



City of Richmond

Report to Council

To: Richmond City Council
From: Amarjeet S. Rattan
Chief Licence Inspector
Re: **Zodiac Karaoke Business Licence Suspension**

Date: May 12, 2008

File:

Staff Recommendation

That Council suspend the Business Licence of J&B Investments Ltd. dba: Zodiac Karaoke operating from premises located at Unit 155 – 8291 Alexandra Road, Richmond, B.C. for a period of 30-days commencing July 15, 2008 to August 13, 2008, both dates inclusive, for violations of the Business Licence Bylaw 7360 Section 5.1 (b) and the Public Health Protection Bylaw No 6989 Section 6.1.1.1 (k).

Amarjeet S. Rattan
Chief Licence Inspector
(604-247-4686)

FOR ORIGINATING DEPARTMENT USE ONLY			
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER	
Law.....	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
REVIEWED BY TAG	YES <input checked="" type="checkbox"/> 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 an appropriate manner consistent with City bylaws and regulations.

This report will deal with J&B Investments Ltd. dba: **Zodiac Karaoke** operating from premises located at Unit # 155 – 8291 Alexandra Road, Richmond, B.C.

Analysis

On April 17, 2008, a Show Cause Hearing was held in front of the Chief Licence Inspector. Present were Mr. Francis Yip, one of the principal owners of J&B Investments Ltd. dba: **Zodiac Karaoke**, his legal representative Mr. Peter Whyte of the law firm Lakes Straith & Whyte LLP and Mr. Victor Duarte, City Business Licence Inspector. Mr. Duarte provided both the City and the RCMP information.

J&B Investments Ltd. dba: **Zodiac Karaoke** has a valid Business Licence to operate as a Liquor Primary Karaoke Establishment and has operated this business since 1993.

The following is a summary of Mr. Duarte's information:

Ongoing inspections conducted at Zodiac Karaoke, have established that this business is continuously contravening the City's bylaws by permitting smoking in the premises. According to Inspector Duarte, "**Zodiac Karaoke** is currently the worst offender of the Public Health Protection Bylaw in respect to smoking violations within the City of Richmond". (Inspector Duarte Information Report attached)

This business has received two previous suspensions of their Business Licence by City Council in relation to smoking violations.

Zodiac Karaoke appeared before Chief Licence Inspector, Jim Bruce, on January 20, 2004 and subsequently received a 7 day Business Licence suspension from Richmond City Council. (February 2004 Report to Council Attached)

After this first licence suspension, **Zodiac Karaoke** accumulated an additional six MTT's for smoking violations and appeared before Chief Licence Inspector, Anne Stevens, on April 27, 2006. No licence suspension action was taken at this time.

After this hearing date, **Zodiac Karaoke** received two subsequent MTT's for smoking violations on May 18, 2006 and June 08, 2006. A Show Cause Hearing was held in front of Chief Licence Inspector Amarjeet Rattan on September 26, 2006. This resulted in a second Business Licence suspension of 14 days during the period of November 6, 2006 to November 19, 2006. (October 2006 Report to Council Attached)

Subsequent to the second licence suspension, the following violations have been documented at the business premises of **Zodiac Karaoke**:

- December 23, 2006, RCMP members and a LCLB Inspector conducted a routine inspection at **Zodiac Karaoke**. Cst. Shepherd observes an offence of the Public Health Protection Bylaw No 6989 and issued MTI No. 15576 under section 6.1.1.1 (a) to (k) for operator permitting smoking inside premise. This was approximately one month after the second suspension was served by **Zodiac Karaoke**.
- February 24, 2007, a routine inspection was conducted at **Zodiac Karaoke** by the Joint Inspection Team. Evidence of smoking occurring is documented in various karaoke rooms and MTI No. 14779 is issued to Mr. Francis Yip. Inspector Duarte enquires about smoke detectors as Mr. Yip had advised, at the last Show Cause Hearing, they would be installed in each karaoke room. Mr. Yip stated he had installed one in Room 1, but after it was damaged by patrons, he decided not to install them in the other rooms.
- August 3, 2007, at approximately 11:50 p.m., RCMP Cpl G Gillis attends **Zodiac Karaoke** and issues MTI No. 16626, for an observed smoking violation.
- August 4, 2007, at approximately 12:16 a.m., Sgt K. Baltus attends **Zodiac Karaoke**, approximately 30 minutes after Cpl G Gillis, and, issues MTI No. 16628 for a smoking violation.
- August 12, 2007, Plain clothed members entered establishment first with uniformed members trailing. At the sight of uniformed members approaching an employee of **Zodiac Karaoke** ran past Cst Lee, shouting "Police" in Cantonese. Cst Lee followed employee into Room 7 and observed employee collecting lit cigarettes from patrons and placing into a glass filled with liquid. Lee forwards information to Duarte for enforcement action.
- August 16, 2007, Cpl. G. Gillis, attends **Zodiac Karaoke** and finds smoking violations. Cpl. Gillis takes evidence to bar area to discuss with manager. Conduct of bartender becomes abusive. Alex Yip, son of Francis Yip, identified as bartender, who refers to RCMP members as 'pigs' and makes comments to patrons in a loud voice regarding "bacon". Yip identified as the only bartender in premise observed serving liquor. No Serving it Right Certificate was produced by Yip as required by the Liquor Control and Licensing Branch License Regulations. A further MTI, No 16636, was issued to **Zodiac Karaoke** for violations of the Public Health Protection Bylaw No 6989.
- Inspector Duarte is advised by RCMP that **Zodiac Karaoke** has subsequently been found on four separate days to be permitting smoking inside its premises. Prosecution action was commenced in Provincial Court by City of Richmond Crown Counsel, Jim Lees on September 20, 2007 (Information 51420 file attached).
- January 20, 2008, the Joint Inspection Team attends the premise of **Zodiac Karaoke** and finds smoking violations occurring. During this inspection, violations are noticed in the karaoke rooms as well as an individual who was smoking in the general area of the

establishment. Additional charges are added to Information 51420 file for the violations found during this inspection.

(Copies of the relevant MTI's and RCMP Statements for the above noted violations are attached.)

During the course of the April 2008 Show Cause Hearing, Mr. Whyte, solicitor for Mr. Francis Yip acknowledged that his client agrees with Inspector Duarte's information regarding the smoking violations. He stressed that the smoking problems are created by a small group of young unruly clients who do not want to obey the business staff.

Mr. Whyte indicated that his client would like to make all efforts to comply with City bylaws and towards this end has commenced a 'Corrective Action Plan' (CAP). Some of the provisions of this CAP include:

- Installing smoke detectors in all karaoke rooms
- Keeping extra smoke detectors ready to replace broken ones
- Have staff check each smoke detector daily and maintain a 'Smoke Detector Log' and a 'Communications Binder' in which problems will be recorded.
- Hire one 'security staff' who will be present from 9:00 pm – 2:30 am each Friday and Saturday evening to control smoking violations.
- Install an outdoor patio heater near the front entrance to encourage clients to smoke outside.
- Establish monthly meetings with City Inspectors and RCMP to discuss issues.

With the establishment of this CAP, Mr. Whyte asked that the City refrain from imposing a licence suspension or cancellation as his client has already incurred extra financial costs by implementing the provisions of their CAP and if any further action is taken it should be limited to a 7 – 10 day licence suspension. "A lengthy suspension would make the business suffer and will not be manageable." He also noted that his client would like to be an important community partner by providing information on illegal drinking establishments to the City and added that "if Zodiac goes out of business, who knows what will take its place".

Mr. Yip provided a written submission in which he outlined the problem of illegal drinking establishments in the City and emphasised his willingness to "work cooperatively with the Liquor Board and the City of Richmond" with respect to eradicating these types of establishments. In this written statement, Mr. Yip also states that a lengthy suspension would make it difficult for his business to survive.

(The written submission from Mr. Francis Yip and a copy of the Corrective Action Plan are attached.)

Having considered the information provided by Inspector Duarte, the RCMP, Mr. Whyte and Mr. Yip, and, in view of the extent of new smoking violations since their second business licence suspension of November 2006, a licence suspension of 30 days for **Zodiac Karaoke** is recommended.

