



ESCORTS & ESCORT **BUREAUS**

<u>License</u>	<u>Application Fee</u>	<u>Permit Fee 1st Year License</u>	<u>Annual Renewal</u>	<u>Approval Required</u>
Escort Bureau	\$290.00	\$130.00	\$130.00	Police, Planning, & Neighborhood Services
Escort ID card	\$23.00	N/A	\$23.00	None

Application fees are not refundable and cannot be applied to license fees. (Ordinance G-2197, 5/19/81)

For your convenience, we suggest that you make an appointment prior to visiting License Services. Call (602) 262-4638 between 8 a.m. and 5 p.m. Monday - Friday. The approval process takes approximately 90 days.

ARTICLE X. ESCORTS AND ESCORT BUREAUS

Sec. 10-87. Definitions.

In this Article, unless the context otherwise requires:

- A. Applicant means the person applying for a license pursuant to this Article.
- B. City Clerk means the City Clerk of the City of Phoenix or the City Clerk's designee.
- C. Designated agent means the individual designated by the applicant to receive City notices pursuant to this Article.
- D. Employed means the state of being hired, engaged or authorized to provide any service on a full time, part time, or contract basis, whether the individual is denominated an employee, independent contractor or otherwise, and whether the individual is compensated.
- E. Escort means any person who for monetary consideration in the form of a fee, commission or salary, is held out to the public as available for hire to consort with or to accompany another or others to social affairs, places of amusement or entertainment, within any place of public resort, or within any private quarters.
- F. Escort bureau means any person who for a fee, commission, profit, payment or other monetary consideration, furnishes, refers, or offers to furnish or refer escorts, or provides, or offers to introduce, patrons to escorts.
- G. Escort bureau runner means any person, not an escort, who for a salary, fee, hire, reward, or profit, as the agent for either an escort bureau or a patron, contacts or meets with escort patrons or escort bureaus at any location other than the established open office, as defined hereunder, whether that person is employed by the escort bureau or any business, or is self-employed.
- H. Licensee means a person who is the holder of a valid license under this ordinance. A licensee includes an agent, servant, employee or other person while acting on behalf of that licensee whenever such licensee is or would be prohibited from doing or performing an act or acts under this Title.
- I. Manager means an individual authorized by the licensee to exercise overall operational control of the business, to supervise employees, or to fulfill any of the functions required of a manager by this Article.
- J. Offer to provide acts of sexual conduct means to offer, propose or solicit to provide sexual conduct to a patron, including all conversations, advertisements and acts that would lead a reasonably prudent person to conclude that such acts were to be provided.
- K. Open office means an office at the licensed escort bureau address from which escort business is transacted. To qualify as an open office it is required that:
 1. Business hours be established and posted and that the office be open to the public and patrons or prospective patrons during such business hours and that the office be accessible to business invitees,

business license officials and law enforcement officers through a security system during all other hours that escorts are working.

2. The office be managed by the owner or a manager of the owner having authority to bind the bureau to escort and patron contracts and adjust patron and consumer complaints.
3. All telephone lines and numbers listed to the escort bureau, or advertised as escort bureau numbers, must be on file with the City Clerk.
4. An index of all employees and escorts be kept in the open office.
5. All business records be kept in the open office including records of escort calls and referrals, stating the name and address, including hotel or motel room, of the patron, the date and time of referral, name of escort sent and whether the referral resulted in an escort service and the total fee received from the patron, if any.
6. The business license be posted in a conspicuous place to patrons upon entry.

L. Person means any individual, firm, partnership, corporation or association of any kind.

M. Person financially interested means, for a corporation, any person who is an officer or a director or any shareholder holding more than five percent of the shares thereof; and for a noncorporate business any person who shares in any financial gain attributable to the business as a proprietor or owner or on the basis of a percentage in excess of five percent of gross or ten percent of net revenue.

N. Service oriented escort means an escort for whom all of the following are true:

1. Operates from an open office.
2. Does not employ or use an escort bureau runner.
3. Does not advertise that sexual conduct will be provided or work for an escort bureau that so advertises.
4. Does not offer, solicit, agree to provide, or provide sexual conduct.

