

AGENDA SUMMARY
EUREKA CITY COUNCIL

TITLE: Appeal of Revocation of Permit to Maintain a Massage Establishment and Appeal of Revocation of Certificate of Registration

DEPARTMENT: City Attorney

PREPARED BY: Autumn E. Luna, City Attorney

PRESENTED FOR: Action Information only Discussion

RECOMMENDATION

1. Hold a Public Hearing; and
2. Make Findings of Fact and Adopt a Resolution Affirming the Permit and Certification Revocation by the Chief of Police (attached); or
3. Direct Staff to Prepare a Resolution Consistent with the City Council's Findings After Hearing to Reverse the Revocation by the Chief of Police.

FISCAL IMPACT

No Fiscal Impact Included in Budget Additional Appropriation

DISCUSSION

On March 22, 2023 the Eureka Police Department received information from the Department of Justice regarding an incident involving Mr. Rongqiu Li, operator of a massage establishment in the City of Eureka. The information and related investigation caused the Eureka Police Department to send a Notice of Hearing on Revocation to Mr. Rongqiu Li pursuant to Eureka Municipal Code sections 117.20. See Attachment A.

The hearing was scheduled for May 26, 2023 at 10:30 a.m. Mr. Rongqiu Li failed to appear for that hearing, and the Chief of Police subsequently sent a Notice of Revocation to Mr. Rongqiu Li. That Notice, dated May 30, 2023, is Attachment B.

On June 2, 2023, the City Clerk received both an email and a written note requesting an appeal of the revocation. On June 8, 2023, the City Attorney's office acknowledged the request via email and notified Mr. Rongqiu Li that the appeal would be heard by the City Council on July 18, 2023. See Attachment C.

A formal Notice of Appeal Hearing was sent via certified mail and email to Mr. Rongqiu Li on June 12, 2023. See Attachment D.

Eureka Municipal Code section 117.20(B)(1) provides the following guidelines for the appeal hearing:

“At the hearing, the permittee may present evidence in support of his stated exceptions and the reissuance of the permit. Any interested party, including the Chief of Police, may, in the discretion of the Council, be allowed to participate in the hearing and present evidence in support of, or in opposition to, the revocation. The burden of proof shall be on the Chief of Police. No later than 15 days after the conclusion of the hearing the Council, by resolution, shall make findings of fact and either affirm or reverse the revocation of the permit by the Chief of Police. The Council, in such resolution, shall state the facts upon which its decision is based and its ruling upon any exceptions filed to the original findings of fact by the Chief of Police upon the revocation.”

After the public hearing the City Council can either adopt the resolution affirming the Chief of Police's revocation or direct staff to prepare a resolution consistent with the City Council's reversal of the Chief of Police's revocation. If the City Council opts to reverse the revocation, staff will prepare a resolution for adoption at the next regularly scheduled meeting of the City Council on August 1, 2023.

REVIEWED AND APPROVED BY:

- City Attorney
- City Manager
- City Clerk/Information Technology
- Community Services
- Development Services
- Finance
- Fire
- Human Resources
- Police
- Public Works