May 12, 2008

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Financial Impact

None

Conclusion

J&B Investments Ltd. dba: **Zodiac Karaoke** has contravened the City's Business Licence Bylaw 7360 under Section 5.1 (b) and the Public Health Protection Bylaw No 6989 under Section 6.1.1.1 (k), for operator permitting smoking inside business premises, and, as such, their non compliance warrants a suspension of 30 days that should be enforced from July 15, 2008 through August 13, 2008, both dates inclusive.



Amarjeet S. Rattan
Chief Licence Inspector
(604-247-4686)

AR:ar

Attachments:

Inspector Duarte Information Report

Zodiac Karaoke

Show Cause Hearing

INFORMATION:

Business: J & B Investments Ltd. dba: **Zodiac Karaoke**

Address: Unit # 155-8291 Alexandra Road, Richmond, BC V6X 1C3

Ref. File #: 931944

Hearing Date: Thursday, April 10, 2008

Time: 2:30 p.m.

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

History:

J & B Investments Ltd., doing business as, and here in after referred to as **Zodiac Karaoke**, operates at Unit # 155-8291 Alexandra Road. **Zodiac Karaoke** has operated at this location since 1993. **Zodiac Karaoke** is a liquor primary karaoke establishment and as such, is subject to ongoing routine inspections by the Joint Inspection Team, comprised of Liquor Control and Licensing Branch (LCLB) Inspectors, RCMP Police and City of Richmond Inspectors.

Zodiac Karaoke received a 7 day licence suspension imposed by Richmond City Council on Monday, February 9, 2004, for the period of March 1, 2004 to March 7, 2004, both dates inclusive. **Zodiac Karaoke** was ordered by Richmond Health Inspectors on three separate occasions to post proper non-smoking signs and informed that further evidence of smoking violations would result in the issuance of a Municipal Ticket Information (MTI). **Zodiac Karaoke** went on to accumulate three (MTIs) and a warning letter for violations of the Public Health Protection Bylaw No. 6989, section 6.1.1.1(a) to (k), operator permitted smoking inside premise, which resulted in this first suspension.

Zodiac Karaoke, after accumulating an additional six MTIs since first suspension, appeared at a Show Cause Hearing in front of Chief Licence Inspector, Anne Stevens, on April 27, 2006. **Zodiac Karaoke** assured and promised the City of Richmond that steps would be implemented to prevent smoking violations from occurring. Since this hearing date, **Zodiac Karaoke** was defiant again with a further two violations occurring on May 18, 2006 and June 08, 2006. An additional Show Cause Hearing was held in front of Chief Licence Inspector Amarjeet Rattan, which resulted in this second suspension. A 14 day licence suspension was imposed by Richmond City Council on Monday, October 23, 2006, for a period commencing November 6, 2006 to November 19, 2006, both dates inclusive.

Current Information:

On December 23, 2006, RCMP members and an LCLB Inspectors conducted a routine inspection at **Zodiac Karaoke**. Cst Shepherd, observes an offence of the Public Health Protection Bylaw No 6989 and issued MTI No 15576 under section 6.1.1.1 (a) to (k) for operator permitting smoking inside premise. This was approximately one month after the second suspension was served by **Zodiac Karaoke**. The fine of \$100.00 was paid on January 4, 2007. (Copy of MTI) – Attachment 1

On February 24, 2007, a routine inspection was conducted at **Zodiac Karaoke** by the Joint Inspection Team. Licence Inspector, Victor Duarte, observes a business employee sitting by the front door. The employee is focused on looking out front door. The employee notices the

inspection team approaching and quickly gets off her chair and rushes towards the karaoke rooms. Duarte quickly runs into business towards karaoke rooms and notices employee coming out of room # 9 and a second employee coming out of room # 2. Duarte inspects the various karaoke rooms and finds evidence of smoking occurring. Duarte proceeds to bar and lounge area and completes an MTI, No 14779, which is left with owner, Francis Yip. Duarte re-visits karaoke rooms to take photos of ashtrays. Duarte observes all ashtrays have now been removed from rooms except for room marked # 7, which Duarte observes has an ashtray still on table as well as one occupant still smoking. Duarte speaks with Yip and asks about smoke detectors, Yip had mentioned at last Show Cause Hearing, were installed. Duarte does not find any evidence to suggest smoke detectors were present in any of the rooms. Yip stated he had installed one in Room 1, but after it was damaged by patrons, he decided not to install in the other rooms. The fine of \$250.00 was paid on March 8, 2007. (Copy of MTI) – **Attachment 2**

August 03, 2007, at approximately 11:50 p.m., RCMP Cpl G Gillis attends **Zodiac Karaoke** and issues MTI, No 16626, for smoking violation observed of the Public Health Protection Bylaw No 6989. (Copy of MTI) – **Attachment 3**

August 04, 2007, at approximately 12:16 a.m., Sgt K. Baltus attends **Zodiac Karaoke**, approximately 30 minutes after Cpl G Gillis issues MTI. Sgt K Baltus again observes and issues an MTI, No 16628, for a smoking violation of the Public Health Protection Bylaw No 6989. (Copy of MTI) – **Attachment 4**

August 12, 2007, Cst. S. Lee, attends **Zodiac Karaoke**. Cst. Lee observes smoking violations occurring. Plain clothed members entered establishment first with uniformed members trailing. At the sight of uniformed members approaching an employee of Zodiac karaoke ran past Cst Lee, shouting "Police" in Cantonese. Cst Lee followed employee into room # 7 and observed employee collecting lit cigarettes from patrons and placing into a glass filled with liquid. A strong smell of cigarette smoke in the air was detected by Cst. Lee. Cst. Lee forwards information to Duarte for enforcement action. (Copy or Narrative) – **Attachment 5**

August 16, 2007, Cpl. G. Gillis, attends **Zodiac Karaoke** and again finds smoking violations. Cpl. Gillis takes evidence to bar area to present to manger to see first hand. Conduct of bartender becomes abusive. Alex Yip identified as bartender, who refers to RCMP members as Pigs and comments made to patrons in a loud voice regarding "bacon". Yip identified as the only bartender in premise observed serving liquor. No Serving it Right Certificate was produced by Yip as required by the Liquor Control and Licensing Branch License Regulations. A further MTI, No 16636, was issued to **Zodiac Karaoke** for violations of the Public Health Protection Bylaw No 6989. (Copy of Narrative and MTI) – **Attachment 6**

Duarte is made aware, that **Zodiac Karaoke** has been found on four separate days to be permitting smoking inside its premises. Prosecution action was commenced in Provincial Court by City of Richmond Crown Counsel, Jim Lees on September 20, 2008.

January 20, 2008, Joint Inspection Team attends the premise of **Zodiac Karaoke** and finds smoking violations occurring. Smoking does not appear to be limited to karaoke rooms. Strong smell of smoke noticed by Duarte on entry of business. Generally this is not noticed outside of karaoke room area. At this time, **Zodiac Karaoke** is awaiting trial on Information, Court file number 51420, for smoking offences and again found in violation of the Public Health Protection Bylaw. In the opinion of Duarte, the worse Duarte has seen since before the first suspension. During this inspection, violations are noticed in the karaoke rooms as well as an individual who was also noticed to be smoking in the general area, coming out of a hallway which leads to the kitchen, bathrooms and lounge areas. Additional Charge added to Information 51420 for the violation found at this inspection. (Copy of Notes and Narrative) – **Attachment 7**

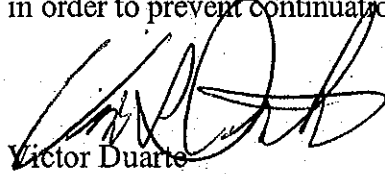
January 25, 2008, LCLB Liquor Inspector Doug Dyck scheduled a meeting with the owner to obtain access to post suspension signs at business. Duarte attends at **Zodiac Karaoke** in the morning for this pre-scheduled inspection with LCLB Liquor Inspector and Provincial Health Inspector. Business was served a four day suspension from the Liquor Control and Licensing Branch violations. Duarte inspects rooms and notices that staff have not cleaned rooms from previous nights operations. Duarte observes smoking evidence from previous evening and documents with notes and photos. (Copy of notes and photos) – **Attachment 8**

February 7, 2008, Duarte receives a copy of “Corrective Action Plan” from counsel for **Zodiac Karaoke**. Counsel is hoping CAP will be accepted by City of Richmond as alternative measure to a licence suspension or cancellation. Step 6 of **Zodiac Karaoke’s** CAP is to have monthly meetings with RCMP and City of Richmond to facilitate open communication and re-establish **Zodiac Karaoke’s** good standing in the community. Duarte informs legal counsel for **Zodiac Karaoke** this would not be feasible. City and RCMP could not justify monthly meetings without any clear reason other than to facilitate dialogue. (Copy of CAP) – **Attachment 9**

Zodiac Karaoke is currently the worse offender of the Public Health Protection Bylaw in respect to smoking violations within the City of Richmond. **Zodiac Karaoke** was found in violation of the Public Health Protection Bylaw No 6989 approximately one month after serving a second suspension. A further violation in February as well as four additional violations accumulated in August of 2007. While awaiting judicial process for the four violations in August, **Zodiac Karaoke** was found again in violation of Public Health Protection Bylaw and a fifth violation was added to Court Information 51420. Again after a further inspection conducted on January 25, 2008, evidence present of further violations of the Public Health Protection Bylaw from the previous night. In total, there has been eight violations recorded since **Zodiac Karaoke** served it’s second suspension.

