

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF L A K E)

4 LAKE COUNTY LIQUOR CONTROL COMMISSION

5 RE: CHINESE HOME MASSAGE

6 33149 NORTH HIGHWAY 45, GRAYSLAKE, IL 60030
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12 The above hearing held before Susan R. Pilar,
13 C.S.R., in and for the State of Illinois; at the Lake
14 County Building, 18 North County Street, 10th Floor,
15 Conference Room C, Waukegan, Illinois, on Monday,
16 February 10, 2020, at the hour of 10:00 a.m.
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23 Reported for
24 DEPOSITION REPORTERS, by
Susan R. Pilar, C.S.R.

A P P E A R A N C E S:

PRESENT: MS. SANDY HART, LIQUOR COMMISSIONER
MR. DAN BROWN, BOARD ATTORNEY
DETECTIVE KYLE BRASEWICZ, BOARD
INVESTIGATOR
MS. KRISTY CECINI, BOARD SECRETARY

ALSO PRESENT:

MS. JING XIAO
MR. PAUL ECKERT

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1 CHAIRPERSON HART: Okay. I'll call the meeting
2 to order. 10:00. If we could rise for the Pledge of
3 Allegiance, please.

4 Christy, you want to lead us.

5 (Pledge of Allegiance.)

6 CHAIRPERSON HART: Thank you.

7 Any public comments?

8 (No verbal response.)

9 CHAIRPERSON HART: Okay. I have no Chair's
10 remarks. I have no old business. The new business at
11 6.1, a Chinese Home Massage hearing and application
12 review for a Massage Business License.

13 MR. BROWN: And anyone who is going to give
14 testimony could you please sit at the table and be
15 sworn.

16 CHAIRPERSON HART: Hi.

17 MR. ECKERT: Hi.

18 CHAIRPERSON HART: I think you need to swear
19 them in. Oh, shall I --

20 MR. BROWN: We also need to have Kyle sworn.

21 DETECTIVE BRASEWICZ: Yeah.

22 CHAIRPERSON HART: Oh, okay. You both need to
23 be sworn in.

24 (Witnesses sworn.)

1 CHAIRPERSON HART: Okay. Thank you.

2 So I'll turn it over to you, Daniel.

3 MR. BROWN: Okay. My name is Daniel Brown.

4 I'm with the Lake County State's Attorney's Office and
5 this -- and before we began with respect to testimony
6 I just want to make sure that the record and everyone
7 is clear why and how we're meeting.

8 This meeting is being held under
9 Chapter 114 of the Massage Therapy Code 114.09. It
10 requires that a hearing be held and a court reporter
11 be present and that the record of the evidence and the
12 transcript be submitted to the County Board, that
13 Chair Hart is the licensed officer in this case. She
14 will render an opinion. That opinion will be
15 submitted to the County Board. The County Board by a
16 majority of members present will accept or reject this
17 application.

18 The Chair is to preside at this
19 hearing today and, additionally, just for the record
20 just so any reviewing body or any reviewing persons
21 need a quick reference that under Chapter 114 it's
22 called Massage Therapy Ordinance.

23 Under 114.03 there's a heading called
24 License Required. It says no person shall operate a

1 message establishment or hold himself or herself out
2 as a masseuse or masseur operating within
3 unincorporated areas of Lake County, Illinois without
4 a massage -- without the massage establishment first
5 having obtained a license, therefore, from the County.
6 A masseuse or masseur must comply with the
7 requirements of this chapter.

8 Additionally, parts of the ordinance
9 which are germane to the application are in 114.04,
10 1 -- (A)(1), the names and addresses of applicants.
11 If the Applicant is a corporation, the name and
12 address shall be -- shall set forth exactly and under
13 Section A that it says that a list -- the list must
14 contain the names of all employees. And that's under
15 (A)(9). I'm sorry about that, but the list contains
16 the names and current addresses of all employees.

17 With respect -- additionally, germane
18 to this hearing is 114.20, that the operating
19 requirements under Section K indicate that no masseuse
20 or masseur, employee or operator shall perform or
21 agree to perform any acts which would require the
22 touching of a -- of a patron's genital area. It shall
23 be unlawful for any person in a massage parlor to
24 touch, fondle or massage a sexual or genital area of a

1 patron.

