



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)

<b>FOR ORIGINATING DIVISION USE ONLY</b>		
<b>CONCURRENCE OF GENERAL MANAGER</b> 		
<b>REVIEWED BY TAG</b>	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
<b>REVIEWED BY CAO</b>	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 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.

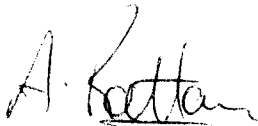
A comprehensive statement from the principal, Mr. Francis Yip, is attached for Council review.

### **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

# Show Cause Hearing

## INFORMATION:

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

**Address:** Unit # 155-8291 Alexandra Road, Richmond, BC

**Ref. File #:** 931944

**Hearing Date:** Tuesday, September 26, 2006

**Time:** 2:30 p.m.

**Location:** Room M.1.003, 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, have been operating in the City of Richmond since 1993. Zodiac Karaoke has received a 7 day suspension from City Council in 2004.

Ongoing inspections conducted at Zodiac Karaoke, have established that this business is continuously operating in contravention of Municipal Bylaws.

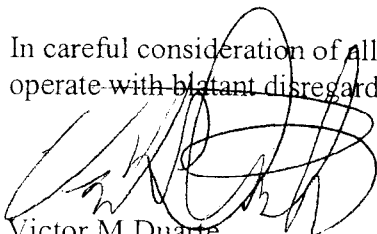
This business was suspended by City Council on Monday, February 9, 2004 for 7 days from March 1, 2004 to March 7, 2004 both dates inclusive. The suspension was for violations of the Public Health Protect Bylaw No. 6989, section 6.1.1.1 (a) to (k), Operator permitting smoking. After an accumulation of six additional Municipal Ticket Informations since this suspension, a Show Cause Hearing occurred on Thursday, April 27, 2006, in front of Chief Licence Inspector Anne Stevens.

At the hearing on April 27, 2006, Zodiac Karaoke indicated that this issue would be corrected within 30 days and 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 have received two additional Municipal Ticket Informations.

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.

In careful consideration of all mentioned offences, it appears that this business continues to operate with blatant disregard to the City of Richmond Bylaws.

  
Victor M Duarte  
Business Licence Inspector

VMD:vmd

**James W. Lees  
Barrister & Solicitor**

SEP 11 2006

**FAX COVER SHEET**

Date: July 13, 2006

To: **Ron Graham** Fax: **(604) 276-4052**

From: Jim Lees

Re: **Chi Yip (Zodiac Karaoke Restaurant)** **MTI 20003**

Total Pages (including cover sheet): 1

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**Message**

Please be advised that on July 13, 2006, Mr. Yip entered a plea of guilty with respect to the above-noted matter. The Honourable Judge Fratkin reduced the indicated fine of \$250 to \$150, payable forthwith. The fine was reduced because of the guilty plea and because there were further sanctions being contemplated by the City (licence suspension).

The City should be receiving the money shortly.

This file is now concluded.

Sincerely,

  
Jim Lees  
JWL/njl

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Disposition of original:

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2875 Chantrell Place, Surrey, B.C. V4P 1V1  
Telephone: (778)998-4735 Fax (604) 538-6402  
E-Mail: jlees@tekus.net

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 18<sup>th</sup>, 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 persuade the customers to obey the no smoking act. As for the June 8<sup>th</sup> 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