

## **Massage Parlor Business License Requirements:**

- Addresses for the past five years
- Proof of age
- Business history for the last five years
- Listing of criminal convictions
- Height, weight, color of eyes and hair
- Three passport size photos of applicant
- Five year business, occupation, employment history of applicant
- If a corporation, submit info in Articles of Incorporation
- Names/addresses of employees
- Copy of lease (if leasing)
- Must have someone acting as manager of establishment
- All massage technicians must have a license and be 18 years old
- Site requirement – no locked rooms or cubicles
- Recognized sign to identify establishment
- Minimum lighting and ventilation
- Cleanliness
  - Disinfecting and sterilizing equipment
  - Hot/cold water
  - Separate closets for clean and soiled linen
  - All physical facilities clean
- Different sex changing rooms
- Bathing/clothing/toilet facilities
- Wash basin for employees
- No recording/video taping equipment at facility

## **BACKGROUND INVESTIGATION**

To submit a request for a background investigation/criminal history check, please submit the following to the License unit at the below address:

1. A copy of the business license application and all supporting data that is provided.
2. A Personal Information sheet for each person associated with the business.
3. A brief request memo from the city requesting the background check on the person/s and or business.

Provide the applicant with two copies of the Live Scan Request form for each person to be fingerprinted. The applicant may go to any of the live scan vendor locations authorized by the Department of Justice. The applicant must pay a "rolling fee" as indicated on the vendor list plus the DOJ fee (currently \$32) at the time the live scan process is completed. Appointments are generally required. After the live scan process is completed the applicant is asked to send a copy of the receipt to the investigator for follow up purposes.

Mel Cunningham  
Investigator  
Major Crimes Bureau-License Unit  
Los Angeles County Sheriff's Department  
11515 S. Colima Road Room C111  
Whittier, CA 90604  
Telephone: 562-946-7192 or 661-799-5171  
Fax: 323-415-4703

License Applicant:

You are applying for a business license that requires a check for/of any criminal history that you have. This must be accomplished through the submission of fingerprints to the State of California Department of Justice. The Department of Justice charges a fee for this process. There is also a "Rolling Fee" charged by the organization that takes and submits the fingerprints. This rolling fee varies by the vendor. Both fees are collected at the time of fingerprinting.

This process is accomplished through a process called "Live Scan." There are several locations that the Live Scan process can be initiated. In most cases this process is very rapid as the fingerprints are electronically transferred to Sacramento for comparison. There are several locations throughout California including private vendors and law enforcement sites. A list of local vendors is available at the Business License office. You may also access the Department of Justice web site at <http://caag.state.ca.us/fingerprints/index.htm> to locate additional locations.

**Most locations require that you have an appointment so call first.**

**Valid Photo ID is required at the time of fingerprinting.**

You have been provided with a Request For Live Scan service form. At the top of the form enter the type of business license followed by the city name. Example: "Massage Technician-West Hollywood". Please complete the applicant information section located in the center of the form. Your complete name must be entered. Any additional names used such as maiden and/or previous married names must be listed.

After completing the process you will be given a copy of the form as a receipt. Please make a copy of this receipt and send it to the investigator at the address below for follow-up purposes.

Please note that the requirement for the submission of fingerprints is not complete until the record response is received by the requesting agency. Occasionally, the transmitted fingerprints are not useable and reprinting becomes necessary. This is very rare but should it occur the applicant must be reprinted.

**Photographs** are also required for this application. Two passport size photographs must be submitted to the Sheriff's Department. You may obtain them and forward them to the address above with the copy of the Live Scan receipt or submit them with your application.

