



City of Richmond

Report to Council

To: Richmond City Council

From: W. Glenn McLaughlin
Chief Licence Inspector

Re: Business Licence Suspension - Sun & Body Glo Services Inc.


To: SPECIAL COUNCIL, SEPT. 8/09

Date: June 22, 2009

File:

Staff Recommendation

That Council suspend the business licence of Sun & Body Glo Services Inc. operating from premises located at Unit # 201-3871 No. 3 Road, Richmond, B.C. for the period commencing October 2, 2009 to October 31, 2009 both dates inclusive.


W. Glenn McLaughlin
Chief Licence Inspector
(604-276-4136)

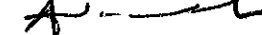
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ROUTED TO:

CONCURRENCE

CONCURRENCE OF GENERAL MANAGER

Law.....Y ☒ N ☐
R.C.M.P.....Y ☒ N ☐



REVIEWED BY TAG

YES NO

☒  ☐

REVIEWED BY CAO

YES NO

ACTING

 ☒ ☐

Staff Report

Origin

The City of Richmond in partnership with all regulating jurisdictions continue to enforce City bylaws with an emphasis on businesses operating within the guidelines of all applicable bylaws, statutes and regulations and the permissive functions within the business complex. These ongoing efforts promote community, customer and employee safety and prevent any business from gaining an operational advantage over another business in the same licenced category.

This report deals with By-Law infractions noted as a result of routine inspections at Sun & Body Glo Services Inc. operating from premises located at 201-3871 No. 3 Road, Richmond, B.C.

Analysis

On January 31, 2009, at approximately 10:26 p.m., members of the Richmond RCMP Police, including Constable Alex Upshall, conducted an inspection of Sun & Body Glo Services Inc., licensed as an Adult Oriented Use (AO) category that must adhere to the Body Rub Studio Regulations, Part Seven of the Business Regulation Bylaw No. 7538.

During the Inspection of January 31, 2009, Constable Alex Upshall found Sun & Body Glo Services Inc. to be operating in violation of the Business Regulation Bylaw No. 7538, section 7.3.1 (c) which states:

7.3 Operator Prohibitions

7.3.1 An operator of a **body-painting/body-rub studio** must not:

- (c) permit any person engaged in providing a **body-rub** or other service to be in such premises *unless such person is wearing* clean, washable, non-transparent outer garments, covering his or her body between the neck and the top of the knee, the sleeves of which must reach below the elbows;

Staff consider the activities occurring during the by-law violation warrant Council's consideration under Section 15.1.e of the Community Charter which provides for suspension or cancellation of a licence for failure to comply with a term or condition of a licence. In addition, Section 60.2 of the Charter also provides Council with the authority to suspend or cancel a licence for reasonable cause.

On Friday, June 5, 2009, a Show Cause Hearing for licence suspension was held in front of the Chief Licence Inspector. Present were Ms. Julia Alexandrov Gulnara, the principal owner of Sun & Body Glo Services Inc., Constable Alex Upshall, member of the Richmond Detachment, RCMP Police and Mr. Victor Duarte, Business Licence Inspector for the City of Richmond.

Mr Duarte provided a comprehensive overview of the background and facts as outlined in the attached information. (Appendix 1)

Constable Alex Upshall provided information supporting the overview of Mr. Duarte to the Chief Licence Inspector as to the findings of his inspection conducted on January 31, 2009.

Ms. Gulnara was provided an opportunity to speak and stated she was not at the business when RCMP attended and has recently taken over as managing director of the business. Ms. Gulnara advised that her staff denied anything had occurred and this was the first time she has heard the facts as provided to her at the hearing. Ms. Gulnara then stated her business was not of such nature and promised it would not occur again. She has advised her staff of the by-law regulations and expects them to follow them, and if they do not, they will not be permitted to work for her any longer.

Having completed the review and taking into consideration information received from the Managing Director, the RCMP, the City's Business Licence Inspector, and this being the first documented offence, it is the opinion of the Chief Licence Inspector that Sun & Body Glo Services Inc. should have their Business Licence suspended for a period of 30 days.

Financial Impact

None

Conclusion

Sun & Body Glo Services Inc. has contravened the City's Business Regulation Bylaw and as such, their non-compliance warrants a suspension of 30 days that should be enforced from October 2, 2009 to October 31, 2009 both dates inclusive.



W. Glenn McLaughlin
Chief Licence Inspector
(604-276-4136)

WGM:wgm

Appendix 1

Show Cause Hearing

INFORMATION:

Business: Sun & Body Glo Services Inc dba: Temptations Studio

Address: Unit # 201-3871 No. 3 Road, Richmond, BC V6X 2B8

Ref. File #: 871194

Hearing Date: Friday, June 5, 2009

Time: 10:00 a.m.

