

## Massage parlor's closure sparks suit against city

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### Document Text

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CHULA VISTA -- The owner of the Oasis Spa massage parlor has sued the city after a prostitution bust shut down his business. The lawsuit was filed less than a month after another massage-parlor owner filed a claim against the city for lost business after a prostitution sting.

On Feb. 13, the city revoked the holistic health practitioner's license of Marcos Crews, owner of the Oasis Spa, 681 Broadway, after one of his employees, Pongchamia Trapapan, was arrested on suspicion of prostitution.

Crews is appealing the city's decision, and the city agreed to hold an appeal hearing. However, city officials have refused to provide Crews a copy of the police report, according to court documents.

Crews filed a lawsuit last week in San Diego Superior Court, asking a judge to order the city to release more evidence. His attorney, Michael Crowley, criticized city officials for withholding information during the appeal process.

"The most fundamental part of defending a business is to know what allegations you are defending against," Crowley said Tuesday in a telephone interview. "I have represented people in a number of similar hearings with other agencies, and I've never been denied the discovery to this degree."

Police spokesman Bernard Gonzales declined to comment on the case, citing the ongoing litigation. Court documents state that police consider the report confidential because the case "remains open," but the documents provide no details of what that means.

The Oasis sting took place Jan. 25. Chula Vista police Officer Bartt Benjamin posed as a customer and paid \$50 for a half-hour massage.

Court documents state that while performing the massage, Trapapan, 32, touched the undercover officer inappropriately and then agreed to perform a sexual act for an additional \$50. Benjamin alerted police officers who were waiting outside, and the woman was arrested on suspicion of prostitution.

Trapapan was released on her own recognizance, police said. San Diego Superior Court records indicate that she hadn't been formally charged as of yesterday.

Chula Vista's municipal code states that the city can suspend or revoke a license or permit for businesses that operate "in an unlawful manner" as determined by the city, even if no one has been convicted of a crime.

Crowley said Crews never condoned prostitution and isn't responsible for Trapapan's actions. He believes the police

report will help prove his case.

"Our argument is that, regardless of what happened, my client is not liable unless they can show he allowed it," Crowley said.

The Oasis lawsuit was filed about three weeks after the owner of another massage parlor, the Chula Vista Spa, filed a \$60,000 claim with the city for lost income after being shut down for six months. The owner, Ginger Cowardin, is fighting the Jan. 24 closure of her business over alleged prostitution activity.

Police had carried out a sting at the business in June 2005, also with Benjamin posing as a customer. One worker, Mi Sun Yi, 48, was arrested and charged with prostitution. The District Attorney's Office later dropped the charge, saying it couldn't be proved beyond a reasonable doubt.

Cowardin's attorney, Michael Meaney, sued the city in San Diego Superior Court in March in an attempt to reopen the business. He argued that Cowardin wasn't provided with adequate evidence, including the police report, for her appeal. Meaney also stated that Cowardin wasn't aware of any prostitution activity at the massage parlor.

A judge ruled in favor of Cowardin, stating that the city didn't provide enough evidence to support its denial of Cowardin's appeal. The judge gave the city the option of holding another hearing.

Two days after the judge's May 9 ruling, Cowardin tried to reopen her business but again was shut down by the city. She was issued a misdemeanor citation for operating without a license, according to court records.

She filed her claim for lost income July 24.

Cowardin was linked to prostitution a decade ago when she operated another Chula Vista business, Yin Yang Acupressure on Third Avenue. Police shut down that business in 1996 after finding evidence of prostitution, including a bag full of condoms in a closet. No one was charged with a crime.

City Attorney Deborah Cave, who is handling the massage-parlor cases on behalf of the city, couldn't be reached for comment.

Police Chief Rick Emerson said he couldn't comment on the prostitution stings, but that police routinely check on businesses such as massage parlors.

"This isn't some kind of new crackdown," he said Tuesday in a telephone interview. "We have people who monitor police-regulated businesses all the time. If there's illegal activity, we take the appropriate civil action."

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#### **Abstract** (Document Summary)

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