**Note: If you are applying for a secondhand dealer license please contact the investigator BEFORE being fingerprinted to avoid duplication of this process.**

Investigator

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Major Crimes Bureau-License Unit  
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<b>COUNTY</b>	<b>LOCATION</b>	<b>HOURS</b>	<b>ROLLING FEE</b>
Los Angeles	Citrus Community College District 1000 West Foothill Blvd Glendora, CA 92174-1899 (626) 583-8830 1-877-477-4688 (Phone lines are open 24-hours for scheduling appointments)	Mon – Fri 9:00am – 8:00 pm Sat 9:00am – 4:00 pm (Apt. or Walk-ins) Cash, Checks, Money Orders & Visa or Mastercard Accepted	approx. \$15
	City of Burbank Dept. of Parks and Recreation 1111 West Olive Ave Burbank, CA 91506 (818) 238-5340	Mon – Fri 9:00am – 12:30 pm 4:00pm – 6:30 pm (Appt. Only) Cash Only Accepted	approx \$20
	Culver City Police Department 4040 Duquesne Ave Culver City, CA 90232 (310) 253-6110	Mon – Tues 8:00am – 6:30 pm Wed 8:00 am – 3:30 pm Thurs – Fri 11:00 am – 6:00 pm (Appt. Only) Cash & Visa or Mastercard Accepted	approx \$20
	El Camino College 16007 South Crenshaw Blvd Torrance, CA 90506 (310) 660-614	Tues & Thurs 9:00 am – 8:00 pm (By appt only) Sat 9:00 am – 2:45 pm Cash and Checks	approx \$15

**ORDINANCE NO. 648**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMITA,  
CALIFORNIA ADDING CHAPTER 8, "MASSAGE," TO TITLE VI, "BUSINESSES,  
PROFESSIONS AND TRADES," OF THE LOMITA MUNICIPAL CODE**

**ARTICLE I. MASSAGE ESTABLISHMENTS**

6-8.02 Definitions As used in this chapter:

"City Administrator" means the city administrator of the City of Lomita or his or her designees.

"Completed Application" means an application packet which contains the verified fingerprints of the applicant.

"Massage Establishment" means any premises where massage or massage services are given.

"Massage" and "Massage Services" mean and shall include any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, with or without supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations. "Massage" and "Massage Services" shall further include any bath, formentations, massage, electric or magnetic treatments, acupressure, shiatsu, alcohol rubs, and Russian, Swedish or Turkish baths.

6-8.04 License—Required. Every person conducting or managing a Massage Establishment, or any other place where formentations, massage, electric or magnetic treatment acupressure, shiatsu, alcohol rubs, and Russian, Swedish or Turkish baths are administered or given, or any school of massage which performs any such activity for any member of the public for any form of consideration or gratuity, shall first procure a license for each of such places pay a nonrefundable annual license fee in an amount established by Resolution of the City Council. This requirement does not apply to any location licensed as a health club, provided only one massage table is used at such location and provided such use is incidental to the operation of the health club.

6-8.06 Employee reporting requirement. The holder of a license required by Section 6-8.04 shall notify the City Administrator in writing, of the name and address of each person employed as an acupressurist, masseuse, masseur, massage technician, and/or manager as defined in Section 6-8.50 within five (5) business days of that person being employed.

6-8.08 Exceptions to chapter applicability. This Chapter does not apply to any treatment administered in good faith in the course of the practice of any healing art personally by any person licensed to practice any such art or profession under the provisions of the Business and Professions Code of the state of California or any other statute of this state.

6-8.10 Application for massage establishment license.

- A. The Completed Application shall set forth the exact nature of the massage, bath or health treatments to be administered, the proposed place of business and facilities

therefore, and the name and address of the applicant. The applicant shall also furnish the following information:

