

MILPITAS POLICE DEPARTMENT  
 1275 N. Milpitas Blvd., Milpitas, CA 95035  
 408-586-2400 - TDD: 408-586-2484

INJURY  
 BOOKING  
 CITE & RELEASE

NO. **105119**

INVOLVED OFCS:  
**149, 248, 132**

TYPE OF FORCE:  HANDS/FEET  KNIFE/CUTTING  
 FIREARM  OTHER

CLASSIFICATION **16E43** REPORT TYPE **11357(6)HFS**  
 LOCATION OF EVENT **1280 S. ABEL ST (HEALING NEEDLES)**

DATE	TIME	DAY
4/15/10	1330	TH
4/15/10	1500	TH
4/15/10	1330	TH

CONT. ATTACHED  CONT. RECORDED  INVEST F/U  INVEST INFO

"V" = VICTIM "R" = REPORTING PARTY "W" = WITNESS "O" = OTHER

LAST, FIRST, MIDDLE (FIRM, IF BUSINESS) **V STATE OF CA**

RACE **M** M F DOB **1/1** AGE **49** HT **5-6** WT **150**

INTERPRETER NEEDED:  SPANISH  VIETNAMESE  OTHER

VICTIM ADVISED:  SEXUAL ASSAULT  VIC/WIT ASSIST.  DOMESTIC VIOLENCE

ADDRESS **434 MORETTI LN, MILPITAS 95035** CITY/STATE **CA** ZIP **95035** PHONE **771-2132** DL NUMBER **CA** STATE **CA**

BUSINESS NAME/SCHOOL NAME AND ADDRESS **1280 S. ABEL ST, MILPITAS 95035** CITY/STATE **CA** ZIP **95035** PHONE **771-2132** SSN

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

DISTRICT ATTORNEY **S YANG, JAY WEN**

RACE **C** M F DOB **1/1** AGE **49** HT **5-6** WT **150**

INTERPRETER NEEDED:  SPANISH  VIETNAMESE  OTHER

VICTIM ADVISED:  SEXUAL ASSAULT  VIC/WIT ASSIST.  DOMESTIC VIOLENCE

TRAFFIC **434 MORETTI LN, MILPITAS 95035** CITY/STATE **CA** ZIP **95035** PHONE **771-2132** DL NUMBER **CA** STATE **CA**

P.C.R. **1280 S. ABEL ST, MILPITAS 95035** CITY/STATE **CA** ZIP **95035** PHONE **771-2132** SSN

VICTIM INFORMATION:  NON DISCLOSURE (WHERE APPLICABLE)  INJURY  SART  BLOOD  URINE  PHOTOGRAPH

Y.S.B. VICTIM VEHICLE: YEAR MAKE MODEL BODY TYPE COLOR LICENSE/VIN STATE

S.I.U. R/O'S NAME (LAST, FIRST, MIDDLE)  SAME AS VICTIM # ADDRESS CITY/STATE ZIP DAMAGE TO VEHICLE

VICTIM VEHICLE WAS:  STOLEN  IMPOUNDED  STORED  LEFT AT SCENE  RELEASED AT SCENE  HELD F/PRINTS  PRINTED

OTHER CITIES **CITY OF MILPITAS** PROPERTY (NOT FOR EVIDENCE) / COMPLETE SYNOPSIS OF INCIDENT

ITEM#	QTY	BRAND	MODEL	DESCRIPTION OF PROPERTY	SERIAL NO.	VALUE
<p>ON 4/15/10, I CONDUCTED AN INSPECTION OF THE MASSAGE BUSINESS HEALING NEEDLES, PURSUANT TO 111-6-9 MMC. WE ENTERED THE BUSINESS AND FOUND NUDE ON A MASSAGE TABLE WITH LI STANDING OVER HIM. XIE WAS IN THE MANAGER'S OFFICE. XIE WAS ON PROBATION FOR 11359 HFS. WE SEARCHED VEHICLE AND FOUND MARIJUANA HIDDEN IN A BOTTLE. I EVENTUALLY CITED AND RELEASED XIE FOR 11357(6) HFS. I ALSO CITED AND RELEASED LI FOR VARIOUS MUNICIPAL CODE VIOLATIONS.</p>						

ASSOCIATED CASE NUMBERS: **10-090168, 09-232057** SEE CONTINUATION FORM FOR SYNOPSIS

OFFICER'S NAME **R. Ray #149** ID NUMBER **149** DATE **4/16/10** SHIFT/DAYS OFF **2-29** SUPERVISOR REVIEW **2-29** ID NUMBER **2-29** DATE **4/16/10** PG **1** OF **1**

REPORT TYPE  SUPPLEMENTAL **MILPITAS PD** CASE # **10-105119**  
**11357(6) 4/15** SUSPECT PAGE

BOOKED  CITED  849(b) PC  COMPLAINT  REVIEW  INFO ONLY

S# / LAST, FIRST, MIDDLE RACE (M) DOB / / AGE 24 HT 6-1 WT 175 HAIR BK EYES BR

AKA / MONIKER RELATIONSHIP TO VICTIM INTERPRETER NEEDED:  SPANISH  OTHER:  VIETNAMESE

N/A

ADDRESS CITY/STATE ZIP PHONE PFN  
**4378 WESSEX DR, SAN JOSE 95136** DTU579

BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE PHOTO ID#  
**NONE**

DL NUMBER STATE SSN CITE# CEN  
**CA** **M499994**

CLOTHING UNIQUE IDENTIFIERS (CI#)

<b>HAIR STYLE</b> <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT  <b>GLASSES</b> <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES	<b>HAIR TYPE</b> <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE  <b>SPEECH</b> <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER  <b>HANDED</b> <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	<b>FACIAL HAIR</b> <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN  <b>CLOTHING</b> <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK	<b>BUILD</b> <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN  <b>TEETH</b> <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	<b>COMPLEXION</b> <input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> DARK <input type="checkbox"/> FRECKLED <input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM  <b>APPEARANCE</b> <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> ADD'L, SEE NARRATIVE	<b>WEAPONS</b> <input type="checkbox"/> CUTTING INST. <input type="checkbox"/> HAND/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER:	<b>SCARS, MARKS, TATTOOS ETC.</b> CODE: _____ LOC: _____ DESC: _____ CODE: S= SCARS M= MARKS P= PIERCING T= TATTOO MB= MISSING BODY PTS. CODE: _____ LOC: _____ DESC: _____ <input type="checkbox"/> ADD'L, SEE NARRATIVE CODE: S= SCARS M= MARKS P= PIERCING T= TATTOO MB= MISSING BODY PTS.
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BOOKED  CITED  849(b) PC  COMPLAINT  REVIEW  INFO ONLY

S# 2 LAST, FIRST, MIDDLE RACE (C) DOB / / AGE 43 HT 5-7 WT 120 HAIR BK EYES BR

AKA / MONIKER RELATIONSHIP TO VICTIM INTERPRETER NEEDED:  SPANISH  OTHER:  VIETNAMESE

"LILY" N/A

ADDRESS CITY/STATE ZIP PHONE PFN  
**1038 ROCK AV, SAN JOSE 95131**

BUSINESS NAME/SCHOOL NAME AND ADDRESS CITY/STATE ZIP PHONE PHOTO ID#  
**1280 S. ADEL ST, MILPITAS 95035** 771-2132

DL NUMBER STATE SSN CITE# CEN  
**CA**

CLOTHING UNIQUE IDENTIFIERS (CI#)

<b>HAIR STYLE</b> <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT  <b>GLASSES</b> <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES	<b>HAIR TYPE</b> <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE  <b>SPEECH</b> <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER  <b>HANDED</b> <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	<b>FACIAL HAIR</b> <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN  <b>CLOTHING</b> <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK	<b>BUILD</b> <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN  <b>TEETH</b> <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	<b>COMPLEXION</b> <input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> DARK <input type="checkbox"/> FRECKLED <input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM  <b>APPEARANCE</b> <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> ADD'L, SEE NARRATIVE	<b>WEAPONS</b> <input type="checkbox"/> CUTTING INST. <input type="checkbox"/> HAND/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER:	<b>SCARS, MARKS, TATTOOS ETC.</b> CODE: _____ LOC: _____ DESC: _____ CODE: S= SCARS M= MARKS P= PIERCING T= TATTOO MB= MISSING BODY PTS. CODE: _____ LOC: _____ DESC: _____ <input type="checkbox"/> ADD'L, SEE NARRATIVE CODE: S= SCARS M= MARKS P= PIERCING T= TATTOO MB= MISSING BODY PTS.
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SUSPECT VEHICLE YEAR MAKE MODEL BODY TYPE COLOR LICENSE/VIN STATE

ADD'L IDENTIFIERS:  LOWERED  RAISED  SPECIAL PAINT  SPECIAL WHEELS  SUN ROOF/T-TOP ADD'L INFO:

RO'S NAME (LAST, FIRST, MIDDLE)  SAME AS SUSPECT# ADDRESS CITY/STATE ZIP DAMAGE TO VEHICLE

SUSPECT VEHICLE WAS  STOLEN  IMPOUNDED  STORED  LEFT AT SCENE  RELEASED AT SCENE  HELD F/PRINTS  PRINTED

OFFICER'S NAME ID NUMBER DATE SHIFT/DAYS OFF SUPERVISOR REVIEW ID NUMBER DATE PG \_\_\_\_ OF \_\_\_\_

**F. Riley #149** **7/16/10**

BOOKED  CITED  849(b) PC  COMPLAINT REVIEW  INFO ONLY  AT LARGE  VMC  SEE JCR

S# **3** LAST, FIRST, MIDDLE **LI, FENG PING** RACE **C** M  F DOB **1/1** AGE **46** HT **5-4** WT **150** HAIR **BK** EYES **BK**

AKA / MONIKER \_\_\_\_\_ RELATIONSHIP TO VICTIM **N/A** INTERPRETER NEEDED:  SPANISH  OTHER: \_\_\_\_\_  
 VIETNAMESE

ADDRESS **954 HELEN AV #3, SUNNYVALE 94086** CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_ PFN \_\_\_\_\_

BUSINESS NAME/ SCHOOL NAME AND ADDRESS **1280 S. ABEL ST, MILPITAS 95035** CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE **771-2132** PHOTO ID# \_\_\_\_\_

DL NUMBER \_\_\_\_\_ STATE **CA** SSN \_\_\_\_\_ CITE# **M499992** CEN \_\_\_\_\_

CLOTHING \_\_\_\_\_ UNIQUE IDENTIFIERS (CI#) \_\_\_\_\_

<b>HAIR STYLE</b> <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT  <b>GLASSES</b> <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES	<b>HAIR TYPE</b> <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE  <b>SPEECH</b> <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER  <b>HANDED</b> <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	<b>FACIAL HAIR</b> <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN  <b>CLOTHING</b> <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK	<b>BUILD</b> <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN  <b>TEETH</b> <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	<b>COMPLEXION</b> <input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> DARK <input type="checkbox"/> FRECKLED <input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM  <b>APPEARANCE</b> <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> ADD'L. SEE NARRATIVE	<b>WEAPONS</b> <input type="checkbox"/> CUTTING INST. <input type="checkbox"/> HAND/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER: _____	<b>SCARS, MARKS, TATTOOS ETC.</b> CODE: _____ LOC: _____ DESC: _____ CODE: S= SCARS M= MARKS P= PIERCING T= TATTOO MB= MISSING BODY PTS. CODE: _____ LOC: _____ DESC: _____ <input type="checkbox"/> ADD'L. SEE NARRATIVE CODE: S= SCARS M= MARKS P= PIERCING T= TATTOO MB= MISSING BODY PTS.
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BOOKED  CITED  849(b) PC  COMPLAINT REVIEW  INFO ONLY  AT LARGE  VMC  SEE JCR

S# \_\_\_\_\_ LAST, FIRST, MIDDLE \_\_\_\_\_ RACE \_\_\_\_\_ M  F DOB \_\_\_\_\_ AGE \_\_\_\_\_ HT \_\_\_\_\_ WT \_\_\_\_\_ HAIR \_\_\_\_\_ EYES \_\_\_\_\_

AKA / MONIKER \_\_\_\_\_ RELATIONSHIP TO VICTIM \_\_\_\_\_ INTERPRETER NEEDED:  SPANISH  OTHER: \_\_\_\_\_  
 VIETNAMESE

ADDRESS \_\_\_\_\_ CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_ PFN \_\_\_\_\_

BUSINESS NAME/ SCHOOL NAME AND ADDRESS \_\_\_\_\_ CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_ PHONE \_\_\_\_\_ PHOTO ID# \_\_\_\_\_

DL NUMBER \_\_\_\_\_ STATE \_\_\_\_\_ SSN \_\_\_\_\_ CITE# \_\_\_\_\_ CEN \_\_\_\_\_

CLOTHING \_\_\_\_\_ UNIQUE IDENTIFIERS (CI#) \_\_\_\_\_

<b>HAIR STYLE</b> <input type="checkbox"/> AFRO <input type="checkbox"/> BALD/SHAVED <input type="checkbox"/> BRAIDED <input type="checkbox"/> COLLAR <input type="checkbox"/> CREW CUT <input type="checkbox"/> LONG <input type="checkbox"/> PONY TAIL <input type="checkbox"/> PUNK <input type="checkbox"/> SHORT  <b>GLASSES</b> <input type="checkbox"/> GLASSES <input type="checkbox"/> SUNGLASSES	<b>HAIR TYPE</b> <input type="checkbox"/> RECEDING <input type="checkbox"/> STRAIGHT <input type="checkbox"/> WAVY/CURLY <input type="checkbox"/> WIG/TOUPEE  <b>SPEECH</b> <input type="checkbox"/> ACCENT <input type="checkbox"/> LISP <input type="checkbox"/> STUTTER  <b>HANDED</b> <input type="checkbox"/> LEFT <input type="checkbox"/> RIGHT	<b>FACIAL HAIR</b> <input type="checkbox"/> BEARD <input type="checkbox"/> CLEAN SHAVEN <input type="checkbox"/> FU MANCHU <input type="checkbox"/> GOATEE <input type="checkbox"/> LOWER LIP <input type="checkbox"/> MUSTACHE <input type="checkbox"/> SIDE BURNS <input type="checkbox"/> UNSHAVEN  <b>CLOTHING</b> <input type="checkbox"/> CAP/HAT <input type="checkbox"/> GLOVES <input type="checkbox"/> MASK	<b>BUILD</b> <input type="checkbox"/> HEAVY <input type="checkbox"/> MEDIUM <input type="checkbox"/> MUSCULAR <input type="checkbox"/> POT BELLY <input type="checkbox"/> SMALL <input type="checkbox"/> THIN  <b>TEETH</b> <input type="checkbox"/> GOLD <input type="checkbox"/> MISSING <input type="checkbox"/> ROTTEN <input type="checkbox"/> SILVER	<b>COMPLEXION</b> <input type="checkbox"/> ACNE/POCKED <input type="checkbox"/> DARK <input type="checkbox"/> FRECKLED <input type="checkbox"/> LIGHT <input type="checkbox"/> MEDIUM  <b>APPEARANCE</b> <input type="checkbox"/> BODY ODOR <input type="checkbox"/> DISGUISE <input type="checkbox"/> UNKEMPT/DIRTY <input type="checkbox"/> WELL GROOMED <input type="checkbox"/> ADD'L. SEE NARRATIVE	<b>WEAPONS</b> <input type="checkbox"/> CUTTING INST. <input type="checkbox"/> HAND/FEET <input type="checkbox"/> REVOLVER <input type="checkbox"/> RIFLE <input type="checkbox"/> SEMI AUTO <input type="checkbox"/> SHOTGUN <input type="checkbox"/> SIMULATED <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER: _____	<b>SCARS, MARKS, TATTOOS ETC.</b> CODE: _____ LOC: _____ DESC: _____ CODE: S= SCARS M= MARKS P= PIERCING T= TATTOO MB= MISSING BODY PTS. CODE: _____ LOC: _____ DESC: _____ <input type="checkbox"/> ADD'L. SEE NARRATIVE CODE: S= SCARS M= MARKS P= PIERCING T= TATTOO MB= MISSING BODY PTS.
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SUSPECT VEHICLE (SUSPECT#) \_\_\_\_\_ YEAR \_\_\_\_\_ MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ BODY TYPE \_\_\_\_\_ COLOR \_\_\_\_\_ LICENSE/VIN \_\_\_\_\_ STATE \_\_\_\_\_

ADD'L IDENTIFIERS:  LOWERED  RAISED  SPECIAL PAINT  SPECIAL WHEELS  SUN ROOF/T-TOP ADD'L INFO: \_\_\_\_\_

R/O'S NAME (LAST, FIRST, MIDDLE)  SAME AS SUSPECT# \_\_\_\_\_ ADDRESS \_\_\_\_\_ CITY/STATE \_\_\_\_\_ ZIP \_\_\_\_\_ DAMAGE TO VEHICLE \_\_\_\_\_

SUSPECT VEHICLE WAS:  STOLEN  IMPOUNDED  STORED  LEFT AT SCENE  RELEASED AT SCENE  HELD F/PRINTS  PRINTED

REPORT TYPE Possession of Marijuana	<input type="checkbox"/> SUPPLEMENTAL	<b>CONTINUATION</b> MILPITAS POLICE DEPT. 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 (408) 586-2400	CASE NO. <b>10-105119</b>
DATE OF ORIGINAL REPORT:	4/15/10	DATE AND TIME OF CONTINUATION:	
LOCATION: 1280 S. Abel St (Healing Needles)			

1 On 8/20/09, I conducted a prostitution sting operation (09-232057) at 1280 S. Abel St.  
2 At the time, the business was named, "AD Acupuncture". Sgt. Maharaj was the undercover  
3 officer who posed as a customer at the business. A masseuse gave Sgt. Maharaj a brief  
4 massage and she then left the room. A second female subject (later identified as Aidan Xie)  
5 entered the room and she eventually agreed to perform a sex act on Sgt. Maharaj for \$40.00.  
6 I arrested Xie for 647(b) PC. I eventually cited and released Xie for 647(b) PC, III-1-4.01 MMC  
7 (no business license), III-6-3 MMC (no massage establishment permit), III-6-7 (a) MMC  
8 (operating a massage business where the massage technicians do not have massage  
9 practitioner permits).

