



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

STATE OF DELAWARE,)	
)	
Plaintiff,)	
)	
v.)	C. A. No.
)	
430 OLD BALTIMORE PIKE,)	NON-ARBITRATION CASE
NEWARK, DELAWARE)	
19702, STELLA FAMILY)	
ENTERPRISES, LLC, and JI)	
LONG ZHAO,)	
)	
Defendants.)	

VERIFIED COMPLAINT

This action, brought by the State of Delaware, by and through the Delaware Department of Justice (“DDOJ”) and the undersigned Deputy Attorney General, against the Defendants, including a property located at 430 Old Baltimore Pike, Newark, Delaware 19702 (the “Property”), seeks to abate a criminal nuisance occurring on and around that property pursuant to the *Criminal Nuisance Abatement Act*, 10 Del. C. Ch. 71.

This action arises out of ongoing criminal activity at and around the Property consisting of prostitution and the arrest of residents of the Property. In support thereof, the State of Delaware alleges the following:

JURISDICTION AND VENUE

1. Jurisdiction for this action is provided under 10 *Del. C.* § 7106 (a), (b) and (c).

2. Venue is proper in this County under 10 *Del. C.* § 7106(a) because the Property at issue in this case is located within New Castle County.

THE PARTIES AND PROPERTY

3. Plaintiff, the State of Delaware, brings this action through the DDOJ. The Attorney General has standing to bring this action under 10 *Del. C.* § 7105(a).

4. The Property is located at 430 Old Baltimore Pike, Newark Delaware 19702. The Property includes the lot, the parcel of land, and any building erected thereon. The New Castle County Property Tax Parcel Number is 0903800005.

5. The owner of record of the Property is Defendant Stella Family Enterprises, LLC (“Property Owner”). The Registered Agent for this Defendant, upon whom process may be served, is Stella Family Enterprises, LLC, 1202 Hopeton Road, Wilmington, Delaware 19807.

6. Defendant Ji Long Zhao (“Zhao”) is a New York resident and resides at 14015 34th Avenue, Flushing, New York 11354.

7. Zhao is listed on the current lease as the signatory tenant for the Rose Spa.

FACTUAL BACKGROUND

8. The Property is in a densely populated area in Newark, Delaware. The Property is located in a strip mall full of unaffiliated businesses. Other businesses in the strip mall include a liquor store, dry cleaners, barber shop, pizza shop, and daycare center. Across the street is a residential area.

9. The Property Owner purchased the Property on or about June 5, 1992 for \$10.00.

10. The Property has been the site of documented criminal activity on more than one occasion, specifically prostitution in violation of 11 *Del. C.* § 1342.

11. On information and belief, the Rose Spa advertises on websites that cater to prostitution in illicit massage parlors such as spahunters.com and backpage.com. The Rose Spa also has its own website.

12. Between September of 2016 and October of 2016, the Delaware State Police (“DSP”) conducted an investigation of the Property with a focus on the Rose Spa. DSP conducted an undercover operation to determine if customers could obtain sexual services from the employees of the massage parlor.

13. On or about September 23, 2016, an undercover officer (“UC”) entered Rose Spa. The UC paid for and obtained a massage from an individual who represented that she was an employee of the Rose Spa. The individual then offered to perform a sex act on the UC in exchange for an additional fee. The UC refused and left the business.

14. On or about October 25, 2016, two UCs entered Rose Spa.

15. The first UC paid for and obtained a massage from Employee A, who represented herself as an employee of the Rose Spa. After the massage was completed, Employee A offered to perform a sex act on the UC in exchange for an additional fee. The UC refused and left the business.

16. The second UC paid for and obtained a massage from Employee B who represented herself as an employee of the Rose Spa. After the massage was completed, Employee B offered to perform a sex act on the second UC. The second UC refused and left the business.

17. On October 28, 2016, DSP executed a search warrant on the Property. DSP arrested Employee A and Employee B and charged them with prostitution.

18. Employee A and Employee B were prosecuted for violations of 11 *Del. C.* § 1342(b)(1).

19. On July 31, 2017, Employee A's trial occurred.¹ Employee A stipulated to the factual accuracy of the State's charge. She raised the affirmative defense of being a victim of human trafficking pursuant to 11 *Del. C.* § 787(h). After the close of evidence, the Court acquitted Employee A of prostitution and made an evidentiary finding that she is a victim of human trafficking.

20. On August 7, 2017, Employee B's trial occurred.² Employee B stipulated to the factual accuracy of the State's charge. She then raised the affirmative defense of being a victim of human trafficking pursuant to 11 *Del. C.* § 787(h). After the close of evidence, the Court acquitted Employee B of prostitution and made an evidentiary finding that she is a victim of human trafficking.

