BYLAW NO. 3472

CONSOLIDATION OF A BYLAW OF THE CITY OF MEDICINE HAT to regulate Escorts and Agencies.

WHEREAS pursuant to section 7 of the Municipal Government Act, a council may pass bylaws for municipal purposes respecting, inter alia, the following matters:
(a) the safety, health and welfare of people and the protection of people and property;
(b) businesses, business activities and persons engaged in business; and

WHEREAS pursuant to section 8 of the Municipal Government Act, a council may, in a bylaw, inter alia:
(a) regulate or prohibit; and
(b) provide for a system of licenses, permits or approvals including:
   (i) establishing fees for licenses, permits and approvals including fees for licenses, permits and approvals that may be in the nature of a reasonable tax for the activity authorized or for the purpose of raising revenue;
   (ii) prohibiting any development, activity, industry, business or thing until a license, permit or approval has been granted;
   (iii) providing that terms and conditions may be imposed on any license, permit or approval, the nature of the terms and conditions and who may impose them;
   (iv) setting out the conditions that must be met before a license, permit or approval is granted or renewed, the nature of the conditions and who may impose them; and
   (v) providing for the duration of licenses, permits and approvals and their suspension or cancellation for failure to comply with a term or condition or the bylaw or for any other reason specified in the bylaw.

NOW THEREFORE THE MUNICIPAL CORPORATION OF MEDICINE HAT IN COUNCIL ENACTS AS FOLLOWS:

1. This Bylaw may be cited as the Escort Service Bylaw.

2. In this Bylaw, unless the context otherwise requires:
   (a) “Agency” means a person who charges or receives a fee for arranging an introduction between an Escort and another person;
   (b) “Agency License” means a License issued to an Agency providing introduction services to one or more Escorts;
   (c) “Appeal Board” means the City’s Subdivision and Development Appeal Board;
(d) "Bylaw Enforcement Officer" means any individual employed by the City as a police officer, bylaw enforcement officer or special constable empowered to enforce this Bylaw;

(e) "Chief of Police" means the Chief of Police of the Medicine Hat Police Service, and includes any person designated by the Chief of Police to perform his duties pursuant to this Bylaw;

(f) "City" means the municipal corporation of the City of Medicine Hat, or the area contained within the geographic boundary thereof, according to the context in which the word is used;

(g) "Escort" means an individual who charges or receives a fee or any other compensation for acting as a date or providing personal companionship for a limited period of time;

(h) "Escort License" means a License issued to an Escort;

(i) "Independent Agency License" means a License issued to an Agency providing introduction services to only one Escort;

(j) "Land Use Bylaw" means a land use bylaw passed by the City pursuant to the Alberta Municipal Government Act;

(k) "License" means a license issued pursuant to this Bylaw;

(l) "Licensee" means a person holding a valid and subsisting License;

(m) "License Inspector" means the person or persons appointed from time to time as License Inspectors of the City under Bylaw No. 2339 or any replacement bylaw;

(n) "Non-Resident" means a person who is not a Resident;

(o) "Registrar of Corporations" means the Registrar as defined in the Alberta Business Corporations Act;

(p) "Resident" means:

(A) a person who provides proof satisfactory to the License Inspector that he or she has resided in the City, or within thirty-five (35) kilometres of the City, for at least three (3) months; or

(B) a person who has both

(i) carried on business, and

(ii) maintained a place of business in the City for a continuous period of at least three (3) months;

(q) "Violation Ticket" means a violation ticket as defined in the Alberta Provincial Offences Procedures Act.

3. **PART I  ESCORT LICENSING**

3.1 Before an individual may provide the services of an Escort, the individual must obtain an Escort License issued by the License Inspector.
3.2 An Escort License may only be issued to an individual 18 years of age or older.

3.3 An application for an Escort License must be in a form prescribed by the License Inspector, and shall include a statutory declaration as to the truthfulness of the information provided by the applicant, and must contain at least the following information regarding the applicant:

(a) family name and all given names;
(b) date of birth;
(c) residence address;
(d) residence telephone number;
(e) Agency or Agencies through which introduction services are to be received;
(f) other names used by the Escort; and
(g) a current color photograph of the applicant.

3.4 An applicant shall provide such other information or documentation as the License Inspector may reasonably require to properly assess the application.