2 Now, for the purposes of Section 114
3 of the statute the sexual or genital area is defined
4 solely for the purposes of this statute as the
5 genitals, pubic area, buttocks, anus, perineum of any
6 person or the vulva or breasts of a female, and that
7 area that is prohibited includes the buttocks.

8 Also germane for this hearing is
9 114.41. It indicates that any act or omission
10 whatsoever -- I'm sorry. Let me start again.

11 Every act of omission of whatsoever
12 nature constituting a violation of any of the
13 provisions of this chapter by any officer, director or
14 manager or other agent or employee of any licensee
15 shall be deemed to be held -- shall be -- I'm sorry --
16 shall be deemed and held to be the act of the employer
17 or licensee and the employer or licensee shall be
18 punishable in the same manner as if the act or
19 omission had been done or omitted by him or herself
20 personally.

21 Now, the -- also germane -- mainly
22 germane for this hearing is Section 114.43. These are
23 the areas for which denial of a license can be
24 secured. 114.43 (B)(2), any offense involving sexual

1 misconduct which constitutes a felony, misdemeanor or
2 ordinance violation.

3 Subsection 3. The applicant or
4 holder of a license has knowingly made any false
5 misleading or fraudulent statement of fact in the
6 license application or in any document required by the
7 County in connection with this subchapter.

8 Also germane will be Section G. The
9 massage establishment would not comply with all
10 applicable laws, including but not limited to the
11 County's building, zoning and health regulations and
12 with this chapter.

13 And also Section L. I'm sorry.
14 Section I. The massage establishment or an employee
15 of a massage establishment has not complied with the
16 provisions of this chapter.

17 So all parties have been sworn. So,
18 Mr. Eckert -- and how do you say your last name again
19 ma'am? I'm sorry.

20 MS. XIAO: Xiao. X-I-A-O.

21 MR. BROWN: Ms. Xiao.

22 You are co-owners of the proposed
23 establishment to get a license in -- it's in
24 unincorporated Grayslake; is that correct?

1 MR. ECKERT: Yes.

2 MS. XIAO: Yes.

3 MR. BROWN: It's in the County's jurisdiction
4 and it's located at 33149 Highway 45?

5 MR. ECKERT: Yes.

6 MS. XIAO: Yes.

7 MR. BROWN: Okay. And just with respect to
8 your application, it was just last Friday that you
9 received the permit from building and zoning --

10 MR. ECKERT: Yes.

11 MR. BROWN: -- is that correct?

12 Because there was an issue with
13 respect to payment of a fee as well as an issue with
14 handicap parking; is that correct?

15 MR. ECKERT: There was no issue with handicap
16 parking at the time. That had already been resolved
17 several weeks prior.

18 MR. BROWN: But you just got the go-ahead
19 from --

20 MR. ECKERT: But we just got the go-ahead --

21 MR. BROWN: On Friday?

22 MR. ECKERT: -- Friday, yes.

23 MR. BROWN: And previously the health
24 department had --

1 MR. ECKERT: Given us their okay.

2 MR. BROWN: -- given you their okay. There was
3 an inspection done of those, and that is contained
4 within the application in this case.

5 And just so the record is clear the
6 State -- or the -- we would seek to move Chapter 114
7 Massage Therapy Code as People's Exhibit 1 to be made
8 into the record.

9 (People's Exhibit No. 1
10 was marked for i.d.)

11 MR. BROWN: Now, your application is
12 People's -- I'll seek to move that in as People's
13 Exhibit 2.

14 (People's Exhibit No. 2
15 was marked for i.d.)

