



Service Nova Scotia
Alcohol, Gaming, Fuel, & Tobacco
Executive Director

Torrington Place
2nd Floor
780 Windmill Road
PO Box 545
Dartmouth, NS
B2Y 3Y8

902.424.4884 T
TOLL FREE IN NS
1.877.565.0556
902.424.0684 F

Notice of Proposed Disciplinary Action

To: Anvil Beverage Room (1991) Ltd. o/a Anvil Dining Room and Lounge
10 Harbourside Drive, Wolfville, Nova Scotia
Eating Establishment Liquor License #003089 and
Lounge License #003090
Video Lottery Registration Certificate #VL003090

From: John R. MacDonald, Executive Director
Alcohol, Gaming, Fuel and Tobacco, SNS

Date: June 20, 2018

Subject: Notice of Disciplinary Action
Anvil Beverage Room (1991) Ltd. o/a Anvil Dining Room and Lounge
10 Harbourside Drive, Wolfville, Nova Scotia

Current Situation

An Agreed Statement of Facts was submitted to this office on June 18, 2018, wherein the licensee acknowledged violation of sections 45 (a) (b) (c), 61 (2) and 64 (1) of the Nova Scotia Liquor Licensing Regulations, relating to violations observed on October 22, 2017;

When accompanied minor may be in tavern, lounge, beverage room or cabaret

45 Except as prohibited in Section 47, a person who is under 19 years old may enter and be in a premises for which a tavern license, beverage room license, lounge license or cabaret license is in effect until 9:00 p.m. if all of the following conditions are met:

- (a) the person is accompanied at all times by a parent, legal guardian or spouse who is 19 years old or older;
- (b) full meal service is provided in the licensed premises;
- (c) the person enters the licensed premises for the purpose of eating a meal.

Persons not permitted in, or to be served in, licensed premises

61(2) A licensee must not permit a person who is drunk to be in their licensed premises.

Activities not permitted in licensed premises

64(1) A licensee must not permit any activity in or about their licensed premises that is detrimental to the orderly control and operation of the licensed premises.

The licensee has agreed on the following penalty:

Establishment Liquor License No. 003089, Lounge Liquor License No. 003090 and Video Lottery Registration Certificate No. VL003090 be suspended for a period of four (4) days, to be served on July 3, 4, 5 and 6, 2018.

The office of the Executive Director, Alcohol and Gaming Division, Service Nova Scotia, has considered the matter and issued a Notice of Disciplinary Action on June 20, 2018, pursuant to section 47B of the *Nova Scotia Liquor Control Act*.

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 prior to July 2, 2018 at 16:30 hours.

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.



Service Nova Scotia
Alcohol, Gaming, Fuel, & Tobacco
Executive Director

Torrington Place
2nd Floor
780 Windmill Road
PO Box 545
Dartmouth, NS
B2Y 3Y8

902.424.4884 T
TOLL FREE IN NS
1.877.565.0556
902.424.0684 F

Notice of Action

The office of the Executive Director, Alcohol, Fuel and Tobacco, Service Nova Scotia has concluded that a four (4) day suspension of Anvil Dining Room and Lounge, 10 Harbourside Drive, Wolfville, Nova Scotia. Eating Establishment Liquor License #003089 and Lounge License #003090 and Video Lottery Registration Certificate #VL003090 shall be served on July 3, 4, 5 and 6, 2018, as was determined in collaboration with the licensee.

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 and Video Lottery Registration Certificate 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, Gaming, Fuel and Tobacco
Service Nova Scotia

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 REGULATIONS 45 (a) (b) (c), 61 (2) and 64 (1) by

Anvil Beverage Room (1991) Ltd.

