESE**

177 (Inaudible)

178

179 **BILL HENRY**

180 Thank you. I have no further questions at this time.

181

182 **MAYOR GOODMAN**

183 All right.

184

185 **BILL HENRY**

186 I would add –

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187 **MAYOR GOODMAN**

188 Did you want to cross-examine Mr. DiFiore?

189

190 **WU GUO**

191 (Through interpreter) No question.

192

193 **MAYOR GOODMAN**

194 All right then, Mr. DiFiore is excused. Your next witness, please.

195

196 **BILL HENRY**

197 Bob Cone, C-o-n-e, I believe. Would you state your name, please, and spell your last name?

198

199 **ROBERT CONE**

200 It's Robert Cone, and it's C-o-n-e.

201

202 **BILL HENRY**

203 How are you employed, Sir?

204

205 **ROBERT CONE**

206 I'm a City of Las Vegas Business License Officer.

207

208 **BILL HENRY**

209 Were you still employed and on duty January 26, 2007 in the afternoon hours around two, two

210 thirty in the afternoon?

211

212 **ROBERT CONE**

213 Yes, I was.

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214 **BILL HENRY**

215 Did you have occasion to be at 1717 South Decatur Boulevard, Las Vegas, Clark County,
216 Nevada?

217

218 **ROBERT CONE**

219 Yes.

220

221 **BILL HENRY**

222 And is, was that at the time the location of Fantastic Swapmart (sic)?

223

224 **ROBERT CONE**

225 Yes it is.

226

227 **BILL HENRY**

228 While you were there, did you observe a business known as Asian Magic?

229

230 **ROBERT CONE**

231 Yes.

232

233 **BILL HENRY**

234 And was Mr. Wu Goo (sic) present there?

235

236 **ROBERT CONE**

237 Yes he was.

238

239 **BILL HENRY**

240 Is he present before the Council today?

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241 **ROBERT CONE**

242 Yes he is.

243

244 **BILL HENRY**

245 Would you tell the Council where he's standing, please?

246

247 **ROBERT CONE**

248 He's to my right, the second person to my right.

249

250 **BILL HENRY**

251 Did you see him engaged in activities that interested you as a licensing officer?

252

253 **ROBERT CONE**

254 Yes, I did.

255

256 **BILL HENRY**

257 And what did you see him doing?

258

259 **ROBERT CONE**

260 I saw him performing massage on a white male and it was in a chair type massage, chair

261 massage, and he was rubbing the man's shoulder and his back.

262

263 **BILL HENRY**

264 For how long did you observe him to be rubbing the man's shoulder and back?

265

266 **ROBERT CONE**

267 I would say it was for about four to five minutes.

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268 **BILL HENRY**

269 Did you observe whether or not money changed hands?

270

271 **ROBERT CONE**

272 Yes I did.

273

274 **BILL HENRY**

275 What did you see?

276

277 **ROBERT CONE**

278 I saw the man get up. Before that, Mr. Wu saw me, knew who I was, and he continued to rub.

279 And then he got, then the man got up, got his wallet, and I saw him hand cash to Mr. Wu.

280

281 **BILL HENRY**

282 Would you explain to the Council why this interested you as a licensing officer, please?

283

284 **ROBERT CONE**

285 Well back on November 3, 2006, I went with several, two other licensed officers to the location

286 and –

287

288 **BILL HENRY**

289 Excuse me, could we just, for the moment, let's stay focused on why this interested you when

290 you observed this conduct on January 26, 2007.

291

292 **ROBERT CONE**

293 Because I had other, there were other problems before.

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294 **BILL HENRY**

295 Let me – rephrase my question. What, when you observed Wu Goo (sic) performing a back rub
296 massage on a patron at his business, did you form an opinion whether or not he was engaged in
297 illegal conduct?

298

299 **ROBERT CONE**

300 Yes, I did.

301

302 **BILL HENRY**

303 And what was your opinion (inaudible) licensing (inaudible)?

304

305 **ROBERT CONE**

306 He is licensed as a reflexologist. It only allows him to touch the ears, hands and feet of people,
307 and he was touching this white male's shoulder and lower back.

