



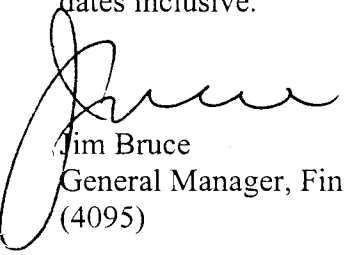
City of Richmond

Report to Council

To: Richmond City Council
From: Jim Bruce
General Manager, Finance and Corporate Services
Date: February 4, 2004
File: 8060-20-7048
Re: **Suspension of Business Licence for J and B Investments Ltd doing business as Zodiac Karaoke**

Staff Recommendation

That Council suspend the Business Licence of J and B Investments Ltd doing business as Zodiac Karaoke for a period of 14 days commencing February 14, 2004 through February 27, 2004 both dates inclusive.



Jim Bruce
General Manager, Finance and Corporate Services
(4095)

Att. 1

FOR ORIGINATING DIVISION USE ONLY

CONCURRENCE OF GENERAL MANAGER



Staff Report

Origin

The City continues to enforce its Business Licence bylaws and Public Health Protection bylaws with an emphasis on the operating hours and permissive functions within the business complex. These efforts for enforcement are part of our ongoing efforts to promote customer, community and employee safety and to ensure that all businesses are operating in a consistent manner so as to not prevent one business gaining an operational advantage over another business in the same business category. Various regulatory, protection services, health and federal agencies have worked together to ensure that business activities are operating within the various legislative parameters as established by these various agencies.

Analysis

City staff in co-operation and conjunction with the other agencies, continue to make unscheduled visits to adult entertainment establishments to ensure business operations comply with various legislative requirements. Many of these businesses, by the very nature of the business activity they provide are open late at night. The various agencies have, in the past, appeared before Council and expressed their concerns and have often explained how these businesses require extra staffing costs to monitor them effectively.

The Zodiac Karaoke establishment is considered an adult entertainment business. This business has received various warnings from both City and Health Board staff specifically to smoking infractions in the establishment. In fact, they have also received three municipal tickets for smoking infractions.

The business appeared before the City's Chief Licence Inspector on January 20, 2004 to review the continual disregard for the City's Public Health Protection bylaw and to be afforded an opportunity to explain their actions. A copy of the correspondence associated with this hearing is attached for Council review.

Having completed the review of all the presentation material by all parties concerned, it is the belief of the Chief Licence Inspector that a business licence suspension is warranted. The commitments that were made by the business to improve their efforts for bylaw compliance has been taken into consideration in determining the recommended suspension period.

Financial Impact

There is no direct financial impact for the City.

Conclusion

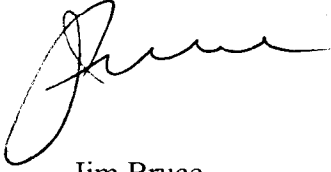
That as Zodiac Karaoke has continually ignored the City's bylaws and has received three tickets for bylaw infractions, the recommendation of a 14 day business licence suspension is warranted.

The recommended suspension will be from February 14, 2004 to February 27, 2004 both dates inclusive.

February 4, 2004

- 3 -

The recommended suspension will be from February 14, 2004 to February 27, 2004 both dates inclusive.

A handwritten signature in black ink, appearing to read 'Jim Bruce', with a large, stylized initial 'J'.

Jim Bruce
General Manager, Finance and Corporate Services
(4095)

JWB:naw



City of Richmond

6911 No.3 Road, Richmond, BC V6Y 2C1
Telephone (604) 276-4000
www.city.richmond.bc.ca

February 3, 2004
File: 8060-20-7048

Finance & Corporate Services

Fax: (604) 276-4162
Admin. (604) 276-4219
Treasury Services (604) 276-4277
Payroll (604) 276-4137
Purchasing (604) 276-4097
Tax (604) 276-4145

J and B Investments Ltd
doing business as
Zodiac Karaoke
#155 - 8291 Alexandra Road
Richmond V6X 1C3

Dear Sirs:

Re: Business Licence Review Hearing

This correspondence will serve as official follow up to your business licence review hearing held before me at Richmond City Hall at 3:00 pm on January 20, 2004 in Room T.2.121.

I have now had the opportunity to review all the facts as presented by Mr. Duarte of the City, your lawyer Mr. Wallace Wong and Mr. Art Hamade and Mr. Nigel Headly of the Regional Health Board.

