
Notice of Proposed Disciplinary Action

To: St. Francis Xavier University (Antigonish, NS)
Special Premises Liquor License No. 003808

From: John R. MacDonald, Executive Director, Alcohol and Gaming Division
Service Nova Scotia & Municipal Relations

Date: June 11, 2012

Subject: Notice of Disciplinary Action Against – St. Francis Xavier University
(2 Day Suspension)
Reference #: 2012_03_10_003808

Current Situation

An Agreed Statement of Facts was submitted to this office on June 5, 2012, wherein the Licensee acknowledged violations of sections 64(1) of the *Nova Scotia Liquor Licensing Regulations* on March 10, 2012, and agreed on the following penalty:

The Special Premises Liquor License No. 003808 be suspended for a period of two (2) days, commencing Friday, September 7th, 2012 to Sunday, September 9th, 2012, inclusive.

The office of the Executive Director, Alcohol and Gaming Division, Service Nova Scotia and Municipal Relations, has considered the matter and issued a Notice of Disciplinary Action on June 11, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2011_03_10_003808.

Objection Process

The licensee may object in writing to the above proposed action in accordance with section 81A subsections (3) and (4). To object to a proposed action, the permanent licensee on whom the notice of proposed action was served must file a written notice of objection with the Executive Director no later than 14 days after the date the notice of proposed action was served on the permanent licensee.

A notice of objection may be in any form, but it must be in writing and include all of the following:

- (a) the name, address and phone number of the permanent licensee;
- (b) a copy of the notice of proposed action; and
- (c) the reason the permanent licensee objects to the proposed action.

After considering any objection to a notice of proposed action, the Executive Director must do one of the following:


- (a) take the proposed action;
- (b) rescind the notice of proposed action;

- (c) vary the proposed action, but only if the action taken is permitted by clause 47(1)(b), (c) of the Liquor Control Act; or
- (d) refer the matter to the Review Board in accordance with subsection 47B(1)(b) of the Act.

Notice of Action

The office of the Executive Director, Alcohol and Gaming Division, Service Nova Scotia and Municipal Relations, has concluded that St. Francis Xavier University, Antigonish, NS: Special Premises Liquor License No. 003808, shall be suspended for two (2) days and to be served from *Friday, September 7th, 2012 to Sunday, September 9th, 2012, inclusive.*

In accordance with sections 83(1) and (2) of the *Nova Scotia Liquor Licensing Regulations* a Suspension Notice will be posted at the premises stating that the Liquor Licenses have been suspended. This suspension does not prevent the business from providing the sale of food or other non-liquor related services.



John R. MacDonald
Executive Director, Alcohol and Gaming
Service Nova Scotia and Municipal Relations

IN THE MATTER OF the *Liquor Control Act*, R.S.N.S. 1989, c. 260, as amended

- and -

IN THE MATTER OF ALLEGED VIOLATIONS OF NOVA SCOTIA LIQUOR LICENSING REGULATION 64 (1) by holder of Special Premises License # 003808 for premises known as St. Francis Xavier University, 11 West Street Antigonish, Nova Scotia

AGREED STATEMENT OF FACTS

1. St. Francis Xavier University is the holder of Special Premises License #003808 and is located at 11 West Street in Antigonish, Nova Scotia.
2. The Licensee acknowledges that it has violated Regulation 64 (1) of the Nova Scotia Liquor Licensing Regulations and accepts responsibility for the violation.
3. The circumstances of the violation are as follows:
 - a. On March 10, 2012 at approximately 23:25 hrs Dan DeMone, a compliance officer working within and for the Alcohol and Gaming Division, entered the Bloomfield Center located on the campus of St. Francis Xavier University to carry out an inspection of the Golden X Inn (“the Licensed Premises”).
 - b. As compliance officer DeMone proceeded to the entrance of the Golden X Inn he observed a line up with approximately 200 students waiting to gain entry into the Inn. Compliance officer DeMone did not observe any security staff monitoring the line up.
 - c. Compliance officer DeMone entered the Golden X Inn and observed the patio area. Compliance officer DeMone while observing the patio area saw two female patrons pull their jeans down and urinate on the patio.
 - d. Compliance officer DeMone observed numerous patrons chugging pitchers of draught beer and observed two employees consuming alcohol while in the DJ booth. There was approximately 390 patrons in the Golden X Inn with inadequate Student Security personnel present to maintain proper control of the licensed premises.
4. This matter has been brought before the Executive Director of the Alcohol and Gaming Division, Investigation and Enforcement Section, Service Nova Scotia and Municipal Relations, for the imposition of a penalty in respect of the Licensees violation of section 64 (1) of the Nova Scotia Liquor Licensing Regulations.

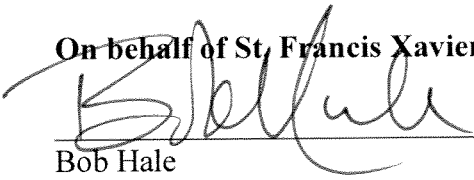
5. The Licensee and the Alcohol and Gaming Division have agreed to the following penalty for the Licensees violation of section 64 (1) of the Nova Scotia Liquor Licensing Regulations:

That special premises license # 003803 ^{SBM} shall be suspended for a period of two consecutive days, commencing on September 7, 2012.

6. ENTIRE AGREEMENT

This Agreed Statement of Facts contains the entire agreement between the parties. There are no undertakings or representations expressed or implied, other than those contained in this agreement.

On behalf of St. Francis Xavier University

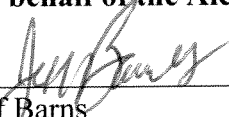


Bob Hale
Director, Ancillary Services
St. Francis Xavier University



Date

On behalf of the Alcohol and Gaming Division:



Jeff Barns
Regional Manager



Date