



**CITY OF REDMOND
HEARING EXAMINER
MINUTES**

July 20, 2015

Redmond City Council Chambers
15670 NE 85th Street, Redmond
4 p.m.

Hearing Examiner

Sharon Rice, Offices of Sharon Rice,
Hearing Examiner, PLLC

Staff

Deborah Farris, Code Enforcement Officer
Larry Mitchell, Prosecutor
Cheryl Xanthos, Deputy City Clerk

Convened: 4:00 p.m.

Adjourned: 5:49 p.m.

I. CALL TO ORDER

Hearing Examiner Sharon Rice convened the hearing at 4 p.m.

II. DESCRIPTION OF HEARING SEQUENCE AND PROCEDURES

Ms. Rice introduced the matter under consideration, noted that the Appellant has been provided with a Mandarin Interpreter, and administered the swearing in of the interpreter.

The following staff and appellant representatives introduced themselves for the record:

Deborah Farris, Code Enforcement Officer, City of Redmond
Larry Mitchell, Prosecutor, City of Redmond
Ginger Wong, Certified Mandarin Interpreter
Yongjiang Guo, Appellant

III. APPEAL HEARING

A. SUNSHINE FOOT SPA APPEAL

CV-2015-01(BL) Appeal of a business license revocation

Location: 16720 Redmond Way Suite C, Redmond, WA 98052

Mr. Larry Mitchell, City of Redmond Prosecutor, provided a brief overview of the matter and decision being appealed:

- Site visits conducted by Ms. Deborah Farris, Code Enforcement Officer, and Redmond Police Officer AnneMarie Fein found employees working at the Sunshine Foot Spa who did not have licenses to perform massage or reflexology services.
- Deficiencies were brought to the attention of Mr. Yongjiang Guo, owner of the Sunshine Foot Spa, and he was informed that the employees needed to be licensed by the State of Washington Department of Health (DOH). Anyone not licensed must cease providing services immediately.
- Reflexology licenses are relatively new and employees must be certified by the State DOH by March 2, 2015. Subsequent visits did not show that any of the employees obtained licenses for reflexology.
- An investigator for the State DOH also found no reflexology licenses.
- Mr. Mike Bailey, City of Redmond Finance Director, issued a letter to Mr. Guo stating that the business license for the Sunshine Foot Spa was revoked due to his failure to comply with licensing requirements, and informed Mr. Guo regarding his right to a hearing to contest the revocation.
- Mr. Jerome Jin, City of Redmond Program Administrator, is fluent in Mandarin and interpreted for Mr. Guo at the site visits.

Ms. Rice reviewed the sequence of the hearing for the day, explained the proceedings, and reminded the attendees that the proceedings were being recorded. Ms. Rice administered the swearing in of all those in attendance testifying on these matters.

The following exhibits and attachments were submitted by the City of Redmond. Ms. Rice entered the City's Staff Report Exhibits and Attachments into the record:

- EXHIBIT A: Staff Report
- EXHIBIT B: City of Redmond Notice and Order dated January 29, 2015 –personally served
- EXHIBIT C: Declaration of Service for Notice and Order dated January 29, 2015
- EXHIBIT D: Letter of Revocation and Denial of Issuance (Renewal) dated June 29, 2015 – personally served and sent certified return receipt requested
- EXHIBIT E: Declaration of Service for Letter of Revocation and Denial of Issuance (Renewal) –certified mail
- EXHIBIT F: Declaration of Service for Letter of Revocation and Denial of Issuance (Renewal) –personally served
- EXHIBIT G: Copy USPS Forms 3811 & 3800
- EXHIBIT H: Certified Mail Signed Delivery Receipt for Letter of Revocation
- EXHIBIT I: Redmond Police Report –Case Number 15-009557
- EXHIBIT J: Redmond Police Report –Case Number 15-010725
- EXHIBIT K: Redmond Police Report –Incident Report Number 15-010725
- EXHIBIT L: Photo of Bachoa Chen taken June 8, 2015
- EXHIBIT M: Photo of Feng Zhang taken June 8, 2015
- EXHIBIT N: Appointment Book Page dated May 18, 2015
- EXHIBIT O: Photo of Displayed Licenses taken Jun 8, 2015
- EXHIBIT P: WA State Massage Practitioner's License –Yukun (Helen) Mao (MA60489597)