March 4, 2008, Counsel for **Zodiac Karaoke** forwards a letter confirming positive steps implemented by the Principals of **Zodiac Karaoke**. It appears that **Zodiac Karaoke** has introduced new business practices to remedy the ongoing violations of the Public Health Protection Bylaw No 6989. However, no factual evidence is available from enforcement agencies as no Bylaw or Liquor inspections have been conducted since the last offence. An inspection by Police was confirmed and conducted at **Zodiac Karaoke** on March 3, 2008 by the Violence Suppression Team, but the focus of the inspection was not bylaw offences. (Copy of letter and attachments) – **Attachment 10**

In careful consideration of the continuous violations of the Public Health Protection Bylaw No 6989. It is the undersigned's belief that a licence suspension or cancellation is warranted in order to prevent continuation of these offences.

A handwritten signature in black ink, appearing to read 'Victor Duarte', is written over the printed name.

Victor Duarte
Licence Inspector
City of Richmond

February 2004 Report to Council

Zodiac Karaoke



City of Richmond

Report to Council

To: Richmond City Council
From: Jim Bruce
General Manager, Finance and Corporate Services
Date: February 4, 2004
File: 8060-20-7048
Re: **Suspension of Business Licence for J and B Investments Ltd doing business as Zodiac Karaoke**

Staff Recommendation

That Council suspend the Business Licence of J and B Investments Ltd doing business as Zodiac Karaoke for a period of 14 days commencing February 14, 2004 through February 27, 2004 both dates inclusive.

Jim Bruce
General Manager, Finance and Corporate Services
(4095)

Att. 1

FOR ORIGINATING DIVISION USE ONLY

CONCURRENCE OF GENERAL MANAGER

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. Various regulatory, protection services, health and federal agencies have worked together to ensure that business activities are operating within the various legislative parameters as established by these various agencies.

Analysis

City staff in co-operation and conjunction with the other agencies, continue to make unscheduled visits to adult entertainment establishments to ensure business operations comply with various legislative requirements. Many of these businesses, by the very nature of the business activity they provide are open late at night. The various agencies have, in the past, appeared before Council and expressed their concerns and have often explained how these businesses require extra staffing costs to monitor them effectively.

The Zodiac Karaoke establishment is considered an adult entertainment business. This business has received various warnings from both City and Health Board staff specifically to smoking infractions in the establishment. In fact, they have also received three municipal tickets for smoking infractions.

The business appeared before the City's Chief Licence Inspector on January 20, 2004 to review the continual disregard for the City's Public Health Protection bylaw and to be afforded an opportunity to explain their actions. A copy of the correspondence associated with this hearing is attached for Council review.

Having completed the review of all the presentation material by all parties concerned, it is the belief of the Chief Licence Inspector that a business licence suspension is warranted. The commitments that were made by the business to improve their efforts for bylaw compliance has been taken into consideration in determining the recommended suspension period.

Financial Impact

There is no direct financial impact for the City.

Conclusion

That as Zodiac Karaoke has continually ignored the City's bylaws and has received three tickets for bylaw infractions, the recommendation of a 14 day business licence suspension is warranted.

The recommended suspension will be from February 14, 2004 to February 27, 2004 both dates inclusive.

February 4, 2004

- 3 -

Jim Bruce
General Manager, Finance and Corporate Services
(4095)

JWB:naw

February 3, 2004
File: 8060-20-7048

Finance & Corporate Services
Fax: (604) 276-4162
Admin. (604) 276-4219
Treasury Services (604) 276-4277
Payroll (604) 276-4137
Purchasing (604) 276-4097
Tax (604) 276-4145

J and B Investments Ltd
doing business as
Zodiac Karaoke
#155 - 8291 Alexandra Road
Richmond V6X 1C3

Dear Sirs:

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 3:00 pm on January 20, 2004 in Room T.2.121.

I have now had the opportunity to review all the facts as presented by Mr. Duarte of the City, your lawyer Mr. Wallace Wong and Mr. Art Hamade and Mr. Nigel Headly of the Regional Health Board.

The findings clearly indicate that you have been in contravention of the City's No Smoking Legislation and your presentation detailed your agreement with the contraventions. It was clear from the Health Board staff that this has been an on going problem with your business. Although you offered various suggestions and promises to help prevent contraventions in the future, I feel with all the past warnings and tickets issued to your business that there has been a lack of effort on your part to adhere to the rules and regulations. This being said, I feel that a business licence suspension recommendation is warranted.

I will be forwarding a report to the Richmond City Council meeting on February 9, 2004 recommending a 14 day business licence suspension commencing on February 14, 2004 and running through to February 27, 2004 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 detail for you the appropriate procedures to follow.

Should you have any questions regarding this recommendation or process relative to the Council meeting, please feel free to call me directly at 604-276-4095.

Yours truly,

Jim Bruce
General Manager, Finance and Corporate Services

JWB:naw

pc: V.Duarte
A.Stevens
R.McKenna
Sgt. D. Meikle RCMP
A.Hamade
N. Headly
W.Wong –
Suite 310
8102 Granville Ave,
Richmond V6Y 1P3

February 10, 2004
File: 8060-20-7048

City Clerk's Office
Telephone: (604) 276-4007
Fax: (604) 278-5139

DELIVERED BY HAND

J & B Investments Ltd.
doing business as
Zodiac Karaoke
8291 Alexandra Road, #155
Richmond, BC V6X 1C3

Dear Sir:

Re: Suspension of Business Licence – J and B Investments Ltd. doing business as Zodiac Karaoke

This is to advise you that on Monday, February 9th, 2004 Richmond City Council adopted the following recommendation:

That the Business Licence of J and B Investments Ltd., doing business as Zodiac Karaoke, be suspended for a period of seven days from March 1st through March 7th, 2004, both dates inclusive.

Therefore a Business Licence Suspension Order has been issued to J & B Investments Ltd. doing business as Zodiac Karaoke for the period March 1st through March 14th, 2004 both dates inclusive.

If you have any questions in connection with this matter, please contact the Chief Licence Inspector, Mr. Jim Bruce, at (604) 276-4095.

Yours truly,

J. Richard McKenna
City Clerk
JRM:daw

pc: V. Duarte, Business Licence Inspector
Cpl. D. Meikle, RCMP (Richmond Detachment)
Wallace M. Wong, Solicitor, 8120 Granville Avenue, #310
Richmond, BC V6Y 1P3

October 2006 Report to Council

Zodiac Karaoke



City of Richmond

Report to Council

To: Richmond City Council
From: Amarjeet S Rattan
Manager, Business Liaison
Re: J&B Investments Ltd. dba: Zodiac Karaoke - Suspension 10/06

Date: October 8, 2006
File:

Staff Recommendation

That Council suspend the Business Licence of J&B Investments Ltd. dba: Zodiac Karaoke operating from premises located at Unit 155 – 8291 Alexandra Road, Richmond, B.C. for the period of 14 days commencing November 6, 2006 to November 19, 2006, both dates inclusive.

Amarjeet S Rattan
Chief Licence Inspector
(4686)

FOR ORIGINATING DIVISION USE ONLY		
CONCURRENCE OF GENERAL MANAGER		
REVIEWED BY TAG	YES <input type="checkbox"/>	NO <input type="checkbox"/>
REVIEWED BY CAO	YES <input 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 J&B Investments Ltd. dba: Zodiac Karaoke operating from premises located at Unit # 155 – 8291 Alexandra Road, Richmond, B.C.

