



**League of California Cities and California
 Police Chiefs Association
 AB1147 Implementation Survey
 March 21, 2016
 (Conducted March 1 – 10, 2016)**

Respondents: 160 total of 482 Cities (33% response)

City/Assistant City Managers, 13; Police Chiefs/Other Officers, 129 (39% out of 332 eligible); Planners/Community Development/Code Administrators 15; City Attorneys/Assistant City Attorneys, 2; and Other, 1.

1. Does your City have a local ordinance(s) regulating the location and activities of massage therapy businesses?

<u>Answer</u>	<u>Response</u>	<u>%</u>	<u>% All Cities</u>
Yes	127	79%	26%
No	33	21%	7%
Total	160	100%	33%

2. Does your City require massage therapy businesses to receive a business license from the City before operating?

<u>Answer</u>	<u>Response</u>	<u>%</u>	<u>% All Cities</u>
Yes	153	96%	32%
No	6	4%	1%
Total	159	100%	33%

3. Has your City updated/amended its massage therapy ordinance(s) since the passage of AB 1147?

<u>Answer</u>	<u>Response</u>	<u>%</u>	<u>% All Cities</u>
Yes	68	43%	14%
No	92	58%	19%
Total	160	100%	33%

4. Have you or a colleague with the City had any interaction with the California Massage Therapy Council since AB 1147 took effect on Jan. 1, 2015?

<u>Answer</u>	<u>Response</u>	<u>%</u>	<u>% All Cities</u>
Yes	60	38%	12%
No	100	63%	21%
Total	160	100%	33%

5. If you said YES to #4, (60/160 respondents of 482 cities), what was the nature of your contact?

<u>Answer</u>	<u>Response</u>	<u>%</u>
a) Requested help with updating the city's massage therapy ordinance(s):	19	32%
b) Requested general information about CAMTC's role and how to collaborate on combatting prostitution and other crimes:	26	44%
c) Received training on local options for addressing illicit massage businesses and therapists, including on how to collaborate effectively with CAMTC:	19	32%
d) Requested information about the certification status of a massage therapist or massage therapy business owner:	30	51%
e) Notified CAMTC of unprofessional conduct by a certificate holder in violation of AB 1147 such as engaging in sexual activity, practicing on a suspended certificate, sexually suggestive advertising related to massage services, etc.:	23	39%
f) Filed a complaint about the conduct of a massage therapist or school:	13	22%
g) Requested the immediate suspension of CAMTC certificate holder after their arrest for prostitution or any act prohibited by the Sex Offender Registration Act:	12	20%
H) Other (please specify below):	8	14%
<ul style="list-style-type: none"> • Ensure we are automatically notified on certifications and use their site when processing new business or operators • Discussed updates with Beverly May of CAMTC • Received an email/call from a CAMTC representative advising that they were available for questions • Assistant City Attorney is a CAMTC Board Member • CAMTC reached out to our Department and provided a presentation on how they could be of service to our City and enhance the way we regulate massage businesses • Introductory meeting • Attended session conducted by CAMTC on AB 1147 • Letter requested a meeting with the Police Chief and City Manager. 		

6. If you said YES to #4 (60/160 respondents of 482 cities) and your contact required a later reply, did CAMTC reply to you in a timely and professional way?

<u>Answer</u>	<u>Response</u>	<u>%</u>	<u>% All Cities</u>
Yes	45	76%	9%
No	7	12%	1%
Not Applicable	7	12%	1%
Total	59	100%	12%

7. If you said YES to #4 (60/160 respondents of 482 cities), please rate your overall experience with CAMTC?

<u>Answer</u>	<u>Response</u>	<u>%</u>	<u>% All Cities</u>
Excellent	17	29%	4%
Good	29	49%	6%
Fair	8	14%	2%
Poor	5	8%	1%
Total	59	100%	12%

8. If you were disappointed in your contact with CAMTC, how could it be improved in the future?

<u>Answer</u>	<u>Response</u>	<u>%</u>	<u>% All Cities</u>
a) Provide more useful information	9	50%	2%
b) More prompt action on local complaints	10	56%	2%
c) Place a higher priority on prostitution and human trafficking related activities.	12	67%	3%
d) Other (please specify below)	1	6%	.02%
• Notify our agency of the status of complaints.			