1. The previous address of applicant, if any, for a period of five years immediately prior to the date of the application and the dates of residence at each;
2. Written proof that the applicant is at least eighteen years of age;
3. The history of the applicant as to the operation of any massage establishment or similar business or occupation within five years immediately preceding the filing of the application. Such information shall include, but shall not be limited to, a statement as to whether or not such person, in previously operating a massage establishment within this state under a license, has had such license revoked or suspended and the reasons therefore, and the business, activity or occupation the license applicant engaged in subsequent to such revocation or suspension;
4. All criminal convictions or offenses described in Section 6-8.52, whether the applicant is required to register under the provisions of California Penal Code section 290, whether the applicant, including a corporation or partnership, or a former employer of the applicant while so employed, or a building in which the applicant was so employed or a business conducted, was ever subjected to an abatement proceeding under California Penal Code sections 11225 through 11235, or California Health and Safety Code sections 11750, *et seq.*, or any similar provisions of law in a jurisdiction or outside of the state;
5. Applicant's height, weight, color of eyes and hair;
6. Three prints of a recent passport-size photograph of applicant;
7. Business, occupation, or employment history of the applicant for the five (5) years immediately preceding the date of the application;
8. If the applicant is a corporation shall be set forth exactly as shown in its articles of incorporation, together with the names and residence addresses of each of its officers, directors, and each stockholder holding more than five percent of the stock of the corporation, along with the amount of stock held. If the applicant is a partnership, the application shall set forth the name and residence addresses of each of the partners, including limited partners. If one or more of the partners is a corporation, the provisions of this Section pertaining to a corporate applicant shall apply;

9. The names and residence addresses of all persons currently employed or intended to be employed in the Massage Establishment, including the names and addresses of any person licensed pursuant to Section 6-8.54 along with the proposed or actual nature of the work performed or to be performed, and recent passport-sized photographs, suitable for the City Administrator to process the application of each such employee. The City Administrator shall require such employees to furnish fingerprints for the purpose of establishing identification. Any applicant or licensee shall notify the City in writing of the names, addresses, and nature of the work, if any new employees, within five days of such employment, and supply the photographs described in this subsection. Such new employees shall allow fingerprints to be taken for the purpose of identification upon request. "Employee" includes every owner, partner, manager, supervisor, and worker, whether paid or not who renders personal services of any nature in the operation of a massage establishment;
  10. Such other information as may reasonably be deemed necessary by the City Administrator;
  11. If the applicant is not the property owner of the location proposed for the Massage Establishment, the applicant shall submit a copy of the lease of the applicant seeking a massage establishment license;
  12. A statement in writing by the applicant that he or she certifies under penalty of perjury that the foregoing information contained in the application is true and correct, said statement being duly dated;
  13. Authorization for the City, its employees and agents to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.
- B. Notwithstanding the fact that an application filed hereunder may be a public record under Government Code sections 6250 *et seq.*, certain portions of such application contain information vital to the effective administration and enforcement of the licensing scheme established herein which is personal, private, confidential, or the disclosure of which could expose the applicant to a risk of harm. Such information includes, but is not limited to, the applicant's residence address and telephone number, the applicant's date of birth and/or age, the applicant's driver's license and/or social security number, and/or personal financial data. The City Council in adopting the application and licensing system set forth herein had determined in accordance with Government Code section 6255 that the public interest in disclosure of the information set forth above is outweighed by the public interest in achieving compliance with this chapter by ensuring that the applicant's privacy, confidentiality, or security interests are protected. The City Administrator shall cause to be obliterated from any copy of a

completed license application made available to any member of the public, the information set forth above.

- C. If, during the term of a license, any of the information submitted on the original or renewal application changes, the applicant shall notify the City Administrator of such change within ten (10) business days thereafter, in writing.

6-8.12 Manager – Required. All establishments licensed under this Section shall at all times the establishment is open have a responsible person acting as manager on the premises. The manager must be familiar with the requirements of this chapter and be capable of communicating the provisions of this chapter to employees and patrons of the establishment.

6-8.14 Approval or denial of massage establishment license and massage establishment license renewals.

- A. Within sixty (60) working days following receipt of a Completed Application, the City Administrator shall either issue the license or mail a written statement of the reasons for denial.

