



ADVOCATE FOR MASSAGE THERAPY AS A RECOGNIZED AND RESPECTED HEALTHCARE PROFESSION

Date: 4 August 2019

To: Eric Younger, Bremerton City Council President, and Council Members ---
City.Council@ci.bremerton.wa.us
Greg Wheeler, Mayor of the City of Bremerton -- Greg.Wheeler@ci.bremerton.wa.us
Roger A. Lubovich, City Attorney for the City of Bremerton -- legal@ci.bremerton.wa.us
Jim Burchett, Chief of Police for the City of Bremerton --
James.Burchett@ci.bremerton.wa.us

From: Marybeth Berney, LMT, WSMTA President and Board Member
Robbin Blake, LMT, WSMTA Government Relations Director and Board Member --
rblake@mywsmta.org

Re: Bremerton City Ordinance 5373 -- Chapter 5.14 Massage Businesses

Thank you for listening to the public comment on your proposed ordinance and changing the format of your August 7 Council Meeting from one of taking action, to one of listening to public comment, and now to taking it off the agenda and creating a task force on the subject. This strongly demonstrates your goal of "getting this right".

We know from talking to a lot of licensed massage therapists and tracking social media, that there has been input from our profession to the City of Bremerton on how various different massage therapists and massage businesses function from:

- sole proprietors working out of a home or a single room office, to
- massage clinics with multiple massage therapists as employees, to
- licensed massage therapists as employees, sole proprietors, or partners in a PLLC, in other healthcare businesses (Chiropractor office, Physical Therapy Office, Medical Clinic, Holistic Health Clinics, Hospitals, etc.)

They have provided you with feedback on how this new Chapter 5.14 would inhibit, and in some instances put out of business, legitimate licensed massage therapists, as well as to put the personal safety of legitimate licensed massage therapists and their legitimate clients at risk. We are also aware that the Chief of Police, Jim Burchett, has been doing due diligence with our profession and talking to massage therapists about their issues, and we greatly appreciate his efforts. We are also aware of the activity in Kitsap County, to include Bremerton, to shut down illegal prostitution and/or human trafficking businesses posing as massage entities, we applaud these efforts.

With this memo, our intent is not to go over these subjects again per each line of Chapter 5.14, as other individuals and the AMTA-WA have already brought up many problems per the subsections of

proposed Chapter 5.14. When we were first informed of the City of Bremerton's proposed action, WSMTA chose a different tact. Our intent has been to contact other municipalities who have been recently successful at forcing out prostitution and/or human trafficking businesses (under the guise of massage businesses), like the City of Kent, or have been successful at keeping them out, like the City of Bellevue. We wanted to find out what these cities' ordinances were and how these cities' authorities were able to use them.

Note: throughout this document when we mention licensed massage therapists, licensed massage therapists or massage entity/business, we are also talking about reflexologists, certified reflexologists and reflexology entity/business. As we represent massage therapists in our association, we will make reference to "massage therapists" to reduce the amount of repetition.

The WSMTA understands that there are many difficulties in shutting down enterprises that engage in prostitution and/or human trafficking and pose as massage businesses. Some of these many issues are:

- It is very difficult to determine ownership of these businesses, which incurs a lot of expense and time in finding out who to prosecute, it's like playing, the "wack-a-mole" game.
- Once one of these businesses have lost their license, they will attempt to reopen in the same community with a different legal entity purporting to have different owners and it is difficult to link these businesses together.
- When the police show up to investigate a suspected illegitimate business, they cannot identify anyone onsite as proper massage licenses are not displayed (as they are required to be by state regulation) and the purported massage employees do not carry ID.
- Trafficked "employees" that are caught in raids are often immediately disappeared and new "employees" can be brought in quickly.
- "Employees" of these businesses will not talk.
- Undercover officers do not like to do undercover operations in these businesses because of the personal situation of having to possibly be molested or hurt by the suspected illegal massage "employees". And, there are not many undercover officers to begin with.
- There are numerous WACs and RCWs regulating the behavior of licensed massage therapists and healthcare providers in general, but are very limited with regards to regulating the owners of massage businesses/clinics and people who are posing as massage therapists, but are not licensed.

