



City of Richmond

Report to Council

To: Richmond City Council
From: Anne Stevens
Manager, Customer Services
Date: December 3, 2004
File: 12-8275-20-AMANDA
#/2004-Vol 01
Re: **Suspension of Business Licence for GFX Enterprises - Insomnia Restaurant**
Unit 100 - 7911 Alderbridge Way

Staff Recommendation

That Council suspend the business licence of GFX Enterprises for a period of 30 days commencing December 20,2004 through to January 18,2005 both dates inclusive.

Anne Stevens
Chief Licencing Inspector
(4273)

FOR ORIGINATING DIVISION USE ONLY

CONCURRENCE OF GENERAL MANAGER

REVIEWED BY TAG	YES	NO
	<input checked="checked" type="checkbox"/>	<input type="checkbox"/>

REVIEWED BY CAO	YES	NO
	<input type="checkbox"/>	<input type="checkbox"/>

Att. 1

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.

Findings Of Fact

City staff continues to make unscheduled visits to establishments to ensure business operations comply with various legislative requirements.

Insomnia restaurant has had a number of offences in the past couple of years and continues to ignore the cities Business and Public Health Protection bylaws. This business has, in fact, been issued six municipal tickets along with four LCLB enforcement actions. To date four fines for the city Municipal tickets have not been paid.

Edward Hsieh (silent partner) who appeared before the City's Chief Licensing Inspector had very little knowledge about the business. The two principal owners did not attend even though they were given notice.

The minutes from the meeting and notes from the inspector are attached for Council review.
(Attachment 1)

Having completed the review of all the material presented at the hearing, it is the belief of the Chief Licence Inspector that a business licences suspension is warranted.

Financial Impact

There is no direct financial impact for the City

Conclusion

GFX Enterprises known as Insomnia Karaoke Restaurant located at Unit100 - 7911 Alderbridge Way, Richmond B.C. has continually ignored the City's bylaws and has received four tickets for these infractions, of which have not been paid and has a history of past infractions and as such, the recommendation of a 30 day business licence suspension is warranted.



Anne Stevens
Chief Licencing Inspector



City of Richmond

Minutes

**Business Licence Hearing
City of Richmond/Insomnia Karaoke Restaurant
GFX Company @ 100 -7911 Alderbridge Way**

**Held November 18,2004
at 1:30 p.m.
Meeting Room T.2.141**

Richmond City Hall

In Attendance:

Anne Stevens, Chief Licensing Inspector (AS)
Victor Duarte, Licence Inspector (VD)

Edward Hsieh, Insomnia Karaoke (EH)

Staff arrived at 1:30 p.m. and the representative from GFX Company arrived at 1:40 p.m.

City licensing inspector gave the attached summation of G.F.X enterprises Ltd, outlining history of the establishment and the current status.

Edward Hsieh was asked to comment on the charge.

(EH) Ming Kwan is the principle of the business and Edward Hsieh is a silent partner. The explanation of EH was the mismanagement of the restaurant and the manager was terminated after four months.

With no other comments the meeting was adjourned at 2:15p.m.

Recorder & Chairman
Anne Stevens
Manager City of Richmond

:as2
pc:

Show Cause Hearing

INFORMATION:

Business: G.F.X. Enterprises Ltd. dba: Insomnia Karaoke Restaurant

Address: Unit #100-7911 Alderbridge Way, Richmond, BC V6X 2A4

Ref. File #: 02210294

Hearing Date: November 18, 2004

Time: 1:30 p.m.

Location: Room T.2.121, Richmond City Hall, 6911 No. 3 Road, Richmond, BC

HISTORY

G.F.X. Enterprises Ltd. dba: Insomnia Karaoke Restaurant has been licenced since September 2002 with two business licences. They hold an SU- Service Use Business Licence for operating a Karaoke and an A1- Assembly Use Group 1 Business Licence for operating a Restaurant with a Food Primary Liquor Licence.

Insomnia Karaoke Restaurant received A Municipal Ticket Information (MTI) on March 21, 2003 for contravention to the **Public Health Protection Bylaw No. 6989**, specifically, operator permitting smoking. The fine amount of \$100.00 was paid. The Liquor Control and Licensing Branch took enforcement action on Insomnia Karaoke Restaurant on July 23, 2003 and then again on December 04, 2003. A second MTI was issued to Insomnia Karaoke Restaurant on February 22, 2004 for same offence of operator permitting smoking. Business disputed MTI, but pled guilty in Richmond Provincial Court on March 25, 2004 with a \$50.00 fine amount imposed by the Honourable Judge Kitchen.