308

309 **BILL HENRY**

310 Having observed that for five minutes and having seen money change hands, what did you do?

311

312 **ROBERT CONE**

313 I walked up to him, made sure that the license said he was still a reflexologist and told him that
314 he was in violation. And I wrote him a citation.

315

316 **BILL HENRY**

317 Allow me to show you a document. Does this appear to be a copy of the citation that you wrote?

318

319 **ROBERT CONE**

320 Yes, it is.

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321 **BILL HENRY**

322 I'd like to lodge this with the Clerk, please.

323

324 **MAYOR GOODMAN**

325 If you will pass that up to me, Ms. Bridges.

326

327 **BILL HENRY**

328 As a result of writing that citation, did you have occasion to be in court April 11th, 2007?

329

330 **ROBERT CONE**

331 Yes.

332

333 **BILL HENRY**

334 And would that have been the Las Vegas Municipal Court?

335

336 **ROBERT CONE**

337 Yes, it would.

338

339 **BILL HENRY**

340 Did you observe Wu Goo (sic) there?

341

342 **ROBERT CONE**

343 Yes, I did.

344

345 **BILL HENRY**

346 Was – his case called?

347

348 **ROBERT CONE**

349 Yes, it was.

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350 **BILL HENRY**

351 And was it the case involving the citation?

352

353 **ROBERT CONE**

354 Yes, it was.

355

356 **BILL HENRY**

357 And what did you observe happen with Mr. Wu Goo (sic) and the Municipal Court Judge?

358

359 **ROBERT CONE**

360 He pled no contest and was fined.

361

362 **BILL HENRY**

363 Allow me to show you a document which appears to be a judgment from the Municipal Court.

364 Does, are you familiar with this document?

365

366 **ROBERT CONE**

367 Yes.

368

369 **BILL HENRY**

370 And does this reflect what you observed to happen in court that day?

371

372 **ROBERT CONE**

373 Yes.

374

375 **BILL HENRY**

376 Now do you see that Ms. (sic) Wu Goo (sic) is using an interpreter today?

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377 **ROBERT CONE**

378 Yes, I do.

379

380 **BILL HENRY**

381 On January 26, 2007, when you spoke with him, did you address him in the English language?

382

383 **ROBERT CONE**

384 Yes, I did.

385

386 **BILL HENRY**

387 Did he addr, respond to you in the English language?

388

389 **ROBERT CONE**

390 Yes.

391

392 **BILL HENRY**

393 How long was your conversation?

394

395 **ROBERT CONE**

396 At least several minutes long.

397

398 **BILL HENRY**

399 As a result of that conversation, did you form an opinion whether or not he understood what you

400 were saying to him?

401

402 **ROBERT CONE**

403 Yes.

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404 **BILL HENRY**

405 And what was that opinion?

406

407 **ROBERT CONE**

408 That he knew what I was saying. We had no problems, discussion or communication.

409

410 **BILL HENRY**

411 Directing your attention to that court appearance on April 11, 2007. Did the judge communicate
412 with Wu Goo (sic) in English?