9. Is there anything else you would like the League of California Cities and California Police Chiefs Association to know about your city's experience with CAMTC?

- a) There is still a need for education with potential operators that are somewhat confused as to the multitude of changes that have occurred in this area over less than a decade of time.
- b) In general, the individuals we have been able to speak to have been helpful. What is frustrating is the number of times there is a lack of response to an email or phone message. 1) We have been sending information to CAMTC consistently since our new ordinance went into effect. We can see that individuals we are reporting on are "UNDER INVESTIGATION" but have yet to see a license affected. 2) When making inquiries about individuals associated with local massage businesses who are listed on the CAMTC website as "denied" massage therapist permits, we have not gotten responsive answers. The circumstances under which permits were denied might have some bearing on our investigation into the business. This information would be helpful. 3) The association and history page is a good idea, but it doesn't provide dates - information that would be meaningful to us in our investigation of individuals associated with massage businesses. Also persons who are known associates would be helpful, if that were possible. 4) We have noticed on several massage therapist permits that the home address is actually the business address of a massage establishment. CAMTC needs to find a way to vet out home addresses for legitimacy.
- c) The inspections to make sure that the Massage Business is in compliance is being completed by my Investigations Bureau and we created a check sheet to make sure we are being consistent with our inspections and following the new law.
- d) CAMTC was responsive to our needs and provided essential materials, research documents, and training materials for my updated ordinance.
- e) CAMTC is an outstanding organization. We treat them as the experts in this field, and rely heavily on their experience.
- f) CAMTC should provide better follow-up in keeping cities informed of what happens to matters that are referred to them.
- g) Please do not change the law again. It has taken us a year and we are finally starting to get ahead of the curve on these businesses. They launder cash, encourage prostitution, solicit human trafficking and bring no end of problems on good massage establishments and legitimate business centers. CAMTC is a joke. They have "licensed therapists" with prior prostitution convictions. No one needs their massage therapist to wear 3 inch high heels, short skirts and lingerie and keep condoms on the window sill in order to get a good massage. I would urge the League to take a strong stance that supports the current local control and recognizes the tremendous cost to local agencies who want to ensure these illicit activities are not commonplace in their jurisdiction. Do not return control to CAMTC unless you want increase human trafficking and prostitution.
- h) Our Vice Unit attended a CAMTC meeting in which the representatives promised cooperation with local police departments. Our VICE unit conducted an operation in which a massage therapist solicited the UC for sexual favors for money and was arrested. We sent this case to CAMTC and it took about a month to receive a response. The response was to keep CAMTC apprised of the case status. We did so and the "therapist" was offered "pre-trial" diversion and she accepted. CAMTC advised us that they would not

suspend her license because she did not plead guilty to prostitution. We were told nothing further could be done. About 5 months after the incident we received an affidavit to sign from CAMTC and were told her license was going to be suspended.

