



CITY OF VANCOUVER
BUSINESS LICENSE HEARING MINUTES
MAY 26, 2005

A Business License Hearing of the Council of the City of Vancouver was held on Thursday, May 26, 2005, at 7:30 p.m., in the Council Chamber, Third Floor, City Hall.

PRESENT: Councillor David Cadman, Chair
Councillor Peter Ladner
Councillor Tim Louis

CITY CLERK'S OFFICE: Nicole Ludwig, Meeting Coordinator

1. Akbar Derazollah Moradi (File 2711-96)

A Business License Hearing of the Council of the City of Vancouver was held to determine whether or not a City of Vancouver business license for the year 2005 should be granted to Akbar Derazollah Moradi (the "License Applicant"), for business premises located at 410 Columbia Street, Vancouver, British Columbia (the "Premises").

The Business License Hearing Panel had before it for consideration an Evidence Brief, prepared by the City of Vancouver's Legal Department, which contained the following material (*on file in the City Clerk's Office*) and the evidence of witnesses:

Tab

1 Licenses and Inspections Department

Drawing of layout of building submitted by District Building Inspector dated January 14, 2005
2000 Business License #00-136518 dated December 23, 1999 (Kami Monavari)
Letter to Kami Monavari from Paul Teichroeb dated March 29, 2000
Letter to Roshanak Abdollahijan and Gollam Abdollahijan dated Sept. 15, 2000
2000 Business License #00-381572 dated September 15, 2000 (Roshanak Abdollahijan and Gollam Abdollahijan)
2001 Business License #01-126439 dated March 5, 2001 (Roshanak Abdollahijan and Gollam Abdollahijan)
2002 Business License #02-110056 dated December 20, 2001 (Roshanak Abdollahijan and Gollam Abdollahijan)
2003 Business License #03-402142 dated December 6, 2002 (Gollam Abdollahijan)
Handwritten notes dated February 27, 2004
2004 Business License #04-528293 dated February 27, 2004 (Gollam Abdollahijan and Keyvan Abdollahijan)
Business License Application dated May 27, 2004 (Keyvan Abdollahijan for 419 Abbott)
Business Plan dated May 27, 2004 (Keyvan Abdollahijan)

Handwritten notes dated June 25, 2004
Handwritten message dated June 30, 2004
Lease dated July 1, 2004 (Akbar Derazollah Moradi)
Handwritten notes dated July 6, 2004
Environmental Health Inspection Report #6 dated July 7, 2004
Letter to Gollam Abdollahijan and Keyvan Abdollahijan from Barb Windsor dated August 10, 2004
Business License Application dated August 16, 2004 (Akbar Derazollah Moradi for 419 Abbott)
Criminal Record Check dated August 16, 2004 (Akbar Derazollah Moradi)
Copy of driver's license of Akbar Derazollah Moradi
Fax to Jill Proctor from Susan Smith dated August 27, 2004
Environmental Health Inspection Report #10 dated September 29, 2004
Handwritten notes dated October 22, 2004
Memo to Barb Windsor from Jill Proctor dated November 4, 2004
Development and/or Building Application Form dated November 9, 2004
Plan Review dated November 9, 2004
Building Permit Application #BU 430630 dated November 9, 2004
Building Inspection Report #BI 24124 dated November 17, 2004
Handwritten notes dated November 18, 2004
Business License Application Form dated November 22, 2004 (Akbar Derazollah Moradi for 421 Abbott Street)
Handwritten notes dated November 22, 2004
Letter to Akbar Derazollah Moradi from Barb Windsor dated November 26, 2004
Business License Application Form dated December 9, 2004 (Akbar Derazollah Moradi for 415 Abbott Street)
Criminal Record Check dated December 9, 2004 (Akbar Derazollah Moradi)
Copy of Drivers License of Akbar Derazollah Moradi
Letter to Akbar Derazollah Moradi from Barb Windsor dated December 16, 2004
Letter to Gollam Abdollahijan and Keyvan Abdollahijan from Barb Windsor dated December 16, 2004
Minutes of Business License Hearings dated February 1 and 24, 2005

2 Police Department

Memo to Barb Windsor from Jill Fedirchuk dated January 31, 2000
Incident #03-34045 dated Feb 9, 2003
Report #2003-142174 dated June 12, 2003
Report #2004-133868 dated May 31, 2004
Report #2004-163992 dated July 1, 2004
Report #2004-214708 dated August 19, 2004
Report #2004-217272 dated August 22, 2004
Report #2004-220318 dated August 25, 2004
Report #2004-234570 dated September 8, 2004
Report #2004-234687 dated September 8, 2004
Report #2004-255287 dated September 30, 2004
Report #2004-255302 dated September 30, 2004
Report #2004-255314 dated September 30, 2004

Report #2004-265842 dated October 11, 2004
Report #2004-276902 dated October 23, 2004
Report #2004-322762 dated December 13, 2004
Report #2004-336466 dated December 30, 2004
Report #2004-336497 dated December 30, 2004

Catherine Kinahan, Law Department, was present on behalf of the City of Vancouver. The License Applicant was represented by Stafford D.R. Alliston, William J. Hamilton Law Corporation. Kian Ghaffari, Interpreter, was also present to assist the License Applicant.

