

LAW OFFICES OF GEORGE L. YOUNG
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BY EMAIL TO THileman@palmdesert.gov, amejia@palmdesert.gov,

December 9, 2024

CITY OF PALM DESERT
Attn: Todd Hileman, City Manager (by email)
Attn: Anthony Mejia, City Clerk (by email)
73510 Fred Waring Drive,
Palm Desert, CA 92260

AMENDED NOTICE OF APPEAL

Our client : Haiwei Xia Donkergoed dba Massage 111
Address : 45120 San Pablo Avenue, Suite 2A
Palm Desert, CA 92260

Dear Sir/Madam:

Our law offices have been retained by Haiwei Xia Donkergoed doing business as Massage 111, located at the above referenced address to represent her and the business. We hereby file this Amended Notice of Appeal under Section 2.72.020 © of the Municipal Code, in connection with the revocation of her business license by the City of Palm Desert.

1. The Specific Decision from which the Appeal is taken.

Per the letter dated November 27, 2024, by Todd Hileman on behalf of the City of Palm Desert revoking “immediately” the business no. #13705141 of Massage 111.

2. The Specific Grounds for the Appeal:

The grounds set forth in the November 27, 2024, letter, item no. 1-9 on page 1 alleging licensee has violated various laws and regulations, are blatantly false. The November 27, 2024, letter from Todd Hileman is attached hereto as Exhibit 1, and incorporated herein by reference.

3. Relief or Action requested from the City Council:

Licensee requests that the license of Massage 111 be reinstated forthwith; that the City of Palm Desert pays and all damages to the licensee for revoking her business license without good cause, and that the City of Palm Desert issue a formal apology to the licensee for revoking her business license without good cause and without due process.

Please, let us know the date and time of the hearing by return email, and please forward a copy of this Amended Notice of Appeal to Mr. Shah, the City Attorney, as well as Mr. Cannone, the Department Service Director. Please also acknowledge by return email this Request and Notice. If you have any questions, please feel free to contact our office by email at lawofyoung@gmail.com

Thank you.

Very truly yours.

LAW OFFICES OF GEORGE YOUNG



BY: GEORGE L. YOUNG
Attorney at Law

Attachment; Exhibit 1 (November 27, 2024, letter from Mr. Hileman on behalf of the City of Palm Desert).



CITY OF PALM DESERT

73-510 FRED WAKING DRIVE
PALM DESERT, CALIFORNIA 92260-2578
TEL: 760 346-0611
INFO: CITYOFPALMDESERT.ORG

November 27, 2024

VIA US Mail & Hand Delivery

Ms. Haiwei Xia Donkersgoed
Massage 111
45120 San Pablo Avenue, Suite 2A
Palm Desert, CA 92260

Re: Notice of Revocation - Business License # 13701926
Massage 111 – 45120 San Pablo Avenue, Suite 2A, Palm Desert

Dear Ms. Donkersgoed:

Pursuant to Palm Desert Municipal Code ("PDMC") § 5.04.070 and § 5.87.130, the **massage establishment business license (license # 13705141) for the Massage 111 located at 45120 San Pablo Avenue, Suite 2A, Palm Desert is hereby REVOKED immediately, and you must cease ALL operations.** The revocation is necessary to preserve the peace, health, safety or general welfare of the City.

Furthermore, pursuant to PDMC § 5.04.080 (A), you have fifteen (15) calendar days to file a Written Notice of Appeal. If you decide to file an appeal, a public hearing will be scheduled with the City Council.

The grounds for revocation include:

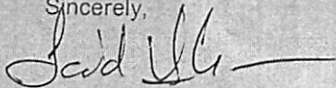
1. That the licensee has violated any provision of the California Business and Professions Code, Palm Desert Municipal Code, or any emergency order issued by the city manager or city council (PDMC 5.04.070(A)(4).)
2. That the licensee has been held liable or convicted of any offense involving the maintenance of a nuisance resulting from any act performed in the exercise of any rights permitted by the issuance of the subject license (PDMC 5.04.070(A)(6).)
3. That the licensee has violated any rule or regulation adopted by any governmental agency relating to the licensee's business (PDMC 5.04.070(A)(7).)
4. That the licensee has conducted the licensed business in a manner contrary to the peace, health, safety, and the general welfare of the public (PDMC 5.04.070(A)(8).)

EXHIBIT 1

- WALL OVEN COOKING GUIDE
5. The massage establishment business license holder has been arrested or filing of charges of a crime that would have caused denial of the massage establishment business license (PDMC 5.87.120(A)(1).)
 6. The massage establishment business license holder has engaged in conduct or operated the certified massage establishment or as a massage practitioner in a manner which violates any of the provisions of this chapter, any conditions of the permit, or any of the laws which would have been grounds for denial of the permit. A massage therapist or massage practitioner employed by the massage establishment has been arrested for violating the provisions of Section 647(a) and (b) of the California Penal Code, or any other state law involving a crime of moral turpitude, or the premises for which the business license was issued is being operated in an illegal or disorderly manner. (PDMC 25.87.120(A)(3).)
 7. Violations of this chapter or of the California Business and Professions Code Section 4600 et seq., have occurred on the establishment premises. (PDMC 5.87.120(A)(5).)
 8. There is an urgency of immediate action to protect the public from injury or harm (PDMC 5.87.120(A)(8).)
 9. Conducting a (massage) business as a nuisance (PDMC 5.87.240).

Should you have any questions, please contact Development Services Director Richard Cannone at rcannone@palmesert.gov or (760) 776-6438.

Sincerely,



Todd Hileman
City Manager

cc: Isra Shah, City Attorney
Richard Cannone, Development Services Director
Michael Braun, RSP Plaza II, LLC, Property Owner, 201 N. Palm Canyon Drive, Suite 200, Palm Springs, CA 92262