When looking at other municipalities that have had success within their city limits in eliminating illegal businesses posing as massage entities, they have these characteristics:

- have wide reaching regulations around business licenses that allow them to go after illegal businesses
- use existing WACs and RCWs governing massage therapy and healthcare providers to prohibit any other behavior
- do community outreach to landlords and property managers about what to look out for when renting to a business and reinforcing that the community needs their help to reduce the availability of property to illegal businesses. The characteristics of these illegal businesses are pretty similar concerning what the storefronts and reception areas look like, customer traffic times, etc, so they are easy to visually identify.
- inspect suspected illegal businesses that are posing as massage entities
- send undercover officers into suspected illegal businesses that are posing as massage entities

State RCWs and WACs

Licensed massage therapists are regulated through the Department of Health primarily via the following:

- RCW 18.108 Massage Therapists -- <https://app.leg.wa.gov/rcw/default.aspx?cite=18.108>
- WAC 246-830 Massage Practitioners -- <https://app.leg.wa.gov/wac/default.aspx?cite=246-830>
- RCW 18.130 Regulation of Health Professions--Uniform Disciplinary Act <https://app.leg.wa.gov/rcw/default.aspx?cite=18.130>

More specifically, these laws and regulations include:

- RCW 18.108.190 -- Inspection of premises by law enforcement personnel. <https://app.leg.wa.gov/RCW/default.aspx?cite=18.108.190>

State and local law enforcement personnel shall have the authority to inspect the premises at any time including business hours.

[[1975 1st ex.s. c 280 § 20.](#)]

NOTES:

Reviser's note: As to the constitutionality of this section, see *Wash. Massage Found. v. Nelson*, 87 Wn.2d 948, 558 P.2d 231 (1976).

- WAC 246-830-515 Operation of a Massage Business -- states: <https://app.leg.wa.gov/wac/default.aspx?cite=246-830-515>

A person who owns or operates a massage business may be subject to legal action for practice without a license under RCW [18.130.190](#) if the massage business advertises massage and the massage business employs individuals to provide massages who are not licensed under chapter [18.108](#) RCW.

- RCW 18.130.190 Practice without license—Investigation of complaints—Cease and desist orders—Injunctions—Penalties. <https://app.leg.wa.gov/RCW/default.aspx?cite=18.130.190>

The full RCW language is in Appendix A. What is important is:

(7)(a) Unlicensed practice of a profession or operating a business for which a license is required by the chapters specified in RCW [18.130.040](#), unless otherwise exempted by law, constitutes a gross misdemeanor for a single violation.

(b) Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony punishable according to chapter [9A.20](#) RCW.

- RCW 18.108.045 Display of license or certification <https://app.leg.wa.gov/RCW/default.aspx?cite=18.108.045>

A massage therapist licensed under this chapter or a reflexologist certified under this chapter must conspicuously display his or her credential in his or her principal place of business. If the licensed massage therapist or certified reflexologist does not have a principal place of business or conducts business in any other location, he or she must have a copy of his or her credential available for inspection while performing services within his or her authorized scope of practice.

[[2016 c 41 § 5](#); [2012 c 137 § 7](#); [2011 c 223 § 2](#).]

NOTES:

Effective date—2016 c 41: See note following RCW [18.108.010](#).

Finding—Purpose—Rules—Effective date—2012 c 137: See notes following RCW [18.108.005](#).

There are also the following laws to consider:

- HB1252 -- Concerning crime committed by business entities.
<https://app.leg.wa.gov/billssummary?BillNumber=1252&Year=2019>

Because of the size of this document, we will leave it for readers to look it up themselves. However, this bill that has been signed into law and became effective 7/28/19 and provides regulation on business entity illegal behavior.

- RCW 35A.82.025 Authority to regulate massage therapists--Limitations:
https://app.leg.wa.gov/RCW/default.aspx?cite=35A.82.025&fbclid=IwAR2NKZm3tvmLhy-o4eIS6MAE9s3JBxSivJ_w5Ft956WS8SPM1tX0yAjHcaQ

(1) A state licensed massage therapist seeking a city license to operate a massage business must provide verification of his or her state massage license as provided for in RCW [18.108.030](#).

(2) The city may charge a licensing or operating fee, but the fee charged a state licensed massage therapist shall not exceed the licensing or operating fee imposed on similar health care providers, such as physical therapists or occupational therapists, operating within the same city.

