

**CITY COUNCIL MEETING OF**  
*March 19, 2008*  
**VERBATIM TRANSCRIPT – ITEM 54**

1 **Discussion and possible action regarding a Suspension of a Temporary Massage**  
2 **Establishment License, 5 Star Consumers Inc., dba Sunflower Massage, 2127 Paradise**  
3 **Road, Tony T. Tang, Pres 100% - Ward 3 (Reese)**

4

5 **Appearance List:**

6 OSCAR GOODMAN, Mayor

7 JIM DiFIORE, Manager, Business Services

8 GARY REESE, Councilman

9 BRAD JERBIC, City Attorney

10 LOIS TARKANIAN, Councilwoman

11 JAMES BUCHANAN, Attorney representing the licensee

12 STEVE WOLFSON, Councilman

13 CYNTHIA MAY, Detective, Las Vegas Metropolitan Police

14 BEVERLY K. BRIDGES, City Clerk

15 RICKI Y. BARLOW, Councilman

16 STEVEN D. ROSS, Councilman

17 REAGAN ALEXANDER, Sergeant, Las Vegas Metropolitan Police

18 TONY TANG

19

20

21

22

23 34 minutes

24

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27 **MAYOR GOODMAN**

28 Item 54 is discussion and possible action regarding a suspension of a temporary massage  
29 establishment license for 5 Star Consumers Inc., doing business as Sunflower Massage at 2127  
30 Paradise Road in Ward 3. Mr. DiFiore.

31

32 **JIM DiFIORE**

33 Mayor and Members of the Council, today the applicant is here on a – suspension of a temporary  
34 massage establishment license. And this is Mr. Tang and I believe, Mr. Buchanan as his  
35 representative.

36 Just to, a real brief recap of where we're at during this licensing period. On January 16<sup>th</sup>, 2008,  
37 the City Council approved Sunflower Massage for a massage establishment license with Mr.  
38 Tang as the operator and owner, with limited hours of operation from 9 a.m. to 9 p.m., daily,  
39 with a six-month review. On February 25<sup>th</sup>, two, February 25<sup>th</sup>, 2008, Metro Vice conducted an  
40 undercover investigation on the business where three massage therapists were arrested for  
41 prostitution-related offenses.

42 Now you'll find in your backup, a letter from the Lieutenant Robert Wells of the Las Vegas  
43 Metropolitan Police Department Special Investigation Section which summarizes (sic) the arrests  
44 that were – taken place on February 25<sup>th</sup>. One of the individuals that was arrested was a Yu  
45 Zhiang Wu, who was arrested for aiding and abetting. Miss Wu has come forward as Mr. Tang's  
46 representative as a key employee for this location. So just to let you know, she was arrested for  
47 aiding and abetting on that particular day.

48 Las Vegas Municipal Code 6.06.054 (A) and (B) reads as follows: The – director shall  
49 summarily suspend a (sic) applicant's temporary license if any of the reasons stated at Las Vegas  
50 Municipal Code 6.02.330 through 6.02.350 as good cause for disciplining a licensee apply to an  
51 applicant or any of its principals. (B) states the Director may summarily suspend an applicant's  
52 temporary license if the applicant or any of its principals is in violation of any requirement of  
53 this Code, or other local, State or Federal laws or regulations not covered by the provisions of  
54 Las Vegas Municipal Code 6.02.330 through 6.02.350.

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55 Also in your backup you have a letter that I had hand-delivered and served upon the business on  
56 March 7<sup>th</sup> and the reasons for the suspension of the license; the reasons being of the arrests that  
57 were taken and placed by the Metropolitan Police Vice detectives on February 25<sup>th</sup>. I also state  
58 in the letter that these acts are violations of NRS 201.354 which is related to prostitution and Las  
59 Vegas Municipal Code 10.36.020 which also relates locally to prostitution-related offenses.  
60 Additionally, I assert the business is being conducted in an unlawful, illegal and impermissible  
61 manner, a violation of 6.02.330.

62 Council may recall that when we had our first hearing with Mr. Tang, Council had concerns that  
63 he was not going to be physically on the site of the massage establishment. At that time, he had  
64 a California-based address and we continued that for, I believe, two weeks or thirty days. Mr.  
65 Tang met with me and he did come into my office with a rental agreement for an apartment  
66 across the street. And I expressed to the Council that that concern of him not being here locally  
67 had been diminished. Now, my understanding is that in the month and a half that he has had this  
68 massage establishment license, he has not been at this site on a regular basis. In fact, I had heard  
69 that he had only been in Las Vegas five days during that one and a half-month period.

70

71 **COUNCILMAN REESE**

72 I – have (inaudible).

73

74 **MAYOR GOODMAN**

75 Yes –

76

77 **COUNCILMAN REESE**

78 Yes – (inaudible). I’m sorry. I have concerns about what’s happening at these massage  
79 establishments not only in my Ward, but all of the City of Las Vegas and perhaps probably the  
80 County also. We have people accused. What kind of action can we take here today until we find  
81 out whether they’re convicted or not? There’s no sense us wasting any time here going around  
82 like this here. I – wanna know, can we continue the suspension and have ‘em come back after  
83 these are eradicated in court, one way or the other?

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84 **JIM DiFIORE**

85 I believe –

86

87 **COUNCILMAN REESE**

88 To me – we have accusation. We have no proof that they’ve done anything.

89

90 **JIM DiFIORE**

91 Okay. We do have a detective from Metropolitan Police Department who was involved in the  
92 investigation.

93

94 **COUNCILMAN REESE**

95 I – understand.

96

97 **JIM DiFIORE**

98 She’s (inaudible).

99

100 **COUNCILMAN REESE**

101 But all I’m saying is can, and I’m asking, I guess, Mr. Jerbic, can we do anything with – these  
102 accusation (sic)? I mean, the license has been suspended and the business is closed, right?

