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CITY MANAGER

February 6, 2009

CERTIFIED MAIL

Hoa Van Le
3053 S. Valley View
Las Vegas NV 89103

RE: Non-renewal of license no. T33-00042-3-128734

Dear Mr. Le:

Hawaii Relax Tanning & Spa has been licensed as a tanning salon at 3053 South Valley View in the City of Las Vegas since November 2006 and under your ownership since December 2006. As licensee, Hoa Van Le, is listed as a sole proprietor with a residence address of 6570 W. Camero Ave. Las Vegas, NV 89139. No other licenses have been granted to you for any other business enterprise to be operated at this location.

In 2007, the Business Services Division was advised by the Las Vegas Metropolitan Police Department (Metro) that this establishment was operating, unlawfully, as a massage parlor. This was revealed by a series of undercover police investigations which further indicated that this licensed tanning salon was being operated not only as an unlawful massage parlor but as a place of prostitution.

The unlawful activity in 2007 included:

On **January 23, 2007**, **Mai Huynh** was arrested at **Hawaii Relax Tanning & Spa** for Solicitation of Prostitution and Massage of Opposite Sex by Vice Detectives during an undercover operation after the Vice Detective paid the receptionist \$60 for a 45 minute massage. Hoa Van Le was subsequently cited for Operating a Massage Establishment without a license.

On **June 6, 2007**, you were convicted of Operating a Massage Establishment without a license.

On **June 13, 2007**, **Mai Huynh** pled no contest on the record to the criminal charges of January 23, 2007.

On **September 25, 2007**, Metro Vice in an undercover operation at Hawaii Relax Tanning & Spa arrested ten persons for Solicitation of Prostitution, No Massage License, and/or Aiding and Abetting Prostitution. Each individual acted as an agent or representative or employee of Hawaii Relax Tanning & Spa.

On **November 21, 2007**, the unlawful business activity and the unlawful business operations and unlawful sexual activity taking place at these premises

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were the subject of a license renewal hearing scheduled before the City Council. Per a stipulation with your legal counsel the City struck the renewal hearing from the City Council agenda on a condition that you would operate this business as a tanning salon and not a massage parlor. The license was reinstated on that date and expires February 28, 2009.

As before, that license and the law allow only legal activity to be conducted on the premises. It has been your continuing responsibility, as the licensee, to ensure compliance with the law.

Since that time, it appears that you have failed to comply with that obligation to conduct business at Hawaii Relax Tanning and Spa in harmony with either your business license or with other, criminal, laws. The Business Services Division has been advised that a series of Metro investigations on your premises in 2008 have resulted in the discovery, citation or arrest of persons conducting business at your tanning salon for performing massages without a license, solicitation of prostitution, aiding and abetting prostitution and unlawful payment of a gratuity to a taxicab driver.

On **August 12, 2008**, Melanie Kang, a three time convicted prostitute, was arrested after a Vice Detective paid \$60 for a 45 minute massage. Kang was one of three females arrested that night.

In the **August 14, 2008** edition of City Life Magazine an ad appears in the **massage** section of the magazine for Big Hawaii & Spa – 450-0600, 3053 S. Valley View Blvd. This is the same business location and business telephone number for Hawaii Relax Tanning & Spa.

On **November 13, 2008**, Shawn Hammett, twice convicted of operating without a massage license, was arrested for agreeing to engage in sexual acts, including oral copulation and sexual intercourse after she solicited an undercover Vice Detective at Hawaii Relax Tanning & Spa. This same night a Bret Bertollini was reported to pay an undercover Vice Detective posing as a cab driver \$40 for delivering a customer to this business.

In the **January 29, 2009** edition of City Life Magazine an ad appears in the massage section of the magazine for Big Hawaii & Spa – 450-0600, 3053 S. Valley View Blvd. This is the same business location and business telephone number for Hawaii Relax Tanning & Spa.

Further, we have reason to believe that you have failed in your continuing obligation to keep us advised of important information relevant to your licensure, specifically your home address and the manager of your business operation.

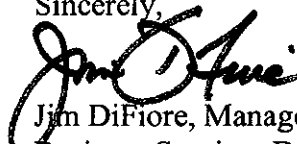
Hoa Van Le

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As Manager of the Business Services Division, I am empowered to decline to renew a license for such misconduct. You are hereby notified that your business license, numbered **T33-00042-3-128734** will not be renewed upon its expiration at the end of this month. You must cease all business operations by midnight preceding March 1, 2009. Failure to comply with this request could result in a misdemeanor citation to any person who commences, institutes, advertises, aids, conducts, manages or carries on such business who knows or should know that you, Hoa Van Le, is not licensed under this Title.

You have a right to appeal the denial of the renewal of this business license pursuant to LVMC 6.02.110 within thirty days to the City Council by filing written notice of appeal with the Department of Finance and Business Services. The City Council shall hear the applicant at the next regularly scheduled meeting following the expiration of ten days after the applicant filed a notice of appeal. Copies of relevant ordinances are attached

Sincerely,


Jim DiFiore, Manager
Business Services Division

Cc: Candace Falder
Carol Meyer
Brad Jerbic
LVMPD – Special Investigations Section

6.02.090 Action on application—Refusal grounds.

(2) Decline to renew a license if:

(a) 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 a work card when such a person knew that one was required or under such circumstances that they reasonably should have known one was required, or has solicited, encouraged, caused or procured another to do so;

(c) The licensee, any of its principals, or their employees or those acting on their behalf, have been convicted of an act that constitutes a crime which involves moral turpitude or involves any local, State or Federal law or regulation which relates to the same or a similar business, or have been convicted of having solicited, encouraged, caused or procured another to commit such a violation;

(g) The premises on which the business is conducted do not satisfy local, state or federal laws or regulations which pertain to the activity which is actually engaged in;

(h) The business activity constitutes, promotes, causes, allows, fosters, aids, or otherwise enables a private nuisance, public nuisance or chronic nuisance, or has been or is being conducted in an unlawful, illegal or impermissible manner, including but not limited to causing, allowing, promoting, fostering, aiding, enabling, exercising deliberate ignorance towards or failing to abate a private nuisance, public nuisance or chronic nuisance; or

6.02.110 Appeal of action by Director.

Except as otherwise provided in Section 6.02.070 with respect to a temporary business license, any person aggrieved by a decision of the Director denying or refusing to renew a license or denying, revoking or suspending a permit may appeal that decision within thirty days to the City Council by filing written notice of appeal with the Department. The City Council shall hear the applicant at the next regularly scheduled meeting following the expiration of ten days after the applicant filed a notice of appeal.

6.02.320 Duty to report changes.

(A) Licensees have a continuing duty and obligation to notify the Department within fifteen days of additions, deletions, changes or modifications in the information furnished the Department and this duty continues as long as a valid license remains in effect. Failure to report any change that alters the licensing status of the licensee or business is unlawful.

(B) A licensee may be required, in the discretion of the Director, to apply for a different license if changes in the licensee's business operations alters the original purpose for which the business was licensed.

(C) A licensee may be required, in the discretion of the Director, to apply for a new license if the changes in the licensee's business operations have not previously been reviewed for compliance with City zoning, building and fire code regulations.

(D) The burden is on the licensee to show that the changes in business operations have not altered the original business purpose.