Analysis

On September 26, 2006, a Show Cause Hearing was held in front of the Chief Licence Inspector. Present were Mr. Francis Yip, one of the principal owners of J&B Investments Ltd. dba: Zodiac Karaoke and Mr. Victor Duarte, City Business Licence Inspector. Mr. Duarte provided both the City and the RCMP information.

J&B Investments Ltd. dba: Zodiac Karaoke has a valid Business Licence to operate as a Liquor Primary Karaoke Establishment and has operated this business since 1993.

The following is a summary of Mr. Duarte's information:

Ongoing inspections conducted at Zodiac Karaoke, have established that this business is continuously contravening the City's bylaws by permitting smoking in the premises.

This business was suspended for seven days by City Council in February 2004. The suspension was for violations of the Public Health Protect Bylaw No. 6989, section 6.1.1.1 (a) to (k), Operator permitting smoking, after receiving six additional Municipal Ticket Informations for similar violations since the 2004 suspension.

At a Show Cause Hearing on Thursday, April 27, 2006, in front of the Chief Licence Inspector, the principals of Zodiac Karaoke stressed that they would have the issue corrected within 30 days and that no further violations would occur.

Since this period, inspections conducted by Richmond RCMP on May 18, 2006 and June 08, 2006, have revealed that this business was found in both inspections to again be in defiance of the City of Richmond's, Public Health Protection Bylaw and received two additional MTI's for smoking violations.

Zodiac Karaoke paid Municipal Ticket issued on May 18, 2006. Zodiac Karaoke disputed Municipal Ticket issued on June 08, 2006, but pled guilty to a reduced fine of \$150.00 in Richmond Provincial Court on July 13, 2006.

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

The principal, Mr. Yip indicated that he has installed smoke detectors in the private rooms to discourage patrons from smoking. More recently he has been offering "free snacks" to patrons who comply with the smoking regulations. Despite this, he expressed frustration that some patrons still occasionally smoke in the premises despite management warnings and enforcement. Mr. Yip also outlined the financial difficulty his family will face if the business licence for Zodiac Karaoke is suspended.

A comprehensive statement from the principal, Mr. Francis Yip, is attached for Council review.

Financial Impact

None

Conclusion

J&B Investments Ltd. dba: Zodiac Karaoke has contravened the City's Business Licence Bylaw and Public Health Protection Bylaw and as such, their non compliance warrants a suspension of 14 days that should be enforced from November 6, 2006 through November 19, 2006, both dates inclusive.

Amarjeet S Rattan
Chief Licence Inspector
(4686)

AR:ar

93-1944

To whom it may concern:

I am here to present the case as to why our license should not suspend. We have try varieties of effort by implementing tighter security of rotating our employees for random checks in each of our rooms and the installation of smoke detectors, we have had few to almost no incidents of people who are violating the Public Health Protection Bylaw No 6968 regarding no smoking in indoor premises of Richmond, BC. Everyone on our premises are obeying this non-smoking act of Richmond when they enter Zodiac's premises as we have made it extremely clear to them that this is the law and if they don't obey it, they must go somewhere else. There have been ZERO infractions since June 08 2006 and this is clear evidence that our new strategies are working successfully in persuading our customers to follow the Public Health Protection Bylaw No. 6968.

We were striving towards making all the customers aware of the policy of smoking within the premises of Zodiac. After continuous refinement and having a group of staff with all over seven years of experience in dealing with these types of customers, we are working hard to try our best to strive toward a non-smoking environment. As opposed to other restaurant/lounge businesses where a shooting had taken place, we have had no record of violence. It is our well-trained staff of all over 7 years of experience and a business operation of 13 years that allows us to anticipate the problems and refine tactics to better suit the problems at hand. As you can see we are making an effort and I must reinforce my statement again that we are effectively making the customers obey and weeding out the ones that don't. We are not perfect but we are continuously striving towards perfection in having our business operation run smoothly with law-abiding customers as the unnecessary fines do have a toll on our business.

I know this is not easy but we have taken extreme measures in screening out the disobedient customers before they even enter our premise which has promoted the dramatic decrease in smoking within the premise. In addition, at many times, we promote the non-smoking policy by offering free snacks such as chicken wings and fruit plates to customers as long as they smoke outside the premises. This method encourages customers to smoke outside the premises and customers are adapting to it slowly and become more gradually successful as I have over management in June.

As regarding incident on May 18th, 2006, the Manager in charge of Zodiac at the time was dismissed due to poor lack of judgment and tactical usage, since then I became responsible of the management of Zodiac. In addition to fruit plates and snacks I have installed smoke detectors throughout the premises to persude the customers to obey the no smoking act. As for the June 8th 2006 incidents, I have already appeal to the judge and they have accepted my explanation and the ticket was reduced in fines. As you can see, since I have taken over in management, there have been very few disturbances among customers in regards to this law.

In addition, we really don't want the suspension to take place as my son who is going to enter UBC's medical school needs my financial support, as for elder son I have to pay his student loan since he is currently unemployed. My second brother, who is also

being supported by Zodiac, has an eight year old daughter attending a very decent elementary school, is also in need of Zodiac's business to support her schooling at one of her most crucial times of her life. We are in critical need of Zodiac's business as many people are being supported by it and like any Canadian family, I, myself, barely able to afford the mortgage that me and my wife currently have needless to say about all the other monthly expenses along with our kid's education. As you can see, we have made a great effort in stopping people from being defiant against the non-smoking law and we will continue to apply our effective tactics but I want to clear up one thing today, once and for all, that it is not us being defiant, but the odd customers that are extremely defiant. Please reconsider your current consideration in suspending us and view our past few months of history where our great efforts of stopping these by-law infringers have worked successfully. We are making an effort and despite our current success, we will continue to implement different strategies while continuing the ones that work. We absolutely do not want our license to be suspended as we are making an effort and it is working well. A suspension would seem like that the court is punishing our good and effective efforts, would it not? Thank-you for your time and I hope you will give us this chance to continue our successful efforts in persuading our customers to abide this non-smoking by-law instead of the suspension.

Sincerely,

Francis Yip



City of Richmond

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

October 17, 2006
File: 12-8275-06

J & B Investments Ltd
doing business as
Zodiac Karaoke
#155 - 8291 Alexandra Road
Richmond V6X 1C3

Dear Sirs:

Re: Business Licence Review Hearing

This correspondence will serve as an official follow up to your business licence review hearing held before me at Richmond City Hall at 2:30 pm on September 26, 2004 in Room M.1.003

I have now had the opportunity to review all the facts as presented by Mr. Duarte, Licence Inspector for the City of Richmond and by Mr. Francis Yip for J&B Investments Ltd. The findings clearly indicate that you have been in contravention of the Public Health Protection Bylaw No. 6989 on numerous occasions. As well, your business licence was suspended by the City in February, 2004 for the same contraventions. It was clear from the information presented to me that this has been an on going problem with your business. Although you offered various suggestions and promises to help prevent contraventions in the future, it is my opinion that, based on recent contraventions, a business licence suspension recommendation is warranted.

I will be forwarding a report to the Richmond City Council meeting on October 23, 2006 recommending a 14 day business licence suspension commencing on November 6, 2006 and running through to November 19, 2006, 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. David Weber, the City Clerk at 604-276-4098 and he will detail for you the appropriate procedures to follow.

Yours truly,

A. Rattan
Amarjeet S Rattan
Manager, Business Liaison

Business & Financial Services Department
Business Liaison
Telephone: 604-247-4686
Fax: 604-276-4162

DELIVERED BY HAND

ROBERT LOH
Server
20:42
06-10-17

Ref # 931944
FOR FILING
JAN 19, 07
HQ

MTI's and RCMP Statements

Zodiac Karaoke

City of
Richmond

Community Charter

15576

MUNICIPAL TICKET INFORMATION

ISSUED TO: YIP, CHI MAU DOB 1956-04-06 - 3A

SIGNATURE OF CORPORATE NAME

21 DIAC KAKTAK CHANCE T

☐ YOUNG PERSON

ENTER NAMES FOR CORPORATE NAME CONTINUED

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

DATE OF OFFENCE: 12/25/05
TIME: 00:05
LOCATION: 12/25/05

ACTOR NAME: 20 DIAC KAKTAK CHANCE T

STREET ADDRESS: 6911 NO. 5 ROAD

CITY OF RICHMOND, BRITISH COLUMBIA

THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW: PUBLIC HEATHEN PROTECTION BYLAW 6989

DESCRIPTION OF OFFENCE	SECTION	FINE AMOUNT
OFFENSIVE PERSONALITY SMOKING	6.1.1.1	\$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 CONSIDERED IN YOUR ABSENCE AND WITHOUT A HEARING AND, UPON CONVICTION, THE FINE AMOUNT WILL BE IMPOSED FOR THE OFFENCE CHARGED.