10 On 3/31/10, I conducted surveillance (10-090168) on the business at 1280 S. Abel St.  
11 The name of the business was "Healing Needles". The activity I saw at the business was  
12 consistent with the activity associated to a business that engaged in prostitution activity.

13  
14 I obtained a copy of the business license application for the business "Healing  
15 Needles". The application was dated 2/2/10 and the applicant was Jay Yang who was the  
16 "President" of the business. According to Yang's application, Yang wrote "**Acupuncture**  
17 **Clinic No massges"**

18 The front windows of the business has the following in white block letters and numbers:  
19 "ACUPUNCTURE ACUPRESSURE MASSAGE THERAPY MOST INSURANCE  
20 ACCEPTED 408 771 2132 ACUPUNCTURE ACUPRESSURE MASSAGE  
21 THERAPY STRESS PAIN ALLERGY"

22 Based on prior contacts, I knew that Aidan Xie was the girlfriend of Jay Yang. I also  
23 knew that Jay Yang did not have a City of Milpitas Massage Establishment Permit issued to  
24 his business, "Healing Needles".

25

OFFICER'S NAME	ID NO.	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NO.	DATE	PG
							1

Doc. No:

REPORT TYPE Possession of Marijuana	<input type="checkbox"/> SUPPLEMENTAL	<b>CONTINUATION</b> MILPITAS POLICE DEPT. 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 (408) 586-2400	CASE NO. <b>10-105119</b>
DATE OF ORIGINAL REPORT:	4/15/10	DATE AND TIME OF CONTINUATION:	
LOCATION: 1280 S. Abel St (Healing Needles)			

1 On 4/15/10, at approx. 1330 hrs, Ofc. Morales #248 and I conducted surveillance of  
2 "Healing Needles" at 1280 S. Abel St. At approx. 1407 hrs, we saw an Asian male park his  
3 black 2002 Lexus RX300 in the parking lot. The Asian male, later identified as  
4 , entered "Healing Needles".

5 At approx. 1420 hrs, Ofc. Strauss #132, Ofc. Morales, and I entered "Healing Needles"  
6 to conduct an inspection pursuant to III-6-9 MMC which allows investigating officials of the City  
7 of Milpitas to enter the premises of any massage establishment for the purpose of making  
8 inspections to enforce compliance with health and other regulations.

9 When we walked into the front lobby, we found it unoccupied. Ofc. Straus then  
10 contacted Aidan Xie who was sitting in the manager's office. Ofc. Morales and I walked past  
11 the manager's office and walked up to the first private massage room (room #6).

12 I opened the door of room #6. I saw [redacted] lying face down on a massage table  
13 with a female subject (later identified as Feng Peng Li) standing over him. [redacted] was  
14 completely nude and uncovered. Li was fully clothed in normal street clothing. I immediately  
15 recognized that the employee and manager were not in compliance with the Milpitas Municipal  
16 Codes regarding Massage Establishments and Massage Practitioners.

17 I spoke with [redacted] while Ofc. Morales spoke with Li. [redacted] claimed that it was his  
18 first time visiting "Healing Needles" and that he was not there to visit a prostitute. [redacted] also  
19 claimed that he found the "Healing Needles" posting on the Craigslist website. [redacted] said he  
20 did not call "Healing Needles" to make an appointment but that he just showed up for a  
21 massage.

22 [redacted] said he did not think it was unusual that he was nude and uncovered during his  
23 massage. [redacted] also said that he had massages numerous times in the past and he could  
24 not remember if he was nude and uncovered in any of the previous massages.

25 [redacted] was on probation for 11359 H&S and subject to searches. Ofc. Morales  
26 searched [redacted] vehicle. In the center console of the vehicle, Ofc. Morales found \$825.00

OFFICER'S NAME	ID NO.	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NO.	DATE	PG
							2

REPORT TYPE Possession of Marijuana	<input type="checkbox"/> SUPPLEMENTAL	<b>CONTINUATION</b> MILPITAS POLICE DEPT. 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 (408) 586-2400	CASE NO. <b>10-105119</b>
DATE OF ORIGINAL REPORT:	4/15/10	DATE AND TIME OF CONTINUATION:	
LOCATION: 1280 S. Abel St (Healing Needles)			

1 next to a gray colored bottle labeled "GNC Niacinamide 100". Inside the bottle were white  
2 tablets, a marijuana cigarette, and a "bud" of marijuana. Ofc. Morales confiscated the \$825.00  
3 and the bottle with its contents. told Ofc. Morales that he was currently unemployed.  
4 explained to both Ofc. Morales and I that he was addicted to marijuana and that his  
5 probation officer was aware of his addiction. I arrested for 1203.2(a) PC. Ofc. Strauss  
6 transported to the MPD.

7  
8 I searched massage room #6 and the manager's office for condoms or other related  
9 contraband with negative results. I searched the manager's office and the front counter for a  
10 log or written record of their customers with negative results. Feng Ping Li and Aidan Xie were  
11 the only employees at the business. Feng Ping Li and Aidan Xie were not acupuncturists.

12 Feng Ping Li claimed that she just started working at the business and that she worked  
13 at "Healing Needles" for only one day. Feng Ping Li was able to produce a Massage Therapy  
14 Certificate issued in 2002 by the Acupuncture & Massage Institute of America. Feng Ping Li  
15 did not have a Massage Therapy Certificate issued by the CA Massage Therapy Council  
16 (CMTC) nor did she possess a valid Massage Practitioner Permit issued by the City of  
17 Milpitas. Li was not wearing a "smock" or "uniform" while giving a massage. I cited and  
18 released Li for **III-6-6 (a) MMC** (practicing massage without a massage practitioner permit or a  
19 CMTC massage therapy certificate), **III-6-7 (a) MMC** (practicing a massage without a permit  
20 visible on their person), **III-6-7 (k) MMC** (unlawful for any massage establishment employee to  
21 perform their work unless they are fully clothed and wearing outer garments used and worn  
22 only at the business, such as a smock), and **III-6-7 (q) MMC** (unlawful to give a massage with  
23 the patron's genitals uncovered).

24 I asked Aidan Xie if there was an acupuncturist for the business and she said that the  
25 acupuncturist had not shown up. I also asked Aidan Xie where Jay Yang was. Aidan Xie  
26 claimed she did not know anyone named Jay Yang and that she was not the manager of the

OFFICER'S NAME	ID NO.	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NO.	DATE	PG
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REPORT TYPE Possession of Marijuana	<input type="checkbox"/> SUPPLEMENTAL	<b>CONTINUATION</b> MILPITAS POLICE DEPT. 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 (408) 586-2400	CASE NO. <b>10-105119</b>
DATE OF ORIGINAL REPORT:	4/15/10	DATE AND TIME OF CONTINUATION:	
LOCATION: 1280 S. Abel St (Healing Needles)			

1 business. I told Aidan Xie that I knew she was Jay Yang's girlfriend and she vehemently  
2 denied knowing Jay Yang. I cited Aidan Xie for **III-6-3 MMC** (conducting a massage  
3 establishment without a permit), **III-6-7 (a) MMC** (unlawful to carry on any massage  
4 establishment unless every employee practicing massage has a permit visible on their  
5 person), **III-6-7 (d) MMC** (unlawful to fail to post in an open public place, the cost of services  
6 available or to offer any service not listed), **III-6-7 (f) MMC** (unlawful to fail to post in a  
7 conspicuous place on the premises, a copy of the permit of each massage practitioner  
8 employee), **III-6-7 (g) MMC** (unlawful to fail to keep a written record of each time and date the  
9 service is provided, the type of service provided, the name of the practitioner, and the name  
10 and address of each patron), and **III-6-7 (r) MMC** (unlawful for a massage establishment to be  
11 open for business without at least 1 massage practitioner possessing a valid massage permit  
12 on the premises at all times).

13 **On 9/9/08, Aidan Xie was convicted of 647(b) PC in Santa Clara County. She was**  
14 **placed on court probation for 3 years.**

15 **On 11/16/09, Aidan Xie was convicted of 653.22 PC in Santa Clara County. She**  
16 **was placed on court probation for 2 years to run concurrent with the previous**  
17 **conviction.**

18  
19 At the MPD, I asked if he wanted to tell me the truth about his visit to "Healing  
20 Needles". told me that he wanted to speak with his attorney before he would talk to  
21 us, the police. I terminated my interview with before I advised of his Miranda  
22 Rights. had a Medical Cannabis Patient Identification Card and a Santa Cruz Patients  
23 Collective card in his wallet.

24 Ofc. Morales, Ofc. Speckenheuer, Det. Fox, and I conducted a probation search at  
25 s residence. We did not find any contraband at residence. Based on the

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REPORT TYPE	<input type="checkbox"/> SUPPLEMENTAL	<b>CONTINUATION</b> MILPITAS POLICE DEPT. 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 (408) 586-2400	CASE NO.
Possession of Marijuana			<b>10-105119</b>
DATE OF ORIGINAL REPORT:	4/15/10	DATE AND TIME OF CONTINUATION:	
LOCATION: 1280 S. Abel St (Healing Needles)			

1 circumstances, I returned the \$825.00 to                    I cited and released                    for 11357(b)  
2 H&S.