103

104 **JIM DiFIORE**

105 The business is closed. That is correct.

106

107 **COUNCILMAN REESE**

108 Okay. So if we had some convictions, then we could just take their license, right?

109

110 **JIM DiFIORE**

111 I –

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112 **COUNCILMAN REESE**

113 My question is, what can we do here today?

114

115 **BRAD JERBIC**

116 I – think it’s within the discretion of the Council and Mr. Buchanan or Mr. DiFiore can correct  
117 me that you have a variety of options and one would be, I believe, to continue the suspension  
118 until after the criminal case is resolved. Recognizing, of course, the criminal case may not  
119 resolve this. It may be negotiated. It could be continued for a long period of time. There are a  
120 lot of things that could happen. But if that’s your desire, I – think that’s within the scope of your  
121 authority.

122

123 **COUNCILMAN REESE**

124 Well, again though, you know, we – have these type (sic) of things going on over in the City of  
125 Las Vegas and I don’t know whether we need to make examples or what we have to do. I –, I’m  
126 – tired of playing around with them. If they want to open up a massage establishment in Ward 3,  
127 they can open up a massage establishment as such. But all this other stuff, as far as I’m  
128 concerned is – gonna – leave. We’re gonna take all their licenses, I guess. ‘Cause (sic) I’m –  
129 mad at it.

130

131 **MAYOR GOODMAN**

132 All right. Well, my feeling is, and we can proceed without going to court and without the  
133 criminal matters being resolved based on whatever presentation is being made here today and  
134 that would be my ruling.

135

136 **COUNCILMAN REESE**

137 That’d be fine. Thank you, Sir.

138

139 **MAYOR GOODMAN**

140 Take it to court.

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141 **COUNCILWOMAN TARKANIAN**

142 Mr. Mayor.

143

144 **MAYOR GOODMAN**

145 Yes.

146

147 **COUNCILWOMAN TARKANIAN**

148 Are you basically saying we have proof even though, I mean –

149

150 **MAYOR GOODMAN**

151 Well, we don't have proof yet, but if – Mr. DiFiore is ready to advance proofs and, of course,

152 Mr. Buchanan could cross-exam and then it's going to be up to us to decide whether violation

153 (sic) took place.

154

155 **COUNCILWOMAN TARKANIAN**

156 If – he can substantiate what would be considered, may be proof within our backup. Is that what

157 you're saying?

158

159 **MAYOR GOODMAN**

160 Yes.

161

162 **COUNCILWOMAN TARKANIAN**

163 Okay.

164

165 **MAYOR GOODMAN**

166 Yes.

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167 **COUNCILWOMAN TARKANIAN**

168 I understand what you're saying. Thank you.

169

170 **JAMES BUCHANAN**

171 I have –

172

173 **MAYOR GOODMAN**

174 Well, let's just (inaudible). I'm gonna hear from you in a moment. Let Mr. DiFiore finish.

175

176 **JIM DIFIORE**

177 Let me just clarify with you, Council, that this is a temporary license. This does not meet the  
178 criteria of proving a case that a permanent license does, meaning that we don't have a  
179 disciplinary complaint before us.

180

181 **MAYOR GOODMAN**

182 Right.

183

184 **JIM DIFIORE**

185 We don't have a hearing date. On a temporary license, any information or activity that occurs at  
186 that establishment could be considered for a suspension and disciplinary action, meaning that it  
187 could be revoked.

188

189 **COUNCILWOMAN TARKANIAN**

190 And that's why it's temporary.

191

192 **JIM DIFIORE**

193 That's why it's temporary and that's why we're here today. We do have a detective. We do  
194 have an individual here with Metropolitan Police that is (sic) been highly involved in the

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195 investigation on this so she is available. Detective May is available if you have any questions  
196 regarding the letter that you have from the, Lieutenant Wells of her division.

197

198 **MAYOR GOODMAN**

199 Okay. We'll hear from Mr. Buchanan. Let me ask you this first, Mr. Buchanan. Have you  
200 received the documentation which was referred to which would be the March 6<sup>th</sup>, 2008, request  
201 for action and the hand-delivered letter of March the 7<sup>th</sup> signed by Mr. DiFiore, addressed to Mr.  
202 Tang?

203

204 **JAMES BUCHANAN**

205 Yes. We just got those in the last day or so.

206

207 **MAYOR GOODMAN**

208 Okay. Well, I'll be happy to hear from you regarding proceeding today.

209

210 **JAMES BUCHANAN**

211 Well, you know, whether or not I'm involved a lot in the defense of these massage parlors and,  
212 of course, I'm familiar with Miss May, who is gonna testify. Detective May. And it's my  
213 contention that these people who go in, and I listened here all morning to all these uplifting  
214 things about new buildings. But it's my contention that Cynthia May and the detectives that go  
215 to these places go there with the intent, the specific purpose of closing them down, getting  
216 violations.

217 Now if you go forward today, you'll hear – testimony that an officer made some gestures that he  
218 interpreted as prostitution or masturbation and not of any actions by any of the girls that were  
219 there. But it's his inference. They go in there with that intense purposes (sic). I would like to  
220 have them come before the board only after they go in front of the judge; there's a decision on  
221 the case. I know one of the girls went in front of the massage therapy board on this same instant  
222 here and was approved by – And, of course, the State doesn't (inaudible) the County or City.

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223 So, I feel that, if they don't have a conviction, they can't come in here. I mean, I can't cross-  
224 exam, sit down, go through all the – motions, objections that I could in court. I mean, you'd  
225 throw me out after about ten minutes.

226

227 **MAYOR GOODMAN**

228 Five minutes.

229

230 **JAMES BUCHANAN**

231 Five minutes. All right. But that's why I feel I have such a greater advantage in court to cross-  
232 exam these people to go in and try and get what they want.

233

234 **MAYOR GOODMAN**

235 Seems valid. I think it's valid.

236

237 **JAMES BUCHANAN**

238 You wonder what – relative I have. Let's say that you hear this testimony today. Next week I  
239 go to court and they're not guilty. Where am I? I've lost a license. I've lost a temporary  
240 license. I've won the case but I've lost the battle.

