
Notice of Proposed Disciplinary Action

To: Royal Canadian Legion #128 (Whitney Pier, NS)
Club Liquor License No. 001029

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

Date: March 26, 2012

Subject: Notice of Disciplinary Action Against – Royal Canadian Legion #128
(2 Day Suspension)
Reference #: 2011_05_06_001029

Current Situation

An Agreed Statement of Facts was submitted to this office on March 20, 2012, wherein the Licensee acknowledged violations of sections 61(2), and 76, of the *Nova Scotia Liquor Licensing Regulations* on May 6, 2011, and agreed on the following penalty:

The Club Liquor License No. 001029 be suspended for a period of two (2) days, commencing Thursday, April 19th, 2012 to Friday, April 20th, 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 March 26, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2011_05_06_001029.

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 Royal Canadian Legion, Branch 128, Whitney Pier, NS: Club Liquor License No. 001029, to be served from Thursday, April 19th, 2012 to Friday, April 20th, 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 an alleged violation of sections 61(2) and 76 of the *Liquor Licensing Regulations* by
Royal Canadian Legion Branch #128, Whitney Pier, Sydney, Nova Scotia**

AGREED STATEMENT OF FACTS

1. Royal Canadian Legion Branch #128 is the holder of Club Liquor License No. 001029 and Video Lotter Registration No. VL001029, and is located at Whitney Pier, Sydney, Nova Scotia (hereinafter "the Licensed Premises").
2. The Licensee acknowledges that it has violated sections 61(2) and 76 of the *Liquor Licensing Regulations* and accepts responsibility for the violations.
3. The circumstances of the violations are as follows:
 - a. On May 6, 2011 at 01:05 hrs. Scott Hennick, a compliance officer working within and for the Alcohol and Gaming Division, conducted a routine inspection of the licensed premises.
 - b. Compliance officer Hennick entered the main bar service area of the licensed premises. CO Hennick identified Jenny McCarthy and Robert Agnew as the bartenders on duty for the night of May 5, 2011 early morning May 6, 2011.
 - c. CO Hennick observed that Mr. Agnew was unsteady on his feet and had a blank stare on his face.
 - d. CO Hennick while speaking with Mr. Agnew smelled what CO Hennick determined to be the odour of alcohol coming from Mr. Agnew's breath. CO Hennick concluded that Mr. Agnew was 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 Licensees violations of sections 61(2) and 76 of the *Liquor Licensing Regulations*.

5. The Licensee and the Alcohol and Gaming Division have agreed to the following penalty for the Licensees violations of sections 61 (2) and 76 of the Liquor Licensing Regulations:

That Club Liquor License No. 001029 and Video Lotter Registration No. VL001029 be suspended for a period of two-days, commencing on a Thursday.

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 Royal Canadian Legion
Branch #128**

Clyde Sheppard
Clyde Sheppard

Feb. 22, 12
Date

On behalf of the Alcohol and Gaming Division:

Jeff Barnes
Jeff Barnes
Regional Manager

February 23, 