CURRENT

Liquor Inspectors DYCK and BARRON attended at Insomnia Karaoke Restaurant on October 09, 2004 at 03:25 hours. This business was found to be operating outside of licence class; with receipts showing \$1849 liquor sales and only \$119 food sales. Other Liquor Control and Licensing Branch violations noted by Inspectors DYCK and BARRON, as well as contravention to the City of Richmond's **Public Health Protection Bylaw No. 6989**, permitting smoking inside premise. Three individuals were identified to be smoking and a staff member lit a cigarette in front of Liquor Inspector BARRON, who informed individual to put it out.

Attendance made at Insomnia Karaoke restaurant by Writer, V. DUARTE, Licence Inspector for the City of Richmond, on October 19, 2004 to issue MTI for offence observed by Liquor Inspectors DYCK and BARRON on October 09, 2004. Again, two individuals were found smoking inside premise and a second MTI was issued for October 19, 2004. Patrons were observed sitting in two groups inside premise. A group of nine were sitting around two tables and a group of 4 were sitting at a booth. One individual in

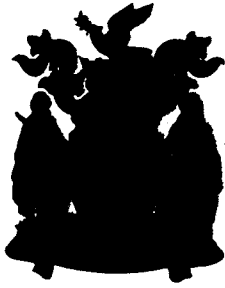
each group was observed smoking. Glasses, which appeared to be half full of water, were being used as ashtrays. The area of nine had two ashtrays, one with 10 butts and one with 4 butts noted. The group of four had one ashtray with 4 butts.

Joint Inspection Team went out for late night inspections on October 29, and early morning of October 30. Attendance was made at Insomnia Karaoke Restaurant at 01:56 hours of October 30, 2004. Three individuals were observed smoking, 45 butts were counted on floor and numerous glasses, full of butts, noted on tables and in dirty dish tub by bar area. Liquor violations observed by Inspectors DYCK and BARRON. Receipts requested by Liquor Inspector DYCK but not provided by Manager Yek SEOW, who was less than cooperative.

On November 10, 2004 at 22:48 hours, Licence Inspector V DUARTE, attended Insomnia Karaoke Restaurant to deliver letter regarding Show Cause Hearing. Smoking was observed and another MTI issued for permitting smoking inside premise.

It is apparent that this business has no regard for City of Richmond Bylaws as smoking is not restricted inside premise and in fact condoned by the presence of ashtrays (glasses with water) provided for the butts. This business is licenced as a food primary liquor establishment, but continues to operate as a Liquor Primary establishment, which is in contravention of the City of Richmond Business Licence, issued to Insomnia Karaoke Restaurant, as well as the Provincial Liquor License. This shows poor managing of this business by its owners and managers.

4 Municipal Tickets have been issued, in approximately, a one month period, for permitting smoking inside premise.



City of Richmond

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

Telephone (604) 276-4000

www.city.richmond.bc.ca

December 7, 2004

File:

Finance & Corporate Services

Fax: (604) 276-4162

Admin. (604) 276-4219

Accounts Receivable (604) 276-4144

Payroll (604) 276-4137

Purchasing (604) 276-4270

Tax (604) 276-4145

Treasury Services (604) 276-4277

Delivered by Hand

GFX Enterprises Ltd
doing business as
Insomnia Karaoke Restaurant
#100 - 7911 Alderbridge Way
Richmond, BC V6X 2A4

Attention: **Ming Kwan**

Dear Sir:

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 1:30 pm on November 18, 2004 in Room T.2.121.

I have reviewed all the facts presented by Mr. Duarte, the City of Richmond's representative. I have also taken into consideration all the comments put forward by your representative Mr. Hsieh. The findings clearly indicate that your business was operating in contravention of the City of Richmond's Public Health Protection Bylaw.

It is clear that this has been an ongoing problem with your business. Although you offered promises to prevent contraventions in the future, I feel with all the tickets issued to your business, there has been a lack of effort on your part to adhere to the No Smoking Legislation. This being said, I therefore have no alternative but to recommend to Richmond City Council that a suspension of your Business Licence is warranted.