(3) A state licensed massage therapist is not subject to additional licensing requirements not currently imposed on similar health care providers, such as physical therapists or occupational therapists.

[[2016 c 41 § 24](#); [1991 c 182 § 2](#).]

NOTES:

Effective date—2016 c 41: See note following RCW [18.108.010](#).

There are probably more regulations and laws the Assistant Attorney General, who advises the Department of Health on massage therapy, could point out, but these are what are known to us and seem the most relevant. If you would like to contact this individual, let us know and we can provide contact information.

WSMTA's Recommendations

It is unduly burdensome to cause a singled-out profession to pay extra fees to obtain licenses, be treated like criminals in having extra background checks, fingerprinting, picture taking and restrictions on business when they are not responsible for illegal businesses which pose as massage entities and which engage in prostitution and/or human trafficking. It is unfortunate that our profession has been hijacked by these illegal businesses. Nor will regulating the legal businesses of massage entities reduce this illegal behavior.

There are other cities in WA state who have been able to force and keep out these illegal businesses. In reviewing what some of these cities have done, WSMTA is making the following recommendations:

1. Review "Bremerton: 5.02.170 GROUNDS FOR DENIAL OR REVOCATION OF LICENSE" and reinforce it based on what is working for other cities.
2. Create an ordinance similar to "Bellevue BCC 10.06.090: State massage practitioner license required – Violation is misdemeanor – Inspections – Definitions". This is a key component which we'll explain below.
3. Engage the massage community to create a process for inspections of suspected illegal businesses.
4. Ensure that inspections have more than one inspector.
5. Engage in community outreach to inform landlords and interested parties as to what the characteristics of these illegal businesses are as they are usually similar in nature.
6. Engage the community via education and outreach to report these suspected illegal businesses.
7. Remove comments on rubmaps.com referring to any businesses within Bremerton city limits when these entities have been closed.
8. Once you have begun to remove these illegal businesses from your city limits, as has been happening this summer, have a plan in place to protect legitimate licensed massage therapists. The clientele of these illegal businesses will begin to seek sexual services from law-abiding massage therapists and the safety of these licensed massage therapists may be at risk.
9. Create a process to follow-up on how any created or amended ordinances are performing as well as to review any support plans engaged in helping to reduce the number of these illegal businesses.

1. Review Bremerton: 5.02.170 Grounds for Denial or Revocation of License

We have copied the business license denial and revocation ordinances for Bremerton, Kent, Bellevue and Seattle into Appendix B for your review to determine if there is any means to help make the existing Bremerton language more robust. We recommend that you discuss with Kent and Bellevue City Attorneys how they have used their ordinances to their advantage, if you have not already.

2. Create an ordinance similar to Bellevue BCC 10.06.090: State massage practitioner license required – Violation is misdemeanor – Inspections – Definitions

The language for this ordinance states:

Bellevue BCC 10.06.090: State massage practitioner license required – Violation is misdemeanor – Inspections – Definitions

<https://bellevue.municipal.codes/BCC/10.06.090>

It shall be unlawful for any person to practice or represent himself or herself as a massage practitioner in the city of Bellevue without first applying for and receiving a license to practice from the State Department of Licensing pursuant to RCW [18.108.030](#). Failure to have a license as required by this section shall be a misdemeanor.

To the extent authorized by RCW [18.108.190](#), city law enforcement personnel shall have the authority to inspect the premises of any business where massages are given.

For purposes of this section, "massage" and "massage practitioner" shall have the meanings set forth in RCW [18.108.010](#). (Ord. 5622 § 2, 2005.)

This ordinance is the key that allows Bellevue to revoke the business license of an illegal business posing as a massage entity in their city. It is easier to do this than to try and catch someone in the "act" or regulating the massage therapy profession as "Bremerton City Ordinance 5373 -- Chapter 5.14 Massage Businesses" attempts to do. This ordinance allows Bellevue to inspect as needed to see if the suspected illegal business has "employees" posing as licensed massage therapists and if there is illegal behavior.

We would also recommend that you amend this ordinance to include reflexology and change "massage practitioner" to "massage therapist" as the language has changed in the WACs governing the title of a massage therapist.

The City of Kent has a similar setup using two ordinances, but the Assistant City Attorney who participated in the November 2018 busts of illegal businesses will be rewriting one of the ordinances to reference massage RCWs and WACs and has not completed this yet, so we have not included their ordinances. However, if you would like to engage this Assistant City Attorney, please contact us and we will provide contact information.

