

Six Massage Parlors in City are Suspected of Illicit Activity

Two Prostitution Arrests were Made in South Pas

by Marina Khubesrian, M.D.

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Local governments across the state have been negatively impacted as a result of the unintended consequences of SB 731 (Oropeza, 2008) dealing with the voluntary certification of massage professionals.

While this law was created with the stated aim of reducing prostitution in massage parlors, it is clear, now that in practice, it is not working, and has in fact had the opposite effect.

The law replaced existing local regulations with a voluntary certification process by an independent, non-profit organization made up of people largely from the massage industry called the California Massage Therapy Council, or CAMTC, modeled after those that certify tax preparers and interior decorators.

All other professions involving health related services and direct physical contact with customers are regulated by boards and commissions within the Department of Consumer Affairs, or DCA, a state agency. SB 731 was further amended (AB 619, 2011) to take away the ability of local jurisdictions to apply any regulation to massage establishments unless the regulation was uniformly applied to all other professional services like doctors, lawyers, dentists, accountants.

In effect, what SB 731 has done is create a large regulatory vacuum resulting in the proliferation of massage parlors that are being used by criminals as fronts for prostitution and human trafficking in key commercial corridors and business districts of cities creating a threat to public health and safety, a drain on our public safety resources, and blight in our neighborhoods. Fortunately, for the scores of California cities that have seen a sharp increase in the number of these illegitimate massage parlors since 2009, the law was written with a sunset provision and 2014 is the year SB 731's sunset review is taking place. This review process began on March 10, 2014 with a Joint Oversight Hearing with the Senate Business, Professions and Economic Development Committee and Assembly Business, Professions and Consumer Protection Committee. I attended this hearing in Sacramento and testified about the impact SB 731 has had on South Pasadena joining scores of officials from other cities, including Los Angeles, San Francisco, Huntington Beach, Thousand Oaks, Torrance, Fontana, Simi Valley, Sacramento and more working with the League of California Cities to get this law to sunset and return regulation of massage businesses to local governments.

Here are some facts:

- 1) Since 2009, the number of massage parlors in South Pasadena has increased from 7 to 19, and at least 6 of these are suspected of illicit activity.
- 2) Undercover decoy operations in 2012 resulted in prostitution arrests at two massage establishments. These sting operations cost \$20,000 to conduct and the business license revocation hearings cost several thousands of dollars in attorney's fees and staff time. The persons arrested were both CAMTC certified massage therapists.
- 3) Even if the arrests resulted in convictions, which is rarely the case in these matters, the business owners would not be responsible under current laws. The owners claimed to have no knowledge that prostitution was occurring and the City could merely suspend their business licenses for a few days since the laws is unclear about who is regulating the businesses.
- 4) CAMTC has issued 50,000 massage therapy certificates since 2009, and averages about 4,000 new

ones per month. Only 100 of these have been revoked since 2009. Since these certificates are voluntary, a massage therapist can continue to work even after revocation.

5) Businesses adjacent to illicit massage parlors suffer from the blight created and lose customers who stay away because of them. Landlords also suffer in the long run as the blight created by these illicit establishments nearby drive down their property values and scare away potential good tenants.

6) Residents tell us that they feel increasingly anxious and apprehensive with these massage establishments near schools and in their business districts and have demanded that City officials act expeditiously to reclaim their quality of life and neighborhoods and address the public health and safety risks posed by these establishments.

7) There is a large complex of massage industry franchises, inc. Massage Envy, that, along with the CAMTC members, continue to lobby for extension of the Sunset of SB 731 to prevent cities from regulating massage businesses through land use and permitting, which have historically and effectively been used by cities to regulate businesses.

We are therefore seeking four major changes in the new sunset review legislation, AB 2739:

1) California Massage Therapy Council (CAMTC) as a nonprofit should be eliminated in favor of a Board or Commission under the Department of Consumer Affairs;

2) Owners of massage businesses need to be held accountable for what goes on in their establishments;

3) The League is requesting local governments be allowed to apply reasonable regulations to massage businesses; and

4) Local governments need to recoup the costs of protecting the public. Because of the way the statute is written, the committee should clarify that local governments can charge fees for the costs of enforcement.

Additional information about the implementation of SB 731, problems since enactment, and the League's priorities for new regulations, are available at www.cacities.org/massage.

- Sub-Headline : Two Prostitution Arrests were Made in South Pas