O. Service oriented escort bureau means an escort bureau for which all of the following are true:

1. Maintains an open office at an established place of business.
2. Does not use an escort bureau runner.
3. Does not advertise, offer, solicit, agree to, or provide sexual conduct to a patron.
4. Employs or provides only escorts who possess escort identification cards.

P. Sexual conduct means engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying sexual desire of another person.

Q. Sexual gratification means sexual conduct as defined herein.

R. Sexually oriented acts means sexual conduct as defined herein.

S. Sexually oriented escort means an escort for whom any of the following are true:

1. Employs an escort bureau runner as an employee, agent or independent contractor.
2. Works for, as an agent, employee or independent contractor, or is referred to a patron by, a sexually oriented escort bureau.
3. Advertises that sexual conduct will be provided, or works for as an agent, employee or independent contractor, or is referred to a patron by, an escort bureau that so advertises.
4. Solicits, offers, agrees to provide or does provide acts of sexual conduct to an escort patron.

5. Accepts an offer or solicitation to provide acts of sexual conduct for a fee in addition to the fee charged by the escort bureau.

T. Sexually oriented escort bureau means an escort bureau for which any of the following are true:

1. Engages in advertising to make the prospective patron believe that acts of sexual conduct or sexual stimulation will be provided.
2. Uses as escorts persons known to have been convicted of any offense in Chapter 32 (prostitution) of Title 13, Arizona Revised Statutes, Sections 23-52 or 23-53, Phoenix City Code, or of the same or similar offense in another state or jurisdiction, within the previous five years.
3. Does not maintain an open office.
4. Employs as an employee, agent or independent contractor, or uses an escort bureau runner.
5. Advertises that sexual conduct will be provided or that escorts that provide such sexual conduct will be provided, referred, or introduced to a patron.
6. Solicits, offers or agrees to provide or does provide acts of sexual conduct to a patron.
7. Employs, contracts with or provides or refers escorts who do not possess escort identification cards as required herein.
8. Does not deliver contracts to every patron or customer.
9. Employs, contracts with, or refers or provides to a patron, a sexually oriented escort.

U. Sexual stimulation means to excite or arouse the prurient interest or to offer or solicit acts of sexual conduct as defined under "offer to provide acts of sexual conduct."

Sec. 10-88. Nonprofit corporation or organization exemptions.

An organization that is qualified for exemption from taxation of income under A.R.S. § 43-1201(1), (2), (4), (5), (6), (7), (10) or (11), and all professions, occupations and businesses that are licensed by the State of Arizona or any political subdivision thereof pursuant to a specific statute or ordinance, and all employees employed by a business so licensed, and that perform an escort or escort bureau function as a service merely incidental to the primary function of such organization, profession, occupation or business and that do not hold themselves out to the public as an escort or escort bureau, are exempt from licensing pursuant to this Article. Any employment agency, licensed by the State, that provides escorts as defined herein, must, however, obtain a license as required by this chapter.

Sec. 10-89. Escort bureau, license required; adult cabaret exception.

- A. It shall be unlawful for any person to work or perform services as, conduct, manage, operate, or maintain an escort bureau unless licensed pursuant to this Article.
- B. It shall be unlawful for any person to operate a business that has been licensed under this Article while the license for that business is suspended.
- C. It shall be unlawful for any person to work or perform services as, conduct, operate, manage, or maintain a sexually oriented escort bureau, regardless of license.
- D. It shall be unlawful to operate an escort bureau that has not been issued a separate license for each location at which the escort bureau conducts business or advertises.
- E. It shall be unlawful to knowingly employ an escort with a revoked identification card.
- F. Notwithstanding any other provision of this Article, any person issued a sexually oriented business license to operate an adult cabaret pursuant to the provisions of Article XII of Chapter 10 of this Code is exempt from the requirements of this Article for those licensed activities while that license is valid and unsuspended.

Sec. 10-89.1 Escorts; identification card issuance; revocation; appeal; information update.