- i) Our city has seen a huge increase in the number of massage businesses. Many of these businesses "sprung up" (no pun intended) during the time of lax oversight by the state. Our City is now faced with creating new Code (and an inspection process) to gain control of this out-of-control problem. April 5th, City staff will be presenting options for new local laws to the City Council--after they contemplate, I expect a much more control oriented and regulatory set of laws to keep these establishments legitimate.
- j) Our contact with CAMTC has been positive overall.
- k) We will be working on implementing an ordinance to regulate massage therapy businesses in the next year.
- l) In the past they approved people from obviously false schools in the LA area. We have shared the false school information with them when it is discovered.
- m) We have an existing ordinance that regulates activities, but not locations. The City is working on a post AB 1147 ordinance.
- n) Our city required a Conditional Use Permit with very strong conditions placed on the business.
- o) Our experience with CAMTC was very positive. They were responsive to our request for information related to AB1147 and also willing to provide training in a timely fashion.
- p) The members of CAMTC were incredibly responsive to our requests. They scheduled a time to come to the Police Department and provided very valuable information that we have utilized in our approach to massage businesses.
- q) It seems there is no connection between the CAMTC and the police. We have made between 50-100 arrests of CAMTC permitted massage therapists in the past 6 months. The only time we interact with the CAMTC on these matters is when their investigators ask us for copies of reports. There is no method or means by which to notify the CAMTC of arrests. In addition, since the CAMTC is not a LE Agency there is some hesitation on our department's part to provide police reports to non-LEA even though we are covered by the B&P code to do so. There needs to be a method of notification of violations and arrests and method for obtaining copies of reports. The current method has us emailing an investigator and providing the investigator emailed copies of reports if requested.
- r) I have had a positive experience when dealing with CAMTC. My issue is the validity of the license. I have several therapists in town who are certified but I question how valid their license is. I believe that several people with licenses have somehow obtained one without attending a school.
- s) Provide filing a complaint online through the CAMTC website for violations.
- t) Based on the presentation provided to our Department by Mr. Ahmos Netanel and Mr. Rick McElroy of CAMTC, we felt our city will benefit in working together with CAMTC. We are currently organizing a meeting with CAMTC to explore a potential change in our local ordinance.
- u) Although I greatly enjoy the convenience of using the CAMTC website for Verifying Certification Statuses, I think a crucial missing component is the convenient ability for law officers to share questionable information about practitioners by either 'flagging' individuals or alerting our municipal counterparts about the presence of beneficial background information.
- v) We have an ordinance that prohibits this type of business from operating in the City.
- w) We have made prostitution cases on certificate holders and notified CAMTC that day. The earliest turn around has been 6 months and the average has been over a year. Calls by investigators are not returned in a timely manner.
- x) I have contacted the CAMTC several times over the last five years. We have been involved with the licensing of new businesses. I have always found CAMTC, especially Sheryl LaFlamme to very helpful. I have contacted her in regards to an investigation of a massage business that we received information was allowing prostitution. An undercover investigation did not reveal anything illegal going on at the business.

- y) I have no experience. We are in the process of looking at an ordinance but it would be largely ineffective without enforcement. We currently have 22 parlors advertising illegal massages through social media and web sites however we have no vice unit to do investigations or compliance checks. As we formulate a plan to enact an ordinance, there are several legitimate massage parlors that oppose the CAMTC guidelines as they say the training is far too long and expensive.
- z) We still have questionable massage parlors operating in our community that were established after the enactment of SB 731, usurping our local regulatory control. AB 1147 has been a step in the right direction, but the proliferation has already occurred and we have limited resources to correct the problem that SB 731 created. We could use some of the CAMTC licensing revenue or State financial assistance to help enforce at the local level what is happening in our communities due to SB 731.
- aa) I would like them to offer some type of training courses or seminars for local agencies.
- bb) I have frequent email contacts with a member of the CAMTC when I file complaints on license holders. The CAMTC quickly gets back to me with affidavits for my detectives to sign. The problem is that to date I have never received any feedback on the results of the complaints we have filed. The communication is essentially a one-way street from our agency to the CAMTC.
- cc) It would be extremely helpful to have a Law Enforcement contact.
- dd) My impression is that they have a biased narrow perspective and do not understand the difficulty in regulating massage businesses.
- ee) Prior to the passage of AB1147, CAMTC was reluctant to revoke or suspend masseuse certification without the prosecution of the offender. Since the District Attorney was recommending diversion for these forms of prostitution, CAMTC eventually agreed to review signed declarations. In most cases, after an extended period of time, they revoked the certificates of the masseuse. Since the passage of AB 1147, the City implemented a permitting process for massage establishments. The permitting process has provided the City with reasonable options for addressing the illegal activities of massage establishments.
- ff) Beverly May at CAMTC (Director of Governmental Affairs) has been wonderful to work with. She was very responsive and helpful. She attended our city council meeting when I introduced a new massage ordinance. Her comments and help responding to questions were very appreciated.
- gg) The meeting has yet to be scheduled. Contact with CAMTC has been limited overall.