Location: Room M.1.002, Richmond City Hall, 6911 No. 3 Road, Richmond, BC

History:

Sun & Body Glo Services Inc, doing business as, and here in after referred to as **Temptations Studio**, operates at Unit # 201-3871 No. 3 Road, in the City of Richmond. **Temptations Studio** has operated at this location since 1987. **Temptations Studio** is licensed as a Body-Rub Studio under the City of Richmond Adult Orientated Uses category and as such, is subject to ongoing routine inspections, conducted by Richmond RCMP Police and City of Richmond Inspectors.

On April 3, 2002, Caroline TOOMANI acquired 40% of **Temptations Studio**, and continued operating until August 11, 2008, where TOOMANI applied as sole principal owner.

On July 11, 2008, City of Richmond's Licence Inspector Victor DUARTE, here in after referred to as DUARTE, received an enquiry in regards to **Temptations Studio**, from Cst. D. EDGE, of the Richmond RCMP, Criminal Intelligence Section. Cst. D. EDGE had concerns with the sexual and explicit content of the website being operated by **Temptations Studio**. DUARTE reviewed the website and it was apparent that the nature or allusion of the content was unequivocally sexual, and a service which would not be covered by any licence category.

The website referred to the body-rub employees of **Temptations Studio**, as Stars and welcomed the viewers to "Meet the Starrz" by viewing the provocative photos of scantily dressed females in lingerie or in some cases, nothing at all. When the profiles of each Starr was reviewed, the viewer was provided with acronyms of the special services provided by each Starr.

Cst D. EDGE acquired the assistance of a colleague of the Vancouver Police Department, Vice Squad, Detective/Cst. M. HOLM, in deciphering these acronyms. Cst. D. EDGE provided DUARTE with a description for these acronyms obtained from Det./Cst. M.HOLM. These acronyms clearly depict services which are sexual in nature and services not covered under any licence category.

On August 07, 2008, DUARTE sent a warning letter to TOOMANI in regards to the content of her website. The letter expressed the content, activities or related activities at the business premises to be violations of the terms of their business licence and activities not endorsed by the City of Richmond. TOOMANI was informed if these activities were found to be occurring, enforcement steps could be taken which included the suspension or cancellation of her business licence. The website was changed soon after.

(Copy of Letter) **Attachment 1**

DUARTE, received a call from TOOMANI in the first week of April of 2009. TOOMANI was informed by DUARTE as a result of activity that occurred at her business, there may be a Show Cause Hearing scheduled.

City of Richmond received notification on April 20, 2009 that there was a change of ownership of **Temptations Studio**. Julia Alexandrov GULNARA, a current employee of **Temptations Studio** submitted an application for licensing as the new owner.

DUARTE spoke with GULNARA on April 22, 2009 in regards to her knowledge of an upcoming Show Cause Hearing and left a letter with GULNARA at this time informing her of the time and date of the scheduled hearing. GULNARA was aware of a pending hearing in regards to activities noted by Richmond RCMP Members that attended on January 31, 2009. (Copy of Letter) **Attachment 2**

Current Information:

On January 31, 2009 at approximately 10:26 p.m., Csts UPSHALL, LANGLEY and WROBEL attended **Temptations Studio** for a routine inspection. Cst UPSHALL noted one customer in the premise found inside a room with female employed/engaged by **Temptations Studio**.

During this inspection, an employee was noted to be naked inside the room with the customer. This is a violation of the Business Regulation Bylaw No 7538, section 7.3.1(c), which states; An operator of a body-painting/body-rub studio must not permit any person engaged in providing a body-rub or other service to be in such premises unless such person is wearing clean, washable, non-transparent outer garments, covering his or her body between the neck and the top of the knee, the sleeves of which must reach below the elbows. A Municipal Ticket Information (MTI) was issued by Cst UPSHALL for this violation. (Copy of MTI) – **Attachment 3**

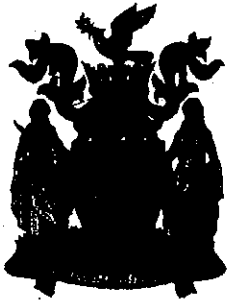
On February 22, 2009, Cst CHAPLIN conducted an inspection of **Temptations Studio** with other Richmond RCMP officers. Cst. CHAPLIN observed a white communication board in the employees room, with the phrase “**the police raided us last night**” and “**ensure all employees are in the break room before opening the door to the police**” It is the belief of the RCMP and DUARTE that this phrase is to prevent further violations from being observed by RCMP Members or City of Richmond Inspectors and if this is the case, it violates the obligation of providing reasonable inspection access. (Copy of Will Say – Cst. CHAPLIN) – **Attachment 4**

Corporate Search of **Sun & Body Glo Services Inc.** on May 29, 2009 shows GULNARA as a Director and still lists TOOMANI as Officer, title as President. (Copy of Incorporation Certificate) – **Attachment 5**

The City of Richmond continues to enforce bylaws with emphasis on businesses operating within the guidelines of all applicable bylaws, statutes and regulations within the business premises. These ongoing efforts are in order to promote customer and community safety.