- B. The City Administrator shall deny a license to the license applicant where any of the following conditions exist:

1. The applicant has made one or more material misstatements in the application for a license or renewal of license; or,
2. The applicant, if an individual, or the stockholders holding more than five percent of the stock of the corporation; the officers and directors and each of them if the applicant be a corporation, or the partners, including limited partners, and each of them, if the applicant be a partnership; and the manager or other person principally in charge of the operation of the business; or any such technicians, is a person who has engaged in disqualifying conduct, as described in Section 6-8.52; or,
3. The Massage Establishment, as proposed by the license applicant, if permitted, would not comply or has not complied with all the applicable laws, including, but not limited, to, all the city's building, fire, zoning, and health regulations; or
4. The applicant is lacking in the background and qualifications to conduct a bona fide Massage Establishment; or,
5. Any persons to be employed by applicant are persons who have engaged in disqualifying conduct as described in Section 6-8.52; or,
6. The applicant has violated any provision of this Chapter, or any similar ordinance, law, rule, or regulation of any other public agency which regulates the operation of massage establishments, or
7. The applicant is less than eighteen years of age.

- C. In no event shall the decision to grant or deny the license be based on information authorized or required to be kept confidential pursuant to Welfare and Institutions Code sections 600 to 900.
- D. Denials of license renewals may be appealed by filing a request for appeal with the City Clerk within fifteen (15) days after the denial. After a timely request for appeal has been filed, a hearing will be held pursuant to Section 6-8.76.

6-8.16 Vested Rights. No license granted herein shall confer any vested right to any person or business for more than the license period. All massage operators, managers and technicians subject to this Chapter shall comply with the provisions of this Chapter as they may be amended hereafter.

6-8.18 Employment of unlicensed massage technicians prohibited. A licensee or person required by this Article to obtain a license shall not hire or employ a massage technician unless such massage technician possesses a valid license required by this Article.

6-8.20 Facilities prerequisite to license issuance. A license shall not be issued pursuant to this Article unless an inspection reveals that the establishment complies with each of the following minimum requirements of this Article.

6-8.22 Site requirement. No Massage or Massage Services shall be given in a business or premises licensed pursuant to this Article, or in an establishment providing acupuncture, shiatsu, body wrap or the like within any cubicle, room, booth, or other area which is fitted with a door capable of being locked. The premises' exterior doors and the doors separating the waiting or reception area from the remainder of the premises shall remain unlocked during the business hours (including electronic locking devices).

6-8.24 Signs A recognizable and readable sign shall be posted at the main entrance, identifying the establishment. Such signs shall comply with all requirements of this Code. Each service offered, the price thereof, and the minimum length of time such service shall be performed shall be posted in a conspicuous public location in each massage establishment. No services shall be performed and no sums shall be charged for such services other than those posted. All arrangements for services to be performed shall be made in a room in the Massage Establishment which is not used for administration of massages, baths, or health treatments, unless no other room exists in the establishment. No massage technician shall, after the commencement of any service for any patron, advise, suggest or otherwise indicate to such patron desires any additional service to be performed. No massage technician shall perform any service for any patron which was not ordered by such patron prior to the commencement of performance of any service rendered.

6-8.26 Building code requirements

- A. Minimum lighting shall be provided in accordance with the Building Code.
- B. Minimum ventilation shall be provided in accordance with the Business Code.

6-8.28 Cleanliness.

- A. Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.
- B. Hot and cold running water shall be provided at all times.
- C. Separate closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen," and "Soiled Linen."
- D. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities, shall be clean and in good repair.

6-8.30 Separate rooms for customers – When required. In any establishment in which Massage Services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single separate room; or the operators of the Massage Establishment may elect to place such persons of the same sex in separate enclosed rooms or booths having such adequate ventilation to an area outside said room or booth while Massage Services are being performed.

6-8.32 Bathing, dressing and toilet facilities. Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and washbasin, shall be provided in every Massage Establishment; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, separate massage room or rooms, separate dressing and separate toilet facilities shall be provided for male and female patrons.

