

RESOLUTION NO. 2023-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EUREKA AFFIRMING THE
REVOCATION OF THE PERMIT TO OPERATE MASSAGE ESTABLISHMENT AND
CERTIFICATE OF REGISTRATION BY THE CHIEF OF POLICE

WHEREAS, the Chief of Police of the City of Eureka is authorized, pursuant to Eureka Municipal Code section 117.20, to revoke a permit to operate a massage establishment when the Chief of Police has probable cause to believe that the permittee has conducted or carried on the business of a massage establishment in violation of the Eureka Municipal Code, or has committed any crime of violence against another person or any crime involving lewdness, indecent exposure, or prostitution; and

WHEREAS, the Chief of Police of the City of Eureka is authorized, pursuant to Eureka Municipal Code section 117.21, to revoke a certificate of registration to practice massage if the Chief of Police finds that the holder has violated local, state, or federal law in connection with the practice of massage or operation of the massage establishment; and

WHEREAS, Eureka Chief of Police Todd Jarvis has revoked Mr. Rongqiu Li's permit to operate a massage establishment and Mr. Rongqiu Li's certificate of registration to practice massage pursuant to and in accordance with the authority granted to him by the Eureka Municipal Code; and

WHEREAS, the Eureka City Council has heard evidence presented at an appeal on the matter pursuant to Eureka Municipal Code section 117.20(B)(1); and

NOW THEREFORE, the City Council of the City of Eureka makes the following findings of fact:

1. The Eureka Police Department (EPD) received an arrest notice for Rongqiu Li on or about March 22, 2023. This notice was sent to EPD from the Department of Justice Bureau of Criminal Information and Analysis unit.
2. Upon receiving the notice, EPD checked the Humboldt County Jail booking records and EPD's internal reporting system, and determined that Mr. Rongqiu Li's arrest was based on the issuance of a warrant by the Humboldt County District Attorney's office following an EPD investigation, case number 22-001603.
3. The jail records show that Mr. Rongqiu Li was arrested on March 22, 2023 and booked into the Humboldt County Jail for violations of Penal Code sections 242 – Battery, 243.4 (e)(1) – Unlawful Touching of an Intimate Part of Another Person, and 647(b) – Disorderly Conduct, Prostitution.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that:

1. At the appeal hearing held on July 18, 2023, Mr. Rongqiu Li failed to present evidence sufficient to reverse the Chief of Police's revocation.

2. At the appeal hearing held on July 18, 2023, the Chief of Police met the burden of proof necessary to affirm the revocation.
3. The Chief of Police's revocation of Mr. Rongqiu Li's permit to operate a massage establishment and Mr. Rongqiu Li's certification of registration to practice massage in the City of Eureka is affirmed.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Eureka in the County of Humboldt, State of California, on the ___ day of _____, 2023 by the following vote:

AYES: COUNCILMEMBERS

NOES: COUNCILMEMBERS

ABSENT: COUNCILMEMBERS

Kim Bergel, Mayor of the City of Eureka

Attest:

Pamela J. Powell, City Clerk

Approved as to Administration:

Approved as to form:

Miles Slattery, City Manager

Autumn Luna, City Attorney