

Council upholds denial of spa license

By Joanne Maliszewski
staff writer

Tokyo Oriental Health Spa in Farmington Hills will remain closed. For the second time in less than three months, Un Cha Shin — also owner of a Southfield spa raided in December — has been denied a license under the city's massage regulation ordinance to operate her health spa at 23841 Orchard Lake Road.

In a repeat performance Monday, Farmington Hills City Council upheld city clerk Joan Reynolds' Feb. 4 denial of Shin's 1987 license request.

The council's 6-1 vote Monday mirrored an earlier vote in November — the first test of the city's massage ordinance — when the spa operator's 1986 license request was denied. As in the earlier vote, councilwoman Joan Dudley opposed license denial.

In November, Shin filed suit in U.S. District Court in Detroit, claiming the city's ordinance is unconstitutional. The suit was filed against the seven-member city council, Reynolds and Police Chief William Dryer.

Shin's attorney, Milton Spokojoy, refused comment after Monday's special hearing. City attorneys Paul Bibea and Derek Beckerleg said the constitutional suit is continuing and that more than likely, Spokojoy will amend the complaint to include the latest license denial.

THE SPECIAL hearing Monday was scheduled on U.S. District Judge Barbara Hackett's order Jan. 28. She ordered the city to consider Shin's request for a 1987 license. Hackett three times has denied Shin's request for a temporary restraining order allowing her to reopen her business.

"Factually, not a great deal has changed," said Beckerleg, at the hearing's start.

The only change is the December police raid on Shin's Southfield business, Shogun Oriental Health Spa, 23100 Telegraph, he said. Two female employees have since pleaded not guilty to accosting and soliciting charges.

"That goes to somewhat corroborate the council's last decision (to deny Shin a license)," Beckerleg said, referring to the Southfield raid. But from the start, Spokojoy charged that a fair hearing before the Farmington Hills City Council would be impossible.

"In my own heart, I don't think I can get a fair hearing before this body," he said.

Spokojoy told council members that none of the responses in Reynolds' two-page denial letter showed Shin violates provisions of the city's massage regulation ordinance. Reasons for the denial "have no validity, no basis in fact," he added.

REYNOLDS' LETTER details the city's reasons for denying Shin's license request. The letter addresses the conviction of three of Shin's Tokyo spa employees on prostitution-related charges and refers to the Southfield spa raid. Also listed as a denial reason is the former prostitution-related charges brought against Shin when she operated a health spa in Waterford. Shin was never convicted on the charges.

Shin is awaiting trial in 47th District Court in Farmington on a misdemeanor charge of permitting residential use in a business district. The city claims Shin allowed Tokyo Oriental Health Spa employees to live in the spa.

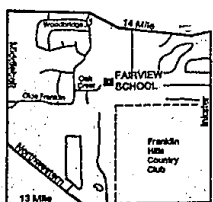
School forum site changed

The meeting place for the Tuesday, Feb. 17, meeting of the Farmington Board of Education has been changed, due to a large group of parents expected to attend.

The meeting will begin at 7:30 p.m. at the Fairview Early Childhood Center, 28500 Oak Crest Court, Farmington Hills.

The school is inside the Olde Franklin Towne subdivision, east of Middlebelt, north of Northwestern Highway.

On the agenda that evening will be recommendations from the district's early childhood task force, whose members are expected to discuss the option of moving kindergartens from elementary schools to the district's early childhood centers.



Fairview Early Childhood Center

"The character, reputation and moral integrity of Ms. Un Cha Shin as the operator of the Tokyo Health Spa in the past and as proposed is inimical to the public health, safety, morals and general welfare..." according to the letter.

Other reasons given for denial include Shin's "deliberate falsifications" of her first license application and that the Southfield spa is operating without a license.

Spokojoy questioned each of the city's reasons for denial and challenged the council to find "a good reason" to deny the license.

CLAIMS THAT Shin falsified her 1986 application are irrelevant, Spokojoy said, because the request before the council is for a 1987 application.

Shin's first application was not deliberately falsified and an amended application was made though the council chose not to consider it at the November hearing. The federal judge told city officials their refusal to consider the amended application was improper, Spokojoy said.

"There is no indication that anything in the present application is a falsification," Spokojoy said.

Questioning other city claims, Spokojoy reminded the council that Shin has never been convicted of a crime and that her employees' convictions are not grounds for denying her a license. The ordinance, the attorney said, refers to such convictions "as grounds for revocation."

"How can you deny something that hasn't been issued?" Spokojoy asked. "There are no legal reasons in your ordinance for denial of this license."

Bibea reminded the council to consider Shin's "unusual situation" in Farmington Hills. The health spa was operating prior to ordinance enactment. "We would be right back here on a revocation hearing," Bibea said.

THE MESSAGE ordinance, Bibea said, covers license denials. To grant Shin a license, "just wouldn't be appropriate under the circumstances."

Beckerleg told the council that the federal judge's three denials of

Shin's request for a restraining order shows that the business should not receive a license.

"She (Judge Hackett) indicated more or less to us the city had acted properly," Beckerleg said, referring to the council's earlier license denial.

"Consider what the city clerk put in the letter and consider the history of Mrs. Shin," Beckerleg said, referring to the Southfield spa.

While the majority of the council remained convinced that Shin should not receive a license, Councilwoman Joan Dudley was uncertain.

"I have a dual reaction to this," Dudley said, adding that perhaps the ordinance should be re-examined because it "is not giving me grounds to deny this license."

Though disturbed by the conviction of Shin's employees, Dudley said she agreed with Spokojoy's interpretation of the ordinance.

"I have to agree that our ordinance does not address that as a basis for denial. That may be a fine line. But that's law."

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