

ORIGINAL

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

* * *

IN THE MATTER OF:

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

Petitioner,

vs.

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

Respondents.

2010 OCT 12 P 1:52
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**NOTICE OF ENTRY OF FINDINGS OF
FACT, CONCLUSIONS OF LAW AND
ORDER REVOKING MASSAGE
ESTABLISHMENT
LICENSE NO. M03-00107-6-100306**

TO: RAN ORIENTAL THERAPY'S LLC d/b/a ORIENTAL ANGELS MASSAGE; and
JINLI RAN, Respondents; and

TO: C. CONRAD CLAUS, ESQ., its attorney:

PLEASE TAKE NOTICE that the Findings of Fact, Conclusions of Law and
Order Revoking Massage Establishment License No. M03-00107-6-100306 was filed in the
above-entitled matter on July 28, 2010. A copy of said document is attached hereto.

DATED this 29th day of July, 2010.

BRADFORD R. JERBIC
City Attorney

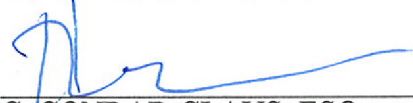
By:


PHILIP R. BYRNES
Deputy City Attorney
Nevada Bar No. 166
400 Stewart Avenue, Ninth Floor
Las Vegas, NV 89101
Attorneys for CITY OF LAS VEGAS

RECEIPT OF COPY

RECEIPT OF A COPY of the foregoing NOTICE OF ENTRY OF FINDINGS OF
FACT, CONCLUSIONS OF LAW AND ORDER REVOKING MASSAGE ESTABLISHMENT
LICENSE NO. M03-00107-6-100306 is hereby acknowledged this 29th day of July, 2010.

THE LAW OFFICES OF C. CONRAD CLAUS

By: 

C. CONRAD CLAUS, ESQ.

816 S. Ogden

Las Vegas, NV 89101

ATTORNEYS FOR RESPONDENTS

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

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RAN,

Respondents.

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER REVOKING
MESSAGE ESTABLISHMENT
LICENSE NO. M03-00107-6-100306**

On July 21, 2010, a meeting of the Las Vegas City Council was held to consider the matter of the Complaint for Disciplinary Action against Ran Oriental Therapy's LLC d/b/a Oriental Angels Massage, 2600 West Sahara Avenue, #115, Las Vegas, Nevada, and Jinli Ran. Respondent Ran appeared individually and through her counsel, C. Conrad Claus. The Department of Finance and Business Services, on behalf of the City of Las Vegas, was represented by Philip R. Byrnes, Deputy City Attorney. The City Council heard testimony provided by witnesses presented by the Department of Finance and Business Services as well as Jinli Ran, considered documents presented, took into account the provisions of the Las Vegas Municipal Code, and good cause appearing, hereby issues these findings of fact, conclusions of law and order revoking Massage Establishment License No. M03-00107-6-100306.

FINDINGS OF FACT

1. The Respondent, Ran Oriental Therapy's LLC d/b/a Oriental Angels Massage, holds Massage Establishment License No. M03-00107-6-100306.
2. Jinli Ran is the sole officer and member of Respondent Ran Oriental Therapy's

1 LLC.

2 3. On June 2, 2010, a Complaint for Disciplinary Action was submitted to the Las
3 Vegas City Council by Mark Vincent, the Director of Finance and Business Services for the City
4 of Las Vegas.

5 4. On the same date, the Las Vegas City Council approved the Complaint for
6 Disciplinary Action and set hearing on the matter for July 21, 2010.

7 5. On June 14, 2010, the Complaint for Disciplinary Action and Order Approving
8 Complaint and Notice of Hearing were personally served on the Respondents.

9 6. The Respondents answered the Complaint for Disciplinary Action on July 14,
10 2010.

11 7. On July 21, 2010, a hearing on this matter was conducted before the Las Vegas
12 City Council.

13 8. Carol Meyer appeared and testified that she is a Business Services Supervisor
14 with the Department of Finance and Business Services. She related to the Council that
15 Respondents held the license set forth in the disciplinary complaint.

16 9. Detective Jason Bressler of the Las Vegas Metropolitan Police Department
17 appeared and testified that on July 22, 2009, he visited Respondents' place of business in an
18 undercover capacity and that an employee of Respondents, one Mei Wan Kong, offered to
19 perform an act of manual masturbation upon Detective Bressler in exchange for the sum of
20 \$50.00. Ms. Kong was subsequently placed under arrest for the offense of soliciting prostitution.

21 10. Detective Jerry Saldana of the Las Vegas Metropolitan Police Department
22 appeared and testified that on October 22, 2009, he visited Respondents' place of business in an
23 undercover capacity and that an employee of Respondents, one Xue Fu, offered to perform an act
24 of manual masturbation upon Detective Saldana in exchange for the sum of \$60.00. Ms. Fu was
25 subsequently placed under arrest for the offense of soliciting prostitution.

26 11. Detective Scott Underwood of the Las Vegas Metropolitan Police Department
27 appeared and testified that on February 19, 2010, he visited Respondents' place of business in an
28 undercover capacity and that an employee of Respondents, one Xue Fu, offered to perform an act

1 of manual masturbation upon Detective Underwood in exchange for the sum of \$50.00. Ms. Fu
2 was subsequently placed under arrest for the offense of soliciting prostitution.

