



City of Richmond

Report to Council

To: Richmond City Council
From: Anne Stevens
Chief Licencing Inspector

Date: August 8, 2005
File: 12-8275-06/2005-Vol 01

Re: Kingdom Massage and Acupressure Centre - Suspension

Staff Recommendation

That Council suspend the business licence of Kingdom Massage and Acupressure Centre operating from premises located at Unit #170 – 8351 Alexandra Road, Richmond, B.C. for the period of 60 days commencing October 3 to December 1, 2005, both dates inclusive.

Anne Stevens
Chief Licencing Inspector
(4273)

FOR ORIGINATING DIVISION USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Business Licences	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> <i>dw</i> NO <input type="checkbox"/>	REVIEWED BY CAO	YES <input checked="" type="checkbox"/> <i>GD</i> 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 Kingdom Massage and Acupressure Centre operating from premises located at Unit #170 – 8351 Alexandra Road, Richmond, B.C.C.

Analysis

On July 25, 2005, a Show Cause Hearing was held in front of the Chief Licence Inspector. Present was the principal owner of Kingdom Massage and Acupressure Centre, Mr I Li; Mr W Chan, interpreter for Mr Li and the City Business Licence Inspector who provided both the City and the RCMP information.

Kingdom Massage and Acupressure Centre has a valid business licence issued on January 2005. Mr Li has operated his business since 1994.

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

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

DATE	TIME	INFRACTION	SPECIFICS
April 13, 2005		Bylaw 7538 Sec 7.3.1 (c)	<ul style="list-style-type: none"> • Permitting the wearing of outer garments not covering the body between the neck and top of the knee. • Also noted was poor lighting in premises contrary to bylaw requirements
April 14, 2005	1:05 a.m.	Bylaw 6989 Sec 6.1.1.1 (a) to	<ul style="list-style-type: none"> • Patrons smoking in waiting room
April 14, 2005	1:19 a.m.	Bylaw 7538 section 7.1.1 (b)	<ul style="list-style-type: none"> • Customers still in individual rooms beyond hours of operation
April 14		Bylaw 7538 section 7.3.1 (c)	<ul style="list-style-type: none"> • Female staff partially dressed and preventing inspection by holding door shut. Client in shower.

A total of 4 MTI's were issued on April 13 and 14th. All tickets have been paid.

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

Through the hearing it was learned that Kingdom Massage and Acupressure has received two prior suspensions. In October 2000 the business was suspended for 30 days and May 2001, the business was suspended for 60 days for the same infractions that have been listed above. Mr Li was fully aware of the reasons behind each suspension and that the requirement for closing and dress had not changed.

The principal owner of Kingdom Massage and Acupressure gave the following explanation in reply to the contraventions. The owner stated he had difficulty ensuring the staff and the patrons were following the city bylaws.

The owner has had a valid business licence for 10 years in Richmond and should have a clear understanding of the City bylaws set out for such businesses.

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 60 days

Financial Impact

None

Conclusion

Kingdom Massage and Acupressure has ignored the City's Business Licence Bylaw and Public Health Protection Bylaw and as such, their non compliance warrants a suspension of 60 days that should be enforced from October 3, 2005 through December 1,2005 both dates inclusive.



Anne Stevens
Chief Licencing Inspector
(4273)

AS2:as2

The Law Office of

ALFRED T. M. WOO

Barrister, Solicitor & Notary Public

#627 Three West Centre
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Canada, V6Y 2B2

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File No. 952977

September 5, 2005

Via fax only: 604 276-4157

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

Attn: Anne Stevens, Chief Licence Inspector

Dear Sir/Madam:

Re: Kingdom Massage and Acupressure Centre
Unit 170 - 8351 Alexandra Road, Richmond, BC
Licensee: 483663 B.C. Ltd.

We refer to your August 30, 2005, letter relative to a business license review hearing scheduled before City Council on September 6, 2005.

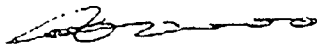
We have today received instructions from the Licensee's principal to represent the Licensee at such hearing.

Owing to shortness of time for proper preparations, we respectfully request an adjournment of the hearing.

If you do not oppose this first adjournment request, kindly pass this request on to the City Clerk to reschedule the hearing to either September 20th or 27th, 2005.

We look forward to confirmation of the new hearing date.

Yours truly,



ALFRED T.M. WOO

cc: client



City of Richmond
Finance & Corporate Services Division

ATTACHMENT 1

To: A. Stevens
Chief Licence Inspector

Date: May 2, 2005

From: Victor M Duarte
Business Licence Inspector

File: 942079

Re: **Kingdom Massage & Acupressure centre- Body-Rub Studio Regulation Violations**

A recent site inspection of **Kingdom Massage & Acupressure Centre** was conducted together with RCMP Members on April 13, 2005. Owner Ip Li and Manager Ben Sze Cheung Lau, were on site together with eight employees. All employees were registered as required, however, the following infractions were noted.