A licensee, operator, or any other person who violates or who causes or allows any provisions of the Business Licence Bylaw, Business Regulation Bylaw, or fails to comply with the provisions of any other bylaw or statute, is deemed to have committed an infraction of the Business Licence Bylaw No 7360 or the Business Regulation Bylaw No 7538 and could result in the suspension or cancellation of the licence. In careful consideration of the severity and noted infraction of the Business Regulation Bylaw and the Business Licence Bylaw, it is the undersigned's belief that a licence suspension or cancellation is warranted.

Victor Duarte
Licence Inspector
City of Richmond



ATTACHMENT 1

City of Richmond

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

Telephone (604) 276-4000

www.cityrichmond.bc.ca

August 7, 2008

File: 871194

Business & Financial Services Department

Business Licences

Telephone: 604-276-4328

Fax: 604-276-4157

Temptations

3871 No 3 Road - Unit # 201

Richmond, BC V6X 2B8

Attention: **Caroline A. Toomani**

Dear Ms. Toomani:

Re: **Web Site & Business Information**

Please be advised that the City of Richmond has received information that your business is operating a web site which depicts activities not endorsed with any business licence.

This letter confirms that the City of Richmond considers the provision, facilitation or use of your business web site located at www.temptationstudio.com, its content and expressed activities, or related activities at your business premises, to be a violation of the terms of your business licence.

If this violation is repeated or continues, further steps may be taken by the City to enforce its bylaws, including the *Business Licensing Bylaw No. 7360* and *Business Regulation Bylaw No. 7538*. Enforcement steps potentially could include suspension or cancellation of your business licence.

Further, I note that changes to your business ownership have occurred and the Information and changes have not been conducted in accordance to sec 4.3 of the *Business Licence Bylaw No 7360*. Please complete the attached application form and submit to the City of Richmond with processing fee of \$39.00.

If you require further clarification, you can contact the undersigned at 604-276-4389.

Yours truly,


Victor Duarte
Business Licence Inspector

VMD:vmd

pc: A. Rattan, Chief Licence Inspector
Cst. D. Edge, Richmond RCMP



ATTACHMENT 2

City of Richmond

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

April 21, 2009
File: 871194

Business & Financial Services Department
Business Licences
Telephone: 604-276-4328
Fax: 604-276-4157

Julia Gulnara Alexandrov
Sun & Body Glo Services Inc dba:
Temptations Studio
3871 No. 3 Road - Unit # 201
Richmond, BC V6X 2B8

Attention: Julia Gulnara Alexandrov

Re: Business Contravention and Licence Review hearing

It has been brought to my attention that your business known as "Temptations Studio" has been operating in contravention of the City of Richmond Business Regulation Bylaw No. 7538.

An inspection conducted at this place of business on January 31, 2009, by Richmond RCMP Constable A. Upshall, found that your business was in contravention of the prohibitions set out in the bylaw. In fact, activities were observed which no business licence could be issued for.

You are hereby requested to appear at a Business Licence review hearing to discuss these matters, which may result in the suspension or cancellation of your Business Licence. The hearing has been set for 10:00 a.m., Friday, June 5, 2009, in room M.1.002 at the Richmond City Hall located at 6911 No. 3 Road.

Questions regarding this matter should be directed to the undersigned at 604-276-4136

Yours truly,

W. Glenn McLaughlin
Chief Licence Inspector

gm:VMD

pc: Cst. A. Upshall -RCMP Richmond Detachment
V. Duarte, Licence Inspector, City of Richmond

ATTACHMENT 3

City of
Richmond
Community Charter

M 16597
09-457 355

MUNICIPAL TICKET INFORMATION

ISSUED TO:

ME "Temptations" ☐ YOUNG PERSON

[REDACTED]

[REDACTED]

[REDACTED]

THE BYLAW ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED

DATE OF OFFENCE
ON OR ABOUT 09 01 31 AT THE TIME OF 22:30

AT OR NEAR 3871 No 3 Road, CITY OF RICHMOND,
STREET ADDRESS PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW

Business Regulation By-law 7538

DESCRIPTION OF OFFENCE	SECTION	FINE AMOUNT
Permittig the weering of outer garments not covering the body between the neck & top of the knee	7.3.1(k)	\$100

IF THE FINE IS NOT PAID OR THE ALLEGATION CONTAINED IN THIS TICKET IS NOT DISPUTED (SEE REVERSE) WITHIN 14 DAYS, THIS TICKET WILL BE TREATED AS NOT DISPUTED, YOU MAY BE CONVICTED IN YOUR ABSENCE AND WITHOUT A HEARING AND, UPON CONVICTION, THE FINE AMOUNT WILL BE IMPOSED FOR THE OFFENCE CHARGED.