3 12. The Council also received documentary evidence indicating that on December 24,
4 2008, Mei Zhao, an employee of Respondents, was arrested at Respondents' place of business,
5 on a charge of soliciting prostitution. Zhao entered a plea of guilty to the charge of soliciting
6 prostitution.

7 13. The Council received documentary evidence that on January 8, 2008, Wenjuan Li,
8 an employee of Respondents, was arrested at Respondents' place of business, on charges of
9 soliciting prostitution and obscene massage.

10 14. Respondent Jinli Ran testified and stated that she terminated each employee of
11 Oriental Angels Massage after the arrests for soliciting prostitution. Ms. Ran testified that she
12 rehired Xue Fu after her arrest on October 21, 2009, and that she posted Fu's bail after her
13 second arrest on February 19, 2010.

14 15. Based upon the number of offenses between January 8, 2008, and February 19,
15 2010, and the factual similarities of each offense, Respondents engaged in a continuing course of
16 conduct of allowing acts of prostitution on the premises of Oriental Angels Massage.

17 16. If any of these Findings of Fact shall more properly be deemed Conclusions of
18 Law, they shall be so deemed.

19 CONCLUSIONS OF LAW

20 1. LVMC 6.02.330 provides [Unlawful Business Activity]:

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

23 (A) The licensee or any of its principals is engaged, or has
24 commenced, instituted, advertised, aided, carried on, continued or
engaged, in a business, trade or profession without having obtained
25 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
26 circumstances that they reasonably should have known one was
required, or has solicited, encouraged, caused or procured another
27 to do so;

28

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

4

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

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

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

19 2. LVMC 6.02.350 provides [Acts and Omissions]:

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

24 3. LVMC 6.52.120 provides [Prohibited Activities]:

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

27 (A) Within a massage establishment, engage in or solicit
28 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:

(1) Made sexual advances toward the person;

(2) Requested sexual favors from the person; or

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

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

. . . .

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

4. 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.

5. 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.

6. 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.

7. 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, or any combination of such actions, as the particular situation may require. The Council may also impose against the licensee the actual costs incurred, and a reasonable amount for attorney's fees, resulting from the imposition of disciplinary action. The

disciplinatory 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.

8. The hearing was not conducted according to technical rules relating to evidence and witnesses, but all relevant evidence was admitted. Further, the Respondents were allowed the opportunity to call and examine witnesses on its own behalf, introduce exhibits and evidence relevant to the issues of the case, and offer rebuttal evidence.

9. *Kochendorfer v. Board of County Commissioners of Douglas County*, 93 Nev. 419, 566 P.2d 1131 (1977), provides relevantly that a business owner subject to a disciplinary hearing by his licensing authority is entitled to **due process**. Due process is defined as notice and hearing appropriate to the case. The Respondents, Ran Oriental Therapy's LLC, a Nevada limited liability company, d/b/a Oriental Angels Massage, and Jinli Ran, individually and as officer of Ran Oriental Therapy's LLC, the shares of which are entirely owned by Jinli Ran, was provided notice and hearing appropriate to the case.

10. If any of these conclusions of law should more properly be deemed findings of fact, they shall be so deemed.

ORDER

IT IS HEREBY ORDERED that Massage Establishment License No. M03-00107-6-100306 held by Ran Oriental Therapy's LLC and Jinli Ran is revoked pursuant to LVMC 6.02.360 and that a civil fine in the amount of \$50,000 is assessed against Respondents.

DATED this 28th day of July, 2010.

THE CITY COUNCIL OF THE
CITY OF LAS VEGAS, NEVADA

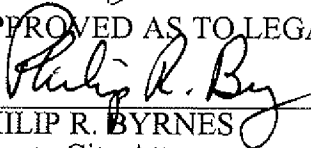
By: 

OSCAR B. GOODMAN
Mayor

ATTEST:


BEVERLY K. BRIDGES, City Clerk

APPROVED AS TO LEGAL FORM:


PHILIP R. BYRNES
Deputy City Attorney

7/27/10
Date

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

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

28

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

4

5 (G) The premises on which the business is conducted do
6 not satisfy local, state or federal law or regulations which pertain to
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15 nuisance; or

16 (I) The licensee, any of its principals, their employees or
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18 efforts to enforce the provisions of this Code.

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5 the opportunity to call and examine witnesses on its own behalf, introduce exhibits and evidence
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13 provided notice and hearing appropriate to the case.

14 10. If any of these conclusions of law should more properly be deemed findings of
15 fact, they shall be so deemed.

16 **ORDER**

17 IT IS HEREBY ORDERED that Massage Establishment License No. M03-00107-6-
18 100306 held by Ran Oriental Therapy's LLC and Jinli Ran is revoked pursuant to LVMC
19 6.02.360 and that a civil fine in the amount of \$50,000 is assessed against Respondents.

20 DATED this 28th day of July, 2010.

21 THE CITY COUNCIL OF THE
22 CITY OF LAS VEGAS, NEVADA

23 By: _____

OSCAR B. GOODMAN
Mayor

24 ATTEST:

25 Beverly K. Bridges
26 BEVERLY K. BRIDGES, City Clerk

27 APPROVED AS TO LEGAL FORM:

28 Philip R. Byrnes
PHILIP R. BYRNES
Deputy City Attorney

7/27/10
Date