- A. An applicant for an escort identification card shall file an application with the City Clerk on a form prescribed by the City Clerk for that purpose and shall provide the following information:

1. Full true name and all aliases.
2. Current mailing address.
3. Height, weight and color of hair and eyes.
4. Date of birth and written proof of age in the form of a current driver's license with photograph, or other current picture identification document issued by a governmental agency.
5. A statement as to whether the applicant has been convicted of any offense in Chapter 32 (prostitution) of Title 13, Arizona Revised Statutes, Sections 23-52 or 23-53, Phoenix City Code, or of the same or similar offense in another state or jurisdiction, within the previous five years.
6. Whether the applicant has an outstanding arrest warrant.
7. Signature of applicant.
8. One digital photograph of the applicant taken by the City at the time of application.
9. A notarized statement in a form prescribed by the City Clerk that the applicant is authorized to work for the designated licensed escort bureau.

B. The application shall be approved unless the applicant has:

1. Not reached the age of eighteen years.
2. Not paid the application fee.
3. Been convicted of an offense listed in Subsection A within the previous five years.
4. Not completed the application as required by this Section and Section 10-91.01.
5. Given false or misleading information in the application or in an earlier-filed application within the previous five years.
6. An outstanding arrest warrant issued on an underlying charge relating to prostitution or a similar offense, in this or any other state.
7. Applied for an identification card for an escort bureau with a suspended or revoked license.

C. If the application is denied, the City Clerk shall hand deliver, or mail by certified mail to the mailing address of the applicant, a notice of denial that states the reasons therefor. Service by mail shall be complete five calendar days after mailing.

D. The applicant may appeal a notice of denial by filing a notice of appeal in the Office of the City Clerk within ten calendar days of receipt of the denial. An appeal of a notice of denial shall be heard by the License Appeal Board pursuant to the provisions of Article II of Chapter 19 of the Phoenix City Code.

E. An identification card shall be revoked under the following circumstances:

1. The applicant failed to pay the application fee.
2. The applicant gave false or misleading information in the application.
3. The applicant has been convicted of an offense listed at Subsection A within the five year period prior to the date of application.
4. The applicant has been convicted of an offense listed at Subsection A subsequent to the issuance of the identification card.
5. An escort bureau license in the name of the escort has been revoked within the previous five years.
6. The applicant is a sexually oriented escort as defined in this Article.
7. The license of the escort bureau for which the identification card was issued has been revoked or terminated.

- F. If the identification card is revoked, the City Clerk shall hand deliver, or mail by certified mail to the mailing address of the card holder, a notice of revocation that states the reasons therefor. Service by mail shall be complete five calendar days after mailing.
- G. The identification card holder may appeal a notice of revocation by filing a notice of appeal in the Office of the City Clerk within ten calendar days of receipt of the notice of revocation. An appeal of a notice of revocation shall be heard by the License Appeal Board pursuant to the provisions of Article II of Chapter 19 of the Phoenix City Code.
- H. An identification card revoked pursuant to this section shall be surrendered to the City Clerk upon demand at the conclusion of the administrative case or any appeal taken.
- I. Any change in the information required to be submitted pursuant to this Section, or any conviction of an offense listed at Subsection A subsequent to the date of application shall be reported to the City Clerk on a form prescribed by the City Clerk for that purpose within ten calendar days of the change or the conviction.

Sec. 10-90. License and identification card term; nontransferability.

- A. A license issued pursuant to the provisions of this Article shall expire at midnight on December 31 of the year of application provided that a license approved by the City Clerk on or after the fifth business day of October of any calendar year shall expire at midnight on December 31 of the following year. All licenses issued pursuant to this Article are non-transferable.
- B. An escort identification card shall expire on the expiration date of the license of the escort bureau for which it was issued. The expiration date to be used shall be the expiration date of the escort bureau license on the date of application for the identification card.
- C. All identification cards issued pursuant to this Article are non-transferable.

Sec. 10-91. Application for escort bureau license; contents; required fees.

