

MEMORANDUM

Date: February 11, 2020

To: Lake County Board

From: Chair Sandy Hart

Cc: Jing Xiao and Paul Eckert, [REDACTED]

Re: In the matter of Chinese Home Massage for a Massage Therapy Business License, Applicants Jing Xiao and Paul Eckert

On February 10, 2020, after due notice to the parties, a hearing was held under Chapter 114 of the Lake County Code regarding the issuance of a Lake County Massage Therapy Business license to Paul Eckert and Jing Xiao. (hereafter “applicants”). Their proposed business is Chinese Home Massage. The hearing was held under Section 114.09 with a court reporter present making a record of the proceeding. The applicants were made aware that they were responsible for paying for the record which will be presented to the Lake County Board. The applicants as well as Deputy Lake County Sheriff Kyle Brasewicz provided sworn testimony and several exhibits marked 1-6 were made part of the record. The hearing was presided over by Chair Hart in her capacity under Chapter 114 as License Officer for Massage Therapy Business licenses.

Pursuant to Section 114.08 and 114.09, Chair Hart recommends to the Lake County Board that the license application for Chinese Home Massage be denied. This denial is based on evidence of multiple violations of Section 114.43 of the Lake County Ordinances by the applicants noted below:

- **114.43(C). The applicants have knowingly made false or misleading statements in the license application.**

In their application and under oath, the applicants stated that Chinese Home Massage has only one employee, Jing Xiao. Testimony was heard, and exhibits were entered into the record which show the company advertised for, and performed massages with, two persons massaging the patrons with payments being accepted for these “four hand” massages. Additionally, advertising documents entered into the record showed that Chinese Home Massage advertised that Yaya, and a “mystery girl” were available for massage services.

- **114.43(G) The massage establishment did not comply with all applicable laws including but not limited to the County’s Planning Building and Zoning regulations.**

Testimony was elicited that two undercover officers received massages on February 4, 2020. Planning, Building and Zoning did not issue its final approval for the site until February 7, 2020, and under oath the applicant Paul Eckert admitted the same.

- **114.43(I). An offense involving sexual misconduct constituting an ordinance violation was found.**

Testimony was presented, and documents received into the record, which showed that the buttocks of two undercover officers were repeatedly touched by the two massage therapists at Chinese Home Massage. This touching constitutes a violation of the prohibitions in 114.20(K) of the Code which

provides that certain areas should not be touched in a massage. These prohibited areas of touching include the buttocks, because 114.21 of the Code defines “genital area” to include the buttocks.

- **114.43 (I) The massage establishment or any employee of the massage establishment has not complied with provisions of this Chapter.**

Specifically, Section 114.03 requires that any massage establishment in unincorporated Lake County must obtain a license to operate. No such license has been issued to Chinese Home Massage. Evidence was entered into the record via photograph which showed that Chinese Home Massage currently has two illuminated neon open signs, a large MASSAGE sign, as well as a scrolling advertisement with hours of operation. These neon signs were on at night and clearly visible in the photos. Evidence was also entered into the record that Chinese Home Massage currently advertises itself on the internet as presently operating. This internet ad submitted into evidence included hours of operation, maps of their location, and contact numbers to schedule appointments. The advertisement also listed the massage services offered, prices, and indicated that the massage would be performed by Yaya and a “mystery girl.” The applicants under oath admitted to operating Chinese Home Massage without a Lake County license. Further, Lake County Sheriff’s Detectives were able to make massage appointments on February 4, 2020. Detective Brasewicz testified, and several police reports were entered into the record, which demonstrated that two officers received massages on February 4, 2020 at Chinese Home Massage before any local license was issued. During these sessions, some violations of 114.20 (K) and (E) were noted, including the massaging of buttocks, and uncovered genitalia, but none of these practices rose to the level of criminal prostitution. Evidence, however, was introduced that a masseur told an officer it was allowed for him to “touch himself” during the process. The undercover detectives paid for “four hand” massages, and which require two persons to perform. The masseuses noted to the police on February 4, 2020 that Chinese Home Massage had been operating for several months. One of those performing the massages did not have a state license and was ticketed for this violation of state law. The applicants were ticketed for a violation of Chapter 114 of the Lake County Code for operating a massage business without a license in violation of Section 114.03. The applicants admitted under oath to performing the massages and stated, despite their application, they did not know a license was required to perform massage in Lake County. The applicants are experienced in the massage therapy industry, and from this experience, it can be inferred that they are aware, or should have been aware, of state and local regulations that pertain to this industry.

Wherefore and for the forgoing reasons, and after an open hearing where all parties were able to present testimony and evidence, the License Officer, Chair Hart, does hereby recommend to the full Lake County Board that the license application for Chinese Home Massage be denied and submits to the Board a record of this proceeding for its examination, consideration and vote.