16 MR. BROWN: Now, with respect to your
17 application, it asks you to list all employees; is
18 that correct?

19 MR. ECKERT: That's true.

20 MR. BROWN: And under No. 13 you listed as an
21 employee Jing Xiao --

22 MS. XIAO: Yes.

23 MR. BROWN: -- is that correct?

24 MR. ECKERT: Xiao.

1 MR. BROWN: And for the record, that's J-I-N-G,
2 X-I-A-O.

3 MS. XIAO: Yes.

4 MR. BROWN: And you're business partners?

5 MR. ECKERT: Yes.

6 MS. XIAO: Yes.

7 MR. BROWN: And you're aware that you need to
8 list all employees --

9 MR. ECKERT: Yes.

10 MR. BROWN: -- is that correct?

11 And in your communication with --
12 with any department did you indicate that there are
13 any more employees?

14 MR. ECKERT: No. There are no other employees.

15 MR. BROWN: Okay. Now, a criminal background
16 check was done of you both; is that correct?

17 MR. ECKERT: Yes.

18 MR. BROWN: And as far as you know there were
19 no issues with respect to that?

20 MR. ECKERT: I hope not.

21 MR. BROWN: Okay. And also in the document,
22 Miss Xiao, you are the licensed massage therapist; is
23 that correct?

24 MS. XIAO: Yes.

1 MR. BROWN: And while the -- while the -- for
2 lack of a better term the document issued by the State
3 of Illinois to you lists you, Mr. Eckert, as being on
4 the document. You are not a licensed massage
5 therapist?

6 MR. ECKERT: No, I'm not. We don't understand
7 how my name got on the license in any case. I mean
8 she's the massage therapist, not me.

9 MR. BROWN: Just to let you know we did check
10 with the department and they indicated that it was
11 basically a -- a computer glitch on their --

12 MR. ECKERT: Oh, okay.

13 MR. BROWN: -- part. So --

14 MR. ECKERT: Got you.

15 MR. BROWN: -- so that is -- that is how that
16 happened.

17 CHAIRPERSON HART: May I ask a question? So I
18 have an application here for a business license and
19 then the names listed underneath?

20 MR. BROWN: That's correct. It looks like both
21 as 50 percent partners are --

22 CHAIRPERSON HART: Oh, okay. So the
23 application that we're talking about is the one for
24 the --

1 MR. BROWN: For the --

2 CHAIRPERSON HART: -- Chinese -- got it. Okay.
3 Thank you.

4 MR. BROWN: And that is Exhibit 2, and I
5 think --

6 CHAIRPERSON HART: Perfect. Thank you.

7 MR. BROWN: All right. So -- and I'm just
8 going to ask. Are you currently performing massages
9 now at that location?

10 MR. ECKERT: He wants to know if you're
11 performing massages right now.

12 MS. XIAO: If we can.

13 MR. BROWN: Okay.

14 MS. XIAO: Right?

15 MR. ECKERT: Yeah. I mean if they give us a --

16 MS. XIAO: License.

17 MR. ECKERT: Yeah.

18 MR. BROWN: So but before today have you
19 performed a massage at this --

20 MR. ECKERT: Yes.

21 MR. BROWN: -- location?

22 MR. ECKERT: Because we expected, you know,
23 that this was just a formality.

24 MR. BROWN: Okay. So but you're aware of the

1 County ordinance which prevented that; is that
2 correct?

3 MR. ECKERT: I -- I guess I was. I may not
4 have communicated that to -- to Jing, but I was.

5 MR. BROWN: Okay. And -- so you have performed
6 massages at that location; is that correct?

7 MR. ECKERT: Yes.

8 MS. XIAO: Yes.

9 MR. BROWN: Okay. And you are an applicant on
10 this application as well? You're not only an
11 employee. You're an applicant?

12 MR. ECKERT: Yeah.

13 MS. XIAO: Yes.

14 MR. BROWN: Okay.

15 MR. ECKERT: She's -- English is not her native
16 language so I may -- I try and help her out --

17 MR. BROWN: Okay.

18 MR. ECKERT: -- with these things.

19 MR. BROWN: I have no further questions of
20 these witnesses.

21 CHAIRPERSON HART: Okay. Thank you. I want to
22 see if the sheriff has anything to add.

23 MR. BROWN: I would like to call Kyle.

24 CHAIRPERSON HART: Oh, pardon me.

1 MR. BROWN: Yes.

2 CHAIRPERSON HART: Okay. Thank you.

3 DETECTIVE KYLE BRASEWICZ,
4 called as a witness herein, having been first duly
5 sworn, was examined and testified as follows, to-wit:

6 DIRECT EXAMINATION

7 BY MR. BROWN:

8 Q. So, Officer, could you please state your
9 name and spell your last name for the court reporter.

10 A. Sure. Detective Brasewicz,
11 B-R-A-S-E-W-I-C-Z. I'm with the Lake County Sheriff's
12 Office.

13 Q. And you are -- you're assigned as liquor
14 investigator, but you also do general things with
15 respect to the administration of County business; is
16 that correct?