- A. An applicant for an escort bureau license shall file an application with the City Clerk accompanied by a nonrefundable application fee.
- B. The application shall contain the following information about the applicant, any person financially interested in the activity to be licensed, any authorized local agents, the designated agent, and any manager of the business:
 - 1. The full legal name, business trade names or styles, business phone number, legal form of applicant, current residential phone number, and current residential or legal address.
 - 2. Each residence and business address for the five-year period immediately preceding the date of filing of the application and the inclusive dates of each such address.
 - 3. Written proof in the form of a current driver's license with picture, or other current picture identification document issued by a governmental agency, that the individual has reached the age of eighteen years.
 - 4. Height, weight, color of eyes and hair and date of birth.
 - 5. One digital photograph taken by the City at the time of application.
 - 6. The business, occupation or employment history for the five-year period immediately preceding the date of the filing of the application.
 - 7. Information as to whether such individual or business has ever been refused any similar license or permit or has had any similar license or permit issued to such individual or business in Phoenix or elsewhere revoked or suspended, and the reason or reasons therefor.
 - 8. All prior criminal convictions, excepting minor traffic offenses, and warrants issued for the arrest of the applicant.
 - 9. Fingerprints.

10. If the applicant is a person other than an individual, the applicant shall designate one of its officers, members or partners to act as its designated agent. The designated agent shall complete and sign all application forms required of an applicant under this Ordinance.
 11. A description of any service to be provided together with a declaration that the services to be provided shall not involve those of a sexually oriented escort or escort bureau.
 12. The name, identification card number and all other names under which the escort is providing services for the escort bureau for each person employed as an escort.
 13. All telephone numbers that the escort bureau is using or under which the escort bureau is doing business or advertising.
 14. All business names, trade names or fictitious names under which the escort bureau is doing business or advertising.
- C. The City Clerk shall have a reasonable period of time in which to investigate the application and background of the applicant and process the application through various City departments.
- D. The City Clerk shall grant the license upon the following circumstances:
1. The required fees have been paid.
 2. The application conforms in all respects to the provisions of this Article.
 3. The applicant has not made a material misrepresentation of fact in the application.
 4. That neither the applicant, if an individual, nor any person financially interested if a corporation, nor any of the partners, including limited partners, nor the holder of any profit interest, nor the manager or other person principally in charge of the operation of the existing or proposed escort bureau, nor the designated agent, nor any individual employed or contracted with to be an escort or to provide escort services has been convicted of, pleaded nolo contendere to or guilty to any felony, or to a misdemeanor involving moral turpitude, within five years prior to the issuance of the license. This section shall be inapplicable to an individual whose civil rights have been restored in accordance with law, unless the conviction involves a criminal violation of this Article.
 5. The applicant has not had a license similar to the one issued pursuant to the provisions of this Article issued by another authority, suspended or revoked within the five-year period immediately preceding the date of the filing of the application.
 6. The escort bureau is in compliance with all applicable laws of the City of Phoenix, County and State.
 7. The applicant, manager, designated agent, or other person principally in charge of the operation of the business is at least eighteen years of age.
 8. The applicant has not had a license issued pursuant to this Article suspended or revoked within the five-year period immediately preceding the date of filing of the application.
- E. The City Clerk shall deny the license application if all of the requirements set forth in Subsections D(1) through (8) of this Section have not been met. In the event of denial, the applicant shall be notified by certified mail or hand-delivery of the denial and the reasons therefor. Service by mail shall be complete five calendar days after mailing. The applicant may appeal such denial to the License Appeal Board pursuant to the provisions of Chapter 19 of the Phoenix City Code.
- F. The City Clerk may require each applicant, any person financially interested in the activity to be licensed, any authorized local agents, the designated agent, and any manager of the business to furnish a full set of fingerprints to enable the City Clerk to conduct a criminal background investigation. The City Clerk shall submit the person's completed fingerprint card to the Department of Public Safety. The person shall bear the cost of obtaining the person's criminal history record information. The cost shall not exceed the actual cost of obtaining the person's criminal history record information. Criminal history records checks shall be conducted pursuant to Section 41-1750, Arizona Revised Statutes, and Public Law 92-544. The Department of Public Safety is authorized to exchange the person's submitted fingerprint card information with the Federal Bureau of Investigation for a national criminal history records check.

Sec. 10-91.01. Application; additional requirements.

