



City of Richmond

Report to Council

To: Richmond City Council
From: Carli Edwards, P.Eng.
Chief Licence Inspector

Date: October 11, 2016
File: 12-8275-20-AMANDA
#/2016-Vol 01

Re: Business Licence Suspension – Marco Health Centre

Staff Recommendation

That the business licence of Jin Ming Che, Zhi Hong Chen and Xiao Ji Lui, doing business as Marco Health Centre, operating from premises located at 4400 Hazelbridge Way Unit 100, Richmond BC, be suspended for a period of 7 consecutive days from November 14th 2016 to November 20th 2016, inclusive.

Carli Edwards, P.Eng.
Chief Licence Inspector
(604-276-4136)

Att. 3

REPORT CONCURRENCE		
ROUTED TO:	CONCURRENCE	CONCURRENCE OF GENERAL MANAGER
Law	<input checked="" type="checkbox"/>	
REVIEWED BY STAFF REPORT / AGENDA REVIEW SUBCOMMITTEE	INITIALS: DW	APPROVED BY CAO

Staff Report

Origin

The City's Business Licencing department administers a licencing program for approximately 14,000 licence holders and regulates the activities of approximately 24 business types including therapeutic touch clinics. This report deals with the activities and bylaw infractions of Jin Ming Che, Zhi Hong Chen and Xiao Ji Lui, doing business as Marco Health Centre, operating from a premises located at 4400 Hazelbridge Way Unit 100, Richmond BC.

Marco Health Centre is licenced as a therapeutic touch clinic and must adhere to all applicable bylaws, including Part Fourteen of Business Regulation Bylaw No. 7538 (Attachment 1). This business has come to the attention of the Chief Licence Inspector after several complaints regarding staying open later than the permitted hours (9:30 p.m. each day).

Findings of Fact

In July 2015, a business licence was approved and issued for Marco Health Centre to begin operation.

On March 14, 2016, a complaint was received on a number of therapeutic touch clinics, including Marco Health Centre, for operating outside permitted hours. As a result of this complaint, a licence inspector left several telephone message with the owners of the business.

On April 1, 2016, another complaint was received and the complainant provided a statement and a receipt for service from Marco Health Centre dated March 30, 2016 at a time of 10:13 p.m.

On April 1, 2016, Ling Yun Guo, a spouse of one of the business owners, attended Richmond City Hall to speak with a licence inspector on behalf of Marco Health Centre. Ms. Guo indicated to the licence inspector that she was aware of the permitted operating hours but that clients are offered a full hour of service as long as they arrive before 9:30 p.m. Ms. Guo was instructed that if a full hour of service is to be offered then those appointments must start no later than 8:30 p.m. Ms. Guo states that she understood and that she would inform her husband and his partners.

On April 5, 2016, a letter of warning is mailed to the owners of Marco Health Centre.

On August 10, 2016, another complaint was received that Marco Health Centre continued to operate later than permitted hours.

On September 2, 2016, an inspection was performed at 10:00 p.m., at which time inspectors found the front door unlocked and massage services being performed to three clients. Three staff were also on the premises, two of which identified themselves as owners.

On September 25, 2016, the Chief Licence Inspector met with Ms. Guo, as well as her husband, Jin Ming Che who is one of the owners of Marco Health Centre. At the meeting, the history of complaints and inspections was presented to both Ms. Guo and Mr. Che (Attachment 3). At the meeting, Ms. Guo and Mr. Che indicated that they stay open late because customers often arrive late for their appointments and refuse to shorten their appointments such that the business can be

closed by 9:30 p.m. They further indicated that many other businesses stay open late and they are trying to remain competitive. They also stated that they do not accept walk-ins after 8:30 p.m. but they will provide services for those that have an appointment. Although an English-Chinese translator was provided for Mr. Che (who indicated he did not speak English), most of the information during the meeting was provided, in English, from Ms. Guo.

Analysis

Business Regulation Bylaw No. 7538, Part Fourteen: Therapeutic Touch Clinic Regulation, permits therapeutic touch clinics to open between 8:00 a.m. and 9:30 p.m. This regulation provides equity among different clinics and balances neighbourhood impact with the public demand for services to provide equity among businesses and to mitigate potential impact on the adjacent community. Marco Health Centre's business operations provided them an unfair competitive advantage over business operators within the same business classification.