We realize that it is very hard to determine who is onsite when inspecting a suspected illegal business because workers in the facility generally do not have ID, or if they do, they are required not to bring it. So even if you require photos to be posted on massage licenses or reflexology certifications, it will not change the situation, these illegal businesses will just change the form of their obfuscation.

3. Engage the massage community to create a process for inspections of suspected illegal businesses.

Massage therapists know their business and will know when something is out of the ordinary. Use our expertise to help create check lists of things to review and look out for while performing inspections. When you come across anything uncertain, run it by a licensed massage therapist to get their input.

4. Ensure that inspections have more than one inspector.

As one of our consultants has recommended to us, a team of inspectors is better than a single person to avoid he-said-she-said issues and to prevent accusations of inappropriate behavior by a single inspector in this environment of potential illicit activities. Whether these teams are all police officers, or are composed of multiple professions (law enforcement, fire department, code enforcer) all inspectors should be trained in advance on what to look for.

5. Engage in community outreach to inform landlords and interested parties as to what the characteristics of these illegal businesses are as they are all similar in nature.

We cannot attest to the veracity of what landlords know or don't know regarding the businesses that they lease commercial space to. But since the illegal businesses posing as massage businesses tend to have similar characteristics, reaching out to the landlord community will educate them in what to look out for when negotiating with new potential lessees or when managing existing lessees.

Over the past couple of years, we have heard of cities creating or amending ordinances to place more responsibility on landlords to ensure they do not rent to owners of illegal businesses. However, given the limited time we have had to do research, we have not been able to find any of these types of regulations, or to determine if comments about them have been just hopes that they will some day exist.

6. Engage the community via education and outreach to report these suspected illegal businesses.

News articles about the prostitution ring busts in Kitsap County this past month indicate that some of the public was aware of what was going on in these suspected illegal businesses posing as massage entities. Licensed massage therapists are definitely aware of when suspicious businesses move into their communities. Create a means that will allow the public to report suspicious activity such as providing online tips for this particular situation as you do for drugs or traffic.

7. Remove comments on rubmaps.com referring to any businesses within Bremerton city limits when these entities have been closed.

There are currently several references to businesses in Bremerton on rubmaps.com. As you close down these illegal businesses, we recommend that you have the references to these illegal businesses removed from the website. We can recommend to you someone who knows how to do this if needed.

8. Once you have begun to remove these illegal businesses from your city limits, as has been happening this summer, have a plan in place to protect legitimate licensed massage therapists. The clientele of these illegal businesses will begin to seek sexual services from law-abiding massage therapists and the safety of these licensed massage therapists may be at risk.

One of the unfortunate consequences in reducing businesses that provide sexual services, is that former customers will seek out similar services from legitimate massage therapists and reflexologists. They will push the boundaries on what is appropriate in a legitimate massage or reflexology session to see how willing a licensed massage therapist may be to accommodate them.

We strongly recommend that a plan be put into place so that licensed massage therapists know what to do if they are harassed, fear for their safety or suspect that a client is trolling for sexual services. Everyone knows to contact 911 in the case of an emergency, but education should occur with licensed massage therapists on how to predator-proof their practice and law enforcement personnel should be made aware that licensed massage therapists will be more vulnerable. WSMTA will be working on this shortly to get information out to licensed massage therapists in the Kitsap County area.

As a side note, massage therapists, especially those who practice on their own, whether out of a home or office, can be vulnerable to predators or to clients seeking a "good time" at any time. Having outreach to the licensed massage therapy community could help them to reduce this vulnerability.

9. Create a process to follow-up on how any created or amended ordinances are performing as well as to review any support plans engaged in helping to reduce the number of these illegal businesses.

It is always important to know if new processes and procedures are functioning well and providing their expected outcome. Create a specific timeline for reviewing any new or revised ordinances and any newly created support programs at designated times.

In Closing

WSMTA would be happy to offer any assistance that we can in the development of your massage ordinances and processes that would help to reduce the ability of the illegal business posing as massage or reflexology entities to remain in business. We thank you for listening to our community and forming a task force to work together to create an ordinance that will successfully shut down these illegal businesses

Even though the Ordinance in question has been pulled, WSMTA's Government Relations Director, Robbin Blake will be attending the City of Bremerton's Council Meeting on August 7 and will be available to talk before or after the meeting to any interested parties.