17 A. Yes.

18 Q. And did you receive information that --
19 that there was possibly massages taking place outside
20 of the Code at the location here of 33149 North
21 Highway 45?

22 A. Yes.

23 (People's Exhibit No. 3
24 was marked for i.d.)

1 BY MR. BROWN:

2 Q. And I'm showing you what has been marked
3 as Exhibit 3. Could you identify this, please.

4 A. Yes. This is the front of the business on
5 Route 45 which faces westbound. On the east side of
6 the road facing westbound.

7 Q. Okay. And this picture that you received,
8 that was taken at night. Was that correct?

9 A. Yes.

10 Q. And are there, in fact, two open signs?

11 A. Yes. Two lit up open signs. Also a lit
12 up message sign with a phone number and below that is
13 what looks like the hours of operation.

14 Q. And those are all lit in neon; is that
15 correct?

16 A. Yes.

17 Q. And after you received this information
18 about possibly massages being performed outside of
19 Chapter 114 of the Code did you do any investigative
20 work on the internet with respect to that?

21 A. Yes, I did.

22 Q. And what is -- what did you do?

23 A. I searched the name Chinese Home Massage
24 and the address and I located a website that was

1 advertising business.

2 (People's Exhibit No. 4
3 was marked for i.d.)

4 BY MR. BROWN:

5 Q. And I'm showing you what has been marked
6 as Exhibit No. 4. Do you know what that is?

7 A. Yes. That's the -- the screenshots of the
8 website I found.

9 Q. Okay. And, once again, for the record
10 because there will be folks reviewing this does it
11 give hours of operation?

12 A. Yes, it does. It's entitled Chinese Home
13 Massage of Gurnee and the hours are 10:00 a.m. to 9:00
14 p.m. Monday to Saturday and 12:00 noon to 9:00 p.m.
15 Sunday.

16 Q. And does it talk about the nature of the
17 masseuses?

18 A. Yes. It says the pictures are actual
19 masseuses, not cribbed-off-the-net Chinese stock
20 photographs, and there's a photo of a woman that says
21 Meet YaYa.

22 Q. Okay. And after that does it also have
23 a -- have writing after the photograph?

24 A. Yes, it does.

1 Q. And what does it say?

2 A. Meet YaYa and Mystery Girl. Their goal is
3 to help you relax and make you feel good and to
4 restore muscle tone and movement, and then under that
5 it says our services and prices and it lists the type
6 of massage, the length and the price.

7 Q. Now, Mystery Girl, is there also a large
8 question mark after that?

9 A. Yes.

10 Q. And is that the last reference to Mystery
11 Girl in the document that you have?

12 A. (No verbal response.)

13 Q. Referring you to the bottom of the second
14 page.

15 A. It says we're waiting for you. YaYa and
16 Mystery Girl.

17 Q. Okay. And is the location of
18 33149 US Route 45 also noted in a map at that location
19 or on that advertisement?

20 A. Yes, it is.

21 Q. Okay. And at the end of that on page 3 is
22 there any indication of who posted this?

23 A. Yes. It looks like a copyright 2016, 2019
24 Paul Eckert.

1 Q. Okay. Now, with respect to this you were
2 aware of the application of the home message in this
3 case; is that correct?

4 A. Yes.

5 Q. And were you aware that only one employee
6 was noted in the application?

7 A. Yes.

8 Q. And with respect to the Mystery Girl which
9 is on the advertisement for this location, did that --
10 what alarm or what -- what did you do after this third
11 person was identified in their advertisement? What
12 alarms did it set off for you?

13 A. We believed that there may be someone
14 working there who isn't licensed --

15 Q. Okay.

16 A. -- and listed on the application.

17 MR. ECKERT: Is it possible for me to respond
18 to any of this?

19 THE WITNESS: Once we're done.

20 MR. BROWN: Not yet.

21 BY MR. BROWN:

22 Q. So what -- so what investigatory steps did
23 you take after -- after this happened?

24 A. I notified our Lake County Special

1 Investigations Group sergeant and let him know that I
2 believed there was a massage therapy business
3 operating without the proper County license at this
4 time.