COURT COPY

Duplicate Receipt ****

City Hall
6911 No. 5 Road
Richmond, BC
604-276-4000
GST# R121454003

Tax Counter #13-0139908
Jan 4 2007 - 1:57PM
Cashier: 76

10 Fines - By 1am
15576 \$100.00

Subtotal: \$100.00
GST: \$0.00
PST: \$0.00

Total Due: \$100.00

Payment: Cash \$100.00



City of
Richmond
Community Charter

Ref # 931944 M 14779

MUNICIPAL TICKET INFORMATION

ISSUED TO: FRANCIS YIP - owner:

SURNAME OR CORPORATE NAME ZODIAC KARAOKE		<input type="checkbox"/> YOUNG PERSON	
GIVEN NAMES (OR CORPORATE NAME CONTINUED) JSB INVESTMENT LTD		GENDER M/F	YY MM DD
ADDRESS 8291 ALEXANDRA RD - unit #55			
CITY RICHMOND	PROVINCE BC	POSTAL CODE V6X 6C3	

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

ON OR ABOUT	DATE OF OFFENCE 07 02 24	AT THE TIME OF	(24hr Clock) 22:53
STREET ADDRESS 8291 ALEXANDRA RD - unit #55		CITY OF RICHMOND, PROVINCE OF BRITISH COLUMBIA	

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW
PUBLIC HEALTH PROTECTION BYLAW NO 698

DESCRIPTION OF OFFENCE	SECTION	FINE AMOUNT
Operator Permitted to smoke	6.1.1 (A) to (C)	\$250.00

IF YOU WISH TO DISPUTE THE ALLEGATION CONTAINED IN THIS TICKET, YOU MAY APPEAR AT THE FOLLOWING LOCATION TO GIVE NOTICE OF DISPUTE:

Richmond Provincial Court
7577 Elmbridge Way
Richmond, B.C. V6X 2Z8

OR DELIVER, HAVE DELIVERED, OR MAIL A NOTICE OF DISPUTE TO THE ABOVE ADDRESS AS DESCRIBED ON THE REVERSE.
THE FINE AMOUNT MAY BE PAID AT THE ABOVE ADDRESS IN ACCORDANCE WITH THE PRESCRIBED INSTRUCTIONS (SEE REVERSE).

FOR COURT USE		YY	DATE	MM	DD
DISPOSITION:	AT TRIAL				
<input type="checkbox"/> NOT DISPUTED	<input type="checkbox"/> CONVICTED				
<input type="checkbox"/> CONVICTED AND FINE SET BY BYLAW IMPOSED	FINE AMOUNT IMPOSED \$				
<input type="checkbox"/> QUASHED	<input type="checkbox"/> DISMISSED				

SIGNATURE OF JUDGE/JUSTICE

BYLAW ENFORCEMENT OFFICER'S NAME OR NUMBER VICTOR LYNDEN	DATE OF SERVICE 07 02 24
--	------------------------------------

AREAS OF THIS TICKET OUTLINED IN BOLD BLACK ARE NOT PART OF THE OFFENCE CHARGED

BYLAW ENFORCEMENT OFFICER'S SIGNATURE

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

ATTACHMENT 2

City of
Richmond
Community Charter

I, _____
NAME

certify that on _____

I served _____
with a copy of the
Indicated below

☐

by

☐

for

signature

City Hall

6911 No. 3 Road
Richmond, BC
604-276-4000
GST# R121454003

Tax Counter
#15-0152279

Cashier: 29

Mar 8 2007 - 3:37PM

1@ Fines - Bylaw
M14779

\$250.00

Dated: _____

SubTotal: \$250.00
GST: \$0.00
PST: \$0.00

Total Due: \$250.00

I, _____
NAME
make oath at
reverse side

Payment: Cash \$250.00

as set out in
records of City
of dispute has



_____ reviewing the
and no notice

Date

YY	MM	DD
----	----	----

Sworn before me on:

YY	MM	DD
----	----	----

SIGNATURE

_____ at City of Richmond,
in the Province of British Columbia

COMMISSIONER FOR TAKING AFFIDAVITS FOR BRITISH COLUMBIA

ATTACHMENT 2

DATE: 2007 August -03-23

LOCATION: 8291 ALEXANDRA

DETAILS

2001AC KAROKE

BYLAW/CCM/CCM CODE NO

NO NO SENCE APPROACH

- GUIS TO NEBY END UNIT

KAROE Room LOCARE

Several people smoking

Observed WA LOK L BUNG

BEOL

TO O9 13

with lite cigarette package and lighter on table in front of them.

DROP CIGARETTE STEP ON IT

(left hand) NO 2001 SENSURE

ALCEA TRUP

Owner YIP CUI FUI FRANKS (P) (P) (P)

54-00 210

BL02 2157124 368 TRALISMAN AVE

SIGNATURE OF OFFICER: [Signature] JACOBSON

DESCRIPTION OF ACCUSED

NAME: YIP FRANKS

AGE: 53

RACE: 021

EYE COLOUR: BRN

D.O.B: 54 06 26

HAIR COLOUR: BRN

HEIGHT: 510

City of Richmond

Community Charter

MUNICIPAL TICKET INFORMATION

ISSUED TO:

281026

SURNAME OR CORPORATE NAME: 2001AC KAROKE

GIVEN NAMES (OR CORPORATE NAME CONTINUED)

☐ YOUNG PERSON

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

ON OR ABOUT 07/08/07 AT THE TIME OF 1235

AT OR NEAR 2001AC KAROKE @ 8291 ALEXANDRA

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW: PUBLIC HEALTH PROTECTION BYLAW 6989

DESCRIPTION OF OFFENCE	SECTION	FINE AMOUNT
OPERATOR Permitting Smoking	6.1.1.1	\$250
	(b)(1k)	

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: 2007 3-4 TIME: 0016.15
LOCATION: 8291 Alexandra

DETAILS

LCMA liquor establishment patrol
with 1-quot board. Male
located, seated inside karaoke
room. 1 of cigarette in right
hand, taking drag on cigarette.
Threw it on ground and covered
with feet when I opened
door toward through door
barrel.

BCDL produced -

- Saw on cigarette visible,
smoke in the air

SIGNATURE OF OFFICER

CHECKED AS A RESULT OF

INFORMATION RECEIVED ☐

OBSERVED VIOLATION: ☒

DESCRIPTION OF ACCUSED

NAME: Kook Chan
AGE: 33
DOB: 73-12-20
RACE: CM
HAIR COLOUR: BRN
EYE COLOUR: BRN
HEIGHT: 5' 3"

City of
Richmond

Community Charter

MUNICIPAL TICKET INFORMATION

ISSUED TO:

SURNAME OR CORPORATE NAME

STAN

GIVEN NAMES (OR CORPORATE NAME CONTINUED)

Kook Chan Philip

☐ YOUNG
PERSON

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

ON OR ABOUT 07 08 07 AT THE TIME OF 00:16

AT OR NEAR 8291 Alexandra

STREET ADDRESS

CITY OF RICHMOND,
PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE INDICATED UNDER THE FOLLOWING BYLAW

Public Health Protection Bylaw 6989

BYLAW NAME

DESCRIPTION OF OFFENCE	SECTION	FINE AMOUNT
Smoking in Establishment	6.1.1.1.	\$250.00
	(a) to (k)	

IF THE FINE IS NOT PAID OR THE ALLEGATION CONTAINED IN THIS TICKET IS NOT DISPUTED (SEE
REVERSED 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

**OCCURRENCE REPORT (NARRATIVE)
DETAILS OF EVENT****Author : 085777 LEE, SIMON****Related date : Tue, 14 Aug. 2007 at 09:19**

2007-Aug-12

00:03 hours:

Cst. S. LEE, while conducting municipal bylaw and licenced premise enforcement, attended Zodiac Karaoke located at 155-8251 Alexandra Rd.