The findings clearly indicate that you have been in contravention of the City's No Smoking Legislation and your presentation detailed your agreement with the contraventions. It was clear from the Health Board staff that this has been an on going problem with your business. Although you offered various suggestions and promises to help prevent contraventions in the future, I feel with all the past warnings and tickets issued to your business that there has been a lack of effort on your part to adhere to the rules and regulations. This being said, I feel that a business licence suspension recommendation is warranted.

I will be forwarding a report to the Richmond City Council meeting on February 9, 2004 recommending a 14 day business licence suspension commencing on February 14, 2004 and running through to February 27, 2004 both days inclusive.

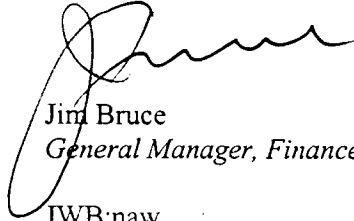
The Council meeting will commence at 7:00 pm in Richmond City Council Chambers and you have the right to appear before Council to debate the recommendation and to present your case as to why the recommendation should not be supported.

Should you wish to attend to present your case, please contact Mr. Richard McKenna, the City Clerk and he will detail for you the appropriate procedures to follow.


RICHMOND
Island City, by Nature

Should you have any questions regarding this recommendation or process relative to the Council meeting, please feel free to call me directly at 604-276-4095.

Yours truly,

A handwritten signature in black ink, appearing to read 'Jim Bruce', with a large, stylized loop at the beginning.

Jim Bruce

General Manager, Finance and Corporate Services

JWB:naw

pc: V.Duarte
A.Stevens
R.McKenna
Sgt. D. Meikle RCMP
A.Hamade
N. Headly
W.Wong –
Suite 310
8102 Granville Ave,
Richmond V6Y 1P3



BUSINESS LICENCE HEARING

CITY OF RICHMOND/ ZODIAK KARAOKE

Held January 20, 2004
Meeting Room T.2.121
Richmond City Hall

In Attendance:

City staff: Jim Bruce, General Manager, Finance and Corporate Services
Victor Duarte, Licence Inspector
Anne Stevens, Manager of Customer Service

Regional Health Board staff:

Art Hamade, Asst. Chief Public Health Inspector
Nigel Headley, Public Health Inspector

Business Representatives:

Dennis Yip, Owner
Wallace Wong, Lawyer

- JB Explained the process of the hearing and how the matter is handled after all the facts have been reviewed
- WW Questioned the rules of Council and what the process would be if it got that far.
- JB Explained the entire process
- VD Advised that members of an investigation team from the RCMP, Provincial and Federal agencies and the City attended this establishment and many other liquor establishments on March 23, 2003. They attended this establishment at 2:00 am that day.
- the team was doing investigations for bylaw infractions such as over serving and extended hours as well as City bylaw infractions
 - there were smoking infractions and a ticket was issued for the infraction under the Health Protection Bylaw
 - Inspections were also conducted on May 3, 2003 and June 27, 2003

- A letter was issued on June 11, 2003 to DY advising him of the smoking prohibitions
- DY acknowledged receipt of the June correspondence to VD
- Received a letter from AH on August 26, 2003 requesting a show cause hearing

JB Asked AH to present information from Health

AH Advised that after the March 23, 2003 ticket the Health staff delivered information relative to the smoking regulations

- That NH visited the business and issued a ticket for a smoking violation on May 3, 2003
- That AH visited the premises and issued a smoking violation ticket on June 27, 2003
- The delay in asking for the hearing was due to the fact that they were waiting to see if the business was going to challenge the tickets in court. When it was realized that the tickets had been paid they asked for the hearing
- On August 19, 2003 we were notified by Community Bylaws Division that a third ticket had been paid
- Since 1999 many requests have been made to the business by Health staff to place proper signage and other information
- A promise was made by business to comply and a potential ticket was not issued because of the promise

WW Advised that there is nothing that has been said that DY disagrees with.