3                    I booked the gray pill bottle with the white tablets and the marijuana as evidence into  
4 the MPD. The marijuana had a total weight of 1.0 grams.

5

6

7 See:                    Property Report, cite # M499992, cite # M499993, cite # M499994

8

9 Refer:                    D.A.

10                    City Attorney

11                    Santa Clara Co. Adult Probation, T. Hathaway #V101, 2314 N. 1<sup>st</sup> St, San Jose

12                    95131

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Doc. No:

REPORT TYPE Possession of Marijuana	<input checked="" type="checkbox"/> SUPPLEMENTAL	<b>CONTINUATION</b> MILPITAS POLICE DEPT. 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 (408) 586-2400	CASE NO. <b>10-105119</b>
DATE OF ORIGINAL REPORT: 4/15/10	DATE AND TIME OF CONTINUATION: 8/5/10, 1415 hrs		
LOCATION: 1280 S. Abel St (Healing Needles)			

1 On 8/4/10, at approx. 0900 hrs, I appeared at the Santa Clara County Traffic Court,  
2 Department 56. Aidan Xie appeared as the defendant with Jay Yang. Aidan and Jay Yang  
3 were both sworn in. While under oath, Judge Romero asked Jay Yang if he was appearing as  
4 a witness. Jay Yang said that he was appearing as a witness for Aidan Xie. Jay Yang told  
5 Judge Romero that he was in the process of purchasing the business from Aidan Xie at the  
6 time of the incident (4/15/10) and said Aidan Xie should not have been given the citation.

7 Judge Romero realized that he did not have a copy of the Milpitas Municipal Code in his  
8 court. After Judge Romero determined that the court in Department 55 did not have a copy of  
9 the Milpitas Municipal Code, he continued the case until 8/5/10 at 0900 hrs.

10  
11 On 8/5/10, at 0900 hrs, I reappeared at the Santa Clara County Traffic Court,  
12 Department 56, along with Aidan Xie and Jay Yang. Judge Romero was absent and a Pro-  
13 Tem Judge, Judge Cole presided in Department 56. A Mandarin translator was present to  
14 translate for Aidan Xie.

15 Aidan Xie, Jay Yang, and I were sworn in once again. I gave my testimony about the  
16 citation I issued to Aidan Xie. Aidan Xie told Judge Cole that the citation should be dismissed  
17 because she sold the business to Jay Yang at the time of the incident.

18 After Aidan Xie gave her testimony, Jay Yang spoke. Jay Yang told Judge Cole that he  
19 purchased the business from Aidan Xie in February 2010. Jay Yang said that he was the  
20 manager of the business at the time of the incident and that Aidan Xie was not working at the  
21 business. Jay Yang continued to say that he allowed Aidan Xie to sleep in the business.

22 Judge Cole took the case under submission and advised that he would to a decision at  
23 the end of the day.

24  
25

26 Refer: SIU

OFFICER'S NAME	ID NO.	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NO.	DATE	PG
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REPORT TYPE Suspicious Circumstances / 27B02 / NO IR	<input type="checkbox"/> SUPPLEMENTAL	<b>CONTINUATION</b> MILPITAS POLICE DEPT. 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 (408) 586-2400	CASE NO. <b>10-153135</b>
DATE OF ORIGINAL REPORT: 6/2/10, 1415 hrs	DATE AND TIME OF CONTINUATION:		
LOCATION: 1280 S. Abel Dr (Healing Needles)			

1 Subject: Chunbei (nmn) Feng, CF, 5/4/66, 666 S. El Monte Av #9, Los Altos 94022,

2

3

4 On 8/20/09, I arrested Aidan Xie for 647(b) PC and other Milpitas Municipal Code  
5 violations (09-232057). On 3/31/10, I conducted surveillance on the Healing Needles clinic  
6 and documented activity that was consistent with prostitution activity (10-090168). On  
7 4/15/10, I conducted an inspection at the Healing Needles clinic. I eventually cited Aidan Xie  
8 and a masseuse for numerous violations of the Milpitas Municipal Code. (10-105119).

9

10 On 6/2/10, I conducted surveillance at the Healing Needles Acupuncture Clinic (1280 S.  
11 Abel St). I began my surveillance at approx. 1030 hrs. At approx. 1045 hrs, an unidentified  
12 female entered the business. Between 1045 hrs to 1120 hrs, I did not see any activity at the  
13 clinic. I left the area at approx. 1125 hrs and continued my surveillance at approx. 1245 hrs.

14 At 1340 hrs, an unidentified male entered the clinic. At 1350 hrs, an unidentified female  
15 walked out of the clinic. At 1352 hrs, an unidentified male entered the business. At 1355 hrs,  
16 the unidentified female returned to the clinic. At 1356 hrs, an unidentified male entered the  
17 clinic. At 1357 hrs, an unidentified male entered the clinic and the unidentified male (that  
18 entered the clinic at 1340 hrs) left the clinic. At 1358 hrs, an unidentified female and male  
19 entered the clinic. At 1411 hrs, an unidentified male (wearing a brown plaid short sleeve shirt)  
20 entered the clinic.

21

22 At approx. 1430 hrs, the unidentified female and male (that entered the clinic at 1358  
23 hrs) left the clinic as Ofc. Strauss arrived at the parking lot. Ofc. Strauss and I conducted an  
24 inspection of the Healing Needles pursuant to III-6-9 MMC. III-6-9 MMC allows the  
25 investigating and enforcing officials of the City of Milpitas to enter and inspect the premises of  
26 any massage establishment during regular business hours.

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REPORT TYPE <input type="checkbox"/> SUPPLEMENTAL Suspicious Circumstances / 27B02 / NO IR	<b>CONTINUATION</b> MILPITAS POLICE DEPT. 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 (408) 586-2400	CASE NO. <b>10-153135</b>
DATE OF ORIGINAL REPORT: 6/2/10, 1415 hrs	DATE AND TIME OF CONTINUATION:	
LOCATION: 1280 S. Abel Dr (Healing Needles)		

1 We entered the clinic and found 2 unidentified males sitting in the lobby. There was no  
2 receptionist or employee at the front counter. There was neither sign-in sheet nor a customer  
3 record log at the front counter. I looked in the manager's office and found it unoccupied. I  
4 looked at the massage rooms and found the rooms unoccupied except for room #6.

5 The door to room #6 was ajar approx. 2-3 inches. I saw that the room was dark. I  
6 knocked at the door, identified myself, and opened the door. The room was only illuminated  
7 by a single dim light bulb covered with a reddish lampshade. I saw a male subject lying face  
8 down on a massage table with a female subject standing over him. The male subject was  
9 nude and there was a towel covering his buttocks. The female subject was fully clothed and  
10 wearing a white lab coat. The female subject identified herself as Chunbei Feng, the  
11 acupuncturist.

12 Feng told me that she was preparing to give her client an acupuncture treatment. I  
13 asked Feng where she kept her needles. Feng pointed at a dresser table approx. 6 feet away  
14 and told me her needles were on top of the table. Due to the darkness, I was unable to see  
15 the needles. I told Feng that I would wait in the lobby and I allowed Feng to finish her  
16 treatment.

17 I spoke with the 2 male subjects that were waiting in the lobby. Both subjects said they  
18 did not have an appointment and they were "walk-ins". Both subjects also said they were not  
19 seeking acupuncture treatments but wanted to consult with the acupuncturist. I told the  
20 subjects that I was doing a routine inspection of the clinic and both subjects decided to leave.

21 I spoke with Feng after she completed her acupuncture treatment. Feng was the only  
22 employee in the clinic. Feng said she has been working part-time at the clinic for approx. 2  
23 months. Feng said she gives acupuncture treatments at the clinic twice a week.

24 Feng was evasive about her employment and the operation of the clinic. Feng said she  
25 did not give massages other than acupressure massages. Feng claimed that she did not know  
26 if masseuses worked at the clinic and she did not know if there were other employees at the

OFFICER'S NAME	ID NO.	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NO.	DATE	PG
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REPORT TYPE	<input type="checkbox"/> SUPPLEMENTAL	<b>CONTINUATION</b> MILPITAS POLICE DEPT. 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 (408) 586-2400	CASE NO. <b>10-153135</b>
Suspicious Circumstances / 27B02 / NO IR			
DATE OF ORIGINAL REPORT:	6/2/10, 1415 hrs	DATE AND TIME OF CONTINUATION:	
LOCATION: 1280 S. Abel Dr (Healing Needles)			

1 clinic. Feng was unable to produce a record of all the clients she saw for the day. Feng said  
2 that Xie usually kept the records. Feng admitted that she worked at the clinic yesterday  
3 (6/1/10). Feng was unable to produce a record of the clients she saw on 6/1/10. Feng also  
4 admitted that she knew that CA Department of Consumer Affairs required acupuncturists to  
5 keep a daily record of the clients they treated.

6 Feng had her CA Acupuncture Board license on display at the front counter. The  
7 license number is # AC7076 and the receipt number is # 17900013.

8 Feng believed that a Chinese female with the name "Lina Xie" was the owner and  
9 manager of Healing Needles. Feng spelled out the last name "X-I-E". Based on the  
10 information, I believe that "Lina Xie" is Aidan Xie. Aidan Xie has an alias of "Lily Xie".