241

242 **MAYOR GOODMAN**

243 Okay. Your client is not engaged in business at this time, is that correct?

244

245 **JAMES BUCHANAN**

246 No. There's a suspension. They've suspended the license. It's not – open at this time.

247

248 **MAYOR GOODMAN**

249 All right. And when are these matters scheduled for court?

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250 **JAMES BUCHANAN**

251 Well, I don't think, I don't believe there's any charges have been filed yet and I don't think  
252 anybody's been found guilty. But I would – say if we could have a thirty-day continuance and  
253 come back in with Mr. Jerbic or somebody coming in and giving the status of what any criminal  
254 violations. If there's no violations, we would ask, of course, that the license be reinstated.

255

256 **COUNCILMAN WOLFSON**

257 Mayor Goodman.

258

259 **MAYOR GOODMAN**

260 Yes.

261

262 **COUNCILMAN WOLFSON**

263 If you don't mind.

264

265 **MAYOR GOODMAN**

266 Councilman Wolfson.

267

268 **COUNCILMAN WOLFSON**

269 Two questions. Number one. Mr. Jerbic, can you tell us whether or not your office has received  
270 these citations for prosecution and whether or not you've approved them?

271

272 **BRAD JERBIC**

273 I do not know that.

274

275 **COUNCILMAN WOLFSON**

276 Okay. See that's something that we should know now. We shouldn't have to ask. I mean that  
277 with respect to you, Mr. Jerbic. Secondly, if you ask for a continuance and if this board gives

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278 you a continuance, will your client agree that his license will remain in its current condition,  
279 which is under suspension?

280

281 **JAMES BUCHANAN**

282 I don't think it could be any different. I mean, I, there's no way it could be renewed now since  
283 they've suspended it. The only one that could renew it or deny the suspension is this board.

284

285 **COUNCILMAN WOLFSON**

286 Well, that's my point.

287

288 **JAMES BUCHANAN**

289 So it's gonna be – closed. The business will not be in operation during that time. But I would  
290 like to have the criminal prosecution and I'd like to come in and say, well, they're all found not  
291 guilty. I'd like the license back.

292

293 **MAYOR GOODMAN**

294 And – I think that would be relevant to our decision.

295

296 **JAMES BUCHANAN**

297 That's correct.

298

299 **MAYOR GOODMAN**

300 All right. So –

301

302 **COUNCILMAN REESE**

303 I – gotta make a quick comment also.

304

305 **MAYOR GOODMAN**

306 Yes.

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307 **COUNCILWOMAN TARKANIAN**

308 Could I – Mister, just before you say that, Mister Mayor Pro Tem –

309

310 **COUNCILMAN REESE**

311 No, I'm, I – insist of making it though.

312

313 **COUNCILWOMAN TARKANIAN**

314 – 'cause you're gonna summarize it better than I would.

315

316 **COUNCILMAN REESE**

317 Well, no. I'm just gonna say it, make a comment about a comment Mr. Buchanan made about

318 our Police Department. I – don't appreciate you coming in here saying that our Police

319 Department's going out here trying to set these people up. They don't have to.

320

321 **JAMES BUCHANAN**

322 Well.

323

324 **COUNCILMAN REESE**

325 Not – the cases I've seen and the – people I've had to deal with. They don't have to go in and

326 set 'em up. They're out there doing what they're alleged to do. And I'm – sorry, I disagree with

327 the comment you make. The Police Department does a great job going out there representing us

328 and trying to do the investigations that help us regulate this type of a business in the City of Las

329 Vegas. Thank you.

330

331 **JAMES BUCHANAN**

332 Mayor.

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333 **MAYOR GOODMAN**

334 Councilwoman.

335

336 **COUNCILWOMAN TARKANIAN**

337 I just wanted to, 'cause I knew I would dovetail into what he said. I agree with that and I agree  
338 that if you're not doing anything wrong, then you know if they come there, they're not going to  
339 find anything wrong. They didn't set up the things that we have in our background information  
340 that show us that we feel this should not be a continuing operation. And I also feel that a  
341 granting a license like this, we have responsibilities and we have citizens who are concerned that  
342 come to us all the time about this, that we should not have to do just what the court feels. We  
343 can set a higher standard than the court. We don't have to say that we're always gonna do what  
344 the court says. And I think we have a responsibility to set that higher standard and I agree that  
345 you don't go in there. I made a note when you said that. You can't find anything wrong unless  
346 it's there. And if they come in, and I'm sure they came in because of complaints, if they came  
347 in, then they found something wrong. That accountability for what went wrong has to belong to  
348 the people who were there in the massage parlor.

349

350 **MAYOR GOODMAN**

351 I understand.

352

353 **COUNCILWOMAN TARKANIAN**

354 That's what I wanted to say.

355

356 **JAMES BUCHANAN**

357 Okay.

358

359 **COUNCILMAN WOLFSON**

360 Mayor Goodman, if you don't mind. I just wanna make one other comment. I can't agree with  
361 Mayor Pro Tem and Councilwoman Tarkanian any more. You'll have your chance to cross-

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362 exam, whether it's before this body or before a judge. But I don't believe that our Metro Police  
363 Department, that doesn't have anything better to do than going into this man's business to put  
364 him out of business.

365 Number two. We have, as I understand it, Mr. Jerbic, the legal right to go forward today. There  
366 is no requirement for a conviction. There is no requirement other than the City meeting a burden  
367 and if we're satisfied that illegal conduct took place, we don't need a conviction. I think that  
368 there might be a tone, though, to give you what you want as far as some time. But you could  
369 cross-exam these witnesses right here, Mr. Buchanan, right in front of us. You could have your  
370 day in court in front of us.

371

372 **MAYOR GOODMAN**

373 What you wanna do now? It's your call.

374

375 **JAMES BUCHANAN**

376 Mayor, well, I realize that. But what's my remedy if I go to court next week and they're found  
377 not guilty, if in fact, they file a complaint or if they don't file a complaint. Let's say they don't  
378 file a complaint at all. So we come back in thirty days. He stands here as a – an owner of a  
379 business, of course he's not involved in any of the – letter of the seventh.