Marco Health Centre was issued a verbal and written warning prior to an inspection which found three clients in the premises beyond regulated operating hours. Unlike other businesses spoken to during the investigation, a representative for the owner did not offer a firm commitment to conform to the regulations.

Given the degree of severity of the infractions and uncertainty regarding future compliance, it is the recommendation of the Chief Licence Inspector that the business licence for Jin Ming Che, Zhi Hong Chen and Xiao Ji Lui, doing business as Marco Health Centre, be suspended for 7 days following Council's consideration of this report. Suspension of the licence is warranted by Part 23.1 of the Business Regulation Bylaw No. 7538 for failing to comply with sections 14.1.1 (b).

Financial Impact

None.

Conclusion

Therapeutic touch clinics are regulated businesses under Business Regulation Bylaw No. 7538 and are permitted to operate only between the hours of 8:00 a.m. and 9:30 p.m. Marco Health Centre's repeated violation of this bylaw warrants business licence discipline as recommended.



Carli Edwards, P.Eng.
Chief Licence Inspector
(604-276-4136)

CE:ce

- Att. 1: Part Fourteen of Business Regulation Bylaw No. 7538
2: Letter of Warning
3: Summary of Findings as presented to Business Owner

PART FOURTEEN: THERAPEUTIC TOUCH CLINIC REGULATION

14.1 Operator Obligations

14.1.1 Every Therapeutic Touch Clinic operator must:

- (a) provide the **Licence Inspector** with 24 hours' written notice of any changes in the personnel employed or engaged in such **business**, and the applicable provisions of the **Business Licence Bylaw** apply to any new persons proposed to be employed or engaged by the said **Therapeutic Touch Clinic**;
- (b) permit such business to be open only between the hours of 8:00 a.m. and 9:30 p.m. each day; and
- (c) provide the **Licence Inspector** with the name, age, birthdate, current address and picture identification of every **person** proposed to be employed or engaged in such **business**, together with such additional information which the **Licence Inspector** may require.



City of
Richmond

Ref# 15699736

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

April 05, 2016
File: 15 699736

Finance and Corporate Services Department
Business Licences
Telephone 604-276-4328
Fax 604-276-4157

MARCO HEALTH CENTRE
8620 JONES RD UNIT 101
RICHMOND BC V6Y 3Z4

Attention: Ling Yun Guo

Re: Marco Health Centre – WARNING NOTICE
4400 Hazelbridge Way Unit 100

Marco Health Centre's business activity is categorized under the City of Richmond's Business Licence Bylaw No. 7360, as a Therapeutic Touch Clinic.

Under the Business Regulation Bylaw No 7538, section 14.1.1(b), a Therapeutic Touch Clinic operator must permit such business to be open only between the hours of **8:00 a.m. and 9:30 p.m. each day.**

A recent complaint received by the City of Richmond clearly shows your business is not adhering to the permitted operating hours as regulated through the noted bylaw.

I have attached a copy of a receipt provided to the writer which clearly shows a service time outside the permitted operating hours.

This letter serves notice as a Warning to your business to maintain regulatory compliance. Failure to do so, may result on summary conviction, to the penalties provided for by law, including business licence suspension or cancelation.

Yours truly,

Victor Duarte
Acting Supervisor, Business Licence

VMD:vmd

Licence Review

INFORMATION:

Business: Jin Ming Che; Zhi Hong Chen; Xiao Ji Liu. dba:

Marco Health Centre

Address: 4400 Hazelbridge Way Unit 100, Richmond, BC V6X 3R8

Ref. File: 15699736

Meeting Date: Tuesday, September 20, 2016

Time: 1:30 p.m.

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

History:

Principals, Jin Ming CHE (hereinafter referred to as CHE); and Zhi Hong CHEN (hereinafter referred to as CHEN); and Yue XIAO (hereinafter referred to as XIAO); and Xiao Ji LIU (hereinafter referred to as LIU) applied to the City of Richmond for a business Licence to operate under the trade name of, (and hereinafter collectively referred to as, **Marco Health Centre**) in May of 2015.

The Business Licence was approved in July of 2015 and the business licence issued to **Marco Health Centre** to operate from premises located at 4400 Hazelbridge Way Unit 100.