EXHIBIT Q: WA State Massage Practitioner’s License –Hui Hong Gu (MA60475773)
EXHIBIT R: WA State Massage Practitioner’s License –Hai Yuan (William) Wang (MA60383816)
EXHIBIT S: WA State Massage Practitioner’s Application - Wang –Photo
EXHIBIT T: Sunshine Foot Spa – City of Redmond Expired Business License - September 18, 2009 (RED00052498)
EXHIBIT U: Sunshine Foot Spa City of Redmond Business License Application for Renewal/Change of Address January 27, 2015 (App#52498)
EXHIBIT V: WA State Massage Practitioner’s License –Yu Fang Cui (MA60293310) (Received by the City of Redmond on July 10, 2015)
EXHIBIT W: Witness Subpoenas
EXHIBIT X: Department of Health Investigation Report –Case #2015-419 MA
EXHIBIT Y: Department of Health Investigation Report –Case #2015-5367(MA) UL

CODE CITATIONS

Attachment I: Redmond Municipal Code (RMC) Chapter 5.05.020(A) & (B)
“Additional business license requirement for public massage or reflexology establishment.”
Attachment II: RMC Chapter 5.04.140(1) & (5)
“Criteria for denial, suspension or revocation of license.”
Attachment III: RMC Chapter 5.04.150
“Request for hearing.”
Attachment IV: Revised Code of Washington (RCW) Chapter 18.108.030
“Licensure or certification required.”
Attachment V: RCW Chapter 18.108.190
“Inspection of premises by law enforcement personnel.”
Attachment VI: RCW Chapter 18.108.045
“Display of license or certification.

APPELLANT TESTIMONY:

Mr. Yongjiang Guo, Owner of Sunshine Foot Spa, provided the following testimony:

- The Sunshine Foot Spa opened in November 2009. At that time, providing a foot massage did not require a license.
- He found out that licenses are required for reflexology on January 29, 2015, and advertised in the newspaper and online to find employees with a license to provide foot massages.
- No one with a reflexology license has applied for work.
- The City informed him that everyone must have Washington licenses by March 17, 2015.
- Prior to the end of May, he found three people with massage licenses, and is still making an effort to find more employees.
- There is more demand than people with licenses, and he currently has four employees with massage licenses.
- He would like the City to issue the business license so his business can continue.

Mr. Mitchell questioned Mr. Guo regarding the visits from Ms. Farris; employing non-licensed individuals; displaying massage licenses at the business; renewing the business license; communicating effectively with Mr. Jin; certification requirements; providing licenses to the City; and specific employees providing massage and/or reflexology services.

Mr. Guo submitted massage licenses for four of his employees into the record. Ms. Rice identified them as Exhibit 1.

Mr. Guo stated that the four employees with the licenses are the only ones providing massage and/or reflexology at his business.

CITY TESTIMONY:

Mr. Larry Mitchell, City of Redmond Prosecutor, questioned the following witnesses:

- Mr. Jin spoke regarding visiting the Sunshine Foot Spa with Ms. Farris and providing interpretation.
- Ms. Farris spoke regarding her investigation of the licensing of Mr. Guo's employees; informing Mr. Guo of the licensing requirements; layout of the business; reflexology certificates; and specific employee job functions.
- Lt. Fein spoke regarding the site visit and contact with patrons and employees.
- Mr. Mike Lamb, Washington State Department of Health Investigator, spoke regarding his site visit and contact with patrons and employees; and his investigation report.

APPELLANT TESTIMONY:

Mr. Guo provided rebuttal testimony stating that during the June 8, 2015, inspection, two customers were receiving services, and no one else was working.

CONCLUSION:

The City and Appellant provided closing statements.

Ms. Rice stated that she will issue a recommendation to the City Council on the Sunshine Foot Spa Appeal within 15 business days following the close of the record.

IV. ADJOURNMENT

The appeal hearing closed at 5:49 p.m., and the meeting adjourned.