- A. No license or identification card shall be issued to an individual if the individual does not present any of the following documents to the City Clerk indicating that the individual's presence in the United States is authorized under Federal Law:
1. An Arizona driver license issued after 1996 or an Arizona nonoperating identification license.
 2. A driver license issued by a state that verifies lawful presence in the United States.
 3. A birth certificate or delayed birth certificate issued in any state, territory or possession of the United States.
 4. A United States certificate of birth abroad.
 5. A United States passport.
 6. A foreign passport with a United States Visa.
 7. An I-94 Form with a photograph.
 8. A United States citizenship and immigration services employment authorization document or refugee travel document.
 9. A United States certificate of naturalization.
 10. A United States certificate of citizenship.
 11. A tribal certificate of Indian blood
 12. A tribal or Bureau of Indian Affairs Affidavit of Birth.
- B. This section does not apply to an individual, if all of the following apply:
1. The individual is a citizen of a foreign country or, if at the time of application, the individual resides in a foreign country.
 2. The benefits that are related to the license do not require the individual to be present in the United States in order to receive those benefits.

Sec. 10-92. Escorts, unlawful to work as.

- A. It shall be unlawful for any person to work or perform services as an escort within the City of Phoenix unless that person possesses a valid identification card issued pursuant to Section 10-89.1 in the name of the escort and the escort bureau.
- B. It shall be unlawful for any person to work or perform services as a sexually oriented escort, regardless of license or identification card.
- C. It shall be unlawful for any person to knowingly act as an escort for an escort bureau that has a suspended or revoked license.

Sec. 10-93. Escort identification card; possession and display.

The identification card issued pursuant to this Article must be carried on the person of any individual while that person is engaged in the activity of an escort within the City of Phoenix. Such identification card shall be displayed upon the request of any Phoenix police officer or other law enforcement or regulatory licensing official.

Sec. 10-94. Escort bureau duties.

- A. The escort bureau shall provide to each patron a written contract and receipt of payment for services. The contract shall clearly state the name of the escort bureau licensee, the type of services to be performed, the length of time such services shall be performed, the total amount of money such services shall cost the patron, and any special terms or conditions relating to the services to be performed.

- B. The escort bureau shall maintain an open office at the licensed location that is located within the City of Phoenix. The street address of that office shall be included in all patron contracts. Private rooms or booths where the patron may meet with the escort shall not be provided at the open office or at any other location by the escort bureau.
- C. The escort bureau, in terms of licensing consequences, is responsible and liable for the acts of all its employees and subcontractors including, but not limited to, telephone receptionists and escorts who are referred by that bureau while the escort is with the patron.
- D. No escort bureau may employ an escort until the name, identification card number and all fictitious names under which that escort is known or advertised are first reported to the City Clerk in and on a form prescribed by the City Clerk for that purpose.
- E. No escort bureau may use, do business under or advertise a telephone number until that number has first been reported to the City Clerk on a form prescribed by the City Clerk for that purpose.
- F. No escort bureau may use a business name, trade name or fictitious name until that name has first been reported to the City Clerk in and on a form prescribed by the City Clerk for that purpose.

Sec. 10-94.A. Advertising without a license.

It is unlawful to advertise or hold out to the public the availability of an escort or escort bureau without obtaining a license therefor as provided in this article, whether the actual business of escorts or escort bureau as defined in this article is performed. The escort bureau license number must be prominently displayed in such advertisements.

Sec. 10-95. Information update.

Except for the information required by Paragraphs 12, 13 and 14 of Subsection 10-91(b), any change in the information required to be submitted by this Article must be received in the Office of the City Clerk, in or on the form prescribed by the City Clerk for this purpose, within ten calendar days of any such change.

Sec. 10-96. Underage clients prohibited; exception.

It shall be unlawful for a licensee to provide escort services as described in this article to individuals under eighteen years of age unless written authorization by a parent or legal guardian is issued to the escort when acting as such.

Sec. 10-97. Renewal of licenses.

Any license issued pursuant to the provisions of this Article that has not been revoked, may be renewed for a period of time not to exceed one year on written application to the City Clerk made at least forty-five days, but no earlier than the fifth City business day of October, prior to the expiration date of the current valid license. The renewal application shall be on a form provided by the City Clerk, shall contain all of the information required by Section 10-91, and shall include the renewal fee provided for in this Article.

Sec. 10-98. Fees.

