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

6 * * *

7 IN THE MATTER OF:

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

10 Petitioner,

11 vs.

12 RAN ORIENTAL THERAPY'S LLC, a
13 Nevada limited liability company, d/b/a
14 ORIENTAL ANGELS MASSAGE and
JINLI RAN,

15 Respondents.
16

**COMPLAINT FOR
DISCIPLINARY ACTION**

17 The DEPARTMENT OF FINANCE AND BUSINESS SERVICES, on behalf of the
18 CITY OF LAS VEGAS, NEVADA (Department), Petitioner, brings this Complaint for
19 Disciplinary Action against RAN ORIENTAL THERAPY'S LLC, a Nevada limited liability
20 company, d/b/a ORIENTAL ANGELS MASSAGE, and JINLI RAN, individually and as
21 officer of RAN ORIENTAL THERAPY'S LLC, 2600 West Sahara Avenue, #115, Las Vegas,
22 Clark County, Nevada, Respondents, and states:

23 Respondent RAN ORIENTAL THERAPY'S LLC holds a privileged Massage
24 Establishment License No. M03-00107-6-100306. Respondent JINLI RAN is the sole officer
25 and member of Respondent RAN ORIENTAL THERAPY'S LLC and also holds Massage
26 Therapist License No. M12-00187-5-094559.

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1 an act of manual masturbation upon the detective for an additional \$60. Ms. Fu was arrested on a
2 charge of Soliciting Prostitution.

3 On February 19, 2010, an undercover detective with the Las Vegas Metropolitan Police
4 Department entered Oriental Angels Massage and agreed with Xue Rong Fu to receive a half-
5 hour massage for the price of \$50. During the course of the massage, Ms. Fu agreed to perform
6 an act of manual masturbation upon the detective for an additional \$50. Ms. Fu was arrested on a
7 charge of Soliciting Prostitution.

8 After each arrest Respondent RAN was notified of the arrest of her employee for
9 Soliciting Prostitution and of the violation of City ordinances regarding massage establishments.

10 CODE COMPLIANCE FAILURE

11 On March 29, 2007, detectives with the Special Investigations Section of the Las Vegas
12 Metropolitan Police Department conducted a compliance check at Oriental Angels Massage.
13 During the course of the inspection, the detectives spoke with Mai Tieu and Sun Wee who both
14 identified themselves as massage therapists. Neither Tieu nor Wee were licensed as massage
15 therapists by the City of Las Vegas as required by Las Vegas Municipal Code (LVMC) 6.52.040.
16 Both Tieu and Wee were issued citations for acting as massage therapists without a valid license.
17 Respondent RAN admitted to the detectives that she employed Tieu and Wee as massage
18 therapists, however, neither individual was included on the register of employees of Oriental
19 Angels Massage as required by LVMC 6.52.080. Respondent RAN was issued citations for
20 failing to include Tieu and Wee on the register of employees and allowing them to work as
21 massage therapists without the required license.

22 On November 5, 2007, Sun Wee was found guilty of the offense of acting as a massage
23 therapist without the required license pursuant to a plea of nolo contendere. On October 22,
24 2007, Mai Tieu entered plea of guilty to the charge of acting as a massage therapist without the
25 required license. On January 28, 2008, Respondent RAN was convicted of the offense of failing
26 to include Tieu and Wee on the register of employees for Oriental Angels Massage.

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1 OTHER ACTS

2 Respondent JINLI RAN is also the owner of three massage establishments operated under
3 the names of Shangri La Health Clinic, Asian Garden and Desert Paradise Spa. Each of these
4 establishments has a history of offenses for soliciting prostitution. Detectives made four arrests
5 for Soliciting Prostitution at Shangri La Health Clinic between 2006 and 2009. Detectives made
6 four arrests for Soliciting Prostitution at Asian Garden between 2007 and 2010. Detectives made
7 one arrest for Soliciting Prostitution at Desert Paradise Spa in 2009.

8 SUBSTANTIVE LAW

9 LVMC 6.02.330 provides [Unlawful Business Activity]:

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

12 (A) The licensee or any of its principals is engaged, or has
13 commenced, instituted, advertised, aided, carried on, continued or
14 engaged, in a business, trade or profession without having obtained
15 a valid license, an approval for suitability, a permit or a work card
16 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;

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18 (D) The licensee or any of its principals, or their employees
19 or those acting on their behalf, violate a condition which is
imposed upon the license;

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

23 (H) The business activity constitutes, promotes, causes,
24 allows, fosters, aids, or otherwise enables a private nuisance,
25 public nuisance or chronic nuisance, or has been or is being
26 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

27 (I) The licensee, any of its principals, their employees or
28 those acting on their behalf failed to cooperate with the Director's
efforts to enforce the provisions of this Code.

1 LVMC 6.02.350 provides [Acts and Omissions]:

2 A licensee under this Title shall be subject to disciplinary
3 action not only for acts or omissions done by such licensee but also
4 for acts and omissions done by the principals, managers, agents,
representatives, servants or employees of such licensee.