March 14, 2016 - Complaint was received by acting Supervisor, Business Licences, Victor DUARTE, (hereinafter referred to as DUARTE) on a number of businesses operating outside permitted hours. **Marco Health Centre** was among the list received by DUARTE.

March 14, 2016 – at or about 16:01 hrs. - DUARTE places a telephone call to business telephone number, 604-396-3155. DUARTE receives no answer and leaves a voicemail message. DUARTE places a second call to business contact, Ling Yun GUO (hereinafter referred to as GUO) at 604-270-9126. There is no answer at this telephone number and DUARTE leaves another message.

April 01, 2016 – at or about 15:01 hrs. – An individual attends City Hall to speak with DUARTE. Individual files complaint with DUARTE regarding five businesses. **Marco Health Centre** is one of the businesses complainant states is violating hours of operation. Complainant provides statement to DUARTE and provides a list and receipt of service received from **Marco Health Centre** on March 30, 2016, with a time of 22:13 hrs. – Copy of list – **Attachment 1**, Copy of Notes – **Attachment 2**, Copy of Receipt – **Attachment 3**

April 01, 2016 – 16:52 – GUO attends Richmond City Hall and speaks with DUARTE. GUO states she is the wife of CHE. GUO states she just returned from China and her husband was still in China. GUO states her husband CHE's business partners do not speak English and that is why she is attending to speak to DUARTE on behalf of **Marco Health Centre**. GUO informs DUARTE, GUO attempted to contact DUARTE a few times on March 18, 2016 but DUARTE did not return GUO's calls. DUARTE informed GUO that DUARTE documents all calls received and DUARTE returns all calls and does not have a record of receiving any calls from

GUO. DUARTE discusses operating hours for **Marco Health Centre**. GUO indicates GUO knows the operating hours but indicates that clients start before 9:30 p.m. and then are given a one hour service. DUARTE instructs GUO that if they are set on only providing one hour services then **Marco Health Centre** cannot take any customers after 8:30 p.m., otherwise **Marco Health Centre** must provide modified service and inform customers that arrive at 9:00 p.m. that only half the service can be provided and business is required to close at 9:30 p.m. no exceptions – GUO states she understood and will inform her husband and his partners. Copy of receipt given to GUO – Copy of Notes added to file - **Attachment 4**

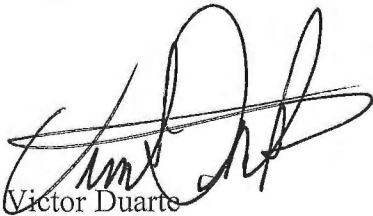
April 05, 2016 – Warning Notice letter written and mailed to business on April 06, 2016 – **Attachment 5**

Current Information:

August 10, 2016 – DUARTE receives a telephone call from complainant informing DUARTE a number of the Therapeutic Touch Treatment businesses are operating outside permitted hours. DUARTE documents information. **Marco Health Centre** among the violating businesses provided to DUARTE.

September 02, 2016 – Man Yi LO (hereinafter referred to as LO), Sign/Licence Inspector, conducts evening inspections with DUARTE at various locations.

September 02, 2016 at or about **22:00 hrs** – LO and DUARTE arrive at 4400 Hazelbridge Way Unit 100, **Marco Health Centre**. Business “OPEN” sign is turned off. On approach DUARTE observes individual inside premise. Door is unlocked. LO and DUARTE enter at the front door and proceed into the premises. DUARTE observes a client in a room with a staff member who is providing services to the client’s feet. Further inspections of other private rooms do not find any occupants. Inspection of multi-chair room found two clients and two staff members. Two male staff members identified themselves as owners. Total of three clients, and three staff, found inside premises after permitted operating hours. Municipal Ticket Information (MTI) BL 06856 issued as a violation Notice – Copy of MTI – **Attachment 6**, Copy of Notes of Inspection – **Attachment 7**



Victor Duarte
Supervisor, Business Licences
City of Richmond

Attachment 1

Business Name	Address	Phone	Appointment Made on	Service Provided	Date	Start	End	masseur
✓ [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
✓ [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
✓ [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
✓ letter sent [illegible] Marco Health Centre	100-4400 Hazelbridge	604-276-9797	Mar-30	Foot Massage	Mar-30	21:30	22:30	Justin
✓ [illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

