



To: Richmond City Council
From: Anne Stevens
Manager, Customer Services

Date: March 8, 2005
File:

Re: **Suspension of Business Licence for QK Karaoke Box**

Staff Recommendation

That Council suspend the business licences of company 521067 BC Ltd. doing business as QK Karaoke Box operating from premises located at Unit #230 – 4231 Hazelbridge Way, Richmond, B.C. for the period of 20 days commencing April 18, 2005 through May 7, 2005 both dates inclusive.

Anne Stevens
Chief Licencing Inspector

Att.

FOR ORIGINATING DIVISION USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> DW	NO <input type="checkbox"/>
REVIEWED BY CAO	YES <input checked="" type="checkbox"/> @	NO <input type="checkbox"/>

Staff Report

Origin

The City of Richmond 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. This enforcement is part of our continuous effort to promote community, customer and employee safety and to ensure that all businesses are operating in a consistent manner so as to prevent one business gaining an operational advantage over another business in the same business category.

This report will deal with company 521067 BC Ltd. doing business as QK Karaoke Box operating from premises located at Unit #230 – 4231 Hazelbridge Way, Richmond, B.C.

Analysis

On March 1, 2005, a Show Cause hearing was held in front of the Chief Licence Inspector. Present was the principal owner of QK Karaoke Box and the City Business Licence Inspector who provided both the City and the RCMP information.

City staff and the RCMP personnel continue to make unscheduled visits to Karaoke establishments in Richmond to ensure business operations are complying with City regulations.

QK Karaoke Box operates from premises located at Unit 230- 4231 Hazelbridge Way. QK Karaoke is generally open for business Mondays to Thursdays 2:00 p.m. until 3 a.m. and Friday, Saturday and Sunday from 12 noon until 6 a.m. These hours are dependent on customer demand.

QK Karaoke Box has been issued two business licences – one for Assembly Use Group 1 which licences the serving of food and a Service Use licence which permits the business use of providing karaoke services. This business does not hold a Provincial Liquor License nor has the City received any application to add liquor service to their existing licences.

On February 22, 2004, this business received the first of 5 Municipal Tickets. The last four tickets were issued between November 1, 2004, and January 22, 2005. All municipal tickets were issued for operator permitting smoking inside the unit.

The RCMP attended these premises on December 23 and 24, 2004. During the inspections it was reported that there was a strong smell of cigarette smoke as well as ashtrays containing cigarette butts. It was also observed, on both occasions, that patrons were consuming alcohol.

On January 17, 2005 the RCMP personnel were denied reasonable access to the premises when they arrived at the establishment for an inspection.

A comprehensive statement from the Business License Inspector is attached for Council review.

The principal owner of QK Karaoke gave the following explanation in reply to the contraventions. The owner stated that many of the contraventions were due to the patrons not complying with the 'No Smoking' signs which he has placed in each room and that the patrons hide their liquor when entering the premises which he feels his staff have no authority to search for.

Having completed the review and taking into consideration, information received from the principal owner, the RCMP and the City's Business Licence Inspector, it is the opinion of the Chief Licence Inspector that this business should have their licence suspended for a period 20 days.

Financial Impact

No financial impact to the City.

Conclusion

QK Karaoke Box has ignored the City's Business Licence Bylaw and Public Health Protection Bylaw and as such, their non compliance warrants a suspension of 20 days that should be enforced from April 18, 2005 through May 7, 2005 both dates inclusive.



Anne Stevens
Chief Licencing Inspector
(4273)

AS2:as2

Show Cause Hearing

INFORMATION:

Business: 521067 BC Ltd. dba: QK Karaoke Box

Address: Unit #230-4231 Hazelbridge Way, Richmond, BC V6X 3L7

Ref. File #: 961313

Hearing Date: Tuesday, March 01, 2005

Time: 11:00 a.m.

Location: Room T.1.150, Richmond City Hall, 6911 No. 3 Road, Richmond, BC

HISTORY

This company, 521067 BC Ltd has been licenced and operating in the City of Richmond since December of 1996. This company operated with a group of share holders, under the business name of Prodio Karaoke Box. On May 01, 2002, the current principal owner, Gary NG, applied as sole principal owner and changed operating name to QK Karaoke Box. This business holds a A1 - Assembly use Group 1 Business Licence for operating a refreshment stand and an SU - Service Use Business licence for operating seven Karaoke Box Rooms. There is no Liquor or Food Primary Liquor License issued by the City or Province for this business.

