

Judge rules massage law unconstitutional

By Leonard Poger
staff writer

A key section of Garden City's massage parlor ordinance has been declared unconstitutional by Wayne County Circuit Judge Patrick Duggan.

The judge dismissed an ordinance violation issued last year by the Garden City police department because a key section of the ordinance, adopted on Sept. 5, 1972, by the city council, illegally discriminated against women employees of massage parlors.

The ordinance prohibits woman employees from giving massages to male patrons, a prohibition which violates the federal and state constitutional provisions, Duggan said.

The ordinance violation was issued to Angel Morales, owner of Yo Ko Oriental Spa, on Ford west of Middlebelt.

Her defense attorney, John Spencer of Livonia, argued successfully in circuit court that the city ordinance is an unreasonable use of the city council's police powers.

The attorney disputed the claim of Richard Soranno, assistant city attorney, that massage parlors represent perceived immoral activities.

"The mere speculation of misconduct is not sufficient to prosecute or prohibit this activity," Spencer argued in his motion to Duggan to dismiss the city's complaint and warrant.

SORANNO SAID in his circuit court brief that the ordinance's objective "is to protect its citizenry from immoral, unhealthy, or illegal conduct."

Getting a massage should be handled in a businesslike fashion and both males and females would be more comfortable if attended by an employee of the same sex. If their purpose is to relax and be massaged," Soranno said.

Arguing the city's position on its police powers in adopting ordinances, Soranno said the legislation's intent "is to prohibit illicit, immoral, or criminal acts from taking place when a person receives a massage."

The attorney claimed that "it is more likely that persons of the opposite sex will engage in immoral or criminal behavior in the scenario of a massage parlor than persons of the same sex. Therefore, the ordinance in question has a reasonable objective in preventing immoral behavior."

BUT JUDGE Duggan disagreed, agreeing with the legal arguments presented by Spencer.

The attorney cited several other court rulings which supported Spencer's position that the ordinance violated the federal and state constitutional provisions of equal protection of the law and were an unreasonable exercise of the city's police powers. Duggan agreed.

Spencer also said that the ordinance is a violation of the 1976 Michigan civil rights law which, among other things, prohibits sex discrimination in employment.

Police Chief Charles Wilmoth, when asked how the circuit ruling would affect his department's enforcement of the ordinance, said he hadn't heard of the judge's decision.

The city council was notified of the court's ruling in a memo from City Attorney Ronald Mack.

MACK SAID in his memo wrote that his office is now reviewing the ordinance.

"The attorney recommended that the council not appeal Duggan's ruling because to do so would be too costly, in my judgment, based on the narrow interpretation of Section 122.15 (which prohibits women employees from giving massages to male customers)."

In a summary of the judge's opinion written by Soranno, the council was told that the judge said the ordinance "amounts to a 'separate-but-equal' concept that has been traditionally abrogated by all courts."

Hospital is saluted

The American Hospital Association (AHA) has commended Botsford General Hospital for its continuing efforts to control costs and increase productivity. The Farmington Hills facility was awarded the 1986-1987 HAS Certificate of Recognition for being an active member of HAS/MONITREND.

HAS/MONITREND is a comparative operational monitoring system offered by AHA's Hospital Administrative Services Division (HAS) that assists hospitals in reducing costs while maintaining the quality of their medical services.

"Using HAS/MONITREND to assess our operational performance helps us keep our costs in line with Medicare prices. Participating in this program puts us in a better position to provide high quality care to all patients as efficiently as possible," said Gerson Cooper, president.

Botsford has participated in HAS programs for six years. MONITREND data are used regularly to make management decisions for budgeting, staffing and service.

THE CIRCUIT court appeal was initiated after Garden City District Judge Richard Hammer convicted Morales.

While admitting that female employees gave massages to two men, Spencer's argument was based on the claimed unconstitutionality of the ordinance which in this case deprives a woman massage parlor employee of employment opportunities.

The two men were plain-clothed police officers.

police/fire calls

Listed below are some of the Farmington-area police and fire calls received during the past week.