Should any person reading this document require more details or contact information, we recommend that you contact Robbin Blake at rblake@mywsmta.org.

Thank you for your consideration.

Appendix A: RCW 18.130.190 Practice without license—Investigation of complaints—Cease and desist orders—Injunctions—Penalties.

<https://app.leg.wa.gov/RCW/default.aspx?cite=18.130.190>

- (1) The secretary shall investigate complaints concerning practice by unlicensed persons of a profession or business for which a license is required by the chapters specified in RCW [18.130.040](#). In the investigation of the complaints, the secretary shall have the same authority as provided the secretary under RCW [18.130.050](#).
 - (2) The secretary may issue a notice of intention to issue a cease and desist order to any person whom the secretary has reason to believe is engaged in the unlicensed practice of a profession or business for which a license is required by the chapters specified in RCW [18.130.040](#). The person to whom such notice is issued may request an adjudicative proceeding to contest the charges. The request for hearing must be filed within twenty days after service of the notice of intention to issue a cease and desist order. The failure to request a hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine. All proceedings shall be conducted in accordance with chapter [34.05](#) RCW.
 - (3) If the secretary makes a final determination that a person has engaged or is engaging in unlicensed practice, the secretary may issue a cease and desist order. In addition, the secretary may impose a civil fine in an amount not exceeding one thousand dollars for each day upon which the person engaged in unlicensed practice of a business or profession for which a license is required by one or more of the chapters specified in RCW [18.130.040](#). The proceeds of such fines shall be deposited to the health professions account.
 - (4) If the secretary makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the secretary may issue a temporary cease and desist order. The person receiving a temporary cease and desist order shall be provided an opportunity for a prompt hearing. The temporary cease and desist order shall remain in effect until further order of the secretary. The failure to request a prompt or regularly scheduled hearing constitutes a default, whereupon the secretary may enter a permanent cease and desist order, which may include a civil fine.
 - (5) Neither the issuance of a cease and desist order nor payment of a civil fine shall relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy of a cease and desist order or civil fine shall be in addition to any criminal liability. The cease and desist order is conclusive proof of unlicensed practice and may be enforced under RCW [7.21.060](#). This method of enforcement of the cease and desist order or civil fine may be used in addition to, or as an alternative to, any provisions for enforcement of agency orders set out in chapter [34.05](#) RCW.
 - (6) The attorney general, a county prosecuting attorney, the secretary, a board, or any person may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any person practicing a profession or business for which a license is required by the chapters specified in RCW [18.130.040](#) without a license from engaging in such practice or operating such business until the required license is secured. However, the injunction shall not relieve the person so practicing or operating a business without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.
 - (7)(a) Unlicensed practice of a profession or operating a business for which a license is required by the chapters specified in RCW [18.130.040](#), unless otherwise exempted by law, constitutes a gross misdemeanor for a single violation.
 - (b) Each subsequent violation, whether alleged in the same or in subsequent prosecutions, is a class C felony punishable according to chapter [9A.20](#) RCW.
 - (8) All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.
- [[2003 c 53 § 141](#); [2001 c 207 § 2](#). Prior: [1995 c 285 § 35](#); [1993 c 367 § 19](#); [1991 c 3 § 271](#); prior: [1989 c 373 § 20](#); [1989 c 175 § 71](#); [1987 c 150 § 7](#); [1986 c 259 § 11](#); [1984 c 279 § 19](#).]

NOTES:

Intent—Effective date—2003 c 53: See notes following RCW [2.48.180](#).

Purpose—2001 c 207: "The purpose of this act is to respond to *State v. Thomas*, 103 Wn. App. 800, by reenacting and ranking, without changes, legislation relating to the crime of unlicensed practice of a profession or a business, enacted as section 35, chapter 285, Laws of 1995." [[2001 c 207 § 1.](#)]

Effective date—2001 c 207: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [May 7, 2001]." [[2001 c 207 § 4.](#)]

Effective date—1995 c 285: See RCW [48.30A.900](#).

Effective date—1989 c 175: See note following RCW [34.05.010](#).

Severability—1987 c 150: See RCW [18.122.901](#).