11

12

13 No Further Action

OFFICER'S NAME	ID NO.	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NO.	DATE	PG
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Doc. No:



# City of Milpitas

Department of Financial Services

June 29, 2010

Jay Yang  
Healing Needles  
1280 S. Abel St.  
Milpitas, CA 95035

Dear Mr. Yang:

On February 2, 2010, the City of Milpitas issued you Business License No. 32863 for an acupuncture clinic pursuant to Milpitas Municipal Code Section III-1-4.01. In your application, you claimed that your business would not provide any massages. Consequently, there was no requirement for a massage permit.

Surveillance on your business by the Milpitas Police Department on March 31, 2010, revealed that you advertised massage in the window and that the foot traffic of the business was consistent with a business engaged in prostitution activity. On April 15, 2010, the Milpitas Police conducted an inspection of your business pursuant to Milpitas Municipal Code Section III-6-9. The business continued to display the sign advertising massage. The officers found a client being massaged without an acupuncturist present on the premises or in the room. Engaging in the business of massage without a City massage permit is a violation of Milpitas Municipal Code Section III-6-12.

Based on this violation of the Municipal Code, your Business License No. 32863 is hereby revoked, effective 30 days from the date of this letter pursuant to Municipal Code Section III-1-10.04. Although, the license expires June 30, 2010, which is prior to the revocation date, no new business license will be issued by the City unless and until you obtain a massage permit from the City.

If you wish to appeal this revocation, file a written request with the City Clerk within twelve (12) calendar days of the date of this letter pursuant to Milpitas Municipal Code Section I-20-5.02. If you have any questions, please contact the City Attorney's Office at (408) 586-3040.

Sincerely,

Emma Karlen  
Director of Finance  
Tax Collector

# MILPITAS POLICE DEPARTMENT

2010 JUL 28 AM 8:34

Renewal \_\_\_\_\_

Original X

## MESSAGE ESTABLISHMENT PERMIT APPLICATION

FULL TRUE NAME OF PROPOSED ESTABLISHMENT: <u>HEALING NEEDLES, INC</u>			
Proposed address where business will be conducted: <u>1280 S. ABEL</u>			
Business Phone: <u>408</u>		Applicant's Residence Phone: <u>908</u>	
APPLICANT'S TRUE NAME <u>YANG JAY W</u> Last First Middle Alias or Maiden			
Date of Birth: <u>8/24/60</u>		Place of Birth: <u>TAIWAN</u>	
Sex: <u>M</u>	Weight: <u>145</u>	Height: <u>5'6"</u>	Eyes: <u>BRO</u> Hair: <u>BLK</u>
Driver's License No.:		State <u>CA</u>	Social Security #:
HOME ADDRESS: (Present and two (2) previous addresses and inclusive date at each residence).			
<u>434 MORETTI LN.</u>		<u>MILPITAS CA</u>	<u>2007 - PRESENT</u>
Current Address	City	State/Zip	Date (From-To)
<u>175 CAMINO PABLO</u>		<u>ORLANDA, CA</u>	<u>1996 - 2007</u>
Current Address	City	State/Zip	Date (From-To)
Current Address		City	State/Zip
Current Address		City	State/Zip
Current Address		City	State/Zip

### EMPLOYMENT. (Past five years beginning with most current)

Employer: <u>HEALING NEEDLES</u>	Occupation: <u>PRESIDENT</u>	Date (From-To): <u>9-15-2009 - PRESENT</u>
Street: <u>1280 S. ABEL</u>	City: <u>MILPITAS</u>	State/Zip: <u>CA 95035</u>
Employer: <u>CISCO SYSTEMS</u>	Occupation: <u>ENGINEERING DIRECTOR</u>	Date (From-To): <u>1992 - 2009</u>
Street: <u>70 TASMAN DR</u>	City: <u>SAN JOSE</u>	State/Zip: <u>CA 95134</u>
Employer:	Occupation:	Date (From-To):
Street:	City:	State/Zip:
Employer:	Occupation:	Date (From-To):
Street:	City:	State/Zip:

**PERMIT HISTORY**

License/Permit No.:	City/State of Issuance:	Date:
Revoked: Yes          No		
License/Permit No.:	City/State of Issuance:	Date:
Revoked: Yes          No		
Have you ever been involved with a massage operation that has had a license or permit suspended or revoked?		
Yes                                  No <input checked="" type="checkbox"/>		
If yes, explain in detail:		

**REVOCATIONS, CRIMINAL CONVICTIONS, OR SUSPENSIONS**

	YES	NO
A. Have you ever had a massage technician, massage clinic, or similar license suspended or revoked? If yes, attach details.		<input checked="" type="checkbox"/>
B. Have you been convicted of conduct which is in violation of the provisions of California Penal Code sections 266i, 315, 316, 318, or 647(b)? If yes, attach details.		<input checked="" type="checkbox"/>
C. Have you been convicted of an offense involving conduct which requires registration under the California Penal Code section 290? If yes, attach details.		<input checked="" type="checkbox"/>
D. Have you been convicted of any felony involving sale of a controlled substance specified in sections 11054-11058 of California Health and Safety Code? If yes, attach details.		<input checked="" type="checkbox"/>
E. Have you been convicted in another state of an offense which if committed or attempted in this state would have been punishable as one or more of the offenses enumerated in Milpitas Municipal Code section, or of one or more other offenses as may be described under Government Code section 51032? If yes, attach details.		<input checked="" type="checkbox"/>
F. Attach statement of all massage business history or occupation subsequent to any suspension or revocation.		

**DEFINITION OF ALL SERVICES TO BE PROVIDED:**

ACUPUNCTURE TREATMENTS / CUPPING

ACUPRESSURE TREATMENTS /

ACUPRESSURE MASSAGE

Each location where licensed activities will be conducted and the names and addresses of all massage technicians employed at those locations must be included with this application. (See page 4)

TECHNICIAN/EMPLOYMENT INFORMATION

Attach additional copies as necessary.

<p>TECHNICIAN: _____  Last First Middle</p> <p>CALIFORNIA MASSAGE CERTIFICATE NUMBER _____</p> <p>RESIDENCE ADDRESS: _____</p> <p>Street City State Zip</p>	<p>TECHNICIAN: _____  Last First Middle</p> <p>CALIFORNIA MASSAGE CERTIFICATE NUMBER _____</p> <p>RESIDENCE ADDRESS: _____</p> <p>Street City State Zip</p>
<p>TECHNICIAN: _____  Last First Middle</p> <p>CALIFORNIA MASSAGE CERTIFICATE NUMBER _____</p> <p>RESIDENCE ADDRESS: _____</p> <p>Street City State Zip</p>	<p>TECHNICIAN: _____  Last First Middle</p> <p>CALIFORNIA MASSAGE CERTIFICATE NUMBER _____</p> <p>RESIDENCE ADDRESS: _____</p> <p>Street City State Zip</p>
<p>TECHNICIAN: _____  Last First Middle</p> <p>CALIFORNIA MASSAGE CERTIFICATE NUMBER _____</p> <p>RESIDENCE ADDRESS: _____</p> <p>Street City State Zip</p>	<p>TECHNICIAN: _____  Last First Middle</p> <p>CALIFORNIA MASSAGE CERTIFICATE NUMBER _____</p> <p>RESIDENCE ADDRESS: _____</p> <p>Street City State Zip</p>
<p>TECHNICIAN: _____  Last First Middle</p> <p>CALIFORNIA MASSAGE CERTIFICATE NUMBER _____</p> <p>RESIDENCE ADDRESS: _____</p> <p>Street City State Zip</p>	<p>TECHNICIAN: _____  Last First Middle</p> <p>CALIFORNIA MASSAGE CERTIFICATE NUMBER _____</p> <p>RESIDENCE ADDRESS: _____</p> <p>Street City State Zip</p>

DESCRIPTION OF ANY OTHER BUSINESS TO BE OPERATED ON THE SAME PREMISES OR ADJOINING PREMISES OWNED OR CONTROLLED BY APPLICANT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME AND ADDRESS OR ANY MESSAGE BUSINESS OR OTHER LIKE ESTABLISHMENT OWNED OR OPERATED BY ANY PERSON WHOSE NAME APPEARS AS PART OF THIS APPLICATION:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NAME AND ADDRESS OF OWNER/LESSOR OF THE REAL PROPERTY UPON OR IN WHICH THE BUSINESS IS TO BE CONDUCTED:

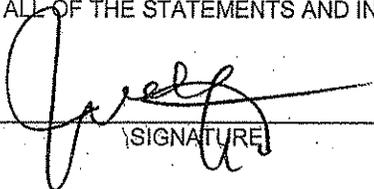
NGUYEN Development LLC  
1256 S ABEL ST.  
MILPITAS, CA 95035

If not legal owner of property, a copy of lease and notarized acknowledgement from owners of property that a massage establishment will be located on his/her property.

If renewal, how long have you had permit? \_\_\_\_\_

I have received a copy of Milpitas Municipal Ordinance Title III, Chapter 6, Section III-6-1 through III-6-21, and agree to comply with each section fully.