APR 01/16 15:01 HRS

DWARTIE met with

who stated she has worked

for

states she is assistant to

on her own

without

approval or knowledge attended the following

businesses

provided a sheet with 5 business name

on it

informed DWARTIE that she went out to

the 5 locations listed as 1)

2)

3) COMPLACENT FOOT REFLEX 4) MARCO HEALTH CENTRE

5) provided 5 receipts

ONE FROM EACH LOCATION EACH DATED AND TIME STAMPED

AFTER 10 PM. DWARTIE INFORMED

DWARTIE WOULD

Deal WITH THIS

complaining workers losing

clients as they go to these locations operate later

MARCO HEALTH CENTRE

3:52 DWARTIE spoke with LANG YUN GUO re her HUSBANDS BUS

GUO STATES HUSBAND IS IN CHINA'S HIS PARTNERS DO NOT SPEAK

ENGLISH - GUO ASKING WHY DWARTIE contacted on 18 - notes added

TO AMANDA COMMENTS -

Attachment 3

HARCO HEALTH CENTRE
UNIT 100-4900 HAZELBRIE
RICHMOND, BC V6X 3B8
16041276 9197
Merchant ID 000000004900556
Term ID 07457022
26262770019

Purchase

VISA CREDIT

XXXXXXXXXXXX6601

ATD: A0000000031010

Entry Method: Chip

Batch#: 000215

03/30/16

22:13:07

Ref#: 000002625685

Inv #: 000522 Appr Code: 006375

Amount: \$ 36.00

Tip: \$ 0.00

Total: \$ 36.00

Customer Copy

Attachment 4

AMANDA 544.28.0021911 - User Victor Duarte Signed on to PRPPROD at PPRD.world

File Data Search Edit Actions Reports Window Help

Close Update Mark All Delete Pick Accept Retrieve Detail Query Exit Log Off To-Do List Reports Permit Property People Business Professional

Marco Health Centre [SU]

Folder | Property (1) | People (8) | Info (22) | Fee/Charge (1) | Process (13) | Document (1) | Comment (1)

Folder #	Ref.
2015 699736 000 00 SU	1569973

Folder: 16 736287 000 00 SU

Apr 01/16 15:52 hrs - DUARTE met with Ling Yun GUO, who is the wife of Jin Ming CHE. GUO states her husband is still in China, GUO states she just returned and her husbands partners dont speak English that well and that is why she is coming to speak with DUARTE on their behalf. GUO states she contact DUARTE a few time on March 18 but DUARTE did not return her call. DUARTE informed GUO that DUARTE documents every call and returns and there is no record of her call. DUARTE asked GUO what her operating hours are. GUO stated that she thinks it was like 9:00 am or something like that to 9:30. DUARTE stated you are permitted to operate from 8:00 am to 9:30 pm no exceptions. DUARTE asked why did I receive a couple of complaints of customers inside the premises after 9:30. GUO states they started before 9:30. DUARTE informed GUO that if it takes 1 hour for a service, then they must not take any clients after 8:30 pm or only provide a modified service. GUO stated she understood. DUARTE stated they were lucky as I have not warned them before so this was their official warning. GUO stated Thank you. DUARTE stated further violations can result in Suspensions, Fines, or both and continuation after that can result in Licence cancellation. GUO stated she understood and was going to inform her husbands busines partners right away and make sure business operating within all City rules.

Reminder Date: Fri Apr 1, 2016 Remind: Victor Duarte Include ☒

Made On: Fri Apr 1, 2016 Made By: Victor Duarte

Comment Date: Fri Apr 1, 2016

List View Related View

☒ Show no. of rows on tabs

1 Row Returned

2 Rows Returned

Ready

9/16/16



City of
Richmond

Ref# 15699736

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

April 05, 2016
File: 15 699736

Attachment 5

Finance and Corporate Services Department
Business Licences
Telephone 604-276-4328
Fax 604-276-4157

MARCO HEALTH CENTRE
8620 JONES RD UNIT 101
RICHMOND BC V6Y 3Z4

Attention: Ling Yun Guo

Re: Marco Health Centre – WARNING NOTICE
4400 Hazelbridge Way Unit 100

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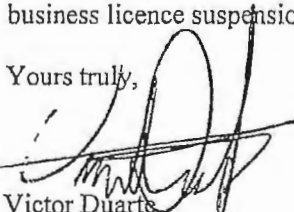
Under the Business Regulation Bylaw No 7538, section 14.1.1(b), a Therapeutic Touch Clinic operator must permit such business to be open only between the hours of **8:00 a.m. and 9:30 p.m., each day.**

A recent complaint received by the City of Richmond clearly shows your business is not adhering to the permitted operating hours as regulated through the noted bylaw.

