

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, UPHOLDING THE CITY MANAGER'S REVOCATION OF THE BUSINESS LICENSE FOR MASSAGE 111, LOCATED AT 45120 SAN PABLO, SUITE 2A, PALM DESERT CALIFORNIA AND MAKING FINDINGS IN SUPPORT THEREOF

WHEREAS, on December 9, 2019, the City of Palm Desert ("City") issued business license # 13701926 to Haiwei Xia Donkersgoed ("Licensee") to operate a massage parlor as Massage 111 at 45120 San Pablo, Suite 2A, Palm Desert; and

WHEREAS, on November 26, 2024, the Palm Desert Sheriff's Station Special Enforcement Team ("SET") and the Riverside County Anti-Human Trafficking Task Force ("RCAHT") executed a search warrant at Massage 111, resulting in the arrest of the Licensee. The investigation was initiated after a tip about illicit activities at Massage 111, located at 45120 San Pablo, Suite 2A, Palm Desert. The investigation uncovered evidence of prostitution occurring on the premises; and

WHEREAS, on November 27, 2024, officially revoking the business license for Massage 111 pursuant to Palm Desert Municipal Code ("PDMC") Chapter 5.04; and

WHEREAS, on December 9, 2024, Attorney George L. Young, Esq., from the Law Offices of George L. Young in Arcadia, California ("Applicant"), submitted a Notice of Appeal on behalf of the Licensee, contesting the revocation of the business license; and

WHEREAS, on February 13, 2025, the City Council conducted a hearing to consider the Applicant's appeal, and duly considered all evidence, testimony of the applicant and interested parties, and the evaluation and recommendation by City staff, at said hearing; and

WHEREAS, all interested parties were afforded the opportunity to rebut the oral and written evidence that City staff presented in support of its position that revocation of the business license was appropriate; and

WHEREAS, members of the public were afforded an opportunity to testify regarding the revocation; and

WHEREAS, the City Council carefully considered all information pertaining to the revocation, including the staff report and attachments, and all the information, evidence, and testimony presented at its public hearing on ~~December 15, 2022~~, February 13, 2025, after which it exercised its independent judgment to revoke the business license; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

WHEREAS, notices of said hearing were made at the time and in the manner required by law.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Palm Desert as follows:

SECTION 1. RECITALS. That the foregoing recitals are true and correct and are incorporated herein as substantive findings of this Resolution.

SECTION 2. SUPPORTING EVIDENCE. The staff report, attachments, and all the information, evidence, and testimony presented at the February 13, 2025, public hearing are incorporated hereto by reference.

SECTION 3. FINDINGS. Based on the Supporting Evidence presented to the City Council at the above-referenced public hearing on ~~December 15, 2022~~, February 13, 2025, including the staff report with attachments and all information presented at the hearing in support of and in opposition to the appeal, the City Council, pursuant to PDMC §5.04.080.D sets forth the following findings:

Finding Number 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)):

- a. On November 26, 2024, Code Compliance Officer Villanueva conducted an inspection of the licensed premises and observed several violations of the Palm Desert Municipal Code. Those violations include:
 - 1) Failure to obtain the required building permits for interior modifications made to the premises (California Building Code §105.1).
 - 2) Failure to notify the City Manager of additional massage practitioners employed by the business. Additionally, the California Massage Therapy Council certifications for Zhi Mei Shen and Xiu Xiang Li expired on January 24, 2021, and January 8, 2022, respectively (PDMC §5.87.100 and 5.87.210.T).
 - 3) Failure to obtain plumbing permits for completed work (PDMC §5.87.200.F and California Building Code §105.1).
 - 4) Lack of a single-service towel dispenser and a trash receptacle at the washbasin (PDMC §5.87.200.G).
 - 5) Accumulation of dirt and refuse on the floors (PDMC §5.87.200.I).
 - 6) Inadequate equipment for disinfecting and sterilizing materials used in administering massages, including unmarked bottles of liquid, some stored in reused hair dye bottles (PDMC §5.87.210.D).
 - 7) Failure to maintain the establishment in good repair and in a clean and sanitary condition (PDMC §5.87.210.I).
 - 8) Improper storage of towels, linens, and sheets, which were found in piles on massage tables, furniture, and floor instead of in properly marked cabinet or containers labeled "clean linen" and "soiled linen" (PDMC §5.87.210.J).
 - 9) Use of non-compliant massage table cover pads that were not made of durable, washable plastic or other waterproof material (PDMC §5.87.210.K).
 - 10) Evidence that individuals were using the establishment for residential

and sleeping purposes, creating unsanitary conditions and hazardous environments for both employees and customers (PDMC §5.87.210.Q).

11) Violation of mandatory requirements set forth in PDMC Chapter 5.87, as detailed in Findings 1-10 above (PDMC §5.87.210.U).

- b. The violations were documented with photographs and official reports, confirming that the licensee failed to adhere to the requirements for maintaining a business license.

Finding Number 2. 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)):

- a. On November 26, ~~2024~~2025, an inspection and review of the licensee's business operations revealed violations of California Penal Code 315 for maintaining an illicit brothel and the Palm Desert Municipal Code as provided herein, which govern the licensee's business activities. These violations were documented in Code Enforcement Case Number 24-5900.
- b. On that same date, Code Compliance Officer Villanueva's inspection revealed additional violations of the Palm Desert Municipal Code resulting in the business being declared a public nuisance. Those violations are enumerated in Finding 1.
- c. These documented violations provide sufficient grounds for revocation of the license.

