

Notice of Proposed Disciplinary Action

To: Nova Sage Incorporated. o/a Super Star Karaoke
2099(B) Gottingen Street, Halifax, Nova Scotia
Eating Establishment Liquor License #005832 and
Lounge License #005833

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

Date: August 8, 2018

Subject: Notice of Disciplinary Action
Nova Sage Incorporated. o/a Super Star Karaoke
2099(B) Gottingen Street, Halifax, Nova Scotia

Current Situation

An Agreed Statement of Facts was submitted to this office on July 9, 2018, wherein the licensee acknowledged violation of sections 45 (a) (b) (c), 61 (2), 64 (1) and 79 of the Nova Scotia Liquor Licensing Regulations, relating to violations observed on September 15, 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.

Obstructing inspector

79 A licensee must not obstruct an inspector while the inspector is performing their duties or exercising their powers.

The licensee has agreed on the following penalty:

Establishment Liquor License No. 005832, Lounge Liquor License No. 005833 be suspended for a period of fourteen (14) days, to be served on August 10 to August 24, 2018, inclusively.

The following shall be attached as conditions of Eating Establishment Liquor License No. 005832 and Lounge Liquor License No. 005833:

“All video surveillance equipment will be kept in working condition, including the existing 10 video cameras. Video surveillance will be made available to the Alcohol, Gaming, Fuel and Tobacco Division upon request at any time and will be stored for a minimum of 10 days. Camera coverage will be mutually agreeable between the Licensee and Alcohol, Gaming, Fuel and Tobacco.”

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 August 8, 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 August 9, 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.

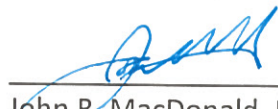
After considering any objection to a notice of proposed action, the Executive Director must do one of the following:

- (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.

Notice of Action

The office of the Executive Director, Alcohol, Fuel and Tobacco, Service Nova Scotia has concluded that a fourteen (14) day suspension of Super Star Karaoke, 2099 (B) Gottingen Street, Halifax, Nova Scotia. Eating Establishment Liquor License #005832 and Lounge License #005833 shall be served on August 10 to August 24, 2018 inclusively, 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), 64 (1) and 79 by
Nova Sage Incorporated

AGREED STATEMENT OF FACTS

1. Nova Sage Incorporated is a body corporate, incorporated under the laws of the Province of Nova Scotia. Nova Sage Incorporated is the holder of Eating Establishment Liquor License No. 005832 and Lounge Liquor License No. 005833 (hereinafter "the licensee").
2. Nova Sage Incorporated conducts business within the Province of Nova Scotia, is the owner and operator of Super Star Karaoke which is located at 2099(b) Gottingen Street, Halifax Nova Scotia (hereinafter "the licensed premises").
3. The licensee acknowledges that it has violated regulations 45 (a) (b) (c), 61 (2), 64 (1) and 79 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), 64 (1) and 79 are as follows:
 - a. On September 15, 2017 at approximately 2220 hrs Compliance Officer Trenten Simmonds ("CO Simmonds") and Compliance Officer Andrew MacLean ("CO MacLean") working with and for Alcohol, Gaming, Fuel and Tobacco ("AGFT") accompanied by Sgt. D'Arcy Hueston, Cst. Andrew Howie and Cst. Andrew MacNeil entered the licensed premises for the purposes of investigating possible underage in the licensed premises. Conducting investigations forms part of the regular employment duties of a Compliance Officer with AGFT.
 - b. On September 15, 2017 CO Simmonds received information from a source that indicated there were two underage female patrons in the licensed premises who would be in karaoke rooms two and three. The source noted that the licensee knows the females are minors and that the licensee may let the patrons out the back door when Compliance Officers arrive.
 - c. On September 15, 2017 CO Simmonds, CO MacLean and Sgt. Hueston entered the premises from the Gottingen Street door while Cst. Howie and Cst. MacNeil went to the back door of the business. When entering the licensed premises, at the top of the stairs a doorbell rang and the manager of the licensed premises was observed running from behind the bar towards the

karaoke rooms. When CO MacLean attempted to enter, the hallway leading to the karaoke rooms the manager attempted to stall and block CO MacLean from entering the area.

- d. CO MacLean entered karaoke room 2 and requested the identification of six patrons. A female, X.P., tried to exit the room and stated she didn't have her ID on her. A female employee later identified as Lanbing Chen stated she would go get X.P.'s ID. When Ms. Chen returned, she handed an ID to a male employee Mr. Wang. Mr. Wang passed the ID to CO MacLean. CO MacLean determined that the ID presented was not X.P. but Ms. Chen. CO MacLean obtained the actual ID of X.P. and determined she was 18 years old (DOB 1998/09/29).
 - e. CO Simmonds observed employee Mr. Wang exiting karaoke room 6 with several females following. CO Simmonds approached the females and identified that two of the females were unsteady on their feet, had blood shot eyes, slurred speech and a strong smell of alcohol on their breath. The two females showing signs of intoxication were removed from the premises.
 - f. CO Simmonds requested to see the identification of five females. Two of the females presented false identification, a Nova Scotia Identification Card and a Chinese passport. CO Simmonds requested the two females provide their actual ID's and was presented with a Nova Scotia Identification Card for X.W. (DOB 1999/05/24) who was 18 years old. CO Simmonds was also presented with another Nova Scotia Identification Card for K.D. (DOB 1999/12/11) who was 17 years old. CO Simmonds retained the Chinese passport.
 - g. CO MacLean also entered karaoke room 6 to assist CO Simmonds. CO MacLean requested the identification of a female who provided a Chinese passport. CO MacLean determined the Passport did not belong to the female who presented it. CO MacLean was provided a Nova Scotia Driver's Licence for L.C. (DOB 1998/10/24) who was 18 years old. CO Simmonds retained the Chinese passport.
 - h. On September 19, 2017 CO Simmonds and CO MacLean met with Canadian Border Services Agency, Immigration Enforcement Officer Danny Sedore and provided him with the two seized Chinese Passports. Mr. Sedore advised he would contact the rightful owners to have them returned and the misuse would be documented.
5. This matter has been brought before the Executive Director of AGFT for the imposition of a penalty with respect to the licensee's violations of regulations 45 (a) (b) (c), 61 (2), 64 (1) and 79 of the *Nova Scotia Liquor Licensing Regulations*.
 6. The Licensee and AGFT jointly recommend that:

Eating Establishment Liquor License No. 005832 and Lounge Liquor License No. 005833 will be suspended for a period of fourteen days at a date and time mutually agreeable between the Licensee and AGFT,

The following shall be attached as conditions of Eating Establishment Liquor License No. 005832 and Lounge Liquor License No. 005833:


- a) All video surveillance equipment will be kept in working condition, including the existing 10 video cameras. Video surveillance will be made available to the Alcohol, Gaming, Fuel and Tobacco Division upon request at any time and will be stored for a minimum of 10 days. Camera coverage will be 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 Nova Sage Incorporated:



Per: Nova Sage Inc
Recognized Agent: Hehua Li

26.06.2018
Date

On behalf of the AGFT:



Jennifer Price Hudson
Director, Investigation & Enforcement, AGFT
Service Nova Scotia

July 9, 2018
Date