Severability—1986 c 259: See note following RCW [18.130.010](#).

APPENDIX B: City Ordinances on Business License Denial and Revocation:

Bremerton: 5.02.170 GROUNDS FOR DENIAL OR REVOCATION OF LICENSE

<https://www.codepublishing.com/WA/Bremerton/#!/Bremerton05/Bremerton0502.html#5.02.170>

(a) In addition to the other penalties provided by law, any business license issued under the provisions of this chapter may be denied or revoked pursuant to the provisions of this chapter at any time, where:

- (1) The license was procured by fraud, false representation or material omission of fact, or for the violation of or failure to comply with any of the provisions of this chapter by the person holding such license, or any of his servants, agents or employees, while acting within the scope of their employment; or
- (2) The licensee or employee of the licensee violates any of the provisions of this chapter or any applicable city, state or federal law, including, but not limited to Chapters [3.48](#), [3.50](#) and [3.86](#) BMC, or the purpose for which the license was issued is being abused to the detriment of the public, or such license is being used for a purpose different from that for which it was issued.
- (3) The licensee submits a false or fraudulent City tax return or makes a false statement on any City tax return.
- (4) The licensee fails to pay any license fee or tax to the city when due including, but not limited to any taxes pursuant to Title [3](#) BMC.
- (5) The licensee or employee has been convicted of a crime involving the business.
(Ord. 4842, Repealed & Replaced, 01/03/2003)

Kent 5.01.130 Grounds for denial or revocation of license.

<https://www.codepublishing.com/WA/Kent/>

A. In addition to other actions or penalties provided by law, the city may deny or revoke any license applied for or issued pursuant to this chapter for any of the following reasons:

1. The license application contains an omission or misrepresentation of material fact;
2. The license was procured by fraud;
3. The license is used, or is intended to be used, for a business materially different from that applied for;
4. The licensee or business fails to pay the licensing fee applicable to such license;
5. The licensee or business violates any of the requirements of this chapter;
6. The business engages in, or the licensee seeks a license to engage in, an unlawful business or activity;
7. The business operates in a manner that constitutes a nuisance pursuant to common law or the ordinances, codes, and statutes of the city of Kent or the state of Washington;
8. The licensee is not eighteen (18) years of age or older at the time the license is applied for;
9. The licensee or the business is delinquent in the payment of any fees, taxes, assessments, or fines owed to the city, including but not limited to permit fees, utility fees, gambling taxes, local improvement district assessments, and civil fines; or
10. The licensee or business has had a similar license denied or revoked and has not corrected the basis for the denial or revocation.

B. The issuance of a license that could have been denied pursuant to subsection (A) of this section shall not prohibit the city from taking action to revoke the license at a later date, and it shall at all times remain the exclusive responsibility of the licensee to ensure that the business complies with the requirements of this chapter.

(Ord. No. 4001, § 2, 8-2-11)

Bellevue BCC 4.03.230 Suspension or revocation of business registration [license].
<https://bellevue.municipal.codes/BCC/4.03.230>

A. The director, or designee, shall have the power and authority to suspend or revoke any license issued under the provisions of this chapter or Chapter 4.04 BCC, Admission Tax Code; Chapter 4.09 BCC, Business and Occupation Tax Code; Chapter 4.10 BCC, Utility Occupation Tax Code; and Chapter 4.14 BCC, Gambling Tax Code, and to such other chapters and sections of the Bellevue City Code in such manner and to such extent as expressly indicated in each such chapter or section. The director, or designee, shall notify such licensee in writing by certified mail of the intended suspension or revocation of his or her license and the grounds therefore. Any license issued under this chapter may be suspended or revoked based on one or more of the following grounds:

1. The license was procured by fraud or false representation of fact
2. The licensee has failed to comply with any provisions of BCC Title 2.4
3. The licensee has failed to comply with any provisions of the Bellevue City Code.
4. The licensee is in default in any payment of any license fee or tax under BCC Title 4.
5. The licensee or employee has been convicted of a crime involving the business.