413

414 **ROBERT CONE**

415 Yes.

416

417 **BILL HENRY**

418 Did Wu Guo respond to the judge in English?

419

420 **ROBERT CONE**

421 Yes.

422

423 **BILL HENRY**

424 How long was the conversation back and forth between the judge and Wu Goo (sic)?

425

426 **ROBERT CONE**

427 I would say several minutes.

428

429 **BILL HENRY**

430 And did Wu Goo (sic) address the judge in English?

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431 **ROBERT CONE**

432 Yes, he did.

433

434 **BILL HENRY**

435 Did he have the service, services of a court interpreter?

436

437 **ROBERT CONE**

438 No.

439

440 **BILL HENRY**

441 Did you ever ask, hear him ask for a court interpreter?

442

443 **ROBERT CONE**

444 No.

445

446 **BILL HENRY**

447 Did you form an opinion whether or not Wu Goo (sic) understood what the judge was saying to
448 him?

449

450 **ROBERT CONE**

451 Yes, I saw no problem at all. He knew English.

452

453 **BILL HENRY**

454 Now was the January 26th date your only transaction with Wu Goo (sic) at the Fantastic
455 Swapmart (sic)?

456

457 **ROBERT CONE**

458 No, it was not.

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459 **BILL HENRY**

460 Had you warned him before or been in the presence of licensed officers who warned him before
461 for violation of the massage ordinance?

462

463 **ROBERT CONE**

464 Yes.

465

466 **BILL HENRY**

467 Directing your attention to November 3rd, 2006, in the afternoon hours, did you have occasion to
468 be on duty and present at Fantastic Swapmart (sic)?

469

470 **ROBERT CONE**

471 Yes, I was.

472

473 **BILL HENRY**

474 And did you observe Wu Goo (sic) present there?

475

476 **ROBERT CONE**

477 Yes.

478

479 **BILL HENRY**

480 And was he at his business there?

481

482 **ROBERT CONE**

483 Yes.

484

485 **BILL HENRY**

486 Did he have employees that appeared to be working for him at his business?

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487 **ROBERT CONE**

488 Yes, he did.

489

490 **BILL HENRY**

491 Did you see him or an employee in his presence engaged in conduct that interested you as a
492 licensing officer?

493

494 **ROBERT CONE**

495 No, we did not see massage at that time.

496

497 **BILL HENRY**

498 All right. Were you there with Officer Mike Flynn and Lon Grasmick?

499

500 **ROBERT CONE**

501 Yes, I was.

502

503 **BILL HENRY**

504 Was there a conversation with Mr. Wu Goo (sic)?

505

506 **ROBERT CONE**

507 Yes.

508

509 **BILL HENRY**

510 And who, if you recall, spoke with Mr. Wu Goo (sic)?

511

512 **ROBERT CONE**

513 Yes.

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514 **BILL HENRY**

515 Who was it that spoke with him if you recall?

516

517 **ROBERT CONE**

518 Both Mike Flynn and Senior License Officer Grasmick spoke to him.

519

520 **BILL HENRY**

521 Did they address him in the English language?

522

523 **ROBERT CONE**

524 Yes.

525

526 **BILL HENRY**

527 Did he respond in the English language?

528

529 **ROBERT CONE**

530 Yes.

531

532 **BILL HENRY**

533 Did you form an opinion whether or not he understood what was being said to him?

534

535 **ROBERT CONE**

536 Yes, he understood.

537

538 **BILL HENRY**

539 And what was being said to him?

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540 **ROBERT CONE**

541 We were telling ‘em, he had signs posted that said “massage”, and we were telling him he could
542 not do massage. Both license officers told him you can’t do anything but touch the hands, feet
543 and the ears of people.

544

545 **BILL HENRY**

546 Did he acknowledge this?

547

548 **ROBERT CONE**

549 Yes, he did.

550

551 **BILL HENRY**

552 Allow me to direct your attention to December 8th, 2006, in the afternoon hours. Were you on
553 duty and present at Fantastic Swapmart (sic)?

554

555 **ROBERT CONE**

556 Yes, I was.

557

558 **BILL HENRY**

559 Did you observe Wu Goo (sic) at his business?

560

561 **ROBERT CONE**

562 Yes.

563

564 **BILL HENRY**

565 Did you observe one of his employees in his presence engage in conduct that interested you as a
566 licensing officer?