5 LVMC 6.52.120 provides [Prohibited Activities]:

6 It is unlawful for a massage establishment licensee, or a
7 principal or employee thereof, to do any of the following:

8 (A) Within a massage establishment, engage in or solicit
9 sexual activity during the course of performing massage therapy on
a person, with or without the consent of the person, including,
without limitation, if the licensee, principal or employee:

10 (1) Made sexual advances toward the person;

11 (2) Requested sexual favors from the person; or

12 (3) Massaged, touched or applied any instrument to the
13 breasts of the person, unless the person has signed a written
consent form provided by the Nevada Board of Massage
14 Therapists;

15 (B) Within a massage establishment, allow a massage
therapist to engage in or solicit sexual activity in violation of
16 Subsection (A) of this Section;

17 (C) Engage in false, deceptive or misleading advertising
18 regarding the services available within a massage establishment,
including, without limitation, false, deceptive or misleading
19 advertising regarding the training that a massage establishment
licensee, principal or employee has received.

20 LVMC 6.52.080 provides [Register of Employees]:

21 The licensee or principal of a massage establishment shall
22 maintain a register of all persons who at any time are employed or
23 contracted as massage therapists and their City and State license
24 numbers. Such register shall be made available upon request to
representatives of the Department or Metro during regular business
hours.

25 LVMC 6.52.040 provides [License Required]:

26 No person shall engage in, conduct or carry on, or permit to
27 be engaged in, conducted or carried on, in or upon any premises,
the operation of a massage establishment, or the performance of
28 massage therapy as a massage therapist or a massage establishment
licensee practitioner, without first obtaining and thereafter

maintaining a valid unexpired license for that activity pursuant to this Title.

NRS 201.354(1) provides [Solicitation of Prostitution]:

It is unlawful for any person to engage in prostitution or solicitation therefor, except in a licensed house of prostitution.

LVMC 10.36.020(A) provides [Solicitation of Prostitution]:

It is unlawful for anyone, other than a Peace Officer acting within the scope of his or her employment, to:

(1) Commit, engage in, institute, solicit, offer or agree to commit an act of prostitution;

(2) Attempt to commit, engage in, or institute an act of prostitution; or

(3) Intentionally facilitate, allow, permit, encourage, procure, negotiate or provide a fee for an act of prostitution.

STANDARD OF EVIDENCE

LVMC 6.88.090 provides:

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

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

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

(D) The Clerk shall have the power to issue subpoenas for witnesses to appear to give testimony.

PENALTY

LVMC 6.02.360 provides:

Upon a showing of good cause and in the discretion of the City Council, disciplinary action against a holder may take the form of cancellation, revocation, refusal to renew, suspension, imposition of conditions or restrictions or civil fine in an amount not to exceed one thousand dollars for each day that the violation which forms the subject matter of the complaint that recommends such disciplinary action is demonstrated to have been in existence,

1 or any combination of such actions, as the particular situation may
2 require. The Council may also impose against the licensee the
3 actual costs incurred, and a reasonable amount for attorney's fees,
4 resulting from the imposition of disciplinary action. The
disciplinary actions available in this Section shall be in addition to,
and not exclusive of, any other civil or criminal remedy which
otherwise might be available.

5 ALLEGATIONS

6 COUNT ONE

7 It is alleged that between March 29, 2007 and present, Respondents RAN ORIENTAL
8 THERAPY'S LLC d/b/a ORIENTAL ANGELS MASSAGE and JINLI RAN operated a business
9 which constituted a public, private and chronic nuisance and which has been conducted in an
10 unlawful, illegal and impermissible manner, to wit: creating, promoting, fostering, aiding,
11 enabling, exercising deliberate indifference towards or failing to abate a public nuisance, private
12 nuisance or chronic nuisance and permitting an environment in which solicitation of prostitution
13 occurred in violation of the Las Vegas Municipal Code and Nevada Revised Statutes.

14 COUNT TWO

15 It is alleged that between March 29, 2007 and present, Respondents RAN ORIENTAL
16 THERAPY'S LLC d/b/a ORIENTAL ANGELS MASSAGE and JINLI RAN operated a business
17 which they and its principals, employees and others acting on its behalf failed to require of its
18 employees and others related directly and indirectly to the business to acquire, maintain and
19 report required licenses, registers of employees and other required documents and failing to
20 cooperate with the Director of Business Services' efforts to enforce the provisions of the Las
21 Vegas Municipal Code, in violation of the Las Vegas Municipal Code and the Nevada Revised
22 Statutes.

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

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

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

2 DATED this 21st day of May, 2010.

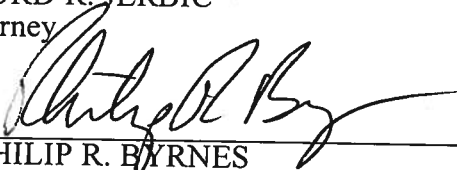
3 RESPECTFULLY SUBMITTED:

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5 By:


MARK R. VINCENT, Director
Finance and Business Services

6
7 BRADFORD R. JERBIC
8 City Attorney

9 By:


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Deputy City Attorney
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Las Vegas, NV 89101
Attorneys for CITY OF LAS VEGAS