- all tickets have been paid
- gave a short history of the business that it was established in 1999 and has 11 rooms that can handle 88 patrons and up to 200 in the large common area
- Clientele is mainly Asian
- Offenders are usually in their 50's and of Asian background
- The business believes it is not their place to challenge how wise the bylaw is
- They want to comply with the laws
- There is a very wide mixture of people who attend
- Asked to consider the pattern of tickets
- Since June 2003 there have been no infractions
- Agree that the laws must be enforced
- What can he do
- After the first ticket he understood the rules and put up signs
- DY pleads no contest
- His business cannot survive a 30 day, a week or even a one day closure
- Would like to offer suggestions on how to make the situation better
 - ❑ put up signs in colour and clearer
 - ❑ put signs in Chinese and English
 - ❑ fine does not go against the patron but the owner so will have the booking staff person remind clients of no smoking
 - ❑ educate the waiters and waitresses to inform patrons

- ☐ put up signs that patrons smoking could be fined or asked to leave and be banned from premises
- ☐ several infractions were caused by the same person
- ☐ inspectors don't come every night so hard to continually enforce rules
- ☐ hired Counsel who is stressing with DY to help him comply
- ☐ DY has had a good track record for the last six months
- ☐ They are at the mercy of the courts

VD Briefly discussed liquor violations

JB As these violations had nothing to do with our City bylaws there was no need to give details on these items

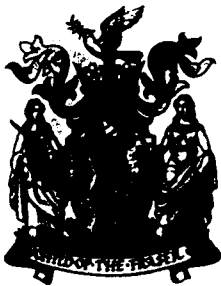
AH Discussed that there were 3 tickets in 6 months as well as several warnings and promises by the owners to improve. There were no inspections in last 6 months as there was the waiting as to the outcome of paying the tickets or court challenge

WW Asked if patrons could smoke in the rooms and AH advised No.

WW Advised that there is a law – this is not a legal problem but it will be if things don't change.

Meeting adjourned at 3:40 pm

Jim Bruce, Recorder



City of Richmond

6911 No. 3 Road, Richmond, BC V6Y 2C1

Telephone (604) 276-4000

www.city.richmond.bc.ca

January 6, 2004

File: 8275-20

Finance Department

Telephone: (604) 276-4219

Fax: (604) 276-4162

Via Fax: 604-279-9025

Wong & Tsang
Barristers & Solicitors

Attention: **Mr. W. Wong**
Barrister and Solicitor

Dear Sir:

Re: **J & B Investment Ltd., doing business as Zodiac Karaoke**
Business Licence Contravention and Licence Review Hearing

Please be advised that your faxed letter of January 02, 2004, was received by my office on January 05, 2004.

As discussed on telephone, this letter is faxed to your attention to confirm the rescheduling of hearing previously set for January 07, 2004, adjourned to Tuesday, **January 20, 2004 at 3:00 p.m.** in room T.2.121 at the Richmond City Hall located at 6911 No. 3 Road.

If you require further information in this matter, please do not hesitate to contact me directly at 604-276-4389.

Yours truly,

Victor M Duarte

Business Licence Inspector

VMD:vmd

pc: J. Bruce
Chief Licence Inspector
General Manager, Finance and Corporate Services

A. Hamade
Assistant Chief Public Health Inspector
Population Health

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City of Richmond

6911 No. 3 Road, Richmond, BC V6Y 2C1
Telephone (604) 276-4000
www.city.richmond.bc.ca

June 11, 2003
File: 8275-20

Finance Department
Telephone: (604) 276-4219
Fax: (604) 276-4162

J & B Investment Ltd dba:
Zodiac Karaoke
8291 Alexandra Road, Unit #155
Richmond, BC, V6X 1C3

Attention: **Bernard S Yip**
Dennis C Yip

Dear Sirs:

Re: Violation Of The Public Health Protection Bylaw No. 6989

Inspections of your business premise conducted by the Joint Inspection Team comprising of different Municipal and Provincial departments, clearly established that your business was operating in contravention of City of Richmond's **Public Health Protection Bylaw No. 6989**. Specifically, **Subdivision Six: Smoking Control and Regulation**, operator permitting smoking, section 6.1.1.1(a) to (k) of the said Bylaw.

I wish to inform you this is also a violation of the **Business Regulation Bylaw No. 7148** and **Business Licence Bylaw 7360**, whereby, any licensee, operator, or any other person who fails to comply with these or any other applicable bylaws or statutes is deemed to have committed an offence against these bylaws and each day the violation is allowed to continue constitutes a separate offence, which may result in the suspension or cancellation of the business licence.

You are hereby notified, further contraventions of the City of Richmond Bylaws, may result in your appearance at a Business Licence review hearing before the Chief Licence Inspector, who may recommend suspension of your licence to City Council.

If you have any questions regarding this matter, please feel free to contact me directly at 604-276-4389.

Yours truly,


RICHMOND
Island City, by Nature