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567 **ROBERT CONE**

568 Yes, I did.

569

570 **BILL HENRY**

571 And what did you see Mr. Wu Goo's (sic) employee do in Mr. Wu Goo's (sic) presence?

572

573 **ROBERT CONE**

574 He – was massaging a person's back and shoulders.

575

576 **BILL HENRY**

577 As a result of observing this, did you have a conversation with Wu Goo (sic)?

578

579 **ROBERT CONE**

580 Yes, I did.

581

582 **BILL HENRY**

583 Did you address him in the English language?

584

585 **ROBERT CONE**

586 Yes, I did.

587

588 **BILL HENRY**

589 Did he respond to you in the English language?

590

591 **ROBERT CONE**

592 Yes, he did.

593

594 **BILL HENRY**

595 Did you form an opinion whether or not he understood you?

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596 **ROBERT CONE**

597 Yes, he understood me.

598

599 **BILL HENRY**

600 What did you tell him on December 8, 2006, having seen one of his employees in his presence
601 giving a back massage to a customer?

602

603 **ROBERT CONE**

604 I told him he could not allow an employee of his to do massage, and that they can only touch
605 ears, feet and hands of his customers.

606

607 **BILL HENRY**

608 And what did he tell you?

609

610 **ROBERT CONE**

611 He said, yes, he knew.

612

613 **BILL HENRY**

614 So is it the case before you cited him on January 26, 2007, he had been warned on November 3,
615 2006 and December 8, 2006?

616

617 **ROBERT CONE**

618 Yes.

619

620 **BILL HENRY**

621 And both times he acknowledged that he understood the law?

622

623 **ROBERT CONE**

624 Yes.

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625 **BILL HENRY**

626 Allow me to submit what appears to be with, what has been identified by this witness as a
627 judgment emanating from the Municipal Court to the Clerk.

628

629 **MAYOR GOODMAN**

630 All right. It's received.

631

632 **BILL HENRY**

633 I have no further questions.

634

635 **MAYOR GOODMAN**

636 Do you have any cross examination?

637

638 **WU GUO**

639 (Through interpreter) Yes. He said I – spoke English in the court. First time I went to the court,
640 I know little bit of English. Therefore, the complex questions, I cannot handle it (sic).
641 Therefore, I asked the court to provide me an – interpreter. And then they assigned interpreter to
642 come for the next court date. And then that interpreter was present at the second time. The
643 judge did not say anything to me, only the Clerk. The Clerk mentioned I have two choices: first,
644 I plead guilty and the fine will be three hundred dollars. The second choice I have to – have a
645 fine with the City license department. Well the possible outcome will be one thousand dollar
646 fine. Therefore, I plead guilty.

647 Yeah, I – admit I massage customer's back; therefore, I – paid the fine and I thought the case
648 was over. And then the judge, what the witness said I – had conversation in English with the
649 judge, it wasn't true.

650

651 **MAYOR GOODMAN**

652 All right. Is that it?

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653 **WU GUO**

654 (Through interpreter) Yes.

655

656 **MAYOR GOODMAN**

657 All right. May I see, Ms. Bridges, may I see the court document, please? And I have a question.

658 Is the business located at the discount, in the flea market out there?

659

660 **ROBERT CONE**

661 Yes.

662

663 **MAYOR GOODMAN**

664 At – it's an area that's fully visible to everybody?

665

666 **ROBERT CONE**

667 Yes.

668

669 **MAYOR GOODMAN**

670 And – were any of the clients or patients of the gentleman undressed?

671

672 **ROBERT CONE**

673 No.

674

675 **MAYOR GOODMAN**

676 So basically, the activity takes place when somebody is fully clothed, in the open, and that's

677 when you saw him perform the massage.

678

679 **ROBERT CONE**

680 That's correct, Sir.

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681 **MAYOR GOODMAN**

682 All right. This is very interesting because this document reflects a Chinese interpreter ordered.
683 When they talk about this document, this is the judgment, and it says that the Chinese interpreter,
684 apparently, was ordered and, eleventh, apparently, he appeared, at least if this document is a,
685 speaks for itself, he appeared for an arraignment on January 26th, where he (inaudible) a
686 continuance. And then it was continued 'til ultimately, he appeared on April the 11th, where he
687 pled no lo contender. But at the same time, it indicates that he asked for a Chinese interpreter
688 and the same was ordered. So I – really don't know what happened here to be quite frank with
689 you.