5 Q. Okay. And then with respect to the
6 Mystery Girl, did that strike any cords with you with
7 respect to issues of trafficking or anything along
8 that line?

9 A. Yes. With that there is always suspicion
10 if there's human trafficking or prostitution
11 occurring.

12 Q. Okay. So with that you did then with a
13 group of officers attempt to set up a massage; is that
14 correct?

15 A. Correct.

16 (People's Group Exhibit No. 5
17 was marked for i.d.)

18 BY MR. BROWN:

19 Q. Okay. So I want to place into evidence
20 People's Exhibit No. -- Group Exhibit No. 5. It is
21 the police report of Officer Harmon, Officer
22 Robertson, Officer Mark -- Mock, M-O-C-K -- and let me
23 spell Robertson for you as well, R-O-B-E-R-T-S-O-N --
24 Officer Mock and Detective Brasewicz.

1 Now, with respect to -- if we could
2 start with Officer Mock. He was part of your team
3 which went out to that location; is that correct?

4 A. Correct.

5 Q. And before going out to that location did
6 he do anything to set up an appointment?

7 A. Yes. He called the phone number which is
8 listed on the front of the business, (312) 221-7777,
9 and scheduled an appointment for a Four Hand Massage
10 at 4:00 p.m.

11 Q. And then did you -- what did you
12 understand a Four Hand Massage to be?

13 A. It's two people at the same time.

14 Q. Okay. And that, once again, is not --
15 there was only one employee listed on the application;
16 is that correct?

17 A. Correct.

18 Q. So Officer Mock went out to that location;
19 is that correct?

20 A. Correct.

21 Q. And when he got there, did he meet someone
22 who identified themselves as YaYa?

23 A. Yes.

24 Q. And what happened after he and YaYa met?

1 A. She asked -- she invited him in and asked
2 if he had made an appointment for a Four Hand Massage.
3 He advised that he did. She advised that the other
4 girl was not there yet and could not make it until
5 5:15 p.m.

6 So Task Officer Mock agreed to wait
7 and he was escorted into a room -- first room on the
8 left it's identified as -- and he entered the room
9 where there were towels laid out and a massage chair
10 in the center of the room.

11 The female advised that her name was
12 YaYa. While waiting for the second girl to arrive
13 YaYa advised that she had to go pick up her kids,
14 but -- but he could remain in the room. She did not
15 return until approximately 5:00 p.m. along with a
16 second girl.

17 The second girl advised that her name
18 was Bella and YaYa then instructed him to get
19 undressed and said that they would return in a minute.
20 She advised that it would be \$60 for each girl. The
21 Task Force Officer paid YaYa 140 -- \$120 and -- I'm
22 sorry -- she brought back change to him.

23 He had undressed and laid on the
24 table face down with a towel covering his midsection.

1 YaYa and Bella returned to the room and began
2 massaging. They both removed the towel covering his
3 midsection. They switched positions frequently and
4 rubbed his buttocks and legs.

5 At approximately 5:30 they asked if
6 he wanted to flip over and do his front. He advised
7 that he did. They flipped him over. He said that his
8 entire front was exposed. They placed a small hand
9 towel over his mid-section.

10 They began massaging his chest and
11 legs. While massaging the towel fell off his
12 mid-section and his penis was exposed. The girls
13 began to comment on his penis.

14 He asked how much to massage his
15 penis and they advised that they did not touch that
16 area, but they could touch everything else. The girls
17 continued to massage until 6:00 p.m.

18 The girls left the room and he got
19 dressed. He exited the room. Before exiting the
20 building YaYa asked for a tip so he tipped \$20 and
21 exited the business.

22 Q. Now, that was on February 4th; is that
23 correct?

24 A. Correct.

1 Q. And that was some -- some six days before
2 today's hearing; is that correct?

3 A. Correct.

4 Q. Now, with respect to Officer Robertson, he
5 also made an appointment. He also went to the
6 location. He also got undressed and he had -- and he
7 paid for a Four Hand Massage; is that correct?