I ATTEST THAT ALL OF THE STATEMENTS AND INFORMATION ON THIS APPLICATION ARE TRUE AND CORRECT.

 \_\_\_\_\_  
SIGNATURE

7/22/2010  
DATE

(FOR OFFICIAL USE ONLY)	YES	NO		YES	NO
PROOF OF MALPRACTICE INSURANCE:			FIRE DEPARTMENT		
CODE ENFORCEMENT			PLANNING		
DATE PHOTO TAKEN:			POLICE BACKGROUND		



# City of Milpitas

Department of Financial Services

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July 30, 2010

Jay Yang  
Healing Needles  
1280 S. Abel St.  
Milpitas, CA 95035

Dear Mr. Yang:

On June 29, 2010 I sent you a letter informing you that your Business License No. 32863 for an acupuncture clinic would be revoked on July 30, 2010 because you were conducting massage without a City massage permit. You did not request an appeal of the revocation pursuant to the Milpitas Municipal Code.

---

Today, you contacted the City Attorney's office and informed Deputy City Attorney Bronwen Lacey that you were in the process of obtaining a massage permit and had an appointment on July 30, 2010 with the Milpitas Police Department to obtain a massage permit. Based on this action, the City will extend the revocation date of Business License No. 32863 to August 6, 2010. No other extensions will be given and this extension does not extend the period for filing an appeal with the City Clerk. If you have any questions, please contact the City Attorney's Office at (408) 586-3040.

Sincerely,

Emma C. Karlen, CPA  
Director of Finance  
Tax Collector

**DATE:** September 8, 2010  
**TO:** Chief Dennis Graham  
**FROM:** SIU Detective Steve Parodi #251  
**SUBJECT:** Massage Establishment Permit for Jay Wen Yang at Healing Needles, 1280 S. Abel St., Milpitas.

On 7/28/10, Jay Yang at Heeling Needles, 1280 S. Abel St. in Milpitas, applied for a new Massage Establishment Permit.

**Employment:** Jay Yang has applied for his business license with the City of Milpitas to operate his business. Jay Yang lists himself as the "President" of the business as of 9/17/09. Jay Yang has no other current employment.

**Criminal Background:** Jay Yang has been convicted of driving under the influence 2 times, reckless driving, driving on a suspended license and petty theft.

On multiple occasions, officers have observed activity at the business that is consistent with prostitution activity. On 5/12/08, MPD received information that the owner of the business at the time, Aidan Xie had been involved in prostitution in the City of San Jose (08-133-220). Aidan Xie was convicted of 647(b) PC (soliciting for prostitution) on 9/9/08 (SJPD 08-123-0762). This conviction stemmed from an incident at a massage business in San Jose.

On 11/3/08, Jay Yang was arrested for DUI by MPD (08-305-234). A passenger in the vehicle at the time was Aidan Xie. The report refers to Aidan Xie as Jay Yang's girlfriend.

On 8/12/09, MPD received an anonymous Crime Tip Hotline report of prostitution activity occurring at the business. On 8/13/09, surveillance was conducted and activity consistent with prostitution was observed (09-225-155). On 8/19/09, surveillance was again conducted and activity at the business consistent with prostitution was observed (09-231-069). On 8/20/09, Officers conducted an operation and Aidan Xie was arrested and cited for 647(b) PC (soliciting for prostitution) as well as III-1-4.01 MMC (no business license), III-6-3 MMC (no massage establishment permit), and III-6-7 (a) MMC (operating a massage business where the massage technicians do not have massage permits)(09-232-057). Records show that both Jay Yang and Aidan Xie listed

the same residential address on this date. Both listed the same address from 12/2008 – 09/2009.

On 2/2/10, Jay Yang applied for his Business License with the City of Milpitas. On 3/31/10, officers observed activity at the business that was consistent with prostitution activity (10-090-168). On 4/15/10, Officers conducted a massage establishment inspection (10-105-119). Aidan Xie was at the business. The paperwork Jay Yang submitted shows that he was the "President" of the corporation on this date. Aidan Xie was cited for III-6-3 MMC (conducting a massage establishment without a permit), III-6-7 (r) MMC (unlawful for a massage establishment to be open for business without at least 1 massage practitioner possessing a valid massage permit on the premises at all times) and several other municipal code violations related to massage establishments. During the same incident, an employee at the business was also cited for III-6-7 (a) MMC (practicing a massage without a permit) and III-6-7 (q) MMC (unlawful to give a massage with the patron's genitals uncovered). Aidan Xie adamantly denied to officers that she knew Jay Yang when officers asked about him. On 8/4/10 the matter was heard at the Santa Clara County Traffic court (10-105-119). Jay Yang appeared as a witness for Aidan Xie. Jay Yang testified that he was the owner of the business at the time of the incident and allowed Aidan Xie to sleep in the business. Jay Yang testified that he was the owner at the time the citation was issued and that Aidan Xie should not have been cited. Aidan Xie was convicted of conducting a massage establishment without a permit, carrying on a massage establishment without every employee who practices a massage having a permit visible on their person, and failure to post cost of services or offer services not listed.

On 6/2/10, an inspection was done at the business (10-153-135). An acupuncturist at the business could not produce daily records for services provided as required by the CA Department of Consumer Affairs. The acupuncturist stated that the owner and manager of Healing Needles usually kept the records. The acupuncturist identified the owner and manager as "Lina Xie." Aidan Xie has an alias of "Lily Xie". During the inspection, there were two males waiting in the lobby that did not have appointments and were "walk-ins." They were not seeking acupuncture treatment but wanted to consult with the acupuncturist and left when they learned of the inspection.

**Medical Examination:** Not Applicable.

**Education:** Not Applicable.

**Practical Performance Examination:** Not Applicable.

**Conclusion:** Jay Yang paid all fees required for a Massage Establishment Permit. There is a history of prostitution activity at the business under the supervision of Aidan Xie. Records show that Jay Yang and Aidan Xie have a documented history as acquaintances in both their personal and business dealings. Massage violations have occurred at the

business while Jay Yang has listed himself as the "President" of the business and officers have observed activity at the business that is consistent with prostitution. Jay Yang became President of the business shortly after Aidan Xie was arrested for prostitution and for not having a massage permit. Jay Yang did not produce any documentation showing that the business was sold to him by Aidan Xie and told me that it was an "agreement" between him and Aidan Xie who he referred to as someone he "knows." Aidan Xie was at the business while massages were being performed by a practitioner without a permit over 8 months after Jay Yang's ownership. I believe that Jay Yang is aware of the prior and recent unlawful activity that is occurring at the business, and is attempting to obtain a massage permit and business license to allow Aidan Xie to operate at the same location under his ownership.

**Recommendation:** Jay Yang should not be issued a Massage Establishment Permit.



# Milpitas Police Department

Dennis Graham  
Chief of Police

September 29, 2010

Mr. Jay Yang  
434 Moretti Lane  
Milpitas, California 95035

Dear Mr. Yang:

Thank you for expressing an interest in opening a massage establishment in the City of Milpitas. Unfortunately your request for a Message Establishment Permit is **denied** per Milpitas Municipal Code Section III-6-6 (e)(5) based on the following facts:

On July 28, 2010, you applied for a Massage Establishment Permit to operate Healing Needles at 1280 S. Abel St. in Milpitas. At that time, you provided information that you were the "President" of the business as of 9/17/09, and listed your employment with the business as of 9/15/09.

Our records indicate there have been several incidents at the business between August of 2009 and June of 2010. These incidents include suspicious activity observed between August 12, 2009 and August 19, 2009, an arrest for soliciting prostitution on August 20, 2009, a Milpitas Municipal Code violation pertaining to massage establishments and practices on August 20, 2009, a Milpitas Municipal Code violation pertaining to massage establishments and practices on April 15, 2010 and a Milpitas Municipal Code violation pertaining to massage establishments and practices on June 2, 2010. Additionally, information indicates you have professional and personal ties to the previous owner of the business who was arrested for criminal acts related to prostitution. Furthermore, you were the owner of the business during two inspections where significant massage establishment violations were discovered. During one of the inspections the previous owner was at the business.

As a result of this denial, you **may not** open a Massage Establishment in the City of Milpitas.

Should you wish to appeal this decision, you may do so no later than fifteen calendar days after service of this denial letter by filing a written statement of such appeal with the City Clerk, including grounds for the appeal and the asserted errors in the decision.

If you have any questions regarding this matter, please feel free to contact Detective Parodi at 586-2509.

Sincerely,

A handwritten signature in cursive script that reads "Dennis L. Graham".

Dennis Graham  
Chief of Police

City Clerk's Office

OCT 15 2010

RECEIVED

October 14, 2010

Healing Needles, Inc.  
1280 S. Abel Street  
Milpitas, CA 95035

**Subject:** APPEAL: Denial of Massage Establishment permit based on Milpitas Municipal Code Section III-6-6(e)(5)

To Milpitas City Clerk:

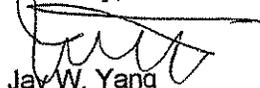
I am writing to you regarding the denial of a Massage Establishment Permit for Healing Needles, Inc. to operate in the City of Milpitas. The grounds on which I wish to appeal are that:

1. The basis for the denial, Milpitas Municipal Code Section III-6-6(e)(5) does not apply to Healing Needles, Inc.
2. Dennis Graham, the Chief of Police, presented incorrect and biased information in his justifications for the denial of a Massage Establish Permit to Healing Needles, Inc.