690

691 **BILL HENRY**

692 I wasn't present and that's why when I met with the witness, I asked him about, what was going
693 on in court, what he'd observed because he'd been there for the proceedings. And what he told
694 me is consistent with his testimony today.

695

696 **MAYOR GOODMAN**

697 All right. Well, apparently, the gentleman stated to us that he did, in fact, massage the back of
698 one of his customers and that would appear to be in violation of the strict language of the
699 reflexology ordinance. So, I guess that's a state of the record that we consider this today. It
700 appears that –

701

702 **BILL HENRY**

703 I'd also submit, Your Honor, if I might, that the answer, which merely bears Wu Goo's (sic)
704 signature and does not indicate that it is prepared by anyone else. It shows an understanding of
705 the English language, and I would submit –

706

707 **MAYOR GOODMAN**

708 Well, I'll ask him. Let's not take anything for granted. Who typed this, Sir?

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709 **WU GUO**

710 (Through interpreter) Who, which –

711

712 **MAYOR GOODMAN**

713 Who prepared and typed this Defense to Complaint for Disciplinary Action?

714

715 **WU GUO**

716 (Through interpreter) My friend.

717

718 **MAYOR GOODMAN**

719 Did, who provided the friend with the information?

720

721 **WU GUO**

722 (Through interpreter) I did.

723

724 **MAYOR GOODMAN**

725 Okay. So, basically you were telling your friend what to put down in English?

726

727 **WU GUO**

728 (Through interpreter) Yes.

729

730 **MAYOR GOODMAN**

731 And then after the document was completed, you signed it?

732

733 **WU GUO**

734 (Through interpreter) Yes.

735

736 **MAYOR GOODMAN**

737 Okay. I – don't think we can take that as indicative that – he speaks English. That's for sure.

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738 **BILL HENRY**

739 I have –

740

741 **MAYOR GOODMAN**

742 Councilman Ross.

743

744 **COUNCILMAN ROSS**

745 If I may, Your Honor, I'm, what I see here, maybe I'm thinking this too simplistically. Here's a
746 guy licensed to do reflexology. He's in the swap meet, out in the open, and he needs to be
747 licensed as a massage therapist. I've spoken with our City Attorney's Office, Jim DiFiore in
748 Business Licensing, the Director, to find out, you know, is this guy a criminal, is this a really bad
749 guy? What – is the point here? The point is this fellow has chosen to ignore our licensing
750 standards. He needs to be licensed as a massage therapist. To do this, and (inaudible) was
751 nodding her head, as a massage therapist at the Fantastic Swap meet. And so, whether he can
752 speak English or who wrote this, and I don't mean to be disrespectful to anybody, but I think the
753 idea here is to get this man's attention, the fact that he needs to get a massage therapy license
754 before he does any more business at the swap meet. Am I thinking too simply?

755

756 **MAYOR GOODMAN**

757 No. That's it, and basically what he says in his answer is he's going to massage school; he's
758 going to take the test, and he closed down his reflexology business in the meantime.

759

760 **COUNCILMAN ROSS**

761 There you go.

762

763 **BILL HENRY**

764 Could I have the overhead, please? It's not working. Would the Clerk pass this – up for the
765 Council? Apropos to what Councilman Ross just said, although he was cited on January 26,

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766 2007, and pled on April 11th, November of this year, he's advertising that he performs massages.
767 So this – is an effort to try to get his attention.

768

769 **MAYOR GOODMAN**

770 Well, I think his attention is gotten.

771

772 **BILL HENRY**

773 All right.

774

775 **COUNCILMAN WOLFSON**

776 Mayor Goodman, may I?

777

778 **MAYOR GOODMAN**

779 Yes.

780

781 **COUNCILMAN WOLFSON**

782 A couple questions, if you don't mind, Mr. Henry. He has one conviction for this offense for
783 this – conduct. Is that right? In your Complaint for Discipline on Page 4, you reference as a
784 result of these convictions. There's only one conviction. Is that right?