3.5 An application for an Escort License must be personally signed by the applicant.

3.6 Every Escort License expires 12 months from the date it is issued unless it is cancelled earlier pursuant to this Bylaw.

4. **PART II  AGENCY LICENSING**

4.1 Before any person may provide the services of an Agency, the person must obtain an Agency License or an Independent Agency License issued by the License Inspector.

4.2 An Agency License may not be issued to:

(a) an individual under the age of 18 years;
(b) a partnership with any partner under the age of 18 years; or
(c) a corporation with any shareholder, director or officer under the age of 18 years.

4.3 Every application for an Agency License must be in a form prescribed by the License Inspector and shall include a statutory declaration as to the truthfulness of the information provided by the applicant, and must contain at least the following information regarding the applicant:

(a) If the applicant is an individual:
(i) family name and all given names;
(ii) date of birth;
(iii) address; and
(iv) a current colour photograph of the individual;

(c) If the applicant is a partnership:
(i) the family name and all given names for each partner;
(ii) the date of birth of each partner;
(iii) the address of each partner; and
(iv) a current colour photograph of each partner;

(d) If the applicant is a corporation:
(i) the legal name of the corporation;
(ii) the corporate access number;
(iii) the family name, all given names and the date of birth for each shareholder who is an individual;
(iv) the address of each shareholder who is an individual;
(v) the legal name and corporate access number for each corporate shareholder;
(vi) the family name, all given names and the date of birth for each director;
(vii) the address of each director;
(viii) the family name, all given names and the date of birth for each officer;
(ix) a current colour photograph of each shareholder, director and officer;

(e) For all applicants:
(i) the complete legal name of each Escort for whom the Agency provides or intends to provide introduction services;
(ii) the complete legal name of every employee of the Agency;
(iii) the business address of the Agency;
(iv) all business telephone numbers including fax lines used by the Agency;
(v) all names used by the Agency;
(vi) all electronic mail addresses used by the Agency;
(vii) all internet computer addresses used by the Agency, and
(viii) such other information or documentation as the License Inspector may reasonably require to properly assess the application.

4.4 Every application for an Agency License must be personally signed by:

(a) the individual named in the application;

(b) each partner named in the application; or

(c) each director and officer of a corporation named in the application, as the case may be.
4.5 Every Agency License expires 12 months from the date it is issued unless it is cancelled earlier pursuant to this Bylaw.

4.6 An Independent Agency License may not be issued to:
(a) an individual under the age of 18 years;
(b) a partnership; or
(c) a corporation with any shareholder, director or officer under the age of 18 years.

4.7 An Independent Agency License may only be issued to an individual if that individual is the only Escort receiving introduction services from that Agency.

4.8 An Independent Agency License may only be issued to a corporation if the only Escort receiving introduction services from that Agency is the sole shareholder, director and officer of that corporation.

4.9 Every application for an Independent Agency License must be in a form prescribed by the License Inspector, and shall include a statutory declaration regarding the truthfulness of the information provided by the applicant, and must contain at least the following information regarding the applicant:

(a) If the applicant is an individual:
   (i) family name and all given names;
   (ii) date of birth;
   (iii) address; and
   (iv) a current colour photograph of the individual;

(b) If the applicant is a corporation:
   (i) the legal name of the corporation;
   (ii) the corporate access number;
   (iii) the family name, all given names, date of birth and address for the sole shareholder, director and officer; and
   (iv) a current colour photograph of the sole shareholder, director and officer;

(c) For all applicants:
   (i) the complete legal name of the Escort for whom the Agency provides or intends to provide introduction services;
   (ii) the complete legal name of every employee of the Agency;
   (iii) the business address of the Agency;
   (iv) all business telephone numbers used by the Agency including fax lines;
   (v) all names used by the Agency;
   (vi) all electronic mail addresses used by the Agency;
   (vii) all internet computer addresses used by the Agency; and
   (viii) such other information as the License Inspector may reasonably require to properly assess the application.
4.10 Every application for an Independent Agency License must be personally signed by:

(a) the individual named in the application; or
(b) the sole shareholder, director and officer of the corporation named in the application, as the case may be.

4.11 Every Independent Agency License expires 12 months from the date it is issued unless it is cancelled earlier pursuant to this Bylaw.