Finding Number 3. 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)):

- a. On November 26, 2024, evidence gathered from the Riverside County Sheriff's Office along with observations by Code Compliance Officer Villanueva confirmed that the licensee's operation contributed directly to endangering the peace, health, safety, and general welfare of the public. Specific infractions included operating an illicit brothel, failure to maintain sanitary conditions, and living on the premises, which created a dangerous environment.
- b. On that same date, Code Compliance Officer Villanueva's inspection revealed additional violations of the Palm Desert Municipal Code resulting in the business being declared a public nuisance. Those violations are enumerated in Finding 1.
- c. Based on the documented harm caused by these actions, revocation of the license is necessary to protect the public from further injury.

Finding Number 4. 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)):

- a. *On November 26, 2024, the licensee was arrested, and criminal charges were filed for maintaining an illicit brothel, a crime that, if known at the time of application, would have led to the denial of the massage establishment business license under PDMC §5.87.120.*
- b. *The crime is classified as a misdemeanor and directly impacts the qualifications required to maintain a massage establishment license.*
- c. *Official records, including the Riverside Sheriff's Press Release and booking information, confirm the charges against the licensee, highlighting the violation of legal standards necessary for obtaining and maintaining a business license.*
- d. *The severity of the criminal charges, coupled with their direct impact on public trust and safety, justifies the revocation of the massage establishment business license.*

Finding Number 5. 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))

- a. On November 26, ~~2024~~²⁰²⁵, investigations by the Palm Desert Sheriff's Station Special Enforcement Team and the Riverside County Anti-Human Trafficking Task Force revealed that the licensee violated provisions of PDMC Chapter 25.87 and other relevant laws. These violations included engaging in activities that led to criminal arrests for offenses involving moral turpitude and operating the establishment in a disorderly or illegal manner. Specifically, the licensee was arrested and booked into the Riverside County Jail for maintaining an illicit brothel, a violation of California Penal Code §315.
- b. Evidence, including the Riverside Sheriff's Press Release and booking information confirms that the licensee was arrested for violating California Penal Code §315, which is a crime of moral turpitude as it pertains to operating the business for prostitution.
- c. On that same date, Code Compliance Officer inspection revealed additional violations of the Palm Desert Municipal Code resulting in the business being declared a public nuisance. Those violations are enumerated in Finding 1.
- d. As documented, the manner in which the licensee operated the business, constitute grounds for revocation.

Finding Number 6. Violations of this chapter (PDMC Chapter 5) or of the California Business and Professions Code Section 4600 et seq., have occurred on the establishment premises (PDMC §5.87.120(A)(5)):

- a. On November 26, 2024, inspections and investigations revealed violations of PDMC Chapter 5.87 and the California Business and Professions Code,

specifically related to the failure to comply with required standards as provided in Finding 1.

- b. Documentation from inspections and code enforcement confirmed that the establishment was operating outside the legal requirements, including unlicensed practitioners and failure to maintain the necessary permits and records.
- c. The violations documented in official reports warrant the revocation of the business license, as the establishment did not meet the legal requirements for lawful operation.

Finding Number 7. There is an urgency of immediate action to protect the public from injury or harm (PDMC §5.87.120(A)(8)):

- a. *On November 26, ~~2024~~2027, immediate action was deemed necessary to protect the public from unsafe and unlawful conditions at Massage 111, leading to the immediate suspension of the business license.*
- b. *Inspections and reports indicated that unsafe conditions existed due to unpermitted construction and unsanitary conditions on the premises.*
- c. *These violations were documented through photographs and official inspection notes by Code Compliance Officer Villanueva, who identified the licensee's failure to obtain the necessary building permits for modifications made to the premises.*
- d. *Additionally, the premises were found to be in a state of squalor, with evidence indicating that individuals were living on the property. This contributed to unsanitary and hazardous conditions, posing a significant risk to the health and safety of both employees and customers.*
- e. *The violations enumerated in Finding 1 confirm noncompliance with the Palm Desert Municipal Code and highlight the serious threat to public health and safety associated with the operation of the business under these conditions.*
- f. *Given the immediacy and severity of these risks, urgent action was required to protect the public, further justifying the ultimate revocation of the business license by the City Manager on November 27, 2024.*

Finding Number 8. The Licensee's business operated as a Public Nuisance (PDMC §5.87.240)

- a. On November 26, 2024, Code Compliance Officer Villanueva's inspection revealed violations of the Palm Desert Municipal Code resulting in the business being declared a public nuisance. Those violations are enumerated in Finding 1. and the business license should be revoked.

SECTION 4. ACTION. Based on the evidence and testimony presented, and the findings contained in Section 3, the City Council does hereby deny the subject appeal filed by Mr. George Young, Esq., and upholds the City Manager's revocation of the business license for Massage 111.

SECTION 5. FINAL DECISION. Pursuant to PDMC §5.04.080.D, the decision of the city council is final and binding. Judicial review of this decision is subject to the

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provisions and time limits set forth in the California Code of Civil Procedure Section 1094.6 et seq. Failure to seek timely judicial review pursuant to California Code of Civil Procedure section 1094.5 et seq. means all objections to the city council's decision are waived.

Section 6. CUSTODIAN OF RECORDS. The documents and materials that constitute the record of proceedings on which these findings are based are located at the City's office at 73510 Fred Waring Drive, Palm Desert, CA 92260. Anthony J. Mejia, MMC, the City Clerk of the City of Palm Desert is the custodian of the record of proceedings

ADOPTED ON _____ 2025.

JAN HARNIK
MAYOR

ATTEST:

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, hereby certify that Resolution No. 2025-_____ is a full, true, and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Desert on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____, 2025.

ANTHONY J. MEJIA
CITY CLERK