785

786 **BILL HENRY**

787 That, that's correct, it should be.

788

789 **COUNCILMAN WOLFSON**

790 Why did it take one year for the City Attorney to bring, a little less than one year, a complaint to
791 discipline? The man was convicted in whatever month that was, April of '07. Why are we here
792 in March of '08 with a complaint for discipline? If somebody pleads guilty to a violation of the
793 Municipal Code, which directly affects his license, why does it take the City Attorney's Office
794 so long to bring it before the Council?

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795 **BILL HENRY**

796 We received the submission from the Department of Finance – in November of 2007.

797

798 **COUNCILMAN WOLFSON**

799 Okay, so the (inaudible) question is more appropriate before, Mr. DiFiore, can you help us out
800 here?

801

802 **JIM DiFIORE**

803 Yes, Mayor and Councilman Wolfson, to answer your question, I – believe that I take
804 responsibility for that. There – is a lot of demand put on our department for enforcement in –
805 these areas, and it wasn't until probably late summertime that I – realized that Mr. Guo (sic) had
806 pleaded nolo to this offense. And at that time, then prepared the documents for submittal to the
807 City Attorney's Office.

808

809 **COUNCILMAN WOLFSON**

810 (Inaudible) I think what we need to do in the future, perhaps Mr. Jerbic, and I don't know how
811 your office runs, but there was probably a City Attorney down in court in April of '07 and saw
812 that somebody pled guilty to a license violation. There should be some communication with
813 your office much more sooner (sic) to let Business License know that somebody pled guilty and
814 their license should be reviewed. Okay. And then finally, if we take action against this licensee,
815 whether it's a suspension or revocation, does it have any direct effect on his desire to be re-
816 licensed as a massage therapist? I mean is it still within our discretion, or does it prevent him
817 from obtaining what we all think he really needs which is a massage therapist license?

818

819 **JIM DiFIORE**

820 The approval of a massage therapy license is at the administrative level. I certainly would weigh
821 the action taken today in my decision on that. But I think the ultimate goal here was for him to
822 be licensed appropriately, to do the appropriate work. And, you know, I – certainly would

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823 applaud his efforts to try to get this, but it's taken us this long to get the message across to him
824 that this is what he needed to do.

825

826 **COUNCILMAN WOLFSON**

827 But if we suspend or revoke, it's not a prohibition?

828

829 **JIM DiFIORE**

830 No, it is not a prohibition.

831

832 **COUNCILMAN WOLFSON**

833 Thank you.

834

835 **MAYOR GOODMAN**

836 All right. Any other questions? Yes Sir, Mayor Pro Tem.

837

838 **COUNCILMAN REESE**

839 If I could, Councilman, please. Is he doing business right now?

840

841 **ROBERT CONE**

842 I haven't seen him. I haven't been in the mart in the last month. The last time I saw was in
843 November when I took this picture.

844

845 **COUNCILMAN REESE**

846 It says here in his Defense to Complaint that he's already closed his business up. So, that – leads
847 me to believe that he's already given his license up.

848

849 **BILL HENRY**

850 He hasn't surrendered his license.

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851 **COUNCILMAN REESE**

852 He closed – his business, but he’s not doing – business anywhere in the City right now though?

853

854 **BILL HENRY**

855 I’m not sure any of us standing here could guarantee on that.0

856

857 **ALEX YOUNG**

858 Your Honor – he will like to answer your question. The business was closed.

859

860 **COUNCILMAN REESE**

861 He’s not doing business anywhere in town right now?

862

863 **WU GUO**

864 (Through interpreter) No.

865

866 **COUNCILMAN REESE**

867 Thank you.

868

869 **MAYOR GOODMAN**

870 Yes, Councilwoman.

871

872 **COUNCILWOMAN TARKANIAN**

873 I just wanted to ask a question in relationship to what Councilman Wolfson said. Do we have

874 someone in court all the time when these are heard, so that they could give us back the

875 information, Mr. Jerbic?