5. PART III FEES

5.1 The fees payable for a License required by this Bylaw are set out in Schedule “A” and are non-refundable. A License shall not be issued until such time as the required License fee has been paid.

6. PART IV REFERALS

6.1 Every application for a License must be referred to the Chief of Police.

6.2 The Chief of Police may, upon receipt of an application for a License, make or cause to be made any investigations that he believes, in his sole discretion, are reasonably required to determine whether the issuance of the License would endanger the safety of people or the protection of property.

6.3 Such investigations may include, but are not limited to, a criminal record check of all individuals named anywhere in the application.

6.4 If the Chief of Police believes, on reasonable grounds, that the issuance of a License would endanger the safety of people or the protection of property then the Chief of Police must notify the License Inspector forthwith, in writing.

6.5 If the License Inspector is notified in writing that the Chief of Police believes, on reasonable grounds, that the issuance of a License would endanger the safety of people or the protection of property, then the License Inspector must not issue the License.

6.6 If an application for a License has been referred to the Chief of Police and if no written response has been received from the Chief of Police within 15 days from the date of the referral, then the License Inspector may proceed on the basis that the Chief of Police does not believe, on reasonable grounds, that the issuance of the License would endanger the safety of people or the protection of property.

6.7 Every application for an Agency License or an Independent Agency License must be referred to the Planning, Building and Engineering
Department of the City for confirmation of compliance by the applicant with all relevant provisions of the Land Use Bylaw with respect to the operation of the Agency.

6.8 The License Inspector must not issue an Agency License or any Independent Agency License without confirmation from the Planning, Building and Engineering Department of the City of compliance by the applicant with all relevant provisions of the Land Use Bylaw.

7. **PART V REPORTS**

7.1 Every Agency shall provide a written report to the License Inspector within 7 days from the end of each calendar month containing the following information regarding that month:

(a) the family name and all given names, the home telephone number and address of each Escort for which the Agency provided introduction services;

(b) dates of all introductions arranged for each escort;

(c) fee charged for each introduction;

(d) the family name and all given names, date of birth, and the address of each client receiving services during that month;

(e) location of each introduction;

(f) the driver’s license number or birth certificate registration number of each client receiving services during that month. If a client is unable to produce one of the foregoing forms of identification then the report must identify some other form of government issued identification for that client which identifies the client’s name and date of birth; and

(g) such other information as the License Inspector may reasonably require to determine compliance by the Agency with the provisions of this Bylaw.

8. **PART VI REFUSALS, SUSPENSIONS AND CANCELLATIONS**

8.1 Subject to an appeal to the Appeal Board, in addition to the reasons for refusal of a License set out in Part IV, the License Inspector may refuse to issue an Escort License required by this Bylaw if any one or more of the following circumstances arise:

(a) the applicant is charged with or convicted of a criminal offence;

(b) the applicant is charged with or convicted of an offence under this Bylaw or a Land Use Bylaw;

(c) the applicant is charged with or convicted of an offence under any Provincial Statute where such charge or conviction, in the opinion
of the License Inspector, creates just and reasonable grounds for a refusal; or

(d) the applicant fails to provide the information and documentation required in Part I of this Bylaw.

8.2 Subject to an appeal to the Appeal Board, the License Inspector or the Chief of Police may suspend or cancel an Escort License if any one or more of the following circumstances arise:

(a) the Escort is charged with or convicted of a criminal offence;
(b) the Escort is charged with or convicted of an offence under this Bylaw or a Land Use Bylaw; or
(c) the Escort is charged with or convicted of an offence under any Provincial Statute where such charge or conviction, in the opinion of the License Inspector or the Chief of Police, creates just and reasonable grounds for a suspension or cancellation.

8.3 Subject to an appeal to the Appeal Board, in addition to the reasons for refusal of a License set out in Part IV, the License Inspector may refuse to issue an Agency License or an Independent Agency License if any one or more of the following circumstances arise:

(a) the applicant, or any of its shareholders, officers, directors, or partners is charged with or convicted of a criminal offence;
(b) the applicant, or any of its shareholders, officers, directors, or partners is charged with or convicted of an offence under this Bylaw or a Land Use Bylaw;
(c) the applicant, or any of its shareholders, officers, directors, or partners is charged with or convicted of an offence under any Provincial statute where such charge or conviction, in the opinion of the License Inspector, creates just and reasonable grounds for a refusal;
(d) an Escort to whom introduction services are provided by the Agency or Independent Agency is charged with or convicted of any offence identified under Section 8.1; or
(e) the applicant fails to provide the information and documentation required in Part II of this Bylaw.