I have attached a copy of a receipt provided to the writer which clearly shows a service time outside the permitted operating hours.

This letter serves notice as a Warning to your business to maintain regulatory compliance. Failure to do so, may result on summary conviction, to the penalties provided for by law, including business licence suspension or cancelation.

Yours truly,


Victor Duarte
Acting Supervisor, Business Licence

VMD:vmd

Attachment 6

City of Richmond
Community Charter

15699736.

BL 06856

MUNICIPAL TICKET INFORMATION

TRANS CODE 3102

ISSUED TO:

SURNAME OR CORPORATE NAME MARCO HEALTH CENTRE		<input type="checkbox"/> YOUNG PERSON	
GIVEN NAMES (OR CORPORATE NAME CONT'D)		GENDER M F	BIRTHDATE YY MM DD
ADDRESS 4400 HAZEL BRIDGE WAY - UNIT #100			
CITY RICHMOND	PROVINCE BC	POSTAL CODE V6X3R8	

The by-law 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
YY MM DD
16 09 02

 at the time of

24 HR CLOCK
HH MM
22 09

at or near **4400 HAZEL BRIDGE WAY - #100** City of Richmond,
STREET ADDRESS Province of British Columbia

Did commit the offence indicated, under the following by-law:

BUSINESS REGULATION BY-LAW 7538

By-law Name

DESCRIPTION OF OFFENCE	USE FOR ONE OFFENCE ONLY	SECTION	FINE AMOUNT
OPERATING OUTSIDE PERMITTED HOURS		B.1.1(a)	\$

If you wish to dispute the allegation contained in this ticket, you may appear at the following location to give notice of dispute:

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

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 in accordance with the prescribed instructions (see reverse).

For Court Use If Ticket Disputed		YY	DATE	MM	DD
AT HEARING					
<input type="checkbox"/> CONVICTED		<input type="checkbox"/> DISMISSED			
SIGNATURE OF JUSTICE					
BY-LAW ENFORCEMENT OFFICER NAME OR NUMBER VICTOR DWARZ					
DATE OF SERVICE 16 09 02					
BY-LAW ENFORCEMENT OFFICER SIGNATURE					
AREAS OF THIS TICKET SHADED IN GREY ARE NOT PART OF THE OFFENCE CHARGED					

If the fine is not paid or the allegation contained in this ticket is not disputed (see reverse) within 14 days from the date of service of this ticket, you will be deemed to have pleaded guilty to the offence charged and the fine amount will be immediately payable.



City of Richmond

6911 No. 3 Road
Richmond, BC V6Y 2C1
604-276-4000

Attachment 7

Progress Log Business Licence

Main 604-276-4328 Fax 604-276-4157

Business Name: MARCO HEALTH CENTRE
Address: # 100 - 4400 HAZELBRIDGE WAY
Owner: Jin Ming che / Zhi Hong Chen
Licence No.: # 15699736 Telephone No.: 604-396-3155 / 778-898-6806

Date	Details
Sept 02, 2016 @ 22:00 hr.	Inspector Manyi Lo + Supervisor Victor Duarte attended the business for inspection. The business 'Macro Health Centre' was found operating outside permitted hours. During inspection, there were THREE customers (two having foot massage and one is having acupuncture) with 3 staffs (two owners and one female staff).
	Verbal warning was given to owners, telling them they should not operate after 9:30 PM.
	Violation Notice BLO6856 was issued under Section 13.1.1(a) of Business Regulation Bylaw # 7538.
	'Operating outside permitted hours'.
	Ticket/Violation Notice was delivered to owner in person by Victor Duarte.
	Owners were told that they will hear from City of Richmond to review business licence.
	Inspector Manyi Lo + Supervisor Victor Duarte left the business at 22:07 hr.