This business has received five Municipal Ticket Informations (MTIs) since February 22, 2004, and four being issued since November 1, 2004. All MTIs issued under the Public Health Protection Bylaw No 6989, for Operator permitting smoking.

On December 23, 2004, at approximately 4:12 a.m., Cst. LAVIOLETTE and Cst. LEE attended at QK Karaoke Box, at Unit #230-4231 Hazelbridge Way, Richmond, BC. Patrons were observed inside of a Karaoke room drinking beer, which was later identified to have come from a two litre bottle marked as Green tea. During their inspection, Cst LAVIOLETTE noted a strong smell of burning cigarettes and numerous cigarette butts and ashes on the floor through several rooms inside the establishment. No Municipal Ticket was issued for this offence on this date, but a Provincial ticket was issued to the business, under the Liquor Act, section 11.

On December 24, 2004, at approximately 03:27 a.m., Cst. LAVIOLETTE and Cst. DAME attended at QK Karaoke Box, Unit #230-4231 Hazelbridge Way, Richmond, BC. Cst. LAVIOLETTE noted that liquor was again being consumed inside premise. Two patrons were observed staggering and requiring other patrons to assist them from falling, later one of these patrons was found passed out inside the karaoke room. Cst LAVIOLETTE also noted the smell of burning cigarettes was prominent and visible in the air. Three patrons were observed with lit cigarettes in room number six. The only employee on site being less then truthful with Cst. LAVIOLETTE and found to have moderate odour of liquor on his breath as well as stating to Cst. LAVIOLETTE that he had consumed three drinks earlier. CST. LAVIOLETTE found a binder with the employees schedules, which showed this employee to be on shift from 8:00 p.m. to 4:00 a.m.. A Provincial Ticket (LPC) was issued to employee and business under the Liquor

Act, as well as Municipal Ticket No. 8304, under the Public Health Protection Bylaw No. 6989, for Operator permitting smoking.

On January 11, 2005 at 22:41 p.m., Cst. GRABARCZYK and Cst. GALLOWAY attend at QK Karaoke Box, at Unit #230-4231 Hazelbridge Way, Richmond, BC. Cst.'s GRABARCZYK and GALLOWAY observed liquor, identified as Chivas Scotch Whiskey in plastic glasses and a 2 litre bottle, labelled as Green tea, being consumed inside premise. Further, a thick layer of burnt tobacco smoke was present as well as several cigarette butts were found on the floor. Licence Premise Check Notice LPC, issued, LCLA tickets issued for consumption of alcohol in a public place and a Municipal Ticket No. 13760, issued under Public Health Protection Bylaw No. 6989 for Operator permitting smoking.

Occurrence Reports From RCMP inspections of December 23, 2004, December 24, 2004 and January 11, 2005 were forwarded to City of Richmond Licence Inspector, Victor DUARTE. Letter dated January 21, 2005 was hand delivered to business and left with business representative who identified himself as Damon HOI, Waiter for QK Karaoke Box. Letter referred to contraventions noted during recent RCMP inspections, specifically, under Richmond's Public Health Protection Bylaw No. 6989, Operator permitting smoking and Business Licence Bylaw No. 7360, for operating a business without a licence, by permitting the consumption of alcohol inside premise, without a valid Provincial Liquor License or City of Richmond Business Licence. Business warned at this time continuation of these offences may result in the suspension or cancellation of the Business Licence. During the delivery of this letter it was noted: two individuals were found smoking inside room number # 8. Heavy smell of smoke inside room number 6 and 5 but no one was observed smoking inside these rooms. Heavy smell of alcohol was noticed in the hallway and later on two patrons waiting in the hallway for the bathroom. Municipal Ticket No. 14473 issued at this time under the Public Health Protection Bylaw No. 6989, for Operator permitting smoking.