A non-refundable application fee in the amount of two hundred ninety dollars shall accompany each application for an escort bureau. In addition to this application fee, the applicant shall pay the City Clerk the fee established by the Director of the State Department of Public Safety for the processing of state noncriminal justice fingerprints. This fee shall be paid for each person, after the first, required to submit fingerprints pursuant to Section 10-91. Upon approval an initial license fee of one hundred thirty dollars shall be assessed. A renewal fee of one hundred thirty dollars shall accompany each renewal application. A fee of twenty-three dollars shall accompany each request for the issuance of an escort identification card.

Sec. 10-99. Revocation of license, grounds and procedure; appeal.

- A. Any license issued pursuant to this Article shall be revoked upon any one or more of the following grounds:
 - 1. The licensee, any employee, agent, or any other person connected or associated with the license as a partner, director, officer, stockholder or manager, or any "person financially interested" as defined in Section 10-87 has violated any provision of this Article in conducting an activity licensed under the provisions of this Article.
 - 2. The licensee, any employee, agent or any other person connected or associated with the licensee as a partner, director, officer, stockholder or manager, or any "person financially interested" as defined in

Section 10-87 has made a material misrepresentation of fact in the application for any license required in this Article.

3. The licensee has been convicted, subsequent to the issuance of any license, of a crime that is either a felony or a misdemeanor involving moral turpitude or has offered or agreed to or rendered the service of a sexually oriented escort.
 4. The licensee has violated a provision of this Article in conducting a licensed activity pursuant to this Article.
 5. The licensee is a corporation or limited liability company and is not or is no longer qualified to transact business in the State of Arizona.
- B. To revoke a license, the City Clerk shall notify the licensee either by hand-delivery or in writing by certified mail to the address as shown on the application, or otherwise more recently of record, that said license is revoked. The cause for such revocation shall be set forth in the notice. Service by mail shall be complete five calendar days after mailing.
- C. Except as otherwise provided in this Article, the license shall terminate if the licensee fails to pay any license fee owed either when due or by the end of any renewal period, or fails to submit a renewal application within the time period prescribed by Section 10-97.
- D. Appeals from the revocation of a license as provided for in this Article may be appealed to the License Appeal Board in accordance with the procedures in Article II of Chapter 19 of the Phoenix City Code.
- E. A revoked license, and all escort identification cards issued in the name of that escort bureau, shall be surrendered to the City Clerk on demand at the conclusion of the administrative case or any appeal taken.

Sec. 10-99.1. Voluntary termination of license.

No license shall be voluntarily terminated except as provided in this Section. A licensee may apply for license termination by completing an application form provided by the City Clerk for that purpose. The applicant shall indicate on the application whether the license is in use and shall keep that information current in the records of the City until the application has been approved or denied. The application shall be granted unless: (1) the application is incomplete or has been falsified, (2) the license is suspended, (3) the license has been noticed for revocation, or (4) the City Clerk determines that the Phoenix police department has witnessed one or more violations of this Article that are unresolved, in which case the application shall be denied. An application filed pursuant to this Section that has not been either approved or denied within thirty calendar days after submission of the application shall be deemed approved. A decision to deny an application shall be served and appealed as provided in Section 10-99, provided that an appeal shall automatically result in a hearing that shall be held, and a decision rendered, no later than sixty calendar days after receipt of the request for hearing. If the licensee requests a hearing, either the Board or the City Clerk may continue the hearing on the request of the licensee for good cause shown. The License Appeal Board or the City may condition the grant of a continuance on the respondent's waiver of the time deadline for holding the hearing and issuing the decision established by this Subsection.

Sec. 10-100. Applicability of regulations to existing businesses.

The provisions of this Article shall be applicable to all persons and activities described herein whether the herein described activities were established before or after the effective date of the ordinance enacting this Article into law. All such persons and businesses shall have sixty days from said effective date hereof to comply with the provisions of this Article.

Provided as a service of the
CITY OF PHOENIX
CITY CLERK DEPARTMENT
LICENSE SERVICES SECTION

Rev. 7/12

This publication can be provided in an alternate format by contacting the City Clerk Department,
(602) 262-6811/ V; (602) 534-2737/TTY; or (602) 495-5847/FAX.

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