8 A. That's correct.

9 Q. And that was with \$120 in marked funds?

10 A. Yes.

11 Q. And he received change?

12 A. Yes, he did. Four \$20 bills in change.
13 So \$120 for the services.

14 Q. Okay. And he was -- and it's the same
15 person, the person who -- who said they were Bella,
16 and the same person who said they were YaYa; is that
17 correct?

18 A. Correct.

19 Q. And did -- and could you describe the
20 massage that Officer Robertson received?

21 A. Sure. He said YaYa, the younger woman,
22 entered the room, he was positioned face down on the
23 table with nothing covering my body. YaYa placed a
24 towel over my back and legs and began the massage over

1 the towel.

2 She introduced the second woman as
3 Bella and they both massaged my back and legs. After
4 about ten minutes the towel was removed leaving my
5 naked body exposed. The two continued to massage my
6 back, legs and buttocks for about 30 minutes while
7 making casual conversation with me.

8 They stated they had been working at
9 the business for about two months, that they were not
10 extremely busy yet because they were new to the area.
11 After they completed my back side they advised me to
12 turn over.

13 Task Force Officer Robertson said
14 that he turned over and laid on his back with his
15 genitals exposed. Bella placed a small towel over his
16 genitals and the women took -- took a spot on either
17 side of him directly adjacent to my hips and began to
18 massage my legs and chest and the small towel was
19 removed leaving me completely exposed.

20 After about ten minutes they asked if
21 I was enjoying myself. I stated I was and suggested
22 that I would enjoy if they would massage my genitals
23 as well. YaYa said that they could not do that but
24 invited him to touch himself while they massaged him.

1 I asked how much money it would be
2 for them to massage me and they stated -- I'm sorry --
3 how much money it would cost for them to massage me
4 they stated that they did not do that because they
5 could get in trouble.

6 Bella stated that they liked working
7 at the business and didn't want to get in trouble and
8 lose the income. I told them they could make more
9 money if they would massage genitals. They said money
10 is good but not everything. That's about it.

11 Completed the massage and left the room, and then at
12 that point that's when we entered the business when
13 that was completed.

14 Q. Okay. So just a couple things with
15 respect to both massages. At both massages it's
16 indicated that the buttocks of the person who was
17 being massaged was touched; is that correct?

18 A. Correct.

19 Q. Now, you said you entered the business.
20 Is anyone who -- when you entered the business, is
21 anyone here today at the hearing who was there at that
22 time?

23 A. Yes.

24 Q. Could you identify that person by an

1 article of clothing.

2 A. Yes. The female in the gray sweater.

3 Q. Okay. Now, with respect to the other
4 person that was there --

5 A. Yes.

6 Q. -- did you subsequently learn that her
7 name was Wenshuai Yan?

8 A. Yes.

9 Q. W-E-N -- sorry. W-E-N-S-H-U-A-I, Yan,
10 Y-A-N.

11 A. Yes.

12 Q. And did she have a state license for
13 massage?

14 A. She did not.

15 Q. And what did she indicate with respect to
16 that?

17 A. She just did not have a -- just did not
18 have a license and she was issued a nontraffic
19 citation for that from Detective Harmon.

20 Q. Okay. And did Miss Xiao, who is present
21 in court today, indicate anything regarding Miss --
22 Miss Yan?

23 A. She said that she was not performing any
24 of the massages.

1 Q. So --

2 A. That Miss Yan was not.

3 Q. Okay. And so the officers indicated that
4 Miss Yan did touch them, but -- but Miss Xiao
5 indicated that she did not perform any massages?

6 A. Correct.

7 Q. Now, Miss Xiao is a licensed -- is
8 licensed by the State; is that correct?

9 A. Correct.

10 Q. And so initially she was not issued a
11 ticket with respect to any state license, correct?

12 A. Correct. Correct.

13 Q. And Miss Yan was issued a citation
14 regarding a state license; is that correct?

15 A. That's correct.

16 Q. Now, Officer, did you -- after this did
17 you look at the -- what was People's Exhibit 1, the
18 massage therapy chapter?