876

877 **BRAD JERBIC**

878 I’m sorry.

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879 **COUNCILWOMAN TARKANIAN**

880 Do we – have someone in court, as Mr., as Councilman Wolfson said, we probably did. Is there
881 someone every time one of these comes up so that we would then be able to be notified here
882 immediately?

883

884 **BRAD JERBIC**

885 We'll try and create that protocol for you. It has not existed before. What typically happens is a
886 citation will come to the Criminal Division through either Business Licensing or to Metro for
887 this type of violation, sometimes they're negotiated, sometimes there's a trial. Merely
888 processing the 20,000 cases a year that we get in the Criminal Division is a miracle in and of
889 itself. To create an extra protocol will be a burden; we'll be happy to do it. But in the past, we
890 have not had that –

891

892 **COUNCILWOMAN TARKANIAN**

893 Well, see the way you answered the question, you nodded your head; it seemed to me that you
894 were saying, yes, we have this. But really, we don't have it –

895

896 **BRAD JERBIC**

897 We don't.

898

899 **COUNCILWOMAN TARKANIAN**

900 But – there might – but I, if I could just finish. I also understand how overloaded every
901 department is and maybe you can't do it this way, but there might be another way you can do it,
902 where if anything does appear like that, we can be notified immediately from the court. And I
903 don't know, but it might help us as far as saving and being more efficient with time.

904

905 **BRAD JERBIC**

906 Well, I might toss out too is that we should not rely, in my personal opinion, on a criminal
907 conviction to bring a disciplinary complaint. If you rely on the criminal justice system and the

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908 timelines that flow from that to take action against a licensee, not necessarily this licensee, but
909 any licensee, you could well have the business open for years before you took action. So, in my
910 personal opinion, a complaint that results in a citation should also result simultaneously in a
911 submission to their Civil Division to take disciplinary action regardless of whether or not there's
912 a criminal complaint.

913

914 **COUNCILWOMAN TARKANIAN**

915 Well, if that's the case, then Mr. Wolf, Councilman Wolfson feels it should be. Is there a way
916 you can get together and we can maybe see the best way to do it.

917

918 **BRAD JERBIC**

919 We can, absolutely.

920

921 **COUNCILWOMAN TARKANIAN**

922 That's – number one. But secondly, it appears to me that what Councilman Ross said is accurate
923 and that is plain and simply he didn't have the right kind of license. Very openly, he defied that.
924 He wasn't hiding it in any way, and then after he was cited, he continued it. So, it's just getting
925 the appropriate consequence, which seems to me that he has to, might be to surrender his license.
926 And he says he's already closed, so be closed and then he can reapply again with the background
927 information as Councilman Reese stated.

928

929 **MAYOR GOODMAN**

930 Is that your motion?

931

932 **COUNCILWOMAN TARKANIAN**

933 I would make it, yes, but I don't know if I'm the person to make it.

934

935 **BILL HENRY**

936 I – haven't concluded my presentation.

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937 **COUNCILWOMAN TARKANIAN**

938 Oh, sorry.

939

940 **BILL HENRY**

941 As you recall, he has a legal defense that I'd like to address. I think he's –

942

943 **MAYOR GOODMAN**

944 Maybe you don't need to address that.

945

946 **BILL HENRY**

947 Well, I can't guarantee that he won't go to court on this record, and –

948

949 **MAYOR GOODMAN**

950 That's fine. Then please address it.

951

952 **BILL HENRY**

953 Could I have the PowerPoint, please? Yes. I'm not a great believer in technology, so I did

954 (inaudible). In any event, we've charged him under 6-52-040 for practicing massage without a

955 license. In his answer, he is cited to 6-52-030 and claims that by virtue of having a reflexology

956 license, he's entitled to do massage. But you will see that at Paragraph 4, it reads reflexolo,

957 reflexologist license under the provision of LVMC Chapter 6.69. If you turn to 6.69.010, under

958 the definitions, you see that reflexology means a method of using the hands, thumbs or fingers to

959 apply specific pressure to reflex points located in the hands, feet or ears. So he – was not pro,

960 appropriate, he was not practicing reflexology under the laws of the City of Las Vegas. And

961 because of that, he's not entitled to the exclusion of .030 is my point.