Zodiac Karaoke has a poor history with compliance.

Plainclothes members entered the establishment first with uniformed members trailing them. At the sight of the uniformed members, an employee of Zodiac Karaoke ran past Csts. LEE and BENTLEY (in uniform) towards the private karaoke rooms shouting "police" in Cantonese. Cst. LEE followed this male, later identified as Michael LIU, to the rear of the establishment and into room #7. LIU was observed collecting lit cigarettes from the patrons into a liquid-filled glass. There was a strong smell of cigarette smoke in the air.

Information forwarded to Victor Duarte, city of Richmond Business Licence Inspector for enforcement action.

CONCLUDED HERE

Cst. S. LEE

47590

Property Crime Unit

Richmond RCMP Detachment

ATTACHMENT 5

REPORT to Liquor Inspector

Submitted by: Cpl GILLIS

ATTACHMENT 6

Premises: ZODIAC Cabaret

Violations: Bartender did not produce serving it right ticket

Offence Date: 2007-Aug-16

File Number: 07 - 27671

SYNOPSIS

Cpl. Gillis is a peace officer and a regular member of the Royal Canadian Mounted Police (RCMP) and he has been so since 1990. He is currently assigned with Richmond RCMP with the Richmond RCMP Detachment in the City of Richmond, Province of British Columbia

On 2007-August-16 at approximately 23:30 hrs, RCMP members attended at unit 155, 8291 Alexandra Road the location of the Zodiac Cabaret, which is owned and operated by J&B Investments Limited. The purpose of the police attendance was to check for violations of City Bylaws, Provincial Statue, and establish a no nonsense approach to illegal activity at night.

Upon entering the building Cpl Gillis proceeded to the Karoke rooms in the building. Cpl. Gillis entered room 5 and observed a male Asian smoking in violation of the bylaw. The items related to the violation were taken to the bar area and presented to the manager to see first hand the evidence.

While at the bar the bartender, Heung Fung Alex YIP, became verbally abusive to the police officers present at the scene. He made comments related to the police officers being "pigs".

Once the bylaw enforcement action was completed police undertook the liquor act investigation. The bartender was abusive to police and failed to produce a serving it right card certificate of any type. He was the lone bartender on duty.

OFFICER WILL STATES

Cpl Gillis will state:

That on Aug-16 he attended Zodiac lounge in full uniform. He did identify himself as a peace officer.

Cpl Gillis will state:

That the purpose of the police attendance was to conduct liquor and bylaw compliance ;

That upon entering the building at 155 8291 Alexandra Cpl. Gillis did attend the karaoke rooms and found patrons smoking contrary to the Public Health Protection Bylaw #6989.

That he observed several persons inside and smelled cigarette smoke.

That he observed a cigarette but on the floor inside the buildings.

That alcoholic beverages were being served to the patrons.

That the bar area was open and there was hard liquor in the preparation area.

That the only person observed tending the bar and mixing alcoholic beverages was Alex YIP, AKA; Heung Fung Alex (BCDL 7169832)

That the only person that was verbally abusive to the police officers was the person observed tending the bar and mixing alcoholic beverages, Alex YIP, AKA; Heung Fung Alex (BCDL 7169832)

That Mr Alex Yip was speaking in a loud voice to patrons of the bar about "Bacon"

That Mr. Alex Yip referred to the police officers as pigs.

That Mr Alex Yip did not produce a serving it right certificate on request of the police.

That Mr Alex Yip did not produce a serving it right certificate on demand of a peace officer, Cpl. Gillis

That in twenty years of police service and significant time spent assigned to dedicated Liquor Enforcement checks Cpl. Gillis has never been spoken to in such a degrading manner by an employee of a Licenced premise.

07-27671

DATE: _____ TIME: _____

LOCATION: _____

DETAILS

SEE OFFICER NOTES OF
CPL HILLIS + OCCURRENCE
REPORT

[Signature]

07-27671

M 16636

City of
Richmond

Community Charter

MUNICIPAL TICKET INFORMATION

ISSUED TO:

CORPORATE NAME

J+S INVESTMENTS LTD (ZODIAC CASABOY)

GIVEN NAMES (OR CORPORATE NAME CONTINUED)

☐ YOUNG PERSON

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
07/08/16(24Hr Clock)
2320

AT THE TIME OF

ON OR NEAR

155-8291-ALEXANDRA RD

STREET ADDRESS

CITY OF RICHMOND,
PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE INDICATED, UNDER THE FOLLOWING BYLAW

Public Health Protection Bylaw 6989

BYLAW NAME

DESCRIPTION OF OFFENCE

FINE
AMOUNT

Operator Permitting Smoking Atok

6.1.1.1

\$20.00

SIGNATURE OF OFFICER: _____

CHECKED AS A RESULT OF:

INFORMATION RECEIVED: ☐OBSERVED VIOLATION: ☐

DESCRIPTION OF ACCUSED:

NAME: _____

AGE: _____

D.O.B: _____

RACE: _____

HAIR COLOUR: _____

EYE COLOUR: _____

HEIGHT: _____

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

NARRATIVE

Further to Initial Information Sworn in Provincial Court on September 19, 2007:

Four Counts initially sworn on Information 51420.

Joint inspection team entered J & B Investments Ltd; doing business as Zodiac Karaoke on January 20, 2008 at approximately 02:05 hrs. Licence Inspector DUARTE found heavy smell of smoke could be detected in the hallways. DUARTE walked towards room 4 and looked inside the room. Female occupant closest to the door was smoking holding cigarette in her right hand.

Cpl. D AU got DUARTE's attention to see male occupant coming out of hallway behind bar, coming from kitchen/bathroom area with cigarette in his hand. Occupant went towards front door and out.

DUARTE moved towards room 5, 2 male occupants, closest to the door also found with cigarette in his right hand.

DUARTE moved towards room 7. Nine occupants inside. No observation of any occupants smoking but numerous cigarette butts strewn all over the floor as well as shelf on bottom of table in middle of room.

Room 4 quickly vacated by occupants once team entered establishment. DUARTE returned to room 4 entered and noticed numerous cigarette butts strewn on floor, behind seats in corner of room, as well as behind the television beside the entrance door to room. Ashes were noted to be fresh around the room as well as by one cigarette that was thrown on the floor as it was still lit and burnt another 1cm approximately on the floor with ashes still intact beside cigarette.

DUARTE spoke with individual who appeared to be in charge, identified by Liquor Inspector D. DYCK as George YIP, brother of owner Francis YIP. DUARTE informed YIP that further charges will be followed up to existing charges presently being dealt with in Provincial Court. DUARTE also mentioned that a hearing may be occurring in the near future on Licence.

Information updated to add Count 5, additional charge on January 20, 2008.

Attachment 7

Attachment 7

2:05- at 200 N. & K. smoke
smell of smoke inside
premises. in 1010
smoking inside room
4 second in 1010
in side room 5

08-01-20

Room 7 9 occupants
Floor covered in
Cigarette BUTTS.
Individual came out
from kitchen area
with a cigarette in his
hand.

Attachment 8

IV

08-01-25

10:59 - AT 200 MC KADORE
ROOM 10 - CIGARETTE
BUTT BESIDE TV
CIGARETTE BUTT IN
GARBAGE CAN WITH PACK
OF CIGARETTES - ROOM
2 - 2 VISIBLE CIG
BUTTS ON FLOOR, ASHES
COVERING CARPET
3RD BUTT FOUND ON
LT SIDE OF TV STAND.
ROOM 3 - FRESH ASHES
ON FLOOR, BUTT IN
GARBAGE CAN'S EMOUTH

08-01-75

CIGARETTE PACKS IN
GARBAGE

ROOM 9 - Heavy smell
of cigarette ash in
GARBAGE CAN, Heavy
content of ashes
appears fresh on
side of sofa between
sofa and wall.

ROOM 4 - Heavy
smell of cigarette
ASH/BUTTS in GARBAGE
CAN, noticed damp
paper towel with
what appeared to

be a
discarded cigarette
pack and 2 butts
and ashes found
in the GARBAGE CAN.
Floor again covered
with ashes.