21. On August 8, 2017, an UC entered the Rose Spa. The UC paid for and received a massage from a female who purported to be an employee of the Rose Spa. The female then offered to perform a sex act on the UC for an additional charge. The UC paid the additional fee. He then refused the sexual service and left the business.

¹ *State of Delaware v. _____*, #1610017820.

² *State of Delaware v. _____*, #1610017785.

22. The above described activity constitutes a criminal nuisance at the Property because prostitution has been promoted, facilitated or permitted there in violation of 11 *Del. C.* §§ 1342-1344 and 11 *Del. C.* §§ 1351-1356.

23. The above described criminal activity has adversely impacted the area surrounding the Property in the following ways discussed by 10 *Del. C.* § 7103(1):

- a. An arrest of a person on or near the Property for criminal conduct relating to nuisances associated with prostitution and other public nuisances;
- b. Investigative actions relating to prostitution by undercover law-enforcement officers at or near the Property;
- c. A search warrant served or executed at the Property relating to nuisances associated with prostitution and other public nuisances;
- d. Pervasive online advertising for prostitution on adult-oriented massage websites undermining legitimate public interests in maintaining the health, safety and welfare of the community;
and

- e. Acts constituting human trafficking in violation of 11 *Del. C.* § 787, a violent felony within the meaning of 11 *Del. C.* § 4201(c) and 10 *Del. C.* § 7103(5)e.

24. On or about September 12, 2017, the DDOJ sent certified letters to the Defendants giving notice that the DDOJ intended to file a complaint in Superior Court to prove that the Property is a criminal nuisance pursuant to the *Criminal Nuisance Abatement Act*, and to seek remedies to abate the threat to the public health, safety, and welfare of the surrounding community.

CAUSES OF ACTION

Count 1 (All Defendants) Maintaining a Nuisance

25. The State of Delaware incorporates by reference the allegations in ¶¶ 1-27.

26. Acts or attempted acts of prostitution, as defined by 10 *Del. C.* § 7103(5)(c), have occurred at the Property within the last year.

27. Pursuant to 10 *Del. C.* § 7103(5)(c), the Property constitutes a criminal nuisance.

28. The criminal nuisance activity at the Property has adversely affected the surrounding area within the meaning of 10 *Del. C.* § 7103(1).

29. Defendant Stella Family Enterprises, LLC has owned the Property during the course of this criminal nuisance activity.

30. Defendant Zhao is the signatory tenant at the Property known as the Rose Spa, where acts or attempted acts of prostitution occurred, utilizing victims of human trafficking.

31. Defendants maintained a criminal nuisance at the Property in violation of 10 *Del. C.* § 7104 by occupying, establishing, promoting, permitting, facilitating, or conducting a criminal nuisance, or aiding and abetting the conduct of a criminal nuisance.

Count 2
(All Defendants)
Maintaining a Nuisance

32. The State of Delaware incorporates by reference the allegations in ¶¶ 1-35.

33. Pursuant to 10 *Del. C.* § 7103(5)(f), the Property constitutes a criminal nuisance by virtue of the objectionable material annoyance, inconvenience, or discomfort that the ongoing pattern of criminal activity and human trafficking associated with the Property has caused neighboring properties or persons.

34. The criminal nuisance activity at the Property has adversely affected the surrounding area within the meaning of 10 *Del. C.* § 7103(1).

35. The Defendants owned the Property, occupied the Property or controlled business at the Property during the pattern of criminal activity and human trafficking constituting a criminal nuisance.

36. The Defendants maintained a criminal nuisance at the Property in violation of 10 *Del. C.* § 7104 by occupying, establishing, promoting, permitting, facilitating, or conducting a criminal nuisance, or aiding and abetting the conduct of a criminal nuisance.

PRAYER FOR RELIEF

WHEREFORE, the State of Delaware respectfully requests this Court to grant the following relief against the Defendants:

- a) Declare that the Property is a nuisance under 10 *Del. C.* Ch. 71;
- b) Temporary and permanent abatement relief which perpetually prohibits the Defendants and any other person from further maintaining a nuisance at the Property or elsewhere in Delaware;
- c) An Order prohibiting all Defendants from engaging in business activities at the Property;
- d) Civil penalties;
- e) Any additional remedies the Court finds fair and just; and
- f) All attorneys' fees and costs.

/s/ Oliver J. Cleary
Oliver J. Cleary (# 5830)
Zoe Plerhoples (# 5415)
Deputy Attorney General
Department of Justice
820 North French Street
Wilmington, Delaware 19801
(302) 577-8400
(302) 577-6630 (facsimile)

DATE: November 29, 2017