19 A. Yes, I did.

20 Q. And does the massage therapy chapter of
21 Lake County Ordinance indicate whether you're supposed
22 to or not supposed to give massages if you're not
23 licensed by the County?

24 A. Correct.

1 Q. You're not supposed to?

2 A. You're not supposed to.

3 (People's Exhibit No. 6
4 was marked for i.d.)

5 BY MR. BROWN:

6 Q. Okay. And so I'm showing you what has
7 been marked as Exhibit 6. Did you issue any citations
8 regarding the County's ordinance to anyone?

9 A. Yes, I did. I issued a citation to
10 Mr. Eckert and Ms. Xiao for operating a massage
11 establishment without a license. It was delivered at
12 their front door because there was no answer at the
13 residence.

14 Q. Okay. And how did you -- did you just
15 leave it there?

16 A. Yes. I stuck it in the front door.

17 Q. Okay. And that is Exhibit 6; is that
18 correct?

19 A. What? I'm sorry.

20 Q. That will be marked as Exhibit 6.

21 The tickets for Miss Xiao and
22 Mr. Eckert; is that correct?

23 A. Yes.

24 Q. Now, there was no bust for prostitution;

1 is that correct?

2 A. Correct.

3 Q. But according to the internal workings of
4 ordinance -- Chapter 114, the buttocks of each person
5 were touched; is that correct?

6 A. Correct.

7 MR. ECKERT: Will I have an opportunity to
8 respond?

9 MR. BROWN: I have no further questions.

10 Does the Chair have any questions of
11 Detective Brasewicz?

12 CHAIRPERSON HART: Not at this time.

13 I would give you an opportunity to
14 respond, Mr. Eckert, at this time.

15 MR. ECKERT: Right now? Okay.

16 At the massage store -- we shouldn't
17 have opened early, but we -- we thought it was just,
18 you know, a matter of formality, bureaucracy, and we
19 thought, you know, we're done. We've got all our
20 ducks in a row.

21 MS. XIAO: Let me talk.

22 MR. ECKERT: Okay.

23 MS. XIAO: Especially, you know, I -- we don't
24 have -- he don't have job. He have just got a knee

1 surgery and my daughter need to go to school. You
2 know, when I -- when I can have no money, home, but --

3 MR. ECKERT: Okay. Let me talk. All right.

4 I mean we -- we thought it was
5 just -- there was no -- we didn't think it was
6 important so we opened the massage store. We have
7 never done a Four Hand Massage up to this point at
8 this location.

9 The website that you saw we -- we
10 opened a massage store called Acu Spa in Madison,
11 Wisconsin and I'm not a super visual guy and it took
12 me a long time to put together the web page for that.

13 So I just cribbed the web page and
14 redid it for this location. Yes, I should have taken
15 off the four hand. You know, I should have taken care
16 of all that, but it was just easier to put the web
17 page I had on there. The -- the whole issue with the
18 four hand was we've never done it and we didn't list
19 another person because there is no other person.

20 When YaYa got a call from the police
21 as it turns out for a Four Hand Massage, you know, she
22 wanted to make money. I mean we're very -- we're --
23 we --

24 MS. XIAO: He don't have job right now.

1 MR. ECKERT: Yeah. So she -- she agreed to do
2 it. She called a friend, Bella, and they've been
3 friends for a long time. Bella -- we knew Bella was
4 going to school for massage therapy, but we didn't
5 know, you know, any more about it and YaYa assumed
6 that she had her massage license so she called her in.

7 She came in because of this police
8 Four Hand Massage thing and she helped out YaYa do the
9 massage. She had never been there before. She's
10 never been inside the place before.

11 So, you know, this isn't some kind of
12 a -- of a -- none of this was done knowingly or with
13 intent. I mean we're just trying to -- to make a mom
14 and pop business work.

15 MS. XIAO: I will not do the four hand with the
16 spa open. I not do it because I don't have a girl
17 working there. It's the police. They -- they caught
18 me before. They know. I'm not say yes. Bella is not
19 working there before.