8.4 Subject to an appeal to the Appeal Board, the License Inspector or the Chief of Police may suspend or cancel an Agency License or an Independent Agency License if any one or more of the following circumstances arise:

(a) the Agency or Independent Agency or any of its shareholders, officers, directors, or partners is charged with or convicted of a criminal offence;
(b) the Agency or Independent Agency, or any of its shareholders, officers, directors, or partners is charged with or convicted of an offence under this Bylaw or a Land Use Bylaw;

(c) the Agency or Independent Agency or any of its shareholders, officers, directors, or partners is charged with or convicted of an offence under any Provincial statute where such charge or conviction, in the opinion of the License Inspector or the Chief of Police, creates just and reasonable grounds for a suspension or revocation; or

(d) an Escort to whom introduction services are provided by the Agency or Independent Agency is charged with or convicted of an offence identified under Section 8.1.

8.5 Upon a License being refused, suspended or cancelled under this Part, the License Inspector or the Chief of Police, as the case may be, shall notify the Licensee:

(a) by serving written notice on the Licensee or Licensee’s place of business shown on the License, or

(b) by serving written notice by pre-paid mail to the Licensee’s place of business as shown on the License.

8.6 A notice referred to in Section 8.5 shall indicate the reasons for refusal, cancellation or suspension, as the case may be.

8.7 A suspension of a License may be

(a) for a period of time not exceeding the unexpired term of the License, or

(b) where the suspension is for non-compliance with this Bylaw or a Land Use Bylaw, until the holder of the suspended License has, in the opinion of the License Inspector, or the Chief of Police, as the case may be, complied with the bylaw.

8.8 A decision to refuse, suspend, or cancel a License pursuant to this Part may be appealed by the applicant or Licensee, as the case may be, by delivering a notice in writing to the following address:

The City Clerk
Office of the City Clerk
Third Floor, City Hall
580 First Street S.E.
Medicine Hat, Alberta
T1A 8E6

within ten (10) days after the date the applicant is notified, or presumed to have been notified, of the refusal, suspension or cancellation of the License.
8.9 A person filing a notice of appeal pursuant to section 8.8 shall pay the fee established by resolution of the City’s Council.

8.10 The notice pursuant to Section 8.8 shall state the grounds upon which the appeal is based.

8.11 If written notice is received in accordance with Section 8.8, the Appeal Board shall hold a hearing and allow the applicant or Licensee to be heard. After hearing an appeal under this Part the Appeal Board may:

(a) direct that a License be issued to the applicant with or without conditions;

(b) direct that a suspended or cancelled License be reinstated with or without conditions; or

(c) uphold the decision of the License Inspector, or the Chief of Police, as the case may be.

9. **PART VII OFFENCES**

9.1 A person who contravenes or does not comply with a provision of this Part is guilty of an offence.

9.2 If a corporation commits an offence, any director, officer, shareholder, or agent of the corporation who directed, authorized, assented to, acquiesced in or participated in the commission of the offence is a party to and guilty of the offence and is liable on conviction to any fine or penalty provided for the offence, whether or not the corporation has been prosecuted.

9.3 No person shall operate as an Escort without holding a valid and subsisting Escort License.

9.4 No person under the age of 18 years shall operate as an Escort.

9.5 No person shall operate as an Escort except through an introduction arranged by an Agency.

9.6 No Escort shall advertise or promote his or her services in any fashion using a name other than the name on the License issued to the Escort unless the Escort has first provided the name in writing to the License Inspector.

9.7 No Escort shall advertise or promote his or her services in any fashion without including the number of his or her Escort License.

9.8 No person shall operate as an Agency without holding a valid and subsisting Agency License or Independent Agency License.
9.9 No person holding a valid and subsisting Independent Agency License shall provide introduction services to more than one Escort pursuant to the Independent Agency License.

9.10 No person shall provide introduction services to an Escort unless the Escort has a valid and subsisting Escort License.

