

Health spa law sought as massage solution

By Tim Smith
staff writer

Southfield officials hope a new city ordinance that strictly regulates health spas and massage parlors will discourage such businesses from becoming fronts for prostitution.

The ordinance became effective Dec. 22, 11 days after five women were arrested on charges of accosting and soliciting following the raids of two Southfield Oriental health spas located near each other on Telegraph Road.

Those women, Chae Sun Carrey, Myong Teak Castillo, Sun OK Clary, Yong Hui Dean and Yong So Killey, were arraigned Dec. 29 in 46th District Court and await a Feb. 6 pretrial examination.

The new ordinance calls for the rigorous licensing of both the businesses themselves and spa employees. It is patterned after ordinances in other cities, primarily one in Farmington Hills.

POLICE CHIEF Ronald Fasbinder, who under the ordinance has authority to recommend to the city council that it grant or deny business or employment licenses regarding health spas, said that the ordinance ensures that "you're getting certified people (working in the spas) and a

qualified investigation (of the business) before it opens.

"Somebody can't just come in and say they're a masseuse or masseur and open up a massage parlor. They must be licensed and they must have registration showing who they are. We want to make sure they don't have illegal ties."

Fasbinder stressed that most health spas with qualified personnel are "reputable operations." But, he said, patrons have a right to expect a professional massage, without any sexual overtones, when they patronize such an establishment.

TO THAT end, several regulations must be met before the city allows any massage parlors to open, or persons to work there.

Before a spa may open, applicants must show they have never been convicted of a felony, any offense involving criminal sexual conduct, prostitution, pandering, or solicitation for the purpose of prostitution, or any other crime involving theft, fraud or deceit.

Also, besides certification from a police chief, approval is required from the Oakland County health officer, city fire chief, and city director of building, housing and redevelopment before a spa may operate.

The ordinance also takes aim at

eliminating "unlawful activities," defined as any spa employee who knowingly touches, fondles or massages any "sexual or genital area of any other person."

OTHER GUIDELINES the spas must follow, once in operation, include some of the following:

- Only myomassologists, with current city permits, shall perform body massages.

- No portion of the employee's body which might arouse customers can be exposed, including breasts, buttocks and genital areas.

- At all times, customers' genital areas must be covered with towels, cloths or undergarments.

- Customers must be at least 18 years old, and the spas cannot be open between 11 p.m. and 7 a.m.

ALSO, THE ordinance requires that spa employees cannot live at the business address. Fasbinder said massage parlor employees have often lived at establishments where suspected illicit activities have taken place.

Ordinance violators, if convicted, would face maximum penalties of 90 days in jail and/or a \$500 fine.

The constitutionality of ordinances similar to the one recently enacted in Southfield is now being challenged in court, Fasbinder noted.

The city of Farmington Hills is being sued by Un Cha Shinn, the

owner of both the Tokyo Oriental Health Spa on Orchard Lake Road in Farmington Hills and Southfield's Shogun Oriental Health Spa, 23100 Telegraph.

Fasbinder said Southfield officials will pay close attention to what happens in the Farmington Hills case. "We'll have to see what develops. If we have to, we'll go through the court system."

THE DEC. 11 raids of the Shogun spa and Kinross Health Spa, 24445 Telegraph, which resulted in the five

arrests, capped a six-month investigation. Southfield police, working together with Michigan State Police and United States Department of Justice, Immigration and Naturalization Service, conducted the raids.

Fasbinder said the ordinance had been in the works before those arrests, but "I think (the arrests) showed a need for that kind of ordinance."

City attorney Frank Kohl did much of the work in preparing the ordinance, according to assistant city attorney Phillip Poole.

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