

Massage parlors take law to court

Owners want rule requiring licenses blocked

By **KARL HILLE**
Journal staff writer

The owners of three massage businesses yesterday asked a Montgomery County Circuit Court judge to block enforcement of a law signed by the county executive last week, saying it will cause irreparable harm to their legitimate businesses.

The new county massage bill requires uncertified massage therapists and the businesses that employ them to obtain a county license and submit to fingerprinting, photo-background checks and periodic inspections. These businesses also may not perform massages for clients of the opposite gender, but the law exempts massage therapist certified the Maryland Chiropractic Board.

Paul Goodall owns the Germantown spa Utima. While he is certified in the state, Virginia and nationally, he said three of his four employees do not speak enough English to take the certification exam. He voluntarily closed his business to avoid legal action under the county law, but objects to the requirements it imposes.

"We've attempted to run a legal business," Goodall said. "The legislation the county has put forth is totally impossible for a business to operate under. ... It's like we're guilty until we have proven over and over again that we're innocent."

He is joined in the suit by the owners of Bethesda-based Epictone, which was closed Friday by county inspectors acting under authority of the new law, and VIP, a Rockville spa whose owner also voluntarily closed its doors.

David Weaver, a spokesman for County Executive Douglas M. Duncan, called the lawsuit an attempt to divert attention from the purpose of the law, which is to shut down illegal prostitution operations.

"Prostitution is illegal," Duncan (D) said. "We make no apologies for cracking down on illegal activities."

The plaintiffs maintained in affidavits that they never permitted prostitution in their businesses. They asked for a temporary restraining order barring the enforcement of the new law, as well as a permanent injunction and judicial review.

Their attorney, Steven Van Grack of Rockville, claimed yesterday that the law is pre-empted by state law and is not necessary.

"This is a case that really began when our police department had problems investigating prostitution in massage parlor establishments," he said, "when the simpler and easier answer would have been for the police to enforce the laws already on the books."

The Montgomery County Police department drew criticism in March for using paid informants to solicit sex during investigations of several massage parlors.

Van Grack said the law was passed as emergency legislation where no emergency existed. He said conflicts with state law regulating massage businesses, unfairly discriminates against immigrants, imposes a harsh burden of licensing fees and institutionalizes sexual discrimination by barring cross-gender massages by locally certified therapists.

"What we want is to be regulated by the state and have a reasonable amount of time to react to changes in the law," Goodall said.

Under the law, owners of a massage business not certified by the state must pay a \$2,000 licensing fee for the business and an additional \$500 for the owner and each employee. Goodall said these fees could add up to \$3,500 to \$4,500 annually for his business alone.

County attorneys told Judge Michael B. Mason they expect enforcement of the law to cost more than \$140,000 in the first year and to take in more than \$60,000 in fees.

Massage law taken to court

MESSAGE from A1

Mason said he would rule on the temporary restraining order today. A hearing date for the permanent injunction was set for Oct. 4.

County attorneys said the law was created with the help

of state and nationally certified massage therapists, none of whom protested any portion of the law when it passed July 24.

They said none of the 23 businesses subject to the law applied for a county license in the months before its passage,

despite notification and application forms, which were mailed out June 1. Weaver also said none of the businesses applied for a waiver of the fees because of inability to pay.

"It's a small price for doing business," Weaver said.

Massage Parlors Sue Over New Law

Three Seek to Block Measure Requiring Montgomery License

By PHUONG LY
Washington Post Staff Writer

Three massage parlor owners filed suit yesterday in Montgomery County Circuit Court seeking to block enforcement of new county regulations designed to shut down fronts for prostitution.

The owners' request for a temporary injunction came four days after county regulations took effect requiring licensing of massage parlors not certified by the state and after county police shut down six business. They argued that only the state should regulate massage parlors.

Judge Michael D. Mason said he would decide today whether to issue a temporary injunction.

One of the closed businesses—Epicotone in Bethesda, owned by Ty Nino Park—is a plaintiff in the suit. The other plaintiffs, Paul Goodall, who owns Ultima, in Germantown, and Chong Son Nielson, the owner of VIP, in Rockville, have closed their businesses as they await the outcome of the court action, their attorneys said.

Steven Van Grack, an attorney for the business owners, called the new law unnecessary and said they were passed because county leaders were embarrassed by disclosures that police had paid informers to hire and have sex with suspected prostitutes at massage parlors.

"The simple answer would have been for the police department to go back and enforce all the laws on the books, the extensive laws," Van Grack told Mason.

County Executive Douglas M. Duncan (D) introduced the legislation in April, after disclosure of the police department's unusual

Massage Parlor Owners Seek to Block New Law

PARLORS, From B1

investigation tactics, which have since been halted.

Police say that as many as 20 massage parlors have operated as prostitution fronts and that the county's new licensing requirements would close loopholes in state law.

The Montgomery law requires massage providers who are not certified by the state Board of Chiropractic Examiners to be licensed by the county and allows officers to go into the businesses to check for licenses. The legislation also bans massages between men and women by therapists who are not state-certified.

Charles W. Thompson Jr., the county attorney, called illicit massage parlors a "blight" and said Duncan and the County Council were "not afraid to legislate in those areas they know may be controversial."

He said county officials received approval from the attorney general's office and the chiropractic board as they prepared the legislation.

Many area jurisdictions, including Kensington and Prince George's County, license massage parlors, and police said Montgomery's previous lack of regulation led to a proliferation of illicit businesses within its borders.

The suit contends that the county's licensing fees—which include \$2,000 for the establishment and \$500 for each worker—are unreasonable. The business owners say that the provision on massages between men and women is discriminatory and that the laws unfairly target Asian Americans, who operate and work in many of the county's massage parlors and often do not speak enough English to pass the state exams.

Lawyers in the county attorney's office said the licensing fees were designed to offset regulation costs. County officials sent letters and applications for licenses in early June to 23 massage establishments, informing them of the impending requirements. No applications have been received, officials said.