9.11 No person shall provide introduction services to an Escort under the age of 18 years.

9.12 No person under the age of 18 years shall engage the services of an Escort.

9.13 No Agency shall provide the services of an Escort to a client under the age of 18 years.

9.14 No Escort shall provide Escort services to a client under the age of 18 years.

9.15 No Agency shall advertise or promote its services in any fashion using a name other than the name on the License issued to the Agency unless the Agency has registered the name with the Registrar of Corporations.

9.16 No Agency shall advertise or promote its services in any fashion using:
   (a) a telephone number;
   (b) a name;
   (c) an electronic mail address, or
   (d) an internet address

   unless the Agency has first provided the number, name or address in writing to the License Inspector.

9.17 No Agency shall advertise or promote its services in any fashion without including the number of its License.

9.18 No person shall supply incorrect, incomplete or misleading information in an application for the issuance of a License, or in a report provided pursuant to this Bylaw.

9.19 A Licensee shall notify the License Inspector forthwith, in writing, of any change to any of the information contained in the most recent application for the issuance of a License.

9.20 A Licensee shall provide their License forthwith when requested to do so by a Bylaw Enforcement Officer.

9.21 Every Agency shall operate its business in the premises specified in its Agency License.
9.22 All records pertaining to an Agency shall be kept at the address specified in its Agency License.

9.23 Every Agency shall post its License in a conspicuous place in the premises where the business is being operated.

9.24 No person operating an Agency shall allow any person who has entered the premises of the Agency to disrobe while in the premises.

9.25 No person operating an Agency shall exhibit or allow to be exhibited whether inside or outside the premises of the Agency, any sign or advertisement that suggests or indicates that the service provided includes any form of sexual favours, sexual gratification, sexual relations, or sexual intercourse.

9.26 No person carrying on the business of an Agency shall distribute or cause to be distributed any advertisement or business card that suggests or indicates that the service provided includes any form of sexual favours, sexual gratification, sexual relations, or sexual intercourse.

9.27 No person shall cause or permit a telephone call made to an Agency to be call forwarded to a residence in the City.

9.28 No person shall operate an Agency in or from a residence.

10. **PART VIII PENALTIES**

10.1 Where a Bylaw Enforcement Officer believes on reasonable and probable grounds that a person has committed an offence under this Bylaw he may commence proceedings by issuing a summons by means of a Violation Ticket.

10.2 A person who contravenes or does not comply with a provision of Part VII of this Bylaw may, if the Violation Ticket issued by a Bylaw Enforcement Officer in respect of the offence contains a specified penalty, pay the specified penalty in which case the person will not be prosecuted in court for the offence.

10.3 The specified penalty payable in respect of a contravention of this Bylaw is the amount set out in Schedule “B”.

10.4 A person who is found guilty of an offence under this Bylaw is liable to a fine in an amount not less than the specified penalty in Schedule “B”, and not exceeding $10,000.00.

10.5 If a person is found guilty of an offence under this Bylaw, and the conduct that gives rise to the offence involves the non-payment of a fee, which remains unpaid, the court shall, in addition to any fine, impose a penalty equivalent to the amount of the unpaid fee.
10.6 In addition to any fine and penalty imposed, the court shall provide for imprisonement of not less than 12 days and not more than one year for non-payment of a fine or penalty.

10.7 If a person is found guilty of an offence under this Bylaw, the court may, in addition to any other penalty imposed, order the person to comply with this Bylaw.

11. **PART IX  GENERAL**

11.1 A License issued pursuant to this Bylaw is the property of the City and may not be transferred.

11.2 The License Inspector may, in his discretion, impose conditions on a License for the purpose of ensuring compliance with this Bylaw, or to foster the safety of people or the protection of property.

11.3 No License may be issued if the applicant, or any individual or corporation named in the application, has an unpaid fine, penalty or fee owing to the City under this Bylaw.

11.4 Without limiting the City's ability to carry out inspections pursuant to any law, the City may carry out inspections in accordance with the *Municipal Government Act* to determine compliance with this Bylaw.

11.5 The License Inspector may delegate any of his powers, duties, or functions under this Bylaw to an employee of the municipality.

11.6 The License Inspector shall not issue a License pursuant to the provisions of this Bylaw to any person to operate an Agency in or from a residence.