COURT COPY

DATE: _____ TIME: _____
LOCATION: Temptations

Bylaw check ^{DETAILS} to Aux Morri. Son, Wrester
Langley,
- rear room on left - [REDACTED]
on top of male, [REDACTED] completely
naked facing male [REDACTED]
also naked except for condom
- [REDACTED] was had back to members
- [REDACTED] annoyed police - [REDACTED]
got off male & was allowed
to get changed - no other
customers - other girls checked
- male allowed to leave on foot
shirts paid \$190 - is from my
camp
- police confirmed valid permit then
served.

SIGNATURE OF OFFICER: [Signature]

CHECKED AS A RESULT OF

INFORMATION RECEIVED: ☐

OBSERVED VIOLATION: ☒

DESCRIPTION OF ACCUSED

NAME: _____
AGE: _____ D.O.B: _____
RACE: _____ HAIR COLOUR: _____
EYE COLOUR: _____ HEIGHT: _____

ATTACHMENT 4

Duarte, Victor

From: Jeffrey Chaplin [jeff.chaplin@rcmp-grc.gc.ca]
Sent: March 11, 2009 6:57 AM
To: vicduarte@richmond.ca
Cc: David Edge
Subject: Temptations

Constable CHAPLIN

Will Say

Constable CHAPLIN will say that since March 19th 2007 Constable CHAPLIN has been a regular member of the Royal Canadian Mounted Police. Since March 19th 2007 Constable CHAPLIN has been assigned to the Richmond Detachment of the Royal Canadian Mounted Police.

On February 22nd 2009 Constable CHAPLIN was working in plainclothes and riding in an unmarked police vehicle.

On February 22nd 2008 Corporal Peters, Constable SHIN and Constable CHAPLIN attended Temptations Massage located at 3871 No 3 Road. Constable CHAPLIN rang the buzzer three or four times, and knocked on the door. Richmond R.C.M.P. members had to wait approximately thirty seconds before being buzzed into the business.

As members entered the business Constable CHAPLIN identified himself by showing a R.C.M.P. badge worn around the neck and informing "Police". Constable CHAPLIN was informed there were no customers inside the business currently, and all the employees were in the front room.

Constable CHAPLIN entered the front room, and observed four females, a television, and several close circuit video cameras.

Constable CHAPLIN while talking with the females observed a white communication board; written on the board were the phrases "the police raided us last night" and "ensure all employees are in the break room before opening the door to the police".

The attending members did not observe any bylaw infractions at the time of attendance.

Constable CHAPLIN 54394/000154055 Richmond Royal Canadian Mounted Police

ATTACHMENT 5



Ministry
of Finance
BC Registry Services

Mailing Address:
PO BOX 9431 Stn Prov Govt.
Victoria BC V8W 9V3
www.corporateonline.gov.bc.ca

Location:
2nd Floor - 940 Blanshard St.
Victoria BC
250 356-8626

BC Company Summary

For
SUN & BODY GLO SERVICES INC.

Date and Time of Search: May 29, 2009 12:04 PM Pacific Time
Currency Date: May 15, 2009

ACTIVE

Incorporation Number: BC0369015
Name of Company: SUN & BODY GLO SERVICES INC.
Recognition Date: Incorporated on July 10, 1989
Last Annual Report Filed: July 10, 2008
In Liquidation: No
Receiver: No

REGISTERED OFFICE INFORMATION

Mailing Address: C/O COHEN FRASER 13410 56TH AVE SURREY BC V3X 2Z6 CANADA	Delivery Address: C/O COHEN FRASER 13410 56TH AVE SURREY BC V3X 2Z6 CANADA
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RECORDS OFFICE INFORMATION

Mailing Address: C/O COHEN FRASER 13410 56TH AVE SURREY BC V3X 2Z6 CANADA	Delivery Address: C/O COHEN FRASER 13410 56TH AVE SURREY BC V3X 2Z6 CANADA
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DIRECTOR INFORMATION

Last Name, First Name, Middle Name:
ALEXANDROV, GULNARA JULIA

Mailing Address: 201 - 3871 NO. 3 ROAD RICHMOND BC V6X 2B8 CANADA	Delivery Address: 201 - 3871 NO. 3 ROAD RICHMOND BC V6X 2B8 CANADA
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Last Name, First Name, Middle Name:
TOOMANI, AREZOU CAROLINE

Mailing Address:

[REDACTED]

Delivery Address:

[REDACTED]

OFFICER INFORMATION AS AT July 10, 2008

Last Name, First Name, Middle Name:
TOOMANI, AREZOU CAROLINE

Office(s) Held: (President)

Mailing Address:

[REDACTED]

Delivery Address:

[REDACTED]