



**To:** Richmond City Council  
**From:** Anne Stevens  
Chief Licencing Inspector  
**Re:** Fu Yun

**Date:** August 9, 2005  
**File:** 12-8275-06/2005-Vol 01

**Staff Recommendation**

That Council suspend the business licence of Fu Yun operating from premises located at Unit #201 – 4640 No. 3 Road, Richmond, B.C. for a period of 45 days commencing September 19 to November 2, 2005, both dates inclusive.

Anne Stevens  
Chief Licencing Inspector  
(4273)

Att. 1

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:	CONCURRENCE		CONCURRENCE OF GENERAL MANAGER		
Business Licences .....	Y	<input checked="" type="checkbox"/> N	<input type="checkbox"/>		
<b>REVIEWED BY TAG</b>	YES	NO	<b>REVIEWED BY CAO</b>	YES	NO
	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>	<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 Fu Yun operating from premises located at Unit #201 – 4640 No. 3 Road, Richmond, and B.C.

### Analysis

On July 25, 2005, a Show Cause Hearing was held in front of the Chief Licence Inspector. Present was the manager of Fu Yun, Ms Y Cai; a friend of Ms Cai, Mr M. Wei and the City Business Licence Inspector who provided both the City and the RCMP information.

The principal owner, Ms. Xin He was out of town.

Fu Yun has a valid business licence issued on August 23, 2004.

Mr Duarte, City Licence Inspector outlined the situation and the infractions associated with each inspection.

A Summary of the seven infractions is outlined in the table below:

DATE	INFRACTION	SPECIFICS
December 3, 2004	Bylaw 7538 Sec 7.1.1 (a)	<ul style="list-style-type: none"> <li>Three employees not registered with the City as required.</li> </ul>
December 3, 2004	Bylaw 7538 Sec 7.3.1 (c)	<ul style="list-style-type: none"> <li>Two employees found undressed together with patrons.</li> </ul>
January 05, 2005	Bylaw 7538 Sec 7.1.1 (a) Bylaw 7538 Sec 7.3.1 (b)	<ul style="list-style-type: none"> <li>Four of the employees were not registered.</li> <li>A minor (3-4 yrs) was found inside the premises.</li> </ul>
April 13, 2005	Bylaw 7538 Sec 7.1.1 (a)	<ul style="list-style-type: none"> <li>One Employee not registered again. Manager spoke to employee to leave before the licence inspector issued a ticket.</li> </ul>
April 14, 2005	Bylaw 7538 Sec 7.1.1 (b)	<ul style="list-style-type: none"> <li>Operating after hours permitted.</li> </ul>
June 14, 2005	Bylaw 7538 Sec 7.1.1 (a)	<ul style="list-style-type: none"> <li>Two employees not registered</li> </ul>
July 07, 2005	Bylaw 6989 Sec 6.1.1(a to k)	<ul style="list-style-type: none"> <li>Operator permitting smoking inside premises.</li> </ul>

Areas of concern for the officers during these inspections were the number of unregistered employees and the presence of a young child. The deception of the managers when being asked questions of the employees was also of great concern.

Since this establishment has opened there have been seven tickets issued and all have been paid.

When the letter was delivered regarding the show cause hearing on July 7, 2005 another MTI was issued for individuals smoking inside the premises. This ticket has paid to date.

A comprehensive statement from the Business License Inspector is attached for Council review. (Attachment 1)

The manager of Fu Yun stated she would try and fix the business. She has not run a business like this before and will do her best.

The owner has had a valid business licence in Richmond and should have an understanding of the City bylaws set out for such businesses.

It is of great concern to have employees, who are not registered with the City, on not one occasion, but on each of the five occasions the officers inspected the premises working in Body Rub Studios and also having a young child on the premises during operating hours.

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 45 days.

**Financial Impact**

None

**Conclusion**

Fu Yun has ignored the City's Business Licence Bylaw and Public Health Protection Bylaw and as such, their non compliance warrants a suspension of 45 days that should be enforced from September 19,2005 through November 2, 2005 both dates inclusive.



Anne Stevens  
Chief Licencing Inspector  
(4273)

AS2:as2



**To:** Anne Stevens  
Chief Licence Inspector

**Date:** July 6, 2005

**From:** Victor M Duarte  
Business Licence Inspector

**File:** 12-8275-20-AMANDA  
#/2005-Vol 01

**Re:** **Fu Yun - Non-Compliance of Body-Rub Studio Regulations**

Inspections conducted at **Fu Yun**, have revealed this business continuously disregards the City of Richmond's **Body-Painting/Body-Rub Studio Regulation**. This business commenced operations in August of 2004 and in less than one year has received seven violation tickets. The following is a list of infractions noted.

On December 03, 2004, a routine inspection was conducted by Cst. D. AU and Cst A. KIM of the Richmond RCMP at the business premise of **Fu Yun** which revealed only one of the six employees in the premise was registered with the City of Richmond, as required under the Business Regulation Bylaw No. 7538, section 7.1.1(a) and possibly performing business activities, which are not appropriate conduct, for which the Business Licence was issued.

On January 05, 2005, the undersigned attended at **Fu Yun** to issue two Municipal Ticket Infractions (MTIs) for the noted infractions observed by Constables AU and KIM and subsequently observed additional infractions. Again, business had failed to register employees as required. Only three of the seven employees found in premise were registered with the City of Richmond. As well, a small child approximately 3-4 years of age was found inside premise, a violation of Business Regulation Bylaw No 7538 section 7.3.1(b). An additional two (MTIs) were issued by the undersigned and left with Shi Bao JIA, who appeared to be the Manager. JIA stated he was only a consultant and not affiliated to this business. However JIA was informed that at every inspection or transaction with this business, JIA was present and was required to register with the City of Richmond. JIA was warned that failure to do so could result in a show cause hearing, which could result in the suspension or cancellation of the business licence for **Fu Yun**.