11.7 An Escort who is licensed under this Bylaw to receive introduction services from a particular Agency or Agencies shall, prior to receiving introduction services from another Agency in the City, notify the License Inspector and pay to the City the transfer fee set out in Schedule “A”. A License issued to an Escort who receives introduction services from an Agency other than the one(s) noted on his or her License, is invalid until such time as the transfer fee in Schedule “A” is paid.

11.8 It is the intention of the Council of the City that each separate provision of this Bylaw shall be deemed independent of all other provisions, and it is further the intention of the Council that if any provision of this Bylaw be declared invalid for any reason by a Court of competent jurisdiction, then all other provisions of this Bylaw shall remain valid and enforceable.

11.9 Bylaw No. 2298 is repealed
11.10 Notwithstanding the repeal of Bylaw No. 2298 and the requirement in this Bylaw that each Escort and Agency hold a valid and subsisting License, a license issued pursuant to Bylaw No. 2298 is valid until one year has passed from the date it was issued, subject to earlier suspension or cancellation under this Bylaw. Thereafter the licensing provisions of this Bylaw apply.

11.11 This Bylaw will come into force on June 1, 2003.

READ A FIRST TIME in open Council on April 7, 2003
READ A SECOND TIME AND THIRD TIME in open Council on May 5, 2003
SIGNED AND PASSED on May 6, 2003

I HEREBY CERTIFY that this is a true and correct copy of Bylaw 3472 consolidated pursuant to Section 69 of the Municipal Government Act to incorporate all subsequent amendments thereto, printed under the authority vested in me by the said Section 69 and by the City of Medicine Hat Bylaw 1957.

CERTIFIED THIS _____ DAY OF __________________, 20____.

Arlene Karbashewski
City Clerk
City of Medicine Hat
**SCHEDULE “A”**

**AS AMENDED BY BYLAW NO. 4729 - DECEMBER 20 2022**

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<th>Service</th>
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<th>Effective January 1 2024</th>
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**Photocopy or Printing**
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**SURCHARGE**

1. The E-Permit surcharge of 5% **will be added** to all fees contained in this Schedule.

**GENERAL NOTES**

1. Applicants who dispute a fee may request a review by the City Planner and Director of Development Services. The decision of the City Planner may be appealed to the City Manager. The decision of the City Manager will be final and binding.

2. All fees listed above are GST exempt except where specifically noted.
## SCHEDULE “B”

### OFFENCES AND SPECIFIED PENALTIES

<table>
<thead>
<tr>
<th>OFFENCE</th>
<th>SECTION</th>
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<td>Unlicensed Escort</td>
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<td>Underage Escort</td>
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<tr>
<td>Escort Operating Without an Agency</td>
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<td>Escort Advertising – Non listed Name</td>
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<tr>
<td>Incorrect, Incomplete, or Misleading Information</td>
<td>9.18</td>
<td>$ 500</td>
</tr>
<tr>
<td>Failure to Provide Change of Information</td>
<td>9.19</td>
<td>$ 500</td>
</tr>
<tr>
<td>Failure to Provide License</td>
<td>9.20</td>
<td>$ 500</td>
</tr>
<tr>
<td>Carry on Business from Unspecified Location</td>
<td>9.21</td>
<td>$ 500</td>
</tr>
<tr>
<td>Failure to Keep Business Records at Business Address</td>
<td>9.22</td>
<td>$ 500</td>
</tr>
<tr>
<td>Failure to Post License</td>
<td>9.23</td>
<td>$ 500</td>
</tr>
<tr>
<td>Allow Person to Disrobe on Business Premises</td>
<td>9.24</td>
<td>$1,000</td>
</tr>
<tr>
<td>Sign or Advertisement - Prohibited Wording</td>
<td>9.25</td>
<td>$1,000</td>
</tr>
<tr>
<td>Distribution of Business Card – Prohibited Wording</td>
<td>9.26</td>
<td>$1,000</td>
</tr>
<tr>
<td>Call Forwarding to Residence</td>
<td>9.27</td>
<td>$1,000</td>
</tr>
<tr>
<td>Operate Agency in or from Residence</td>
<td>9.28</td>
<td>$1,000</td>
</tr>
</tbody>
</table>