I will be forwarding a report to the Richmond City Council meeting on December 13, 2004 recommending a 30 day business licence suspension commencing on December 27, 2004 and running through to January 25, 2005 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 ensure you are added to the Council agenda as a delegation.


RICHMOND
Island City, by Nature

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.

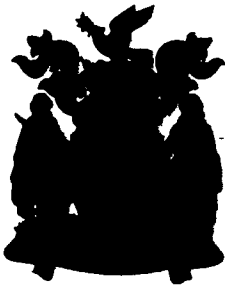
Yours truly,

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

Anne Stevens
Chief Licence Inspector
Manager, Customer Service

AS:vmd

Pc: J. Hikida
V. Duarte
R. McKenna
A. Hamade- Environmental Health



City of Richmond

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

Telephone (604) 276-4000

www.city.richmond.bc.ca

December 7, 2004

File:

Finance & Corporate Services

Fax: (604) 276-4162

Admin. (604) 276-4219

Accounts Receivable (604) 276-4144

Payroll (604) 276-4137

Purchasing (604) 276-4270

Tax (604) 276-4145

Treasury Services (604) 276-4277

Delivered by Hand

GFX Enterprises Ltd
doing business as
Insomnia Karaoke Restaurant
#100 - 7911 Alderbridge Way
Richmond, BC V6X 2A4

Attention: Edward Hsieh

Dear Sir:

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 1:30 pm on November 18, 2004 in Room T.2.121.

I have reviewed all the facts presented by Mr. Duarte, the City of Richmond's representative. I have also taken into consideration all the comments put forward by your representative Mr. Hsieh. The findings clearly indicate that your business was operating in contravention of the City of Richmond's Public Health Protection Bylaw.

It is clear that this has been an ongoing problem with your business. Although you offered promises to prevent contraventions in the future, I feel with all the tickets issued to your business, there has been a lack of effort on your part to adhere to the No Smoking Legislation. This being said, I therefore have no alternative but to recommend to Richmond City Council that a suspension of your Business Licence is warranted.

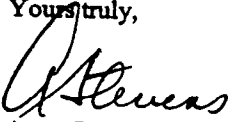
I will be forwarding a report to the Richmond City Council meeting on December 13, 2004 recommending a 30 day business licence suspension commencing on December 27, 2004 and running through to January 25, 2005 both days inclusive.

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 ensure you are added to the Council agenda as a delegation.


RICHMOND
Island City, by Nature

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
Manager, Customer Service

AS:vmd

Pc: J. Hikida
V. Duarte
R. McKenna
A. Hamade- Environmental Health



City of Richmond

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

Telephone (604) 276-4000

www.city.richmond.bc.ca

December 7, 2004

File:

Finance & Corporate Services

Fax: (604) 276-4162

Admin. (604) 276-4219

Accounts Receivable (604) 276-4144

Payroll (604) 276-4137

Purchasing (604) 276-4270

Tax (604) 276-4145

Treasury Services (604) 276-4277

Delivered by Hand

GFX Enterprises Ltd
doing business as
Insomnia Karaoke Restaurant
#100 - 7911 Alderbridge Way
Richmond, BC V6X 2A4

Attention: **Tony Lin**

Dear Sir:

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 1:30 pm on November 18, 2004 in Room T.2.121.

I have reviewed all the facts presented by Mr. Duarte, the City of Richmond's representative. I have also taken into consideration all the comments put forward by your representative Mr. Hsieh. The findings clearly indicate that your business was operating in contravention of the City of Richmond's Public Health Protection Bylaw.

It is clear that this has been an ongoing problem with your business. Although you offered promises to prevent contraventions in the future, I feel with all the tickets issued to your business, there has been a lack of effort on your part to adhere to the No Smoking Legislation. This being said, I therefore have no alternative but to recommend to Richmond City Council that a suspension of your Business Licence is warranted.

I will be forwarding a report to the Richmond City Council meeting on December 13, 2004 recommending a 30 day business licence suspension commencing on December 27, 2004 and running through to January 25, 2005 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 ensure you are added to the Council agenda as a delegation.


RICHMOND
Island City, by Nature

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

Manager, Customer Service

AS:vmd

Pc: J. Hikida
V. Duarte
R. McKenna
A. Hamade- Environmental Health