

## BUSINESS LICENSE HEARING MINUTES

OCTOBER 6, 2011

A Business License Hearing of the Council of the City of Vancouver was held on Thursday, October 6, 2011, at 7:47 pm, in the Council Chamber, Third Floor, City Hall, to hear an appeal from the suspension by the Chief License Inspector of the 2011 City of Vancouver Business License # 11-144146 issued to Al Karim Khaki, doing business as Planet Rock (the Licensee), located at 1051 Granville Street, Vancouver, British Columbia (the Premises).

**PRESENT:** Councillor Tim Stevenson, Chair  
Councillor Kerry Jang  
Councillor Ellen Woodsworth

**CITY CLERK'S OFFICE:** Bonnie Kennett, Meeting Coordinator

1. **Planet Rock**  
1051 Granville Street

The Business License Hearing Panel had before it for consideration an Evidence Booklet, 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:

Notice of Hearing

Tab

1 License & Inspections Department

- Handwritten Notes from Barb Windsor dated August 13, 2009
- Business Licence #11-144146 dated March 01, 2011
- Letter to Al Karim Khaki from Tom Hammel dated June 6, 2011
- Handwritten Notes dated June 14, 2011
- Letter to Al Karim Khaki from Tom Hammel dated August 10, 2011
- Suspension Notice
- Letter to Tom Hammel from Al Kiram Khaki dated August 22, 2011
- Letter to Al Karim Khaki from Tom Hammel dated August 23, 2011

2 Police Department

- Police Report #2011-24359 dated February 10, 2011

Robert Penkala, Solicitor, Legal Services, was present on behalf of the City of Vancouver. Al Karim Khaki (the Licensee) was present and represented by L.M. Candido, Barrister and Solicitor.

Mr. Penkala advised this appeal of the Chief License Inspector's suspension had been brought before Council pursuant to Section 277 of the *Vancouver Charter*, and in accordance with Section 17 of the City of Vancouver *Procedure By-law*. He noted Council's discretion to uphold, reverse, or vary the suspension after considering whether or not the Licensees operation of the business constituted gross misconduct.

Mr. Penkala referred the Panel to the reasons for the Chief License Inspector's suspension of the Business License, as set out in the Notice of Hearing dated September 9, 2011. At issue was the opinion of the Chief License Inspector that the Licensee had failed to properly manage the business by:

- a) failing to maintain control of the management of the Premises by allowing the Premises to be used for the purchase of suspect goods;
- b) operating the Premises in a manner causing negative impact on the community; and
- c) causing a drain on police and City resources.

Mr. Penkala also discussed the scope of the Panel's discretion and the principles of procedural fairness, in particular the requirements of notice, the opportunity to be heard, impartiality, and reasons for the Panel's decision.

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

1. Aman Cheema, Loss Prevention Supervisor, London Drugs
2. Detective-Constable Rusty Fostvelt, Vancouver Police Department
3. Detective-Constable Doug Fell, Vancouver Police Department
4. Constable Kevin Todd, New Westminster Police
5. Tom Hammel, Deputy Chief License Inspector

Mr. Penkala and the Panel directed questions to the witnesses.

Mr. Candido, cross-examined the witnesses and made submissions following the witnesses' testimony.

Mr. Candido, asked that Council reduce the suspension from three weeks to one week as Mr. Khaki had no previous problems with the City, was remorseful, and had not been involved in further misconduct since February, 2011. Mr. Candido also stated that a closure of his business would cause financial hardships for Mr. Khaki, his family and his employees.

Mr. Khaki submitted he had bought suspect goods for personal use rather than re-sale, took responsibility for his actions and his employees actions, and expressed regret for his

misconduct. Mr. Khaki assured the Panel that he would never allow such activity in his store again.

The Panel directed questions to the Licensee.

There were no witnesses called by the Licensee.

In closing, Mr. Penkala submitted that the evidence presented at the Hearing confirmed the opinion of the Chief License Inspector that the Licensees had failed to manage the business properly, so as to warrant suspension of the Business License. He further submitted that, after consideration of all the relevant facts and after giving the Licensees full opportunity to present their case, the Panel was entitled to suspend the Business License for a period it deemed fit.

In closing, Mr. Candido submitted that in the circumstances a three-week suspension would only be punitive and would not benefit the City. He noted that a one-week suspension would publicly denounce the misconduct because the notice of suspension of the Business License would be posted outside the premises.

#### **PANEL MEMBERS DISCUSSION**

MOVED by Councillor Jang

THAT the 2011 City of Vancouver Business License # 11-144146 granted to Al Karim Khaki, doing business as Planet Rock (the Licensee), located at 1051 Granville Street, Vancouver, British Columbia (the Premises), be suspended for two weeks because the Licensee has failed to properly manage the business Premises by:

- a) failing to maintain control of the management of the Premises by allowing the Premises to be used for the purchase of suspect goods;
- b) operating the Premises in a manner causing negative impact on the community; and
- c) causing a drain on police and City resources.

CARRIED UNANIMOUSLY

The Business License Hearing Panel adjourned at 9:38 pm.

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