20 MR. ECKERT: Yeah. She is not an employee.
21 You know, she's just a friend who was going to help
22 out so we could --

23 MS. XIAO: Like the spa. I do all the time in
24 the spa because I need to take care of him because

1 he's home cannot move and so the police know I even
2 need to send my baby to home. She got --

3 MR. ECKERT: That was when she left the first
4 officer there because she had to pick up our daughter
5 and --

6 MS. XIAO: You know, we open, yes, but you and
7 me I don't have time to work it in. I only take
8 appointment. Sometime I even -- I cannot do
9 appointment if -- like if the police come in, I can't
10 do it because it's -- it's 5:15 and 6:00 I need to
11 pick up Polly (phonetic).

12 If I hire girl working there, I have
13 to make time so much and my friend Bella she is 45. I
14 mean 55. How she can working for me. They don't
15 believe me, but that's okay.

16 MR. ECKERT: The police did not believe her
17 that Bella did not work there.

18 MS. XIAO: Even this guy in police I cannot
19 remember him. Some -- one police asked if Bella open
20 the light because they tried to ask us questions.
21 Bella even don't know where the light is to open. You
22 know, my room. The light. She even don't know where
23 is open the light. If he is right there, he knows.

24 CHAIRPERSON HART: And thank you for your

1 words. It's clear what you are allowed to do and not
2 allowed to do as a massage therapist and that there
3 are parts of the body that you may not touch and if
4 you do not have a massage therapy license, you may not
5 perform massages per our ordinance.

6 So I'm going to deny the license and
7 my cause for denial in Sections 114.43, Section 2 is
8 there is an offense -- an offense -- excuse me --
9 involving sexual misconduct which constitutes a
10 felony, misdemeanor or ordinance violation and in this
11 instance it's an ordinance violation.

12 Item C is the applicant for or holder
13 of a license has knowingly made a false, misleading or
14 fraudulent statement of fact in a license application
15 or in any document required by the County in
16 connection with this subchapter.

17 Section G. The massage establishment
18 would not comply with all applicable laws, including
19 but not limited to the County's building zoning and
20 health regulations and with this chapter, and
21 Section I, the massage establishment or any employee
22 of the massage establishment has not complied with the
23 provisions of this chapter. So the license
24 application is denied.

1 MR. BROWN: And just so everyone is clear that
2 the recommendation of the Chair is that the license be
3 denied, that this -- this shall be submitted to the
4 County Board and I think we had spoke before the
5 meeting about -- about you being responsible for
6 the -- for the transcript.

7 There's also -- just so you're
8 aware -- and I just want this to be a part of the
9 transcript -- that in addition to that that -- that
10 the State's Attorney's Office, which I'm a part of,
11 shall be authorized to obtain an injunction against
12 the operation of any massage establishment or call --
13 or callout massage service being operated in violation
14 of any provision of this chapter.

15 An injunction is a legal means by
16 which if you're doing something without a license,
17 the -- the courts can intervene and stop that. So I
18 just want to let you know that -- that -- that that is
19 also a possibility if, again, operating without a
20 license continues.

21 CHAIRPERSON HART: What County Board meeting
22 would this occur in? In March I would assume.

23 MR. BROWN: Yes. This was -- did not make the
24 agenda for this meeting --

1 CHAIRPERSON HART: Tomorrow.

2 MR. BROWN: -- because we A, did not -- the
3 agenda went out before this document and also a
4 transcript needs to be prepared, which takes a little
5 time.

6 So that would be the March -- this
7 would be submitted to the -- by -- by yourself to the
8 March County Board meeting with both the transcript
9 and the exhibits for the Board's review.

10 CHAIRPERSON HART: Okay. Thank you.

11 I don't have anything further. So
12 this hearing is adjourned. Thank you.

13 (Whereupon, the hearing was
14 adjourned at 10:36 a.m.)

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1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF LAKE)
4

5 I, Susan R. Pilar, Certified Shorthand
6 Reporter for the State of Illinois, do hereby certify
7 that the foregoing was reported by stenographic and
8 mechanical means, which matter was held on the date,
9 February 10, 2020, and at the time and place set out
10 on the title page hereof and that the foregoing
11 constitutes a true and accurate transcript of same.

12 I further certify that I am not related to any
13 of the parties, and I have no financial interest in
14 the outcome of this matter.
15
16
17

18 

19 Susan R. Pilar, CSR
20 License No. 084-003432
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