February 15, 2005 copy of Occurrence Report received from Cst LAVIOLETTE, in reference to an inspection conducted at QK Karaoke Box on January 17, 2005 at 4:00 a.m.. by Cst.'s LAVIOLETTE, LEE, LEVY and SINGH. Entrance was not permitted as all doors were locked. Business representative Siu TAM observed RCMP Members outside through 2nd floor window, but made no attempt to open door for the police, even after lights and siren were activated on police vehicle. After 15 minutes a patron left premise and access was gained at this time. Cst's LAVIOLETTE and LEVY detected a strong odour of cigarette smoke in the air and smell of Pinesol as the floors were wet from just being freshly mopped. Approximately 9 patrons were observed inside the premise; The bathroom sink was observed by Cst. LAVIOLETTE to be full of vomit; Patron in one of the Karaoke rooms singing in Chinese, "Fucking Pigs, Police are Fucking Pigs." Premise was cleaned and garbage emptied in what Cst. LAVIOLETTE believed was done for the arrival of police.

Business Regulation Bylaw No. 7538, section 1.1.1(b) states that the operator of any business regulated under this bylaw must permit reasonable inspection access to the Licence Inspector, Building Inspector, Medical Health Officer, Animal Control Officer or the Police Chief.

Definition in the bylaw for Police Chief is the Officer in Charge of the Richmond Detachment of the Royal Canadian Mounted Police or his designate. Each RCMP Constable, in the commission of his duties, is considered a designate and therefore covered under this bylaw. It is the opinion of Licence Inspector Victor DUARTE that reasonable inspection access was not provided.

Disposition of Municipal Tickets:

MTI No. 09789, issued on February 22, 2004, was paid on February 26, 2004

MTI No. 14425, issued on November 01, 2004, disputed and pled guilty in Richmond Provincial Court on January 06, 2005.

MTI No. 08304, issued on December 24, 2004, not paid, sent to collections.

MTI No. 13760, issued on January 11, 2005, not paid, not disputed.

MTI No. 14473, issued on January 22, 2005, not paid, not disputed.

This company, owner and business representatives have shown poor conduct in regards to daily business operations and a blatant disregard to Municipal and Provincial regulations and statutes.

Victor Duarte
Licence Inspector
City of Richmond



City of Richmond

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

April 5, 2005
File: 961313

Finance Department
Business Licence Division
Telephone: (604) 276-4328
Fax: (604) 276-4157

Delivered by Hand

Mr. Gary Ng
521067 BC Ltd doing business as:
QK Karaoke Box
Unit 230-4231 Hazelbridge Way
Richmond, BC V6X 3L7

Dear Sir:

Re: Business Licence Review Hearing

This correspondence will serve as official follow up to your licence review hearing held before me at Richmond City Hall at 11:00 a.m. on Tuesday, March 01, 2005 in Room T.1.150.

I have reviewed all the facts presented by Mr. Duarte, the City of Richmond's representative who presented both his findings and those of the Richmond RCMP as gathered at on-site inspections. I have also taken into consideration all the comments put forward by yourself.

The findings clearly indicate that your business was operating in contravention to the City of Richmond's Public Health Protection Bylaw and Business Licence Bylaw. You have been sited for five infractions specific to permitting smoking inside your place of business and operating a business, which your business licence does not permit.

Unfortunately, after your hearing and promise to follow the rules, the Richmond RCMP attended your premise on March 17, 2005 and again your business was issued a ticket for permitting smoking as well as evidence which indicates consumption of Alcoholic beverages was still continuing, the very same bylaw infractions you promised not to contravene. Our records show that three of the previous infractions, prior to the RCMP's last visit on March 17, 2005 have not been dealt with. Two of these tickets have been sent to collections.

With all the facts as presented including the incident on March 17, 2005, indicate that a licence suspension is warranted. I will therefore be recommending to Richmond City Council that your business licence be suspended from April 18, 2005 through May 07, 2005 both dates inclusive, which is a total of 20 days.


Island City, by Nature

This recommendation will be dealt with by Richmond City Council at their meeting of Monday, April 11, 2005 at City Hall, 6911 No. 3 Road. This meeting will commence at 7:00 p.m. sharp 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 the meeting to present your case, please contact Mr. Richard McKenna, the City Clerk, and he will ensure you are added to the Council agenda as a delegation.

Should you have any questions regarding this recommendation, or the process relating to the Council meeting, please feel free to call me directly at 604-276-4273.

Yours truly,



Anne Stevens
Chief Licence Inspector

AS2:vmd

pc: V. Duarte
R. McKenna
Cst. S. Grabarczyk