962

963 **MAYOR GOODMAN**

964 All right. Does that (inaudible) you rest? You rest?

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965 **BILL HENRY**

966 Yes.

967

968 **MAYOR GOODMAN**

969 All right. Do you want to put on any defense, Sir?

970

971 **WU GUO**

972 (Through interpreter) Well, I just put everything on the paper.

973

974 **MAYOR GOODMAN**

975 All right. Fair enough, then the paper's part of the record. We appreciate that. All right. Did
976 you have any witnesses you'd like to call?

977

978 **WU GUO**

979 (Through interpreter) No.

980

981 **MAYOR GOODMAN**

982 All right. Thank you. I don't think we have a need for argument from the City and does he have
983 any argument that he'd like to make?

984

985 **WU GUO**

986 (Through interpreter) No.

987

988 **MAYOR GOODMAN**

989 All right. Thank you, Sir. All right then, Councilwoman, do you have a motion, please?

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990 **COUNCILWOMAN TARKANIAN**

991 My motion would be that his license be surrendered; that his business be closed, which he says
992 he already has closed it; and that he take the appropriate training to obtain the massage license
993 and reapply for such.

994

995 **BILL HENRY**

996 Councilwoman.

997

998 **COUNCILWOMAN TARKANIAN**

999 No?

1000

1001 **BILL HENRY**

1002 If you – look at the Complaint, amongst the available penalties, I don't think you can order
1003 someone to surrender a license, but you can revoke the license.

1004

1005 **COUNCILWOMAN TARKANIAN**

1006 Oh. Okay then. **Then I would say that we revoke the license instead of, say, surrender the**
1007 **license, and that his business remain closed until he takes the appropriate training to**
1008 **become a masseur and then obtains the massage license, he can reapply.**

1009

1010 **MAYOR GOODMAN**

1011 All right. That's the motion. Yes.

1012

1013 **COUNCILMAN REESE**

1014 I have a question, Your Honor, real quick. Okay with this massage license, will he be able to do
1015 reflexology?

1016

1017 **BILL HENRY**

1018 No, I don't think so. I believe it's a separate license.

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1019 **COUNCILMAN REESE**

1020 Then he can't massage your fingers.

1021

1022 **MAYOR GOODMAN**

1023 I guess not. All right. Then if this motion passes, will be forever barred from massaging fingers.

1024 All right. Let's vote, please.

1025

1026 **COUNCILWOMAN TARKANIAN**

1027 Mr. Mayor. If you revoke a license, though, can a person reapply for a ref, reflexology license?

1028

1029 **MAYOR GOODMAN**

1030 Sure.

1031

1032 **COUNCILWOMAN TARKANIAN**

1033 He could do that too.

1034

1035 **MAYOR GOODMAN**

1036 Sure.

1037

1038 **COUNCILWOMAN TARKANIAN**

1039 And we just have to all remember what occurred here today.

1040

1041 **MAYOR GOODMAN**

1042 That is correct. All right. Let's vote, please. Post. **(Motion carried unanimously)** Motion

1043 carries. Thank you and good luck to you, Sir.

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1044 **COUNCILWOMAN TARKANIAN**

1045 And does the interpreter understand what we were saying that he can, after obtains the
1046 appropriate training, receive, apply for the massage license. And he can then reapply also for re,
1047 for the reflexology license?

1048

1049 **ALEX YOUNG**

1050 Yes, I explained to him already. Thank you.

1051

1052 **MAYOR GOODMAN**

1053 All right. Thank you.

1054

1055 **(END OF DISCUSSION)**

1056 /lc;da