380

381 **MAYOR GOODMAN**

382 (Inaudible).

383

384 **JAMES BUCHANAN**

385 He comes back innocent and there's no convictions, why shouldn't his business continue?

386

387 **COUNCILMAN WOLFSON**

388 My response is this, is that under the law, we are an administrative body. We don't need a  
389 conviction if we're satisfied, based upon the burden that's placed before us. It doesn't matter

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390 whether he's convicted. But I will tell you this, I mean, I'm sure that we're listening to what  
391 you're saying and – we'll probably give you the opportunity to do what you want.

392

393 **COUNCILMAN REESE**

394 Maybe not.

395

396 **COUNCILMAN WOLFSON**

397 Well, okay, and that'll be the motion and we'll see what happens.

398

399 **JAMES BUCHANAN**

400 Well –

401

402 **COUNCILMAN WOLFSON**

403 There's two different bodies is what I'm saying, two different –

404

405 **COUNCILMAN REESE**

406 If I – could, if I could, please Mayor.

407

408 **MAYOR GOODMAN**

409 Please.

410

411 **COUNCILMAN REESE**

412 Through you, could – I ask both people from Metro, would they have any problem with this  
413 continuing this at this date or tabling this item or would you – prefer to have it heard today?

414

415 **JIM DiFIORE**

416 It's up to you.

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417 **COUNCILMAN REESE**

418 We – need your name also.

419

420 **CYNTHIA MAY**

421 Hi. Detective Cynthia May with Metro Special Investigations section.

422

423 **JIM DiFIORE**

424 I think, with the understanding that if we did continue it, it would be suspended. It would stand  
425 with the current suspension date.

426

427 **COUNCILMAN REESE**

428 Yeah.

429

430 **COUNCILMAN WOLFSON**

431 We're not going to (inaudible) suspension.

432

433 **CYNTHIA MAY**

434 And I – would agree with that, that if it remained in the suspension status, then I – wouldn't be  
435 opposed to a thirty-day continuance.

436

437 **COUNCILMAN REESE**

438 Well, and – again, I don't feel like that we have to have convictions, but in – order for us to send  
439 out a message to the industry, I think we need to – see what happens in court and I don't know  
440 whether it's gonna be thirty days or sixty days. My feeling is – I'd like to see this continued  
441 until such time that we get some kind of action in court on these three citations that was (sic)  
442 issued at this location.

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443 **MAYOR GOODMAN**

444 But – I, Mayor Pro Tem, but my position is, I – don’t disagree with what you said as far as  
445 continuing it with the expectation that we’ll get a resolution in court. However, I would like to  
446 continue it with date, a reasonable date, with the license still under suspension.

447

448 **COUNCILMAN REESE**

449 That’s fine. That’s fine.

450

451 **MAYOR GOODMAN**

452 And if in fact there’s not a complaint filed or there’s not a resolution in court, we go forward on  
453 that date as we would have gone forward today without criminal proceedings having taken place.

454

455 **COUNCILMAN REESE**

456 And I – and again, I – appreciate what our attorney – told us. I would hate to see this go to court  
457 and have somebody say, “Well, I’ll – plead guilty to a lesser account.” I mean less, lesser  
458 charge. I – want – to satisfy the detective at Metro. So you – feel comfortable if we keep this  
459 license suspended and come back in thirty days?

460

461 **CYNTHIA MAY**

462 That’s correct (inaudible).

463

464 **COUNCILMAN REESE**

465 That – be my motion then, Your Honor.

466

467 **MAYOR GOODMAN**

468 All right, that’s a motion.

469

470 **COUNCILMAN WOLFSON**

471 (Inaudible) happen, anything happen in court (inaudible).

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472 **MAYOR GOODMAN**

473 I know.

474

475 **COUNCILMAN REESE**

476 That's fine. That's fine.

477

478 **MAYOR GOODMAN**

479 All right. And if nothing happens, if those (sic) complaint is filed, we're gonna go forward and  
480 dispose of the case in thirty days.

481

482 **COUNCILMAN REESE**

483 That's it.

484

485 **MAYOR GOODMAN**

486 What is the date?

487

488 **BEVERLY K. BRIDGES**

489 April 16<sup>th</sup>.

490

491 **COUNCILMAN REESE**

492 April 16<sup>th</sup>. Could we have a time certain?

493

494 **MAYOR GOODMAN**

495 I don't think we need it.

496

497 **COUNCILMAN REESE**

498 No – time.

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499 **MAYOR GOODMAN**

500 Let's vote, please.

501

502 **COUNCILMAN REESE**

503 Thank you very much, Mayor.

504

505 **COUNCILWOMAN TARKANIAN**

506 Wait. Wait. I just need to ask a question before I vote. Does, this does not mean that our  
507 decision rests upon a decision of the court –

508

509 **MAYOR GOODMAN**

510 That is correct.

511

512 **COUNCILWOMAN TARKANIAN**

513 – because we are an administrative body.

514

515 **MAYOR GOODMAN**

516 That is correct.

517

518 **COUNCILWOMAN TARKANIAN**

519 We're just giving them a chance to present additional –

520

521 **MAYOR GOODMAN**

522 Right, because –

523

524 **COUNCILWOMAN TARKANIAN**

525 – information if they want to.

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526 **MAYOR GOODMAN**

527 Right, because he may make an argument that a complaint hasn't even been filed even though  
528 the City's been placed on notice within the thirty days. So why should – we find his client  
529 responsible for these actions.

530

531 **COUNCILWOMAN TARKANIAN**

532 And – we feel that a complaint would probably be filed within thirty days, Mr. Jerbic?

533

534 **MAYOR GOODMAN**

535 It's up to the City Attorney.

536

537 **BRAD JERBIC**

538 Well, I just got an email on that, Your Honor. Apparently my office watches Channel 2 and that  
539 they have sent me an email indicating that complaints are filed and the initial arraignment is  
540 scheduled for the 25<sup>th</sup> of March.