Healing Needles, Inc. was incorporated on September 15, 2009 and officially started to conduct business at 1280 S. Abel during March of 2010, and was not a part of any unlawful activities or code violations referenced by Chief Graham during August 2009 to June 2010. Healing Needles, under my management did not receive any citation or notice from the Milpitas Police Department during 08/2009 – 06/2010 regarding code violations or unlawful activities. I learned about the April 15, 2010 incident referenced by the Chief from the Acupuncturist on duty at the time. She called to inform me that Detective Dong and officers issued citations during an office visit. When I returned to the office, there were no citations given to any Healing Needles employee. I then attempted to contact Detective Dong by phone only to reach his voicemail where I left messages expressing my concerns. The detective never contacted me to provide me with information on the 4/15 and 6/20 office visits. My contact information has been registered with The City of Milpitas Business Planning Department since February 2010 as well as with the property management team for 1280 S. Able. However no one from the Milpitas police department contacted me to communicate the violations referenced by Chief Graham in his denial letter. It seems unusual to me for the police department to not contact or cite the business manager when issuing citations and then attempt to use the "virtual" citations as justifications for denial of additional permits needed to conduct business in Milpitas

In conclusion, Healing Needles and I do not qualify for any condition list in Milpitas Municipal Code Section III-6-6(e)(5), which is the code cited by Chief Graham as the basis for denying the Massage Permit. Therefore, I am requesting a hearing or a meeting with the City Manager at the earliest available time to review my application and the reasons for my appeal. If there is any additional information I could provide to you that would expedite this matter, please feel free to contact me. Thank you for your time and consideration of this important matter.

Sincerely,



Jay W. Yang  
President, Healing Needles, Inc.  
408.205.1223

**Milpitas Municipal Code Section III-6-6(e)**

The Chief of Police or his or her authorized representative shall have up to sixty (60) days after submission of all required information, including the required certificate of occupancy, to investigate the application and the background of the applicant, provided said sixty (60) days may be extended for such period as may be necessary to obtain fingerprint records from the appropriate state agency. Upon the completion of the investigation, the Chief of Police shall grant the permit, with or without conditions, if the Chief of Police finds in the exercise of his or her discretion all of the following:

- (1) The required fee has been paid.
- (2) The application conforms in all respects to the provisions of this Chapter and to all other laws.
- (3) The applicant has not made a material misrepresentation in the application.
- (4) The applicant, if an individual; or any of the stockholders of the corporation; or any officer or director; if the applicant is a corporation; or a partner if the applicant is a partnership; or the managing officer/employee has not, within ten (10) years preceding the submission of the application, been convicted of, or pleaded guilty or no contest to, an offense involving conduct which requires registration under California Penal Code Section 290, or of conduct which is a violation of the provisions of California Penal Code Sections 266i, 314, 315, 316, 318, 647(a), 647(b) or 415 as a result of an arrest for 647(b) (as now written or as amended), or of any crime designated in California Government Code Section 51032(b) (as now written or as amended), including any felony involving the sale of a controlled substance specified in Sections 11054—11058 of the California Health and Safety Code (as now written or as amended), or of any other crime involving dishonesty, fraud, deceit, violence or moral turpitude, or has not been enjoined under California Penal Code Section 11225 (as now written or as amended). Convictions under the laws of other states or countries which proscribe the same or similar conduct as the California crimes stated above shall also be considered.
- (5) Within five (5) years preceding application, the applicant or managing officer/employee has not had a massage establishment permit, off-premises massage service permit, massage practitioner permit, or other similar permit or license revoked or suspended by the City of Milpitas, or any other state or local agency, or engaged in conduct or operated a massage or similar establishment in a manner that would be grounds for revocation of a permit under this Chapter, or owned or managed a massage establishment or similar establishment where persons required to be licensed were allowed to work without the required licenses.
- (6) The applicant is at least eighteen (18) years of age.
- (7) The permit as requested by the applicant would comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards.
- (8) The applicant has not surrendered, or had revoked, a massage permit issued by any other jurisdiction due to a violation of that jurisdiction's applicable ordinance or regulations.



**CITY OF MILPITAS**  
**OFFICE OF THE CITY MANAGER**

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479  
PHONE: 408-586-3050, FAX: 586-3056, www.ci.milpitas.ca.gov

October 27, 2010

**VIA CERTIFIED MAIL**

Healing Needles, Inc.  
Attn: Jay W. Yang, President  
1280 South Abel Street  
Milpitas, CA 95035

**Re: City Manager Appeal Hearing for 1280 South Abel Street**

Dear Mr. Yang:

The City has received your appeal pursuant to Milpitas Municipal Code section III-6-18 regarding the denial of your application for a Massage Establishment Permit for Healing Needles, Inc. After review of your request, I have scheduled an appeal hearing for Thursday, November 4, 2010 at 3:00 p.m. in the Fourth Floor Conference Room at Milpitas City Hall.

You will have fifteen (15) minutes to orally present your appeal as provided for in Section III-6-18 of the Milpitas Municipal Code. You have the burden of proof as to why the denial of the permit should not be upheld. During the hearing, the California Evidence Code will not be followed. The hearing will not be transcribed and there will be no written briefs by either side. If you have any questions, please contact me at 408-586-3050.

Sincerely,

Thomas C. Williams  
City Manager  
City of Milpitas

cc: Dennis Graham, Police Chief  
Mike Ogaz, City Attorney

REPORT TYPE Info Report	<input checked="" type="checkbox"/> SUPPLEMENTAL	<b>CONTINUATION</b> MILPITAS POLICE DEPT. 1275 N. MILPITAS BLVD., MILPITAS, CA 95035 (408) 586-2400	CASE NO. <b>10-301-118</b> No IR Class:44H00
DATE OF ORIGINAL REPORT:	11/4/10	DATE AND TIME OF CONTINUATION:	11/4/10
LOCATION: 1280 S. Abel St. (Heeling Needles)			

1 Other: Jay W Yang, CMA, 8/24/60, 434 Moretti Ln. Milpitas 95035 H:

2  
3 Narrative:

4  
5 On 7/28/10, Yang applied for a massage business permit for his business. The name of  
6 his business is Heeling Needles Inc. located at 1280 S. Abel St. in Milpitas. On 9/29/10,  
7 Yang's application was denied.

8  
9 On 11/4/10 from about 1230 to 1330 hours, I conducted surveillance at the business.  
10 When I arrived I saw an unknown Asian male enter the business. About 30 minutes later I saw  
11 an unknown White male enter the business and leave about three minutes later. As this  
12 subject was leaving, another unknown White male entered the business. At about 1325 hours,  
13 another unknown White male entered the business. All subjects acted suspiciously prior to  
14 entering the business, constantly looking around while walking towards the business. I had to  
15 end my surveillance and did not see the other males exit the business.

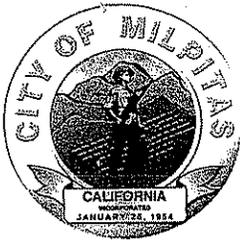
16  
17 Affixed to the front window of the business is the phone number 408 771 2132. I  
18 conducted an internet search of the phone number and found that it is related to several  
19 postings on the internet site myredbook.com. Myredbook.com is commonly used to advertise  
20 prostitution services. I found three providers listed for the business. One of the providers had a  
21 listed name of "Lin" There was a review written on the providers page by "Prairedillo" dated  
22 8/26/10. The reviewer gave "Lin" a rating of "6" for looks and "8.5" for service. The comment  
23 left by the reviewer stated, "She'll go for the boys after a great therapeutic massage." The date  
24 of this posting is after Yang started to conduct business at the location. I attached a copy of  
25 the web postings to this report. I attempted to call the number but it is no longer in service.

26  
27 I also took a digital photograph of the front of the business showing the phone number.

28  
29  
30  
31  
32 See: Printouts, Digital Photograph  
33

OFFICER'S NAME	ID NO.	DATE	SHIFT/DAYS OFF	SUPERVISOR REVIEW	ID NO.	DATE	PG
Parodi	251	11/4/10	SIU				1

Doc. No:



**CITY OF MILPITAS**  
**OFFICE OF THE CITY MANAGER**

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479  
PHONE: 408-586-3050, FAX: 586-3056, www.ci.milpitas.ca.gov

November 12, 2010

**VIA CERTIFIED MAIL**

Healing Needles, Inc.  
Attn: Jay W. Yang, President  
1280 South Abel Street  
Milpitas, CA 95035

**Re: November 4, 2010 City Manager Appeal Hearing for 1280 South Abel Street**

Dear Mr. Yang:

On November 4, 2010 pursuant to Milpitas Municipal Code Section III-6-18, I conducted an appeal hearing for the denial of your application for a Massage Establishment Permit for Healing Needles, Inc., located at 1280 South Abel Street. During the hearing you made an oral presentation of your case.