- Employee was found with a customer in a room with poor lighting, which is in contravention of section **7.2.1(b)(ii)** of the **Business Regulation Bylaw No. 7148** wearing a very low cut dress, revealing her black bra and cleavage, which is also a contravention of the said bylaw, section **7.3.1(c)**. A Municipal Ticket Information (MTI) was issued to the business for the permitting the wearing of outer garments not covering the body between the neck and top of the knee which carries a fine of \$100.00.

Inspection Team decided to re-attend some locations after operating hours, to determine if businesses were open within the operating hours permitted. Kingdom Massage & Acupressure Centre was re-attended for this purpose.

Inspection team observed two males enter the premise at approximately 0:15 hours on April 14, 2005. Inspection team entered at 0:19 hours and the following infractions were noted.

- Customers noted in waiting area smoking, which is a contravention of section **6.1.1.1 (a) to (k)** of the **Public Health Protection Bylaw No. 6989**. MTI issued.
- Employee found partially undressed in room #7 which was also occupied with a male customer in the shower. This is a violation of section **7.2.1(b)(ii)** of the **Business Regulation Bylaw No. 7148**. MTI issued.
- Three rooms still occupied by Customers and employees, business was still operating, which is a contravention of section **7.1.1(b)** of the **Business Regulation Bylaw No. 7538**. MTI issued.

Four Municipal Ticket infractions issued to this business while conducting routine inspections of Body Rub Studios on April 13/14, 2005. Further, our records show Municipal Ticket Information was issued by Cst. Galloway, of the Richmond RCMP on November 16, 2004 for violation of section **7.3.1(c)** of the **Business Regulation Bylaw No. 7538**. As well, an Inspection Report was forwarded, by Cst. Galloway, from an inspection conducted on September 30, 2004, which revealed

May 2, 2005

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an employee was pulling dress down towards her knees as Cst. Galloway entered into room # 5 which was also occupied with a male customer having a shower.

This business has received two prior suspensions by City Council. The first was served from October 16th, 2000 through November 12th, 2000, both dates inclusive. The second, for a period of 60 days, served between May 16th, 2001 through July 14, 2001 both dates inclusive.

In careful consideration of all the above mentioned, it appears that this business 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 continuation of offences.

Victor M Duarte
Business Licence Inspector

VMD:vmd



City of Richmond

6911 No. 3 Road, Richmond, BC V6Y 2C1
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www.city.richmond.bc.ca

September 07, 2005
File: 942079

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

Delivered by Hand

Mr. Ip Li
483663 BC Ltd.
doing business as
Kingdom Massage and Acupressure Centre
Unit 170-8351 Alexandra Road
Richmond BC V6X 3P3

Dear Mr. Li:

**Re: Kingdom Massage and Acupressure Centre
Business Licence Review Hearing**

As you are aware the recommendation for business licence suspension was not debated at the City Council meeting of September 06, 2005.

The recommendation to Richmond City Council will be that your business licence be suspended from October 3, 2005 through December 01, 2005 both dates inclusive, which is a total of 60 days.

This recommendation, will be dealt with by Richmond City Council at their meeting of September 26, 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.

Yours truly,

Anne Stevens
Chief Licence Inspector

RICHMOND
Island City, by Nature

AS2:vmd

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

The Law Office of
ALFRED T. M. WOO

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File No.: 952979

September 21, 2005

Via fax: 276-4162

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

Attn: Anne Stevens, Chief Licencing Inspector

Dear Sir/Madam:

Re: Kingdom Massage and Acupressure Centre
Business License Review Hearing - September 26, 2005

We confirm that we are counsel of record for 483663 B.C. Ltd., the licensee of the business known as "Kingdom Massage and Acupressure Centre" located at Unit 170 - 8351 Alexandra Road, Richmond, BC.

It was originally our client's intention to appear at the subject license review hearing to respond to the incidents occurring on the evening of April 13-14, 2005. As you know, our client has admitted to four bylaw violations cited in the Municipal Ticket Informations (MTI's) and has already paid the fines therefor. Following receipt of your August 30, 2005, notice of hearing letter respecting license suspension, the Licensee's principal, Mr. Ip Li, sought to impress upon all employees the need for diligent compliance with the by-laws. Mr. Li emphasized the gravity of the situation, especially the loss of employment for all staff. However, this deterrence message appears to have had inverse effect some errant staff, given the September 10, 2005, incident cited in your September 13th letter.

Corporate management now recognizes that there were supervisory failures and that systemic changes are required to prevent future violations. In acknowledging these shortcomings, it is the Licensee's decision not to contest the staff recommendation to City Council for an all inclusive license suspension. We understand that such suspension is for all bylaw infractions to date and will be in effect from October 3, 2005, through December 01, 2005 inclusively.

We are instructed to inform City Council that during the term of suspension, the Licensee will seek to implement positive reforms to its operations, including:

1. Staff to wear prescribed uniforms which strictly comply with bylaw requirements;
2. Voluntary shorter operating hours;

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3. Appointment of a new business manager;
4. Hire competent female supervisor(s).

In the circumstances, to mitigate both time and expense to all concerned, neither the Licensee's principal nor counsel will not be appearing before City Council on September 26th.

You will undoubtedly advise of the outcome in due course.

Yours truly,



ALFRED T. M. WOO

cc: client