● PASSENGER KILLED

A Farmington Hills man was killed early Saturday when the car in which he was a passenger left West Road, west of Union Lake Road, in Commerce Township and struck a tree.

Keith Boucher, 29, was dead at the scene. The accident occurred about 12:30 a.m., Oakland County Sheriff's Deputy Thomas Poulson said.

The driver, Mark Radawick, 29, of Livonia, was reported in serious condition Jan. 29 at Pontiac Osteopathic Hospital.

● WORKER BURNED

A janitorial service employee was burned while refueling a power washer in the bay area at Bob Saks Oldsmobile, 35300 Grand River, Jan. 25.

Gary Wayne, 23, of Dearborn, an employee of Rotunda Janitorial of Dearborn, was cleaning the bay floors shortly before 11 p.m. when his power washer ran out of gas. When Wayne tried to refuel it with a five-gallon can of gas, the still-hot engine ignited the gas, said Lt. Peter Baldwin of the Farmington Hills Fire Department.

Wayne was treated at Botsford General Hospital, Farmington Hills, for second-degree burns to the arm, head, abdomen and fingers. The front end of a car parked in the bay area was scorched in the fire. A mechanic used a portable extinguisher to douse the flames, Baldwin said.

● ATTEMPTED ROBBERY

A man tried to rob a clerk at the Kentucky Fried Chicken, 20740 Farmington, about 3:30 p.m. Jan. 25, according to a Farmington Department of Public Safety report.

A patron who ordered food returned 10 minutes later, leaned over the counter and asked an employee for money from the register. When the employee alerted the manager, the would-be thief left. No money was obtained. No weapon was seen or implied, according to the report.

● GUARD INJURED

A security guard at Dimension's 30855 Orchard Lake, sustained a hand injury while trying to detain a shoplifter Jan. 26, according to a Farmington Hills police report.

A woman allegedly had concealed a black dress in her purse at about 4:50 p.m. When the guard tried to detain the woman at the front door, a struggle developed and the woman allegedly bit two of the guard's fingers. The woman then left in a car with two companions. The dress was recovered, according to the police report.

The guard was treated at Henry Ford Hospital, West Bloomfield Township.

● CONDO FIRE

About \$500 in damage was caused when a heating and cooling contractor installing an air-conditioning unit accidentally ignited the exterior wall of one of the units at the Country Ridge Condominiums, 30899 Crest Forest, about noon Jan. 24.

The fire was extinguished before firefighters arrived, said Lt. Peter Baldwin of the Farmington Hills Fire Department.

● GREASE FIRE

Grease ignited on a stove unit in the kitchen at Wendy's Old-Fashioned Hamburgers, 24140 Orchard Lake, Jan. 24.

An employee used a portable extinguisher to douse the flames. The em-

ployee's quick actions "averted what might have been a large loss," said Lt. Peter Baldwin of the Farmington Hills Fire Department.

● CHIMNEY FIRE

Farmington Department of Public Safety officers closed the wood burner and draft to snuff an ember on fire in the chimney of a house at 31710 Lamar about 8 a.m. Jan. 28.

● THEFTS REPORTED

Some of the thefts reported to area police agencies:

Cash was reported stolen from the First Baptist Church, 33400 Shilawasse, Jan. 23-24.

Cash was reported stolen from a house on Stamen Circle Jan. 23-25. A video recorder valued at \$350 was reported stolen from a house on St. Mary Jan. 26.

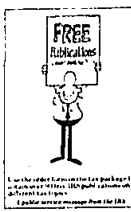
Four fire extinguishers valued at \$320 were reported stolen from the Red Roof Inn, 24300 Sinacola Court, Jan. 18-26.

Cigarettes and liquor valued at \$175 were reported stolen from the Farm-

ington Hills Country Club, 27700 Hagerly, Jan. 24-27.

Tools valued at \$1,000 were reported stolen from a house on Tredwell Jan. 24.

Four cast aluminum wheels and four steel-belted tires were reported stolen from a 1986 XR-7 Cougar parked at Bob Dussau Inc., 31625 Grand River, Jan. 24-27.



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