



# CITY OF LODI

# COUNCIL COMMUNICATION

**AGENDA TITLE:** Set public hearing for an appeal to the Lodi City Council under Lodi Municipal Code Section 5.32.120 by Frances Elkins, owner of Lakewood Health Spa, of the Order of the Chief of Police revoking her massage business license under Lodi Municipal Code Section 5.32.110.

**MEETING DATE:** August 19, 1992

**PREPARED BY:** City Attorney

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**RECOMMENDED ACTION:** Rut the Lodi City Council set September 16, 1992 as the hearing date for the matter of Prances Elkins, DBA Lakewood Health Spa, on the Order of the Chief of Police revoking her massage business license under Lodi Municipal Section 5.32.110.

**BACKGROUND:** This date is preferred by the appellant. who has agreed to waive time limits for a prompt hearing, pursuant to the letter of her attorney, Roy Edwards (attached).

**FUNDING:** None required.

Respectfully submitted,

Bob McNatt  
City Attorney

BM/vc

attachment

cc: Lodi Police Dept., Attention: Detective Matt Foster

APPROVED \_\_\_\_\_

PDMASG.9/TXTA.01V

THOMASA PETERSON  
City Manager



STEWART C. ADAMS, JR  
HERBERT E HORSTMANN  
ROY D. EDWARDS

Law Offices Of  
**ADAMS. HORSTMANN & EDWARDS**  
Professional Corporation  
111 WEST PINE STREET  
LODI, CALIFORNIA 95240

TELEPHONES  
AREA CODE 209  
333-1414  
FROM STOCKTON: 478-5358

August 3, 1992

-

AUG 04 1992  
City Attorney's Office

RECEIVED  
AUG 4 AM 10:21  
JESSE H. REIMCHE  
CITY CLERK  
CITY OF LODI

W

Alice Reimche  
CITY OF LODI  
221 West Pine Street  
Lodi, CA. 95240

Re: LAKEWOOD HEALTH SPA  
License Revocation

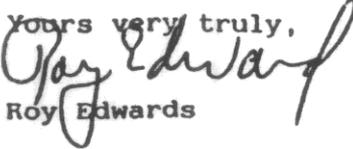
Dear Ms. Reimche:

In regards to the license revocation of Lakewood Health Spa. I would request that the matter be set for a hearing. I would suggest that that date for the hearing be set at the August 19, 1992 Council meeting, with a possible hearing date at the second Council meeting in September.

My client, Prances Elkins, agrees to waive time for a prompt hearing.

Your consideration of this matter is appreciated.

Yours very truly,

  
Roy Edwards

Re/df

DECLARATION OF MAILING

On August 21, 1992 in the City of Lodi, San Joaquin County, California. I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a copy of the Notice attached hereto, marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

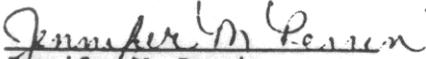
There is a regular daily communication by mail between the city of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 21, 1992, at Lodi, California.

---

Alice M. Reimche  
City Clerk

  
Jennifer M. Perrin  
Deputy City Clerk



# CITY OF LODI

CARNEGIE FORUM  
305 West Pine Street, Lodi

## NOTICE OF PUBLIC HEARING

Date: September 16, 1992

Time: 7:30 p.m.

For information regarding this Public Hearing  
Please Contact:

Alice M. Reimche  
City Clerk

Telephone: 333-6702

### NOTICE OF PUBLIC HEARING

September 16, 1992

NOTICE IS HEREBY GIVEN that on Wednesday, at the hour of 7:30 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing to consider the following matter:

- a) to consider an appeal to the Lodi city Council under Lodi Municipal Code Section 5.32.120 by Frances Blkins, owner of Lakewood Health Spa, 1301 West Lockeford Street, Lodi, by order of the Chief of Police revoking her massage business license under Lodi Municipal Code section 5.32.110.

All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street. at or prior to the Public Hearing.