6-8.34 Washbasins for employees. A minimum of one separate washbasin shall be provided in each Massage Establishment for the use of employees of any such establishment, which basin shall provide soap or detergent, and hot and cold running water at all times, and shall be located within or as close as practicable to the area devoted to the performing of Massage Services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.

6-8.36 Hours of operation. The licensee shall not conduct or operate a Massage Establishment between the hours of ten p.m. (10:00 p.m.) and seven a.m. (7:00 a.m.) of any day, and shall exclude all customers, patrons and visitors therefrom between those hours.

6-8.38 Recording of activities prohibited. No building or part thereof where Massage or Massage Services are being conducted shall be equipped with any electronic, videotaping, for monitoring the activities, conversation, or other sounds in the treatment room or room used by customers.

6-8.40 Maintenance of premises and equipment.

- A. All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition.
- B. Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day

the business is in operation. Bath tubs shall be thoroughly cleaned after each use.

- C. Clean and sanitary towels and linens shall be provided for each patron of the Establishment or each patron receiving Massage Services. No common use of towels or linens shall be permitted.
- D. Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. Foam pads more than four inches thick or more than four feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage
- E. Display of Licenses. The owner or operator of a Massage Establishment shall display the massage establishment license and the license of each and every massage technician employed in the establishment in an open and conspicuous place on the premises. Passport-size photographs of the licensed shall be affixed to the respective license on display pursuant to this Section.

6-8.42 Persons using alcohol or drugs – prohibited. A person shall not enter, be or remain in any part of a Massage Establishment or premises licensed as such while in the possession of, consuming or using any alcoholic beverage or drugs. The licensee, manager, and every supervising employee, shall not permit any such person to enter or remain upon such premises.

6-8.44 Business name. No person licensed to operate a Massage Establishment shall operate under any name or conduct business under any designation not specified in the license.

6-8.46 Business location change. Upon a change of location of a Massage Establishment, an application shall be made to the City Administrator, and such application shall be granted, provided all applicable provisions of this Chapter are complied with, and a change of location fee in an amount established by City Council Resolution to defray the costs of investigation and report has been paid to the City.

6-8.48 Sale or transfer of massage establishment interest. A sale or transfer of any interest in a Massage Establishment, which interest would be reported as required in this Chapter upon application for a massage establishment license, shall be reported as required in this Chapter upon application for a massage establishment license, shall be reported to the City Administrator within ten (10) days of such sale or transfer. The City Administrator shall investigate any person receiving any interest in a Massage Establishment as a result of such sale or transfer, and if such person satisfies the requirements relating to massage establishment license applicants, the existing license shall be endorsed to include such establishment license applicants, the existing license shall be endorsed to include such person. A fee as set by Resolution of the City Council shall be paid to the City for the investigation by the City Administrator necessitated by each such sale and transfer.

## ARTICLE II. MASSAGE TECHNICIANS

### 6-8.50 Massage technician defined.

- A. As used in this Chapter, “Massage Technician” means any person, male or female, who administers to any person, for any form of consideration or gratuity, a “Massage” or “Massage Services: as defined in Section 6-81.02 of this chapter. A Massage Technician includes a student at school of massage who administers a Massage or Massage Services to any person who pays for or gives a gratuity for such, whether type payment or gratuity is to such student or to the school.
- B. As used in this Article, “Recognized School” means any school or institution of learning, which school or institution of learning has been approved pursuant to the Department of Consumer Affairs Bureau for private postsecondary and vocational education of the state of California, and which has for its purpose the teaching of the theory, method, profession, practice or work of a massage technician.