541

542 **MAYOR GOODMAN**

543 25<sup>th</sup> of March.

544

545 **BRAD JERBIC**

546 So you're not going to have a resolution within thirty days.

547

548 **MAYOR GOODMAN**

549 Why can't we ask for a speedy trial with the agreement of Mr. Buchanan?

550

551 **BRAD JERBIC**

552 Well, we can ask for a speedy trial, but we're talking about a court system that literally has got a  
553 three, four, five-month setting for a trial if you ask for a trial. And on somebody who's out of  
554 custody, it's not very likely that this is going to be set by our Municipal Court for a resolution

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555 any time soon. And that's assuming everybody's ready to go on the first day and nobody needs a  
556 continuance. I – would urge the Council, based on what I know right now, what I've informed  
557 you, that this should – be disconnected from the criminal case because you're not going to have a  
558 resolution of the criminal case any time within the next few months.

559

560 **COUNCILMAN BARLOW**

561 Mayor.

562

563 **JAMES BUCHANAN**

564 Well, I – could say that if they're gonna – have an arraignment on the 26<sup>th</sup> in Municipal Court, I  
565 think I can get a trial within two weeks.

566

567 **MAYOR GOODMAN**

568 All right. We'll take that in (inaudible).

569

570 **JAMES BUCHANAN**

571 If we could set it for say, three weeks after the 26<sup>th</sup>.

572

573 **MAYOR GOODMAN**

574 That's fine.

575

576 **JAMES BUCHANAN**

577 We'll come in here with a disposition of the case –

578

579 **MAYOR GOODMAN**

580 Fine.

581

582 **JAMES BUCHANAN**

583 – their attorneys will know that.

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584 **MAYOR GOODMAN**

585 And then we'll go forward. Yes.

586

587 **COUNCILMAN ROSS**

588 I want to make a comment, Your Honor. I'm not fully concerned about the disposition of the  
589 case. This industry has been plagued with this issue; always has been and always will be. And I  
590 for one who sits on this Council, I'm only one vote. This industry and anyone involved in this  
591 industry should know that they're plagued with this issue and should be playing much higher  
592 level than they're playing today.

593 Mr. Buchanan, I have a great deal of respect for you and what you do. But I, that's not gonna  
594 change how I feel about this industry or these allegations or anything. Mr. DiFiore has a job to  
595 do. Our Metropolitan Police Department has a job to do and I support them in that endeavor. I  
596 want this, residents of this city to understand where my, I'm coming from. I can't speak for the  
597 rest of this Council. It's inexcusable to have this kind of activity happening in this industry.  
598 Mayor Pro Tem said it the best. If you're going to be a massage outfit, be a massage outfit,  
599 nothing else. So, I have a very hard time with this and, all due respect, Your Honor, I'm sorry  
600 I'm just losing my patience here with all this.

601

602 **MAYOR GOODMAN**

603 You're allowed to vent.

604

605 **COUNCILMAN ROSS**

606 Legal mumbo jumbo. I mean it's, here it is.

607

608 **MAYOR GOODMAN**

609 You're allowed to vent.

610

611 **COUNCILMAN ROSS**

612 It's black and white in my mind.

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613 **MAYOR GOODMAN**

614 Okay.

615

616 **COUNCILMAN ROSS**

617 It's right or wrong. There's all there is to it.

618

619 **MAYOR GOODMAN**

620 Okay, well –

621

622 **COUNCILMAN BARLOW**

623 Mayor.

624

625 **MAYOR GOODMAN**

626 Let's let the Mayor Pro Tem make a motion and we, we'll vote on it.

627

628 **COUNCILMAN BARLOW**

629 Mayor, may I – comment –

630

631 **MAYOR GOODMAN**

632 Yes, Councilman Barlow.

633

634 **COUNCILMAN BARLOW**

635 – before Mayor Pro Tem, if you don't mind, please.

636

637 **MAYOR GOODMAN**

638 Not at all.

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639 **COUNCILMAN BARLOW**

640 I asked a question a month or two ago as it relates to the number of massage establishments that  
641 have been on our City Council agenda. If you, if – we really take a look at the number of  
642 massage establishments that we look at every Council meeting, I, it raised my eyebrow as to why  
643 so many are coming on-line so quickly. And over the course of those massage parlors coming  
644 on-line, we have at least every other meeting; we're addressing some illegal activity – at these  
645 establishments. And I believe it's an industry that needs to be audited, an industry that needs to  
646 be looked at very diligently. I brought it up, I believe, late last year due to a CNN news show  
647 that came out in regards to this industry. I believe that there's something really going on and I  
648 believe that with all due respect that this Council could be possibly played like a yo-yo and I  
649 don't like that. I don't like the imagery or even the sound or even the perception of that at all.  
650 And I believe that there's a separation between the disposition of this case that needs to be in  
651 place separate from the allegations that are being made today.

652 Now our law enforcement, as well as our business license department (sic), work very hard on  
653 our behalf to bring us the issues in order for us to address. And so for that, I'm gonna stand in  
654 the gap even if I have to stand alone and I'm not going to support this item moving forward from  
655 today.

656

657 **COUNCILMAN REESE**

658 Thank you, Mr. Barlow. I want it heard today and I – feel like that, I – tried to shorten this up a  
659 little bit just because, but I feel like we – have a duty as City Council members and the Mayor  
660 and as employees of the City and the Police Department and Mr. Buchanan, his job, that we need  
661 – to hear it today, I guess.

662

663 **MAYOR GOODMAN**

664 All right.

665

666 **COUNCILMAN REESE**

667 So I – apologize for delaying it as long as I have.

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668 **MAYOR GOODMAN**

669 No problem. Let's go forward.

670

671 **COUNCILMAN REESE**

672 We need to go forward.

673

674 **MAYOR GOODMAN**

675 Mr. DiFiore, you wanna call your first witness?

676

677 **JIM DiFIORE**

678 Well, I'm – not going, I'm not prepared to call a witness, but I'm going to ask that the Council  
679 has the report in your backup and Detective May is very, very familiar with that report if you  
680 have any questions of her. I think the report speaks for itself. However, she can certainly add to  
681 it as much as you need to.

