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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
10 CITY OF LAS VEGAS, NEVADA,

11 Petitioner,

12 vs.

13 RAN ORIENTAL THERAPY'S LLC, a
14 Nevada limited liability company, d/b/a
SHANGRI LA HEALTH CLINIC and
JINLI RAN,

15 Respondents.

**COMPLAINT FOR
DISCIPLINARY ACTION**

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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 SHANGRI LA HEALTH CLINIC, and JINLI RAN, individually and as officer
21 of RAN ORIENTAL THERAPY'S LLC, 430 East Sahara Avenue, Las Vegas, Clark County,
22 Nevada, Respondents, and states:

23 Respondent RAN ORIENTAL THERAPY'S LLC holds a privileged Massage
24 Establishment License No. M03-00053-4-082152. Respondent JINLI RAN is the sole officer
25 and member of Respondent RAN ORIENTAL THERAPY'S LLC.

26 **SUMMARY OF ALLEGATIONS**

27 SHANGRI LA HEALTH CLINIC is owned by JINLI RAN through her interest in
28 RAN ORIENTAL THERAPY'S LLC, a Nevada limited liability company. The business has

1 been operated repeatedly in an unlawful manner by creating a public and chronic nuisance in
2 violation of Nevada law and the Las Vegas Municipal Code by allowing its massage therapists
3 to engage in solicitation of prostitution. On July 21, 2010, the Las Vegas City Council revoked
4 the Massage Establishment license of Oriental Angels Massage, another business owned and
5 operated by Respondents within the city of Las Vegas.

6 SOLICITATION OF PROSTITUTION

7 On November 14, 2006, an undercover detective with the Las Vegas Metropolitan
8 Police Department entered SHANGRI LA HEALTH CLINIC and agreed with one Zhan Di to
9 receive a one-hour massage for the price of \$70. During the course of the massage, Ms. Di
10 agreed to perform an act of oral copulation upon the detective for an additional \$100. Ms. Di
11 was arrested on a charge of Soliciting Prostitution. On February 5, 2008, Ms. Di was found
12 guilty of the charge of Soliciting Prostitution.

13 On October 3, 2007, an undercover detective with the Las Vegas Metropolitan Police
14 Department entered SHANGRI LA HEALTH CLINIC and agreed with one Miao Li to receive
15 a massage. During the course of the massage, Ms. Li agreed to perform an act of manual
16 masturbation upon the detective for an additional \$70. Ms. Li was subsequently arrested on a
17 charge of Soliciting Prostitution.

18 On February 13, 2009, an undercover detective with the Las Vegas Metropolitan Police
19 Department entered SHANGRI LA HEALTH CLINIC and agreed with one Yong Qiao to
20 receive a one-hour massage for the price of \$70. During the course of the massage, Ms. Qiao
21 agreed to perform an act of manual masturbation upon the detective for an additional \$60. Ms.
22 Qiao was subsequently arrested on a charge of Soliciting Prostitution.

23 On December 17, 2009, an undercover detective with the Las Vegas Metropolitan
24 Police Department entered SHANGRI LA HEALTH CLINIC and agreed with one Fengying
25 Ma to receive a one-hour massage for the price of \$70. During the course of the massage, Ms.
26 Ma agreed to perform an act of manual masturbation upon the detective for an additional \$50.
27 Ms. Ma was subsequently arrested on a charge of Soliciting Prostitution.

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1 On May 15, 2010, an undercover detective with the Las Vegas Metropolitan Police
2 Department entered SHANGRI LA HEALTH CLINIC and agreed with one Jia Yao to receive
3 a half-hour massage for the price of \$50. During the course of the massage, Ms. Yao agreed to
4 perform an act of manual masturbation upon the detective for an additional \$80. Ms. Yao was
5 subsequently arrested on a charge of Soliciting Prostitution.

6 On August 12, 2010, Guang Han Liu, while employed as a massage therapist at
7 SHANGRI LA HEALTH CLINIC, was arrested by an undercover detective with the Las
8 Vegas Metropolitan Police Department on a charge of Soliciting Prostitution.

9 After each arrest, Respondent RAN was notified of the arrest of her employee for
10 Soliciting Prostitution and of the violation of city ordinances regarding massage
11 establishments.

12 **REGULATORY ACTIONS**

13 On July 21, 2010, the Las Vegas City Council conducted a hearing on a disciplinary
14 complaint regarding Oriental Angels, another business operated by Respondents RAN
15 ORIENTAL THERAPY'S LLC and JINLI RAN. The Council ordered the revocation of
16 Massage Establishment License No. M03-00107-6-100306 as a result of prostitution-related
17 activities taking place at the premises of Oriental Angels.

18 **SUBSTANTIVE LAW**

19 Las Vegas Municipal Code (LVMC) 6.02.330 provides [Unlawful Business Activity]:

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

23

24 (B) The licensee or any of its principals has been subject, in
25 any jurisdiction, to disciplinary action of any kind with respect to a
26 license, an approval for suitability, a permit or a work card to the
27 extent that such disciplinary action reflects upon the qualification,
28 acceptability or fitness of such licensee or principal

. . . .

(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

1 conducted in an unlawful, illegal or impermissible manner,
2 including but not limited to causing, allowing, promoting,
3 fostering, aiding, enabling, exercising deliberate ignorance towards
or failing to abate a private nuisance, public nuisance or chronic
nuisance; or

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

6 LVMC 6.02.350 provides [Acts and Omissions]:

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

10 LVMC 6.52.120 provides [Prohibited Activities]:

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

13 (A) Within a massage establishment, engage in or solicit
14 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:

15 (1) Made sexual advances toward the person;

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

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

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

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

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

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

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

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

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

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

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

10 **STANDARD OF EVIDENCE**

11 LVMC 6.88.090 provides:

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

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

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

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

23 **PENALTY**

24 LVMC 6.02.360 provides:

25 Upon a showing of good cause and in the discretion of the
26 City Council, disciplinary action against a holder may take the
27 form of cancellation, revocation, refusal to renew, suspension,
28 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
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.

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

2 DATED this 24th day of September, 2010.

3 RESPECTFULLY SUBMITTED:

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5 By: 
6 MARK R. VINCENT, Director
Finance and Business Services

7 BRADFORD R. JERBIC
8 City Attorney

9 By: 
10 PHILIP R. BYRNES
11 Deputy City Attorney
12 Nevada Bar No. 166
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Las Vegas, NV 89101
Attorneys for CITY OF LAS VEGAS