By Order Of the Lodi City Council:

Alice M. Reimche  
City Clerk

Dated: August 19, 1992

Approved as to form:

Bobby W. McNatt  
city Attorney

**MESSAGE PARLOR LICENSE  
MAILING LIST  
EXHIBIT B**

**Floyd Williams  
Chief of Police**

**Bob McNatt  
City Attorney**

**Frances Elkins  
1381 West Lockeford Street  
Lodi, CA 95240**

CITY OF LODI  
MEMORANDUM FROM THE OFFICE OF THE CITY ATTORNEY  
=====

To: FILE  
From: Bob McNatt, City Attorney  
Date: July 30, 1992  
Subject: MESSAGE BUSINESS LICENSE REVOCATION LAKEWOOD HEALTH SPA  
=====

RECEIVED  
CITY OF LODI  
JUL 31 1992

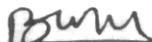
On July 29, 1992 at 5:00 p.m., I spoke with Roy Edwards, attorney for Frances Elkins, owner of the Lakewood Health Spa regarding the appeal of the Order by Chief of Police Floyd Williams revoking her business license.

I pointed out that his July 27, 1992 request that the matter be set for hearing on August 5, 1992 was not possible for at least a couple of reasons. First, the Agenda for the August 5 meeting had already been prepared. Second, I pointed out to him that under the provision of the Municipal Code covering business license revocations, it was necessary that the Council at its next regular meeting, set a future date for such hearing. I candidly pointed out to him that the time line laid out in Section 5.32.110 is not physically possible since it requires that the Council first act to set a meeting and then hear the matter all within 14 days of the receipt by the City of the appeal.

Mr. Edwards indicated he was willing to waive time for a prompt hearing in order that the criminal matter might be adjudicated first. He will be sending a letter to the Clerk asking that:

- A. The Council at its August 19, 1992 meeting set a date for the hearing, preferably for the second meeting in September.
- B. The City etay the Order of Revocation pending that outcome.

I told him that was fine with me but I could not guarantee that the Council would agree to continue the matter that far in advance.

  
\_\_\_\_\_  
BOB McNATT  
City Attorney

BM:vc

PDMASG.5/TXTA.01V

STEWART C. ADAMS, JR.  
HERBERT E. HORSTMANN  
ROY D. EDWARDS

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JUL 7 9 1992  
**City Attorney's Office**

TELEPHONES  
AREA CODE 209  
333-1414  
FROM STOCKTON: 478-5356

July 27. 1992

Bob McNatt, City Attorney  
CITY OF LODI  
221 West Pine Street  
Lodi, CA. 95240

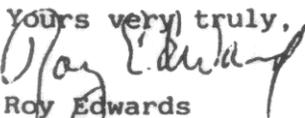
Re: REVOCATION OF LICENSE- LAKEWOOD HEALTH SPA

Dear Mr. McNatt:

Frances Elkins, the owner of Lakewood Health Spa, appeals the decision of Floyd Williams. revoking her business license.

I understand that appeal hearings involving the other license revocations are scheduled for August 5, 1992. My client would request the same date.

Yours very truly,

  
Roy Edwards

RE/df

cc Frances Elkins

Law Offices Of

STEWART C. ADAMS, JR.  
HERBERT E. HORSTMANN  
ROY D. EDWARDS

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August 3, 1992

RECEIVED  
CITY OF LODI  
AUG 11 1992

Alice Reimche  
CITY OF LODI  
221 West Pine Street  
Lodi, CA. 95240

Re: LAKEWOOD HEALTH SPA  
License Revocation

Dear Ms. Reimche:

In regards to the license revocation of Lakewood Health Spa, I would request that the matter be set for a hearing. I would suggest that that date for the hearing be set at the August 19, 1: 2 Council meeting, with a possible hearing date at the second Council meeting in September.

My client, Frances Elkins, agrees to waive time for a prompt hearing.

Your consideration of this matter is appreciated.

Yours very truly,

  
Roy Edwards  
Roy Edwards

Re/df