### 6-8.52 Disqualifying conduct defined. As used in Article II, “Disqualifying Conduct” means any of the following:

- A. Within five (5) years of the date of filing of the application in question or, in the case of revocation or suspension proceedings, within five (5) years of the date of notice of hearing pursuant to Section 6-8.76, has been convicted in a court of competent jurisdiction of:
  - 1. Any crime specified in Government Code section 51032, or
  - 2. Any misdemeanor or felony offense which relates directly to the operation of a Massage Establishment, whether as a Massage Establishment owner, operator, Massage Technician, or employee thereof; or
- B. Within five (5) years of the date of the filing of the application in question or any time after the filing of the application, or in the case of revocation or suspension proceedings, within five years of the date of notice of revocation or suspension hearing or any time thereafter, has had any Massage Establishment, operator, massage practitioner/technician, or trainee license or permit issued by the state, or any county<sup>6</sup> or city revoked; or
- C. Within five (5) years immediately of the date of the filing of the application or any time after the filing of the application, or in the case of revocation or suspension proceedings, within five years of the date of notice of revocation or suspension hearing or any time thereafter, whichever is applicable, has been convicted in a court of competent jurisdiction of:
  - 1. Any violation of California Penal Code sections 266(h), 266(l), 315, 316, 318, or Section 647(a), (b), or
  - 2. Conspiracy or attempt to commit any such offense, or
  - 3. Any offense in a jurisdiction outside the state which is the equivalent of any of the aforesaid offenses, or

4. Any felony offense involving the sale of a controlled substance specified in California Health and Safety Code sections 11054, 11055, 11056, 11057, or 11058, or
  5. Has been found guilty of or pleaded nolo contendere to any lesser-included offense of the above or,
  6. Has been found guilty of or pleaded nolo contendere to any crime specified in Government Code section 51032; or
- D. Is required to register under the provisions of California Penal Code section 290; or
- E. Has been subjected to a permanent injunction against the conducting or maintaining of a nuisance pursuant to California Penal Code sections 11225 through 11235, and/or Health and Safety Code sections 11570, et seq., or any similar provisions of law in a jurisdiction outside the state.

6-8.54 License—Required. Every Massage Technician shall first procure a license and pay a nonrefundable license fee in an amount established by Resolution of the City Council. No license granted herein shall confer any vested right to any person or business for more than the license period. All massage operators, managers and technicians subject to this Chapter shall comply with the provisions of this Chapter as they may be amended hereafter.

6-8.56 License Renewal. Licenses must be renewed yearly. Any Massage Technician applying for a renewed license and who has less than 500 hours of education and/or does not have a certification from the National Certification Board For Therapeutic Massage and Bodywork, shall have two (2) years from the date a license is set for renewal to complete the training and credentialing requirements. Denials of license renewals may be appealed by filing a request for appeal with the City Clerk within fifteen (15) days after the mailing of the notice. After a timely request for appeal has been filed, a hearing will be held pursuant to Section 6-8.80.

6-8.58 Exceptions—Applicability. This Article does not apply to any treatment administered in good faith in the course of the practice of any healing art personally by any person licensed to practice any such art or profession under the provisions of the Business and Professions Code of the state of California or any other statute of this state.

6-8.60 License—Information required in application. An application, in a form available from the office of the City Administrator, shall include, but shall not be limited to, the information as follows:

- A. The two previous residential addresses, if any, immediately prior to the present address of the applicant;
- B. Written proof that the applicant is at least eighteen (18) years of age;
- C. Applicant's height, weight, color of eyes and hair;

D. Three (3) portrait photographs at least two inches by two inches taken within the last six (6) months;

E. Business, occupation or employment of the applicant for the three years immediately preceding the date of the application;

F. The license history of the applicant, whether the applicant has had a license for any business or similar activity issued by this or any other county, by any city, or by the state revoked or suspended, the reason therefore, and the business activity or occupation subsequent to such denial, renewal, suspension or revocation;

G. All convictions, except for minor traffic violations, and the reasons therefore;

H. A certificate from a medical doctor stating that the applicant has, within thirty days immediately prior thereto, been examined and found to be free of any contagious or communicable disease;

I. Such other identification and information necessary to discover the truth of the matters hereinabove specified as required to be set in the application;

J. Nothing contained herein shall be construed to deny the city's law enforcement agency the right to take fingerprints and additional photographs of the applicant, nor shall anything contained herein be construed to deny the right of such law enforcement agency to confirm the height and weight of the applicant.

