

### Notice of Proposed Disciplinary Action

**To:** Acadia University  
15 University Avenue, Wolfville, NS  
Special Premises Liquor License #001113

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

**Date:** August 31, 2018

**Subject:** Notice of Disciplinary Action  
Acadia University  
15 University Avenue, Wolfville, NS

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#### Current Situation

An Agreed Statement of Facts was submitted to this office on August 31, 2018, wherein the licensee acknowledged violation of sections 44(1), 44(2) and 61(1) (a) of the *Nova Scotia Liquor Licensing Regulations*, relating to violations observed on January 13, 2018;

#### **Duty to prevent liquor being sold to, served to or consumed by minors**

- 44 (1)** A licensee must ensure that a person who is under 19 years old is not sold, supplied or given liquor in their licensed premises.
- (2)** A licensee must ensure that a person who is under 19 years old does not consume liquor in their licensed premises.

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

- 61 (1)** A licensee must not sell or provide liquor in their licensed premises to any of the following:
- (a)** a person who is apparently under the influence of liquor;

The licensee has agreed on the following penalty:

***Special Premises Liquor License No. 001113, Student Union Building, will be suspended for a period of seven (7) consecutive days, to be served from Wednesday, September 5, 2018 until Tuesday, September 11, 2018, inclusive.***

***The following shall be attached as conditions of Special Premises Liquor License No. 001113:***

***The conditions of license be amended to restrict persons under 19 years of age from being in the Student Union Building after 21:00 when alcohol is being served. The exact text of the condition to be determined collaboratively by AGFT and the licensee.***

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 31, 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 September 5, 2018.

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.

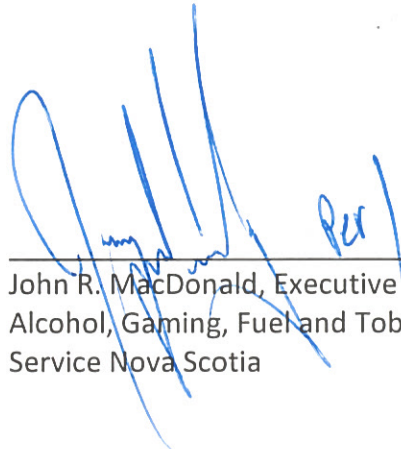
After considering any objection to a notice of proposed action, the Executive Director must do one of the following:

- (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 seven (7) day suspension of the Student Union Building, Acadia University, 15 University Avenue, Wolfville, Nova Scotia Special Premises Liquor License #001113, shall be served at the request of the licensee on Wednesday, September 5, 2018 and Tuesday, September 11, 2018, 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 has been suspended. This suspension does not prevent the University from providing the sale of food or other non-liquor related services.



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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 an alleged violation of Regulation 61(1)(a) x 2 and 44(1) and 44(2) of the *Liquor Licensing Regulations* by Acadia University

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AGREED STATEMENT OF FACTS

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- I. Acadia University ("the Licensee") is the holder of Special Premises Liquor License #001113, located at 15 University Avenue, Wolfville, Nova Scotia ("the Licensed Premises").
- II. The Licensee acknowledges that it has violated Regulation 61(1)(a), 44(1) and 44(2) of the Liquor Licensing Regulations and accepts responsibility for the violation.
- III. The circumstances of the violation are as follows:
  - a. On January 13, 2018 at approximately 22:57 Compliance Officer Rob Suffron ("CO Suffron") working with and for Alcohol, Gaming, Fuel and Tobacco ("AGFT") conducted a routine inspection within the Licensed Premises. Routine inspections of licensed premises form part of the regular employment duties of a Compliance Officer with AGFT.
  - b. On January 13, 2018 upon entering the area known as the Student Union Building at the Licensed Premises CO Suffron proceeded to the MacKeen Room. CO Suffron observed a patron whom he believed was underage consuming a can of beer.
  - c. CO Suffron spoke with patron, obtained the patrons identification and confirmed that the patron was underage. (DOB 1999/04/06) CO Suffron requested that campus security escort the patron back to residence.
  - d. CO Suffron then proceeded to the Axe Lounge to continue the inspection. At approximately 23:56 a patron approached CO Suffron and asked for a cigarette. The patron was exhibiting signs of intoxication. The patron was unsteady on his feet and his speak was slurred. CO Suffron requested that a member of Shadow Security assess the patron. The patron was escorted from the premises by security.
  - e. CO Suffron then observed a female patron who was sitting down and struggling to drink, her eyes were having difficulty focusing on the glass and liquid was spilling down her chin. CO Suffron requested that a member of Shadow Security assess the patron. The patron was escorted from the premises by security.
- IV. The Licensee and Alcohol, Gaming, Fuel and Tobacco jointly recommend that  
**Special Premises Liquor license #001113 be suspended for the Student Union Building for a period of seven (7) consecutive days, to be served**

from Wednesday, September 5, 2018 until Tuesday, September 11, 2018, inclusive.

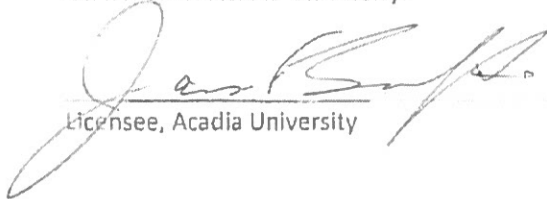
The conditions of license be amended to restrict persons under 19 years of age from being in the Student Union Building after 21:00 when alcohol is being served. The exact text of the condition to be determined collaboratively by AGFT and the licensee.


In accordance with sections 83 (1) and (2) of the *Nova Scotia Liquor Licensing Regulations* a Suspension Notice will be posted at the licensed premises stating that the Liquor Licenses have been suspended. This does not prevent the business 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 Acadia University:

  
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Licensee, Acadia University

  
\_\_\_\_\_  
Date

On behalf of Alcohol, Gaming, Fuel and Tobacco:

  
\_\_\_\_\_  
Jennifer Price Hudson  
Director  
Investigation and Enforcement Division

  
\_\_\_\_\_  
Date