February 03, 2005, the undersigned attended Richmond Provincial Court on dispute of MTI by Shi Bao JIA and **Fu Yun**. Again, the undersigned informed JIA that he has been told on numerous times to register and has not. His appearance in Provincial Court and dispute of MTI issued to Fu Yun shows that he is associated to the business. JIA is warned at this time that further inspections conducted at **Fu Yun**, which show his presence in the premise, will result in a Show Cause Hearing. JIA indicated at this time he had a history and was worried this would be used to prevent him from being permitted inside the premise. Writer explained to JIA, as history did not revolve around sections 210 to 213 of the Criminal Code, it was not a concern to the City. It was at this time JIA stated he would attend City Hall and register. JIA attended City Hall later this date and registered.

On April 13, 2005, an inspection was conducted at **Fu Yun** by the undersigned and Members of the Richmond RCMP. While checking identification of all staff in premise, JIA spoke to one female employee in Chinese and informed her to leave quickly. Cst. D. LEW understood what JIA said and

informed the undersigned JIA had just tried to have individual leave. Identification of Yu Fa TSUI was checked and TSUI was found not to be registered with the City of Richmond. An MTI was issued for failing to register employee, as required under the Business Regulation Bylaw No 7538.

Again in the early hours of April 14, 2005, while still conducting routine inspections, the team went by **Fu Yun** and noticed "OPEN" sign was lit by front door. Business should have closed by midnight as regulations permit this business to operate until midnight on this particular day. At 01:09 hrs., the team entered front door of **Fu Yun** which was unlocked. Two staff were found in rooms with customers and other employees were still in premise. Another MTI was issued to **Fu Yun** and left with JIA for operating outside of permitted hours. JIA was informed that this type of conduct and his attempt at obstructing our inspection earlier by trying to tell the employee to leave, will result in a Show Cause Hearing to be held unless they operate within our regulations.

On June 14, 2005, an inspection was conducted at **Fu Yun** by the undersigned and Members of the Richmond RCMP. Again two of the six employees in premise were not registered with the City of Richmond as required. Manager, Yu Fei CAI, was not in premise when team initially arrived. Inspection team had the opportunity to speak with all employees. One such employee who identified herself as Gen-Jin ZHANG, stated she was hired as a receptionist. Shortly after inspection teams arrival, Yu Fei CAI arrived and the undersigned had an opportunity to speak with CAI. When asked why receptionist was not registered with the City, CAI indicated that she was her mother and not a receptionist. The undersigned had CAI write her mothers name on the back of employee list used for cross-referencing all employees. CAI wrote the name "Zhen anhua" on the paper. At this time the undersigned informed CAI that employee, Gen-Jin ZHANG, had identified herself to us and informed us that she was working for **Fu Yun**. CAI was also informed about Ping GAO, who was also not registered. CAI did not say much after this point but listened to the undersigned explain that **Fu Yun** would be receiving a Municipal Ticket for failing to register employees with the City of Richmond as required. CAI was informed that two MTI's issued in April had not been paid or disputed and would be deemed guilty in Provincial Court as a result. CAI stated she did not know where the tickets were and could not deal with them. The undersigned informed CAI she could get a copy at City Hall and if not cleared, they would be sent for collections. CAI found tickets, as she appeared at City Hall on June 15, 2005 and paid for all three MTI's issued to **Fu Yun** on April 13-14, 2005 and June 14, 2005.

The last two inspections conducted at this business have proven to the undersigned that **Fu Yun** is not interested in operating within the guidelines of the City of Richmond's Business regulation Bylaw No. 7538, as depicted by the conduct of the two Managers of **Fu Yun** and their attempt to obstruct the inspections conducted.

In careful consideration of all the above mentioned, it appears that **Fu Yun** continues to disregard the City of Richmond Bylaws. This leads the undersigned to believe a Show Cause Hearing may be warranted in order to prevent the continuation of offences.

Victor M Duarte  
Business Licence Inspector

VMD:vmd



## City of Richmond

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

August 30, 2005  
File: 04274121

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

Delivered by Hand

Xin He  
Fu Yun  
Unit 201-4640 No. 3 Road  
Richmond, BC V6X 2C23

Dear Ms. He:

**Re: Fu Yun  
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 2:30 p.m. on Monday, July 25, 2005 in meeting room 1.003.

I have reviewed all the facts as presented by Mr. Duarte, the City of Richmond's representative who presented both his findings and those of the RCMP. I have also taken into consideration all the comments as presented by your Manager, Ms. Yu Fei Cai.

The findings clearly indicate that your business was operating in contravention of the City of Richmond's Business Licence and Business Regulation Bylaws. You have had six previous infractions prior to Mr. Duarte's last visit of June 14, 2005 which resulted in a seventh violation. A further visit to your premise on July 07, 2005, again found your business in violation of the Public Health Protection Bylaw No 6989.

I will therefore be recommending to Richmond City Council that your business licence be suspended from September 19, 2005 through November 2, 2005 both dates inclusive, which is a total of 45 days.

This recommendation, will be dealt with by Richmond City Council at their meeting of September 6, 2005. 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. David Webber, 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 contact the undersigned at 604-276-4273.

**RICHMOND**  
*Island City, by Nature*

Yours truly,

A handwritten signature in cursive script, appearing to read 'A Stevens'.

Anne Stevens

*Chief Licence Inspector*

AS2:vmd

pc: V. Duarte  
D. Webber  
B. Edwards – RCMP