682

683 **COUNCILMAN REESE**

684 Okay, Mr. DiFiore, I would ask you what was your good recommendation going to be today?

685

686 **JIM DiFIORE**

687 The recommendation was going to be to revoke the suspended license which then denies the  
688 permanent license.

689

690 **JAMES BUCHANAN**

691 Well, just one moment before that recommendation, now. I – was noticed here to come here  
692 today that I had a right to cross-exam witnesses and see what's going forward and if – they don't  
693 have any witnesses and they're gonna rely on the report, I mean how can I cross-exam that  
694 report? It's the same thing we are now.

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695 **COUNCILMAN REESE**

696 Can he – (inaudible).

697

698 **JAMES BUCHANAN**

699 I mean that's what – it says that I'm gonna have an opportunity to come in here, cross-exam  
700 witnesses, see what evidence –

701

702 **MAYOR GOODMAN**

703 What are you referring to, Mr. Buchanan?

704

705 **JAMES BUCHANAN**

706 Where the notice that was set on March 7th at the hearing you shall have the right to call and  
707 exam witnesses on your own behalf, cross-exam opposing witnesses, introduce exhibits and  
708 evidence relative to the issue of this case and offer rebuttal evidence to present to the City  
709 Council.

710

711 **MAYOR GOODMAN**

712 Right.

713

714 **JAMES BUCHANAN**

715 Now, Cynthia May's gonna say that this report is the evidence and I – say I have a right to cross-  
716 exam those witnesses because of what this person, this officer did when he came in. He wasn't  
717 on the massage table doing this. He came in and made some obscene gesture that they  
718 interpreted or he interpreted as the request for masturbation. These people don't speak English  
719 and they – say no and so forth. But for Cynthia May to come in and say this reports valid and I  
720 can't cross-exam her because she wasn't there. She wasn't the detective. She wasn't the  
721 witness. I – at least have, I have an opportunity to do that.

722 If we're, if you're gonna go forward, I would ask that it be continued for a week or whatever and  
723 we come back with witnesses. But I have a chance because I want to show how these deals go

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724 down. They come in to these locations. The officers make all the insinuations, all the offers, all  
725 the – gestures that these people don't understand; use words like masturbation. They had never  
726 heard that word before and then say you're guilty on Metro Bingo Gong.

727

728 **MAYOR GOODMAN**

729 All right, Miss May. Were you personally involved in any of this investigation?

730

731 **CYNTHIA MAY**

732 During the operation, I was not present but after the individuals were taken into custody, then I  
733 was, responded to the location approximately about forty-five minutes later.

734

735 **MAYOR GOODMAN**

736 All right. And did you do any tests while you were at the location?

737

738 **CYNTHIA MAY**

739 Shortly thereafter, we had somebody come out and take some photographs and I believe it was  
740 two days later or a day later that we had our ID folks come out and do some testing of the –  
741 walls.

742

743 **MAYOR GOODMAN**

744 Okay. Are any of the detectives who were involved in this operation and investigation present  
745 here today?

746

747 **CYNTHIA MAY**

748 No, Sir.

749

750 **MAYOR GOODMAN**

751 Do you know who they were?

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752 **CYNTHIA MAY**

753 Yes, I do.

754

755 **MAYOR GOODMAN**

756 Who were they?

757

758 **CYNTHIA MAY**

759 It was our graveyard squad and there was (sic) approximately five different detectives involved  
760 in the operation.

761

762 **MAYOR GOODMAN**

763 All right. Would you be willing to provide Mr. Buchanan with the names of those –

764

765 **JAMES BUCHANAN**

766 I know who they are.

767

768 **MAYOR GOODMAN**

769 Oh, you do?

770

771 **JAMES BUCHANAN**

772 Sure, they're in the report.

773

774 **MAYOR GOODMAN**

775 No, they're not.

776

777 **JAMES BUCHANAN**

778 You're correct. They're not.

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779 **MAYOR GOODMAN**

780 So –

781

782 **COUNCILWOMAN TARKANIAN**

783 You're always correct.

784

785 **MAYOR GOODMAN**

786 I'm always correct, as Councilwoman Tarkanian recognizes. I'm a little concerned, to be honest  
787 with you.

788

789 **COUNCILMAN WOLFSON**

790 The Police Department (inaudible).

791

792 **MAYOR GOODMAN**

793 I think that he has a legitimate point of having some bodies here that he could last, at least ask  
794 some questions to and the report does not have the name (sic) of the witnesses.

795

796 **COUNCILMAN WOLFSON**

797 Two weeks.

798

799 **MAYOR GOODMAN**

800 He doesn't even, he couldn't even subpoena them himself, recognizing that this is an  
801 administrative proceeding and that you were not gonna call them. So I think we'll give him two  
802 weeks. You'll provide the names of the – officers who were involved in the various specifics  
803 here and we'll go forward with the hearing in two weeks, with the understanding that the license  
804 will remain suspended. Is that an appropriate –

805

806 **COUNCILMAN REESE**

807 (Inaudible) actually.

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808 **COUNCILMAN WOLFSON**

809 May I add, please?

810

811 **JAMES BUCHANAN**

812 Mr. Mayor, could I ask one thing along with the – license, I mean, the names of the detectives.

813 Could they also submit to me prior to that two weeks their police reports that they had regarding  
814 this.

815

816 **MAYOR GOODMAN**

817 You – would be entitled to that in court, Sir.

818

819 **JAMES BUCHANAN**

820 Well, I'll get that in evidence but I can't –

821

822 **MAYOR GOODMAN**

823 But I – think –

824

825 **JAMES BUCHANAN**

826 City Attorney's not the problem though.

827

828 **MAYOR GOODMAN**

829 I think – if – I'm not gonna ask Miss May to do anything that she can't do readily. I'm sure you  
830 have the police reports in your possession or else we couldn't have had this composed. So, if  
831 you'd make those available to Mr. Buchanan as well.

