

ATTACHMENT B

May 30, 2023

SENT VIA CERTIFIED MAIL

Rongqui Li
Sunshine Asian Massage
3220 Broadway Street
Eureka, CA 95501

RE: Notice of Revocation of Permit to Maintain a Massage Establishment Pursuant to Eureka Municipal Code 117.20 and Revocation of Certificate of Registration Pursuant to Eureka Municipal Code 117.21(E).

Mr. Li:

On May 26, 2023 at 10:30 a.m. a hearing was held at the office of the Chief of Police located at 604 C Street, Eureka, CA 95501 to determine whether to revoke your permit to maintain a massage establishment and your certificate of registration pursuant to the Eureka Municipal Code (EMC) Chapter 117. You were notified of this hearing by certified mail, but failed to appear. Based on the facts below, the Chief of Police has determined that you have violated the provisions of this chapter.

STATEMENT OF FACTS AND FINDINGS

The Eureka Police Department (EPD) received an arrest notice for you, Rongqui Li, on March 22, 2023. This notice was sent to EPD from the Department of Justice Bureau of Criminal Information and Analysis unit. The notice was sent to a secured portal for applicants that EPD has issued permits to.

Upon receiving the notice, EPD checked the Humboldt County Jail booking records and EPD's internal reporting system, and determined that your arrest was based on the issuance of a warrant by the Humboldt County District Attorney's office following an investigation done by EPD, case number 22-001603.

The jail records show that you were 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.

The Chief of Police, after a hearing at which you failed to appear to present facts in contradiction to the above, finds that the facts as stated above are true and are sufficient to prove a violation of the Eureka Municipal Code.

NOTICE OF REVOCATION

This notice is to inform you that, based on the above-stated facts, the Eureka Chief of Police is revoking your permit to operate Sunshine Asian Massage. This notice of revocation is being submitted under Eureka Municipal Code (EMC) 117.20 – Revocation of Permits.

EMC 117.20 – Revocation of Permits; Appeals – states in relevant part:

Whenever the Chief of Police has probable cause to believe that a permittee hereunder has conducted or carried on the business of a massage establishment in violation of the provisions of this chapter; ... has committed any crime of violence against another person or any crime involving lewdness, indecent exposure, or prostitution, ... the Chief of Police shall, in addition to other remedies provided in this chapter, immediately give the permittee written notice, by certified special delivery mail, of a hearing to be held by the Chief of Police within five days after the date of such mailing to determine whether or not the permit should be revoked.

Additionally, based on the above-stated facts, the Chief of Police is revoking your Certificate of Registration pursuant to EMC 117.21(E). The revocation is effective on the fifth day after the date of this letter. Revoked licenses must be surrendered to the Chief of Police immediately.

EMC 117.21(E) – Revocation of Certificates of Registration – states in relevant part:

The Chief of Police may revoke a certificate of registration issued pursuant to the provisions of this chapter upon determining that the certificate holder has violated, or caused or permitted any other person to under his control or supervision to violate, any provision of this chapter or of state or federal law in connection with the practice of massage or operation of the massage establishment.

RIGHT TO APPEAL

The Eureka Municipal Code provides you with an opportunity to have the revocation of your permit to operate appealed to the Eureka City Council. Pursuant to EMC 117.20(B)(1):

Within five days after receiving notification by certified mail that his permit hereunder has been revoked, any permittee may file with the City Clerk a written notice of appeal from such revocation, addressed to the Council, requesting a public hearing before the Council on the appeal and stating therein written exceptions to the findings of fact upon which the Chief of Police based his revocation of the permit. Such exceptions shall include, but not be limited to, statements why the permittee believes the Chief of Police acted improperly or failed to act properly. Upon the filing of such notice of appeal, the Council shall fix a time, date, and place for a public hearing thereon and shall send, by certified mail to the permittee, a notice of the time, date, and place of the hearing. The hearing shall be held at a regular meeting of the Council not more than 14 days after the date on which the notice of appeal was filed with the City Clerk. At the hearing, the permittee may present evidence in support of his stated exceptions and the reissuance of his 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.


You also have a right to appeal the revocation of your certificate of registration pursuant to EMC 117.21(F):

An applicant for or holder of a certificate of registration may, within ten days following the mailing of the notice of refusal by the Chief of Police to issue or renew such certificate, or his revocation thereof, appeal from the action of the Chief of Police to the Council. The matter shall be set for a public hearing before the Council at its next regular meeting, not sooner than the fifth day after such appeal is filed.

If you opt to appeal the revocation, you must contact the City Clerk within the time limits allowed to request such appeal in writing.

If you have any questions about the content of this notice please contact me at 707-441-4095.

Respectfully,


Todd Jarvis
Chief of Police
Eureka Police Department