B. Any licensee may, within 30 days from the date that the suspension or revocation notice was mailed to the licensee, appeal from such suspension or revocation by filing a written notice of appeal ("petition") setting forth the grounds therefore with the hearing examiner. A copy of the petition must be provided by the licensee to the director and the city attorney on or before the date the petition is filed with the hearing examiner. The hearing examiner shall set a date for hearing said appeal and notify the licensee by mail of the time and place of the hearing. After the hearing thereon the hearing examiner shall, after appropriate findings of fact, and conclusions of law, affirm, modify, or overrule the suspension or revocation and reinstate the license, and may impose any terms upon the continuance of the license.

C. No suspension or revocation of a license issued pursuant to the provisions of this subchapter shall take effect until 30 days after the mailing of the notice thereof by the director, and if appeal is taken as herein prescribed the suspension or revocation shall be stayed pending final action by the hearing examiner. All licenses which are suspended or revoked shall be surrendered to the city on the effective date of such suspension or revocation.

D. The decision of the hearing examiner shall be final. The licensee and/or the director may seek review of the decision by the superior court of Washington in and for King County within 30 days from the date of the decision. If review is sought as herein prescribed the suspension or revocation shall be stayed pending final action by the superior court.

E. Upon revocation of any license as provided in this section no portion of the license fee shall be returned to the licensee. (Ord. E. 5436 § 1, 2003.)

Seattle 6.202.230 - License—Denial, revocation, or refusal to renew—Grounds.
https://library.municode.com/wa/seattle/codes/municipal_code (do a search for 6.202.230 in the search line)

A license may be denied, revoked, or not renewed for violation of any ordinance or law that regulates licensed activity in order to further the public interest in public health, safety, and welfare. A license may also be denied, revoked, or not renewed upon a finding that any applicant or licensee, or any owner, officer or agent thereof:

- A. Has omitted to disclose any material fact necessary to make a statement not misleading, in any application for the license; or
- B. Has charges pending against her/him or has been convicted of a crime or offense that directly relates to the activity for which the license is required, and the time elapsed since the date of conviction or release from jail or prison, whichever is more recent, is less than ten years; or has been convicted of several crimes including at least one within the last ten years; provided, however, that any licensee whose license is revoked because of charges pending against her/him may engage in the activity for which the license is required, pending a final decision on the charges; or
- C. Has been subject to an adverse finding in any judgment or order that directly relates to the activity for which the license is required, in any judicial or administrative proceeding in which fraud, deceit, coercion, breach of trust, unfair method of competition, unfair or deceptive trade act or practice, or assertion of unconscionable contractual provisions, or other similar act, practice, or conduct, on the part of the licensee-applicant is proven, and the time elapsed since the judgment or order is less than ten years; or
- D. Has violated or failed to comply with any applicable provisions of this Code or rule or regulation prescribed under this subtitle; provided, that failure to obtain a license shall not be grounds for license denial; or
- E. Is in default in any payment of any fee or tax required under [Title 5](#) or [Title 6](#) of the Seattle Municipal Code; or
- F. Has been subject to an adverse finding in any judgment or order, in any judicial or administrative proceeding for violation of any provision of a City ordinance or rule or regulation prescribed thereunder pertaining to fire, building, health, sanitation, zoning, weights and measures, consumer protection, environmental protection, or any other ordinance or law and that is applicable to the licensed activity or licensed premises; or
- G. Has been determined to have discriminated against any person because of race, color, age, sex, marital status, sexual orientation, gender identity, political ideology, creed, religion, ancestry, national origin, or the presence of any sensory, mental, or physical handicap, in the course of licensed activity, in violation of a City ordinance, law, rule or regulation prescribed thereunder; or
- H. Has violated or failed to comply with any final order of the Director or Hearing Examiner; or
- I. Has failed to complete the application for a license as required by this Code; or
- J. Has failed to obtain a license or permit required by state or other law necessary to engage in the licensed activity; or
- K. Has failed to comply with RCW Chapters 49.12 and 28A.28, and rules and regulations promulgated pursuant thereto, regarding employment of minors; or
- L. Any licensee has permitted or authorized his/her agent to violate or fail to comply with any provision of this Code; or
- M. The property at which the business is located has been determined by a court to be a chronic nuisance property as provided in SMC [Chapter 10.09](#).

(Ord. 123188, § 4, 2009; Ord. 123160, § 5, 2009; Ord. [119628](#) § 21, 1999; Ord. [117586](#) § 3, 1995; Ord. [109651](#) § 5, 1981; Ord. [108934](#) § 1.090, 1980.)