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## Notice of Proposed Disciplinary Action

**To:** Dave Doolittle's Tap Room & Grill EELL No. 004308/Lounge No. 004309  
3019370 Nova Scotia Ltd.  
(90 Tacoma Drive, Unit #43, Dartmouth, Nova Scotia)

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

**Date:** September 5, 2012

**Subject:** Notice of Disciplinary Action Against – Dave Doolittle's Tap Room & Grill  
Reference #: 2012\_01\_19\_004308

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### Current Situation

An Agreed Statement of Facts was submitted to this office on September 4, 2012, wherein the licensee acknowledged violations of sections 55(1), 61(2) and 64(1) of the *Nova Scotia Liquor Licensing Regulations* on January 19, 2012 and agreed on the following penalty:

***The Eating Establishment Liquor License No. 004308 and Lounge Liquor License No. 004309 be suspended for a period of two (2) consecutive days, commencing on Thursday, September 6, 2012 and Friday, September 7, 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 September 5, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2012\_01\_19\_004308.

### 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 a two (2) day suspension of Dave Doolittle's Tap Room & Grill, Dartmouth, NS: Eating Establishment Liquor License No. 004308 and Lounge Liquor License No. 004309, shall be served at the request of the licensee, from Thursday, September 6<sup>th</sup>, 2012 and Friday, September 7<sup>th</sup>, 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.



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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 REGULATIONS 55(1), 61(2) and 64(1) by the holder of Eating Establishment Liquor License No. 004308 and Lounge Liquor License No. 004309 for the premises known as Dave Doolittle's Tap Room & Grill, 90 Tacoma Drive, Dartmouth, Nova Scotia

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AGREED STATEMENT OF FACTS

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1. Dave Doolittle's Tap Room & Grill is the holder of Eating Establishment Liquor License No. 004308 and Lounge Liquor License No. 004309 . Dave Doolittle's Tap Room & Grill is located at 90 Tacoma Drive, Dartmouth, Nova Scotia (“the Licensed Premises”).
2. The Licensee acknowledges that it has violated sections 55(1), 61(2) and 64(1) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
3. The circumstances of the violations are as follows:
  - a. On April 19, 2012, Rob Suffron, a compliance officer working within and for the Nova Scotia Alcohol and Gaming Division, received video surveillance footage from the Halifax Regional Police Integrated Major Crime Unit. The video footage was originally obtained from the licensed premises by Police as a result of a Police investigation into an alleged sexual assault.
  - b. The video surveillance footage received by Compliance Officer Suffron consisted of twenty DVD's and depicted images of the interior of the licensed premises from 20:00hrs on January 18, 2012 to 0600hrs on January 19, 2012. Compliance Officer Suffron, in reviewing the surveillance footage, observed four males and one female inside the licensed premises between 01:00hrs and 03:18hrs on January 19, 2012.
  - c. The video surveillance reviewed by Compliance Officer Suffron depicted the four males and one female smoking cigarettes and consuming alcohol inside the licensed premises between 02:30 hrs and 03:18hrs on January 19, 2012. The female was also observed by Compliance Officer Suffron being carried by two males. The two males laid the female down in a booth. Based on the video footage of the female being carried and laid in a booth, Compliance Officer Suffron concluded that the female was highly intoxicated.

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 Licensee's violations of sections 55(1), 61(2) and 64(1) of the *Nova Scotia Liquor Licensing Regulations*.
5. The Licensee and the Alcohol and Gaming Division jointly recommend that:


Eating Establishment Liquor License No. 004308 and Lounge Liquor License No. 004309 be suspended for a period of two (2) consecutive days commencing on a Thursday September 6, 2012 and Friday September 7, 2012.

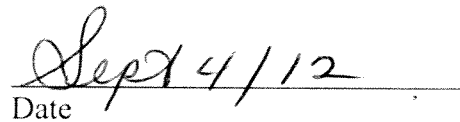
In accordance with sections 83 (1) and (2) of the *Nova Scotia Liquor Licensing Regulations* a Suspension Notice will be posted at the licensed premises stating that the Liquor Licenses have been suspended. This does not prevent the business from providing the sale of food or other non-liquor related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

#### 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 Dave Doolittle's Tap Room & Grill:

  
Sheila Lamontagne

  
Date

On behalf of the Alcohol and Gaming Division:

  
Darlene T. Hancock  
Regional Manager  
Investigation and Enforcement Division

  
Date