K. If, during the term of the license, any of the information submitted on the original or renewal application changes, the applicant shall notify the City Administrator of such change within ten (10) business days thereafter, in writing.

#### 6-8.62 License – Applicant qualification – Verification

A. The applicant shall:

1. Furnish with his/her application a diploma or certificate of graduation from a Recognized School wherein the method, profession and work of a Massage Technician is taught, showing that the applicant has completed at least 500 hours of education; or

2. Furnish with his/her application a diploma or certificate from a school outside of the state of California which substantially complies with the educational requirements of this state; and

3. Cause a current certification for the National Certification Board For Therapeutic Massage and Bodywork to be mailed directly to the City.

B. Any department which has as one of its duties the investigation of this licensed activity or enforcement of this Chapter shall have the right to verify for authenticity the information supplied under this Section.

6-8.64 Review of application. Within sixty (60) working days following the receipt of a Completed Application, the City Administrator or his or her designees shall review each completed application for a massage technician license and shall

make a determination to approve or deny said application in accordance with this Chapter.

6-8.66 Temporary conditional license. If review of a Completed Application exceeds the “sixty working day period”, a temporary conditional license shall be issued which shall expire thirty (30) days after issuance, or sooner in the event the application review discloses a ground for denial. The City Administrator may extend such temporary permit should review of the application necessitate further time. If review of the Completed Application does not disclose a ground for denial, a license will be issued.

6-8.68 Denial of license. The City Administrator or designee may deny a massage technician license to the applicant if:

- A. The applicant has failed to complete the application form and/or process; or
- B. The applicant made a material misstatement in the application or application process for a license, or
- C. The applicant is a person who has engaged in disqualifying conduct as defined in Section 6-8.52, or
- D. The applicant has violated any provision of this chapter or of any similar ordinance, law, rule or regulation of another public agency which regulates the operation of massage technicians, or
- E. The applicant has failed to meet the training or experience requirements described in Section 6-8.60(1).

6-8.70 License Limitations. No Massage Technician licensed pursuant to this Chapter may perform any Massage or Massage services in any location in the City of Lomita other than that location specified on the license.

6-8.72 License Transferability. The license may be transferred so that the technician may work from another or additional massage establishment upon notification to the City Administrator, or designee, and payment of a fee therefore, established by resolution within ten (10) business days from such transfer.

6-8.74 Clothing – Required. No Massage or Massage Services may be administered unless the patron’s genitals are covered, and if the patron is a female, also the breasts. The Massage Technician shall at all times while on the premises of the establishment, be clean, and wear nontransparent outer garments covering the body from knee to neck.

6-8.76 Issued identification – Required. All Massage Technicians must wear a picture I.D. issued by the City Administrator while working in a Massage Establishment.

6-8.78 Massage establishment license suspension or revocation

- A. After an investigation, notice and hearing, any license issued for a Massage Establishment may be revoked or suspended by the City Administrator where any of the following is found:

1. The licensee and/or agent has violated any provision of this Chapter; or
2. The licensee and/or agent is a person who has engaged in disqualifying conduct as described in Section 6-8.52; or
3. The licensee and/or agent has failed to comply with one or more of the facilities and operations requirements of Article I; or
4. The licensee and/or agent has engaged in fraud, misrepresentation, or false statement in conducting the Massage Establishment; or
5. The licensee and/or agent has continued to operate the Massage Establishment after the license has been suspended; or
6. The licensee and/or agent has allowed a person to work as a Massage Technician who:
  - a. Does not have a valid license, or
  - b. Has engaged in conduct or has been convicted of an offense described in Section 6-8.52 when the licensee has actual or constructive knowledge of such conduct or conviction.