AGREED STATEMENT OF FACTS

1. Anvil Beverage Room (1991) Ltd. is a body corporate, incorporated under the laws of the Province of Nova Scotia. Anvil Beverage Room (1991) Ltd. is the holder of Eating Establishment Liquor License No. 003089 and Lounge Liquor License No. 003090 (hereinafter "the licensee").
2. Anvil Beverage Room (1991) Ltd. conducts business within the Province of Nova Scotia, is the owner and operator of Anvil Dining Room and Lounge which is located at 10 Harbourside Drive, Wolfville, Nova Scotia (hereinafter "the licensed premises").
3. The licensee acknowledges that it has violated regulations 45 (a) (b) (c), 61 (2) and 64 (1) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
4. The circumstances of the violations of regulations 45 (a) (b) (c), 61 (2) and 64 (1) are as follows:
 - a. On October 23, 2017 Compliance Officer Rob Suffron ("CO Suffron") working with and for Alcohol, Gaming, Fuel and Tobacco ("AGFT") received a phone call from the Royal Canadian Mounted Police ("RCMP"), New Minas Detachment, Corporal Thomson, concerning an incident that occurred in the licensed premises on October 23, 2017.
 - b. Corporal Thomson advised CO Suffron that on October 23, 2017, at approximately 0330 hours, cleaning staff of the licensed premises found an underage female passed out in the female washroom.
 - c. On October 23, 2017 CO Suffron met with the licensee to discuss the incident and obtain a statement from the bartender, the only employee working at the time of the incident. The bartender stated that at approximately 2345 hours approximately 70 people entered the licensed premises. Security was not on duty. The bartender stated that he identified that the underage female was showing signs of intoxication at approximately 0020 hours. The bartender stated that he communicated to the underage female patron and her friend that

they needed to leave the licensed premises. Steps were not taken to ascertain the identification and safely remove the patron from the licensed premises.

- d. CO Suffron also requested and was provided a copy of the video footage of the licensed premises for the date and time of the incident.
- e. The following is a summary of what was observed on the video surveillance footage by CO Suffron:

On October 22, 2017 at approximately 2340 hours, the female minor entered the licensed premises. The female did not appear to be intoxicated when she arrived. The female minor is observed on the dance floor with friends. At approximately 0018 hours the female is observed by the side of the bar with a female friend. The bartender gives the female friend what appears to be a glass of water and the friend hands it to the female minor. They both return to the dance floor, a few minutes later, the female minor is seen back at the bar where she appears to be intoxicated. She has trouble with her balance, her movements seem erratic and she drops a glass on the floor. The bartender is observed talking to the female minor's friend and pointing to both of them and then pointing at the door. The two females walk away from the bar and return to the dance floor. At approximately 0047 hours, the female minor enters the female washroom and she does not appear to leave.

- f. On October 25, 2017 CO Suffron met with Wolfville RCMP Corporal Johnston to discuss the incident. Corporal Johnston was on duty and attended the licensed premises on October 23, 2017 after 911 was called. A police report was provided to CO Suffron which indicates that cleaning staff arrived at the licensed premises at approximately 0330 hours. The female cleaner was cleaning the washrooms and smelled a strong odor of vomit. She found the female minor in a stall. The female was partially dressed, non-responsive and slumped over the toilet. The cleaner called 911. Corporal Johnston entered the licensed premises and went into the washroom, he approached the female who was getting dressed. Corporal Johnston asked the female for her ID which indicated the female was 18 years old (D.O.B 1999-04-22). Corporal Johnston noted that the female minor was showing clear signs of intoxication. Her speech was slurred, her eyes were glossy and blood shot. She was confused, and there was a strong odor of liquor and vomit on her breath and in the washroom. Corporal Johnston called Acadia Safety and Security to confirm where the minor lived. Acadia Safety and Security confirmed she was a resident and came to pick her up. The female minor was issued a SOT ticket for public intoxication.

- 5. This matter has been brought before the Executive Director of Alcohol, Gaming, Fuel, and Tobacco for the imposition of a penalty with respect to the licensee's violations of regulations 45 (a) (b) (c), 61 (2) and 64 (1) of the *Nova Scotia Liquor Licensing Regulations*.
- 6. The Licensee and Alcohol, Gaming, Fuel and Tobacco jointly recommend that:

Eating Establishment Liquor License No 003089 and Lounge Liquor License No. 003090, will be suspended for a period of four consecutive days, on a Tuesday, Wednesday, Thursday and Friday in July 2018, or at a date

and time mutually agreeable between the Licensee and Alcohol, Gaming, Fuel and Tobacco.

Video Lottery Registration Certificate Number VL003090 shall be suspended for a period of four consecutive days, on a Tuesday, Wednesday, Thursday and Friday in July 2018, or at a date and time mutually agreeable between the Licensee and Alcohol, Gaming, Fuel and Tobacco.


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

7. 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 Anvil Beverage Room (1991) Ltd.:


Per: _____
Recognized Agent:


Date

On behalf of the Alcohol and Gaming Division:


Jennifer Price Hudson
Director, Investigation & Enforcement
Alcohol, Gaming, Fuel and Tobacco
Service Nova Scotia


Date