**FINDINGS:**

Based on your oral presentation and my review of the record provided by the Police Department, I find the following:

1. At the end of August or beginning of September 2009, you purchased the business located at 1280 South Abel Street from Aiden Xie and incorporated the business as Healing Needles, Inc. on September 15, 2009. Ms. Xie has been convicted of prostitution on more than one occasion, including for acts at 1280 South Abel Street on August 20, 2009.
2. On March 13, 2010, surveillance by Detective Dong documented activity at 1280 South Abel Street consistent with the activity associated with a business engaged in prostitution.
3. On April 15, 2010, Milpitas police officers conducted an inspection at the premises and discovered a customer laying naked face down on a massage table without a covering and a female employee standing over him. There was no acupuncturist at the business. The female employee was cited for MMC III-6-6(a) (practicing massage without a massage practitioner permit or a state massage license), MMC III-6-7(a) (practicing a massage without a permit visible on their person), MMC III-6-7(k) (employee performing work without wearing a smock), MMC III-6-7(q) (giving a massage without covering genitals). Ms. Xie was also present at the business in the manager's office and denied knowing you.
4. On June 2, 2010, Detective Dong conducted surveillance on 1280 South Abel Street and noticed activity consistent with prostitution, so he called Officer Strauss to assist with an inspection. No citations were issued, but the two male customers stated they were "walk-ins"

and wanted to merely consult with an acupuncturist and not receive any treatments. Both men decided to leave when informed Detective Dong would be conducting an inspection. The acupuncturist stated that she worked the day before and for both days there were no records of the customers as required by state regulations. She also stated that Ms. Xie was the owner and usually kept the records.

5. On July 28, 2010 you applied for a Milpitas Massage Establishment Permit for Healing Needles at 1280 South Abel Street.
6. On August 5, 2010, you testified at the criminal hearing for Ms. Xie that you purchased the business from Ms. Xie in February 2010.
7. By letter dated September 29, 2010 and mailed October 13, 2010, the Chief of Police denied your Milpitas Massage Establishment Permit application.
8. On October 14, 2010, you filed an appeal of the decision by the Chief of Police.
9. On November 4, 2010, Detective Parodi conducted further surveillance and noted three males enter the business in an hour, all acted suspiciously by constantly looking around while walking towards the business. Detective Parodi also noted a phone number displayed in the window of 1280 South Abel Street. An internet search of the number revealed a masseuse advertisement on myredbook.com with a review dated August 26, 2010 that stated "She'll go for the boys after a great therapeutic massage." Myredbook.com is commonly used to advertise prostitution services.
10. At the November 4, 2010 hearing, you admitted that you continue to operate without a Milpitas Business License or Massage Establishment Permit despite the denial of your application. In addition, Healing Needles does not have a valid certificate of occupancy.

#### **DECISION:**

Based on the findings above, testimony at the hearing, and Police Reports reviewed in the files, I uphold the decision of the Police Chief to deny the application for a Massage Establishment Permit in the City of Milpitas pursuant to Milpitas Municipal Code Section III-6-6(e)(5).

If you do not agree with this decision, you may appeal this decision to the City Council by filing written notice of appeal with the City Clerk within ten (10) calendar days from the date this decision was mailed, in this case by Monday, November 22, 2010, pursuant to Section III-6-18(b).

If you are contesting the decision, the Notice of Appeal **must** contain the following:

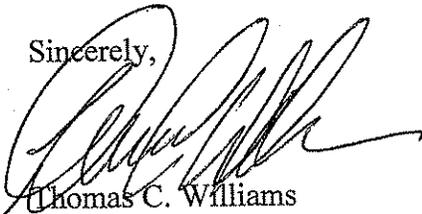
- The grounds for the appeal and the asserted errors in the City Manager's decision, as per Section III-6-18(b);
- The name and address of the appellant or appellants, as per Section I-20-5.04-1;

- The decision appealed, the date of the decision, and the name of the officer, board, commission, or department rendering the decision, as per Section I-20-5.04-2;
- The specific relief, which the appellant seeks, as per Section I-20-5.04-3; and
- A summary of the reasons why the appellant claims he is entitled to the relief sought, as per Section I-20-5.04-4.

The appellant or appellants shall sign said notice.

If you have any questions regarding this matter, please do not hesitate to contact me at (408) 586-3050.

Sincerely,



Thomas C. Williams  
City Manager  
City of Milpitas

cc: Dennis Graham, Police Chief  
Mike Ogaz, City Attorney

November 22, 2010  
Healing Needles, Inc.  
1280 S. Abel Street  
Milpitas, CA 95035

City Clerk's Office  
NOV 22 2010  
**RECEIVED**

City Council  
City of Milpitas  
455 E. Calaveras Blvd.  
Milpitas, CA 95035

Dear City Council:

I am writing to request a hearing to appeal the decision made on November 12, 2010 by the City Manager, Thomas Williams, upholding the police department's denial of a massage permit to Healing Needles, Inc.

**The grounds for Healing Needles' appeal are as follow:**

1. The City Manager made inaccurate statement without factual support.
  2. The Police Department presented incorrect information to the City Manager, affecting the City Manager's decision.
    - Finding #1: Healing Needles did not purchase the business from the previous owner until February 2010 and officially registered with the City of Milpitas at that time.
    - Finding #2: Healing Needles received no communications from Detective Dong regarding the March 13 surveillance and that the detective had concluded that there were activities consistent with Prostitution. No evidence was presented on this matter during the November 4<sup>th</sup> hearing. No citations issued.
    - Finding #3: No citation was issued to Healing Needles' Acupuncturist ChunBei Feng, Lic # AC7076 who was present and provided all requested information to Detective Dong. There is discrepancy between Ms. Feng's recollection and that of the detective's. Healing Needles also received no citations.
    - Finding #4: More hearsay without factual support. The Acupuncturist furnished Healing Needles' contact information but no one at Healing Needles received any communications from Detective Dong regarding any illegal activities.
    - Finding #9: Healing Needles, Inc. does not and has never advertised on Myredbook.com. Myredbook has an open discussion forum where "anyone" can post "anything" without validation or approval from business owners. In fact, my quick search in Myredbook.com of other Police Department Approved massage establishments in Milpitas resulted in the following:
-

					exchange
2008-10-27	Lisa	dave2005_rbook	8	8.5	very good cmt type massage with a very nice finish
2008-07-23	Lisa	jerbettis	8	7.5	Mostly massage place, with nice finish
2008-06-26	Lisa	twoballs	3	7	what she lacks in looks she makes up to in being pleasant and nice to be with. will repeat

There are many more examples available on Myredbook.com for existing, permitted, massage establishments in Milpitas.

**The Appellant:**

Healing Needles, Inc.  
1280 S. Abel Street  
Milpitas, CA 95035

**The Decision Appealed:**

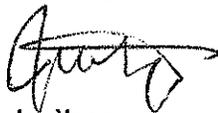
November 12<sup>th</sup> 2010 decision by Milpitas City Manager, Thomas Williams, to uphold denial of massage permit by Milpitas Police Department.

**Relief Sought:**

City of Milpitas approve and issue massage operator permit to Healing Needles, Inc.

In summary, Healing Needles, Inc. did not violate city municipal codes that could result in the denial of a massage operator permit. It has halted business operations while continuing its appeal process with the City of Milpitas. We hope to receive concrete evidence to Detective Dong's allegations and his basis for denying Healing Needles, Inc. massage operator permit at the next hearing. We request a fair and speedy hearing from the city council as the process of massage permit application has taken its toll on Healing Needles financially. We will be forced to file for bankruptcy if this matter is not heard quickly.

Sincerely,



Jay Yang

President, Healing Needles, Inc.



**CITY OF MILPITAS**  
**OFFICE OF THE CITY MANAGER**

455 EAST CALAVERAS BOULEVARD, MILPITAS, CALIFORNIA 95035-5479  
PHONE: 408-586-3050, FAX: 586-3056, www.ci.milpitas.ca.gov

December 3, 2010

**VIA CERTIFIED MAIL**

Healing Needles, Inc.

Attn: Jay W. Yang, President

1280 South Abel Street

Milpitas, CA 95035

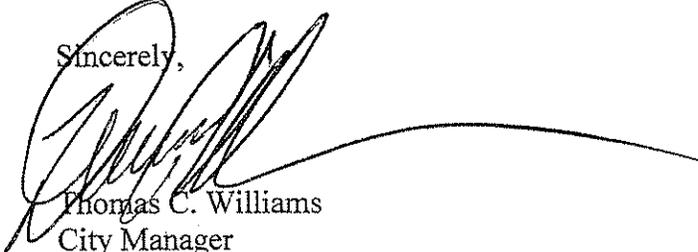
**Re: Request to appeal City Manager's November 12, 2010 decision to the City Council**

Dear Mr. Yang:

We are in receipt of your letter dated November 22, 2010 appealing my November 12, 2010 decision to the City Council. Pursuant to Milpitas Municipal Code Section III-6-18, I have set your hearing for the City Council meeting of January 4, 2011 at 7:00 p.m. in the Milpitas Council Chambers located at 455 East Calaveras Boulevard.

If you have any questions regarding this matter, please do not hesitate to contact me at (408) 586-3050.

Sincerely,



Thomas C. Williams  
City Manager  
City of Milpitas

cc: Dennis Graham, Police Chief  
Mike Ogaz, City Attorney