6-8.78 Massage technician license revocation or suspension. After an investigation, notice and hearing, any massage technician license may be revoked or suspended by the City Administrator where it is found that:

- A. The licensee has violated any provision of this chapter; or
- B. The licensee is a person who has engaged in Disqualifying Conduct as described in Section 6-8.52; or
- C. The licensee has continued to function as a Massage Technician after the license has been suspended; or
- D. The licensee has failed to comply with the requirements of Section 6-8.54; or
- E. The licensee has made a material misstatement in the application for a license.

6-8.80 Hearing or revocation or suspension of massage establishment license or massage technician license.

A. Upon determining that grounds for revocation or suspension exist, as set forth in Sections 6-8.80, the City Administrator shall furnish written notice of the proposed revocation or suspension to the licensee. For purposes of this Section and this Section only, "Licensee" shall include a person holding a Massage Establishment License or a Massage Technician License. Such notice shall summarize the principle reasons for the proposed revocation or suspension, shall state that the Licensee may request a hearing within fifteen (15) days of the postmarked date on the notice, and shall be delivered both by mailing the notice to the location of the Massage Establishment by sending the notice by certified mail, postage prepaid, and first-class mail, addressed to the Licensee as that name and address appear on the license. Within fifteen (15) days after the mailing or posting

of the notice, the Licensee may file a request for hearing with the City Administrator. If the request for a hearing is filed within fifteen days of the mailing or posting of the notice referred to herein, the City Administrator shall send the request to the hearing officer and the hearing shall be provided.

B. The hearing officer shall be an attorney licensed to practice law within the State of California. Hearing officers are appointed by the City Administrator and serve for one (1) year. After one (1) year, another individual shall be appointed by the City Administrator and that individual shall serve for one (1) year. Each year the City Administrator shall appoint a hearing officer who will serve for one (1) year. Each year the City Administrator shall appoint a hearing officer shall appoint a hearing officer who will serve for one (1) year. After serving for one (1) year, a hearing officer shall not be eligible for appointment within five (5) years of service as hearing officer.

C. Upon timely receipt of a written request for a hearing, a hearing officer shall conduct a hearing. The hearing officer shall conduct a hearing within forty-five (45) days of the filing of such request by the licensee. Notice of time and place of the hearing shall be given to the licensee by mailing the notice to the location of the Massage Establishment via certified mail, postage prepaid, and first-class mail, at least fifteen (15) days in advance of the date set for the hearing. At the hearing, the licensee and the City shall be entitled to present relevant evidence, testify under oath, and call witnesses who shall testify under oath. The hearing officer shall not be bound by the statutory rules of evidence in the hearing, except that hearsay evidence may not be the sole basis for the determination. The burden of proof shall be on the City in an appeal from the revocation or suspension of a license.

D. At the conclusion of the hearing, the hearing officer shall have five days to decide whether the grounds for revocation or suspension exist and shall submit a written report to the City Administrator. Such written report shall contain a brief summary of the evidence considered and shall state findings, conclusions and directives to the City Administrator regarding whether the license is to be revoked or suspended. If the hearing officer determines that any grounds for revocation or suspension exist, as provided in Sections 6-8.76 and/or 6.8.78 of this Chapter, the City Administrator (based upon the report of the hearing officer, or if no hearing was required by the licensee, based upon the report of City staff), shall immediately revoke or suspend the appropriate license(s). A copy of such report shall be delivered both by mailing the report to the location of the massage establishment by sending the report certified mail, postage prepaid, and first-class mail, addressed to the licensee as that name and address appear on the license. This report shall be forwarded to the licensee on the day it is filed with the City Administrator.

E. Within five (5) days after the hearing officer's decision on the appeal, the City Administrator shall deliver both by mailing the written notice of decision to the location of the Massage Establishment by sending the written notice certified mail, postage prepaid, and first-class mail, addressed to the licensee as that name and address appear on the license. The notice of decision shall be substantially in a form requested.