ROOM 5 - Heavy
traces of ash from
cigarette on side
of wall and couch.
Trace of ashes on
corner shelf of TV
stand, discarded
cig butt on side of
stand by window and
behind stand.

08-01-25

ROOM 6 - CIG BUTTS
NOTED BEHIND TV
STAND ASHES NOTED
ON FLOOR TRACES
OF TOBACCO ON FLOOR
WHERE IT APPEARS
A CIGARETTE WAS
PUT OUT AND MAYBE
BROKEN UP TO RELEASE
~~AN BEHIND~~ TOBACCO
ASH (FRESH) BESIDE
STAND BY ENTRANCE
DOOR

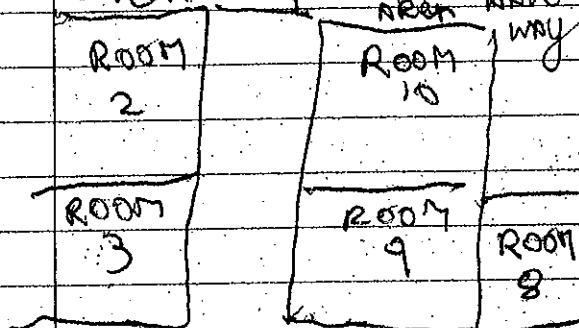
ROOM 7 - Heavy
CONTENT OF CIGARETTE

WITH GARBAGE, ASHES
COULD BE SEEN IN
GARBAGE, DISCARDED
BUTTS AND Heavy
SMELL OF CIGARETTE
ASH, CARPET A LAM
DIRTY FROM ASHES

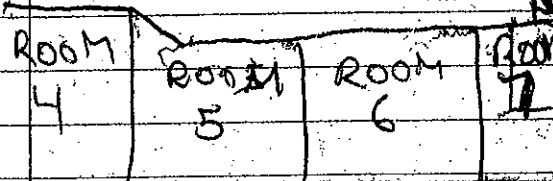
ROOM 8 - DISCARDED
CIGARETTE BUTTS
BEHIND TV STAND
TRACES OF ASHES ON
SIDE OF COUCH BETWEEN
WALL & COUCH CARPETS
THROUGH OUT LOCATIONS
SHOW COMMON PHASE
OF BURNED HOLES IN

08-01-75

CARPET THIS IS A
SUNBOWS FIRE HAZARD
W/TH DISCARDED CIG
BEHIND TV STANDS
etc. ~~ENTRANCE~~ OPEN AREA ALL
WAY



112



Mr. Francis Yip Submission & Corrective Action Plan

Zodiac Karaoke

April 17, 2008

Attention Chief Inspector ~~Lee~~, *Rathan*,

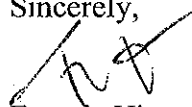
This is my ^{second} ~~first~~ attempt at a new collaboration with the City of Richmond and yourself as well in upholding the bylaws and going above and beyond to setting an example of why the bylaws should be obeyed. It is not a surprise that as a result of the non-smoking policy, many of the underground drinking places have opened up to cater to the disobedient citizens in our City. All of these places are un-licensed and cater to under-age drinking, drug dealing, and an assortment of gang affiliation. One of the infamous ones is located at 4751 Garden Road on the 2nd Floor (inside Garden City Plaza). They have the locked at all times and a video camera for surveillance as a lookout for police and liquor inspectors. Victor and Doug have attempted to put an end to this place with no success as they are fore-warned from the surveillance cameras ahead of time that the officials are coming and therefore, leave through the back in the alley.

One suggestion would be to have undercover agents walk to the back and as officers are attempting the front door, the offenders have a higher chance of being caught through the back. Otherwise, another attempt could be to have fluent Cantonese speaking undercovers dressed deceptively enter through the front and catch them in the act.

It is these flourishing underground drinking areas that are putting places like us out of business and also creating a more expansive clientele of offenders who oppose the non-smoking by-law because they are accustomed to smoking in these underground affiliations. In cooperation with you, I hope our team-work can decrease these ill places and encourage our citizens to visit the legal establishments instead of these underground homes.

I hope in this initial effort, you will realize my sincerity in being pro-active to work cooperatively with the Liquor Board and the City of Richmond. In order for our business to proceed, I hope you will realize that sometimes, giving people a chance is a better way for a long-term positive solution rather than punishment because I believe in the opportunity for change and positive differences. Our business cannot survive with a lengthy suspension such as 30 to 60 days due to the fact that our overhead is quite high and with a legacy of 18 years in the business, I would be quite sorrowful to see my business die. I encourage you to visit our establishment along with the fellow liquor inspectors to add some weight into our sincere changes and effort in working with the City in setting an example for other establishments. You are most welcome anytime for a visit or to chat about new ideas in helping not only our business but others in upholding the bylaw and dealing with unruly offenders. We will not have the chance to show a 'turning of a new leaf' if our business is put in the position to be shut-down.

Sincerely,


Francis Yip

FRANIS YIP and J & B ENTERPRISES, INC.
CORRECTIVE ACTION PLAN

Zodiac Karaoke Restaurant and Bar
155 – 8291 Alexandra Road, Richmond, BC

Background

The Zodiac Karaoke Restaurant and Bar (“Zodiac”) has been in continuous operation in the City of Richmond (the “City”) since 1994. Prior to 2007, Zodiac received ten Municipal Ticket Informations (“MTI”s) from the City for violations of the City’s Public Health Protection Bylaw No. 6989, section 6.1.1.1(k) (the “No Smoking Bylaw”).

As a result of these violations, Zodiac served two suspensions of its licence to operate. The first of these was for seven days from March 1 - 7 2004; the second was for 14 days, from November 6 – 17, 2006.

Between August 3 and August 16 2007, Zodiac was assessed a further four MTIs for alleged violations of the No Smoking Bylaw. On January 20, 2008, Zodiac was assessed another MTI for an alleged violation of the No Smoking Bylaw.

Given Zodiac’s history of compliance problems, the City is considering either a further suspension or revocation of its licence to operate.

Zodiac is committed to remedying the current situation, and complying with the No Smoking Bylaw. This Corrective Action Plan is intended to provide the City with concrete, measurable steps and timeframes that Zodiac either has implemented or will undertake to ensure that it complies with the No Smoking Bylaw.

1. Attitude

While the vast majority of Zodiac’s long term clientele are compliant with Zodiac’s efforts at enforcement of the No Smoking Bylaw, a small contingent have been resistive. These individuals have at various times tampered with smoke detectors, rendering them inoperable; refused to leave Zodiac when asked by Zodiac staff; and on at least one occasion, assaulted a staff member.

Zodiac’s staff and management are committed to enforcing all City by laws; Zodiac’s management is further committed to ensuring that all staff enforce a “no tolerance” approach to smoking inside of Zodiac.

Implementation Date: Immediate

2. Smoke Detectors

We are instructed that new smoke detectors are now installed in the ceilings of all eleven of Zodiac's karaoke rooms, as well as one in the Lounge area. Attached as Schedule "A" to this Corrective Action Plan is a receipt for the purchase of ten new smoke detectors. The new smoke detectors will replace any inoperable units. A surplus number of smoke detectors will be kept on site, so that if any of the smoke detectors in the rooms becomes inoperable, it can be quickly replaced with a new unit.

Implementation Date: Immediate

3. Smoke Detector Monitoring

We are instructed that, while Zodiac staff and management endeavour to keep apprised of the status of smoke detectors, many smoke detectors had previously been rendered inoperable by unruly guests.

In order to address this challenge, Zodiac management commits to the immediate implementation of a **smoke detector monitoring system**. The smoke detectors will be checked each evening to ensure they are operable before Zodiac opens. The results of the smoke detector check will be recorded in a **Smoke Detector Log** (the "Log"). The Manager on shift each evening will check the Log; if a smoke detector unit is noted to be inoperable, it will be promptly replaced.

Problems with any smoke detectors will be recorded in a **Communications Binder**, which will be kept near the bar. It will be the responsibility of each staff member to review the Communications Binder prior to commencing his or her shift. The Manager on shift will assume responsibility for maintenance and monitoring of the smoke detectors.

Zodiac management intends to keep the Log in an area where it is easily accessible to the City's Business Licence Inspector, and invites the Inspector to review the Log during inspections to confirm compliance.