Ms. Kinahan advised the matter had been referred to City Council by the Deputy Chief License Inspector of the City of Vancouver pursuant to a Council Resolution dated February 24, 2005, a copy of which was attached to the Notice of Hearing.

Ms. Kinahan referred the Panel to evidence before it as set out in documents which were considered by the Deputy Chief License Inspector, a letter from the Deputy Chief License Inspector and the evidence of witnesses.

Ms. Kinahan referred the Panel to the following additional documents, referring to 410 Columbia Street and 419-421 Abbott Street, which were distributed at the hearing (*on file in the City Clerk's office*):

Business License Application dated March 17, 2005
Criminal Record Check dated March 17, 2005
Business Plan (Retail) dated March 17, 2005
Hand-drawn Diagram of 419 - 421 Abbott Street, undated.

In support of the allegations set out in the above-noted reports and evidence, Ms. Kinahan called the following witnesses:

1. Barb Windsor
2. PC 1929 Romolo Ranallo
3. PC 2217 Drew Turner
4. PC 1488 Alex Parker
5. PC 2178 Steven Vandenberg
6. PC 2083 Besnik Dobreci
7. PC 1908 Shane Aitken

Mr. Alliston also asked questions of witnesses.

* * * * *

The hearing recessed at 9:05 p.m. and reconvened at 9:10 p.m. to continue hearing the testimony of witnesses.

* * * * *

Following the recess, Councillor Louis asked a question regarding the necessity of hearing police witnesses when the details of their police reports had already been referred to in the

evidence of the Deputy Chief License Inspector. Counsel for the City explained the rules of natural justice apply to a business license hearing, and that the applicant is entitled to cross-examine the police officer. Subsequently, Council for the City asked brief questions of each officer and the Applicant was given the opportunity to fully explore each officer's evidence in cross-examination.

Counsel for the License Applicant explained license applicant submitted his client has no criminal record, the evidence against him in terms of his involvement in illicit activities at the various premises is marginal, and he is being treated unfairly. Mr. Alliston then called Mr. Moradi as a witness. In answering questions, Mr. Moradi submitted he had limited knowledge about illicit activities that had occurred at the various premises, and that he had not revealed to any police officer that he was aware of drug trafficking in any of the premises.

The Panel also asked questions of Mr. Moradi, to clarify the timeline for the leases of the various premises, the level of accessibility of the various premises by previous lessees, and security cameras.

Mr. Alliston submitted closing remarks (*distributed - on file in the City Clerk's Office*), and requested the Panel consider granting a license with restrictions or a probationary license.

Mr. Moradi, with the aid of the interpreter, indicated that a few months previously, he had signed the lease for 410 Columbia Street, and there had been no problems since at those premises. Mr. Moradi assured the Panel if the license was granted, there would be no problems on the premises at 410 Columbia Street.

PANEL MEMBERS DISCUSSION

Prior to making a decision, the Panel requested clarification from Counsel for the City of Vancouver as to their powers in this situation. They expressed a concern that Mr. Moradi could continue to apply for business licenses in the City of Vancouver, and that such applications would cause a drain on City resources. Counsel for the City noted that Mr. Moradi was entitled to make such applications, and that there would have to be a hearing in each case. The Panel also noted the evidence at the hearing indicated that Mr. Moradi had no control over any of the premises discussed in this and previous hearings, that he allowed and encouraged drug trafficking, and it was questionable whether a legitimate business ever existed at any of the premises for which Mr. Moradi had applied for business licenses in the past.

MOVED by Councillor Ladner

- A. THAT a City of Vancouver business license for the year 2005 not be granted to Akbar Derazollah Moradi (the "License Applicant") for premises located at 410 Columbia Street, Vancouver, British Columbia, (the "Premises") because the License Applicant is unlikely to manage the Premises properly due to his history of:
 - i. causing a drain on police and City resources;
 - ii. carrying on business to the detriment of the safety and well being of the neighbourhood; and,
 - iii. demonstrating an inability to control businesses for which he holds the lease.

- B. THAT any future business license applications submitted to the City of Vancouver by Akbar Derazollah Moradi be referred to Vancouver City Council by the Chief License Inspector.

- C. THAT the building owner of any premises for which there is a Business License application by Akbar Derazollah Moradi be required to accompany the Business License Applicant, and to appear before Vancouver City Council, in order to ensure that any business license issued to Akbar Derazollah Moradi in those premises does not cause a drain on police and City resources, or a detriment to the safety and well being of the neighbourhood.

CARRIED UNANIMOUSLY

The Business License Hearing Panel adjourned at 10:23 p.m..

* * * * *