832

833 **CYNTHIA MAY**

834 I believe what he's gonna have to do is, he'll have to subpoena the records through the courts.

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835 **MAYOR GOODMAN**

836 Well, whatever the procedure is, but we're trying to get this resolved in two weeks so, try to  
837 make it as easy as possible for him so we could go forward and have this hearing and get it taken  
838 care of.

839

840 **COUNCILMAN WOLFSON**

841 Mayor Goodman –

842

843 **MAYOR GOODMAN**

844 Yes.

845

846 **COUNCILMAN WOLFSON**

847 – can I please put in my two cents? I think we're stuck with this March 7<sup>th</sup> letter.

848

849 **COUNCILWOMAN TARKANIAN**

850 Yes.

851

852 **COUNCILMAN WOLFSON**

853 And Mr. Buchanan says in this letter, he's right, that he's allowed to cross-exam witnesses. For  
854 effective cross-examination, he should have the vice detectives' reports themselves and they're  
855 easily to, they're easy to obtain. And if we expect Mr. Buchanan to issue a subpoena, he's not  
856 gonna be ready in two weeks because he may not get these reports for a time after that. So my  
857 request would be that you make every effort, Detective, to get this probably one or two page  
858 report from one or two detectives and provide them to Mr. Buchanan forthwith.

859

860 **JAMES BUCHANAN**

861 These reports are already generated.

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862 **COUNCILMAN WOLFSON**

863 Yeah.

864

865 **COUNCILMAN REESE**

866 I understand that.

867

868 **JAMES BUCHANAN**

869 They're already in her file.

870

871 **MAYOR GOODMAN**

872 We – know that. It may not be in her file but they're readily available.

873

874 **COUNCILMAN REESE**

875 Well, we got – the main man coming down here.

876

877 **COUNCILMAN WOLFSON**

878 I mean, we have a March 7<sup>th</sup> letter that gives Mr. Buchanan the ability to –

879

880 **MAYOR GOODMAN**

881 Right. I – agree and that's the reason why I say this.

882

883 **JIM DIFIORE**

884 (Inaudible) and the arraignment's on Tuesday ().

885

886 **REAGAN ALEXANDER**

887 Just a couple – comments. Hi. I'm Sergeant Alexander, Special Investigations Section –

888

889 **COUNCILMAN WOLFSON**

890 Yes. Hi.

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891 **REAGAN ALEXANDER**

892 – and hi, Bucky.

893

894 **JAMES BUCHANAN**

895 We've – clashed before.

896

897 **REAGAN ALEXANDER**

898 As Mr. Buchanan knows, he – certainly can obtain those records on his client's behalf. He can

899 go through our custodian of records. Just attorneys (inaudible) that's how they acquire those. If

900 I could, it would be nice to just hand them to them. That would be inappropriate for me to do

901 that or a detective. As far as the Affidavit of Arrest, the arrest reports, those are – reports that

902 are important for him to have. Do you have those yet?

903

904 **JAMES BUCHANAN**

905 No.

906

907 **MAYOR GOODMAN**

908 No, he does not.

909

910 **JAMES BUCHANAN**

911 I haven't been to court because they don't, the arraignment's not –

912

913 **MAYOR GOODMAN**

914 No, he does not have. The only thing he has and he got it yesterday, because I spoke to Mr.

915 Jerbic and told Mr. Jerbic to make sure that Mr. Buchanan has at least the two pages that we

916 have, so he at least would have something to talk about today and it was served on him last

917 night.

918

919 **COUNCILMAN REESE**

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920 Your Honor, if I – could. Could I ask Sergeant Alexander?

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921 **REAGAN ALEXANDER**

922 Yes, Sir.

923

924 **COUNCILMAN REESE**

925 How long would it take for you to, how long do you feel like it would take for us to get this, to  
926 have your officers here so we can go through this. I – don't two weeks gonna be enough time.

927 Think we can do it within thirty days?

928

929 **REAGAN ALEXANDER**

930 It's – hard for me to tell you how long. I'll tell you the process would be, as far as this, Mr.  
931 DiFiore can request them to – come here. They can be subpoenaed by Mr. Buchanan so that he  
932 can speak to them and – cross-exam them based upon the information and reports.

933

934 **COUNCILMAN REESE**

935 Two weeks be long enough?

936

937 **REAGAN ALEXANDER**

938 Ah.

939

940 **JAMES BUCHANAN**

941 You subpoena records from, well.

942

943 **COUNCILMAN WOLFSON**

944 You'd be talking about two things.

945

946 **REAGAN ALEXANDER**

947 You're talking about two things, yes.

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948 **COUNCILMAN WOLFSON**

949 But Sir, if you don't mind, Mayor Goodman, it's real easy. Number one, we can have the  
950 witnesses here within two weeks. Cops are subpoenaed all the time to be in court within two  
951 weeks. That's easy, assuming they're available and not on vacation. The second issue is getting  
952 the records.

953

954 **MAYOR GOODMAN**

955 (Inaudible).

956

957 **COUNCILMAN WOLFSON**

958 Now if he can't get the records through normal discovery –

959

960 **MAYOR GOODMAN**

961 Thirty day.

962

963 **COUNCILMAN WOLFSON**

964 – because the arraignment isn't for another week –

965

966 **MAYOR GOODMAN**

967 Figure it all out.

968

969 **COUNCILMAN WOLFSON**

970 – so we need to help him out by getting these vice detective's police reports to him within a day  
971 or two.