Implementation Date: February 8, 2008

4. Security

Zodiac management realize that the small contingent of its guests causes the majority of compliance problems with the No Smoking Bylaw. This small contingent has been unruly at times, and unwilling to follow the direction of Zodiac staff. In turn, Zodiac staff has been placed in the difficult position of trying to reason with these individuals, leading to unpleasant and occasionally aggressive confrontations.

In order to effectively deal with this small contingent of resistant guests, Zodiac will hire an additional dedicated Door Security Staff Member ("Security Staff"). The Security Staff will be hired on Friday and Saturday evenings, which are Zodiac's busiest nights. It is contemplated that the Security Staff shift will be from 9:00pm – 2:30am on these evenings.

The Security Staff will be tasked with ensuring general site security, including the control and management of aggressive clients and those who are in violation of the No Smoking Bylaw. The Richmond R.C.M.P. will be contacted to manage any situation that is beyond the means of the Security Staff to handle.

Implementation Date: February 15, 2008

5. Site Management

Zodiac staff and management realize the importance of keeping their smoking clientele happy. At the same time, Zodiac management recognizes that it is incumbent upon them to ensure patrons are abiding by the No Smoking Bylaw.

Zodiac management has purchased an outdoor gas-powered patio heater in order to provide a warm area outside of Zodiac where smokers are free to congregate and smoke. The patio heater will be placed near the front door, where it will be in full view of the Security Staff and Front Door Hostess.

It is hoped that the patio heater will assist all clientele with the transition to the "no tolerance" policy demonstrated by all Zodiac staff.

Implementation Date: February 8, 2008

6. Dialogue with R.C.M.P. and City Inspectors

Zodiac management proposes the inception of monthly meetings with City Inspectors and R.C.M.P. representatives to discuss issues of concern regarding the operation of Zodiac. It is contemplated that regular meetings will facilitate open communication between Zodiac and its community partners, and assist Zodiac in re-establishing and maintaining its good standing in the community.

Implementation Date: March 2008

Zodiac management are committed to the enforcement of all City bylaws. It is hoped that this Corrective Action Plan will address the City's concerns with compliance, and will further allow for a dialogue that will deal proactively with future safety or compliance issues.

SCHEDULE A

CANADIAN TIRE #606
3500 NO. 3 ROAD
NORTH RICHMOND, BC
604-273-2939

REG #: 4 01/26/2008 15:26:34 TRANS #: 63
OPERATOR #: 216 Fleet: 001

10X46-0082-6	Q \$	9.990 ea.
	ALARM, SMKE BATT \$	99.90
52-5249-6	LAMP QH- 78 150 \$	3.99
	SUBTOTAL	\$ 103.89
	G.S.T	\$ 5.19
	PROV SALES TAX	\$ 0.28
	6% OLD GST	\$ 0.00
	TOTAL	\$ 109.36

VISA #: *****2311
YIP/FRANCIS C

CARD READ
APPROVAL #: 00 051429
VISA TEND \$ 109.36



0060608012632160000000010063

RECEIPT, PHOTO ID, CT MONEY REQUIRED
FOR RETURNS. PRODUCT MUST BE NEW & UNUSED
IN ORIGINAL PACKAGE WITHIN 90 DAYS.
6% OLD GST IS A TEMPORARY LINE ON THE
RECEIPT TO ACCOMMODATE THE NEW GST RATE.
GST# 859939671

RONA STORE # 08040

MACK FOSTER BUILDING MATERIALS LTD.
7111 ELMBRIDGE WAY RICHMOND, B.C. V6X 3J
TEL#604-273-4606 FAX#604-273-1760

CUTTER, HEAVY DUTY K000458			
89940047 A	1.00	1.99 EA	1.99
PADLOCK COMB. BLACK	1850DRONA		
2002583 A	1.00	4.69 EA	4.69
CHAIN 1/4"X100'	15233		
1199084 A	9.00	2.77 FT	24.93
HEATER PATIO 40000BU GN	153100		
3408002 A	1.00	263.00 EA	263.00
20 LB.CYLINDER-FILLED			
64221009 A	1.00	52.95 EA	52.95

SUBTOTAL	347.56
G.S.T.	20.85
P.S.T.	20.62
TOTAL	389.03

PAID BY: VISA CARD 389.03

11/21/07 16:56 SALE
GST # R103437943

1,000 CASH P- 5 W- 17 P- 1
1962061

THANK YOU FOR SHOPPING AT RONA,
PLEASE RETAIN RECEIPT FOR REFUND

ATTENTION PETER WYLLIE

ZODIAC KARAOKE RESTAURANT AND BAR
SMOKE DETECTOR LOG

Month: FEB, 2008

Staff: Please check ALL smoke detectors to ensure they are operational, and place a ☒ or ☐ in the corresponding box. Staff member responsible for checking must INITIAL under "Staff" column to confirm completion of Smoke Detector Check.

If any smoke detector is NOT operating properly, advise Manager immediately.

Date	SMOKE DETECTOR												
	Room 1	Room 2	Room 3	Room 4	Room 5	Room 6	Room 7	Room 8	Room 9	Room 10	Room 11	Lounge L	Staff
1													
2													
3													
4													
5													
6													
7													
8													
9	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
10	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
11	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
12	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
13	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	LR
14	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
15	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	LR
16	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
17	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
18	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
19	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	LR
20	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
21	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
22	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	LR
23	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
24	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
25	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	R.H.
26													
27													
28													
29													
30													
31													

ATTENTION PETER KHYIE

Attention to **Igor Drobie,**

This is a letter of acknowledgement for your employment at Zodiac Karaoke as a weekly bouncer for Friday and Saturday night, commencing as of Friday, February 15 2008. Your duties include checking legal BC identification to ensure all patrons are of 19 or older and patrolling Zodiac Karaoke premises to ensure that the non-smoking by-law is upheld. In addition, you will ensure that any patrons in violation of the non-smoking by-law are asked to leave and a record of their name is kept in a log-book and any disruptive patrons are firmly asked to leave. If a situation escalates out of control, the immediate authorities will be contacted right away. Your job as the bouncer in Zodiac Karaoke will be vital to the peaceful order of this entertaining establishment. Please sign your name in the following space Igor Drobie.

Thank-you,

Francis Yip

Attention to **Igor Drobie,**

This is a letter of acknowledgement for your pay of \$200.00 for work during Friday, February 22 2008 and Saturday, February 23 2008.

-----▽-----▽-----▽-----▽-----▽-----▽-----▽-----

Attention to Igor Drobic,

This is a letter of acknowledgement for your pay of \$200.00 for work during Friday, February 15 2008 and Saturday, February 16 2008 as a bouncer for Zodiac Karaoke. Please sign your name in the following space Igor Drobic.

Thank-you,

Francis Yip



City of Richmond

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

Telephone (604) 276-4000

www.cityrichmond.bc.ca

May 28, 2008

File: 931944

**Business & Financial Services
Department**

Business Licences

Telephone: 604-276-4328

Fax: 604-276-4157

Delivered by Hand

J & B Investments Ltd dba:
Zodiac Karaoke
Unit# 155-8291 Alexandra Road
Richmond, BC V6X 1C3

Attention: Francis Yip

Dear Sir:

Re: Business Licence Review Hearing


This correspondence will serve as an official follow up to your business licence review hearing held before me at Richmond City Hall on Thursday, April 17, 2008.

I have now had the opportunity to review all the information and facts presented by Business Licence Inspector, Victor Duarte and your legal counsel, Peter Whyte of Lakes Straith & Whyte LLP.

As outlined in the Report to Council (attached), it is my opinion that a recommendation to suspend your business licence for a period of 30 days is warranted. Please be advised that I will be presenting this report to Mayor and Council at a Special Council Meeting, scheduled for July 07, 2008, for consideration. Should Council accept this recommendation, the licence suspension will be effective July 15, 2008 to August 13, 2008, both dates inclusive.

The Special Council Meeting will commence at 4:00 pm in the Anderson Room (M.2.004) at Richmond City Hall 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 David Weber, City Clerk at 604-276-4098 and he will detail for you the appropriate procedures to follow.

Yours truly,


Amarjeet S Rattan

Chief Licence Inspector

pc: Peter Whyte, Lakes Straith & Whyte LLP
✓ D. Weber, V. Duarte, City of Richmond