972

973 **COUNCILMAN REESE**

974 Beverly?

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975 **COUNCILMAN WOLFSON**

976 Can't you go down to records and get them, Sergeant Alexander?

977

978 **REAGAN ALEXANDER**

979 No. Number one that's not my – section. That's vice.

980

981 **COUNCILMAN WOLFSON**

982 Okay.

983

984 **REAGAN ALEXANDER**

985 That would be handled through the supervisors there. Two, if – we have to wait for it to be  
986 arraigned, not to put Mr. Jerbic on the spot, but that would be something that they need to  
987 expedite. Three, Mr. Buchanan has been doing this for a long time. He knows the process. To  
988 be quite honest, that's not my concern for Mr. Buchanan. He can take care of that. He knows  
989 how to do that. We've had other discussions in – State Massage Board meetings, in County  
990 Hearing Officer meetings, all the time about this. And it goes round and round. He knows what  
991 to do. If he would like to subpoena those officers, he can do that through the process. It might  
992 take two weeks for him to get it. They may not be available. They may be on vacation. You  
993 know how that works.

994

995 **COUNCILMAN REESE**

996 Sergeant – Alexander, Mayor, please.

997

998 **MAYOR GOODMAN**

999 Yes, please.

1000

1001 **COUNCILMAN REESE**

1002 I – would like to make a motion if I could on this, Your Honor.

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1003 **MAYOR GOODMAN**

1004 All right.

1005

1006 **COUNCILMAN REESE**

1007 **I – would move to hold this item in – abeyance until our 16<sup>th</sup> meeting of April and with –**  
1008 **the license still being suspended.**

1009

1010 **MAYOR GOODMAN**

1011 Right and in addition, that Metro supply the names of the officers to Mr. Buchanan so he could  
1012 do whatever he wants to having those names.

1013

1014 **COUNCILMAN REESE**

1015 Yes.

1016

1017 **REAGAN ALEXANDER**

1018 I will do everything I can in that regard. I don't think there's any issue with that. Believe me,  
1019 Mayor and Council, we wanna be here. We want to be here. I wish we could do that right now.

1020

1021 **MAYOR GOODMAN**

1022 Yeah, but we didn't.

1023

1024 **REAGAN ALEXANDER**

1025 I see the reasoning behind that and I wish we could. Believe me we would love to do that.

1026

1027 **MAYOR GOODMAN**

1028 All right. (Inaudible).

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1029 **REAGAN ALEXANDER**

1030 And by the way, I wanna thank the members of Council for speaking up for the LVMPD. We  
1031 have no interest in anything other than trying to protect the public welfare and with, you're right,  
1032 we have a lot of stuff to do. And thank you so much, each one of you. We – appreciate that.

1033

1034 **MAYOR GOODMAN**

1035 And Mr. Buchanan thanks you too.

1036

1037 **COUNCILWOMAN TARKANIAN**

1038 Mr. Mayor – I think Mr. Jerbic just wanted your attention.

1039

1040 **BRAD JERBIC**

1041 I've been trying to jump in here. I apologize. I didn't want to interrupt you all, but we have  
1042 discovery ready right now in my office.

1043

1044 **MAYOR GOODMAN**

1045 Okay.

1046

1047 **BRAD JERBIC**

1048 We'll provide it to Mr. Buchanan if he goes over to the Criminal (inaudible).

1049

1050 **JAMES BUCHANAN**

1051 And that's the way it normally goes.

1052

1053 **BRAD JERBIC**

1054 It's the early discovery.

1055

1056 **JAMES BUCHANAN**

1057 Fine, understand.

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1058 **BRAD JERBIC**

1059 It's all the reports. I have the names of all the detectives. It's here and I'll be glad to provide it  
1060 to the detective right now.

1061

1062 **MAYOR GOODMAN**

1063 Could have ended this story an hour ago.

1064

1065 **COUNCILWOMAN TARKANIAN**

1066 So we can –

1067

1068 **MAYOR GOODMAN**

1069 Okay. There's a motion, let's vote.

1070

1071 **COUNCILWOMAN TARKANIAN**

1072 What, can, would you tell me again what we're voting on?

1073

1074 **MAYOR GOODMAN**

1075 Yes, it's a thirty-day extension and we're gonna go in thirty days and Mr. Buchanan's going to  
1076 have the names –

1077

1078 **COUNCILMAN REESE**

1079 April – 16<sup>th</sup>.

1080

1081 **MAYOR GOODMAN**

1082 – and the discovery.

1083

1084 **COUNCILWOMAN TARKANIAN**

1085 But if he already has, if he's gonna get the discovery today, why do we have to wait the full  
1086 thirty days?

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1087 **MAYOR GOODMAN**

1088 He – may have to subpoena witnesses –

1089

1090 **COUNCILMAN REESE**

1091 Just to be sure.

1092

1093 **MAYOR GOODMAN**

1094 – and get through that process and there will be no more continuances. And that license is  
1095 suspended.

1096

1097 **COUNCILMAN WOLFSON**

1098 He’s not operating (inaudible).

1099

1100 **MAYOR GOODMAN**

1101 All right. Let’s vote. Post. ( **Motion carried UNANIMOUSLY.**)

1102

1103 **COUNCILMAN REESE**

1104 Thank you, Your Honor.

1105

1106 **MAYOR GOODMAN**

1107 All right, motion carries. Thank you.

1108

1109 **JAMES BUCHANAN**

1110 And that will be April 16<sup>th</sup>?

1111

1112 **MAYOR GOODMAN**

1113 That’s correct.

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1114 **COUNCILMAN REESE**

1115 Yes.

1116

1117 **JAMES BUCHANAN**

1118 Nine o'clock meeting? Nine-thirty? Thank you.

1119

1120 **TONY TANG**

1121 Thank you, Mayor. Thank you, Council.

1122

1123 **COUNCILMAN WOLFSON**

1124 No. Not nine or nine-thirty.

1125

1126 **MAYOR GOODMAN**

1127 No. Nine o'clock meeting.

1128

1129 **COUNCILMAN WOLFSON**

1130 (Inaudible).

1131

1132 **MAYOR GOODMAN**

1133 No.

1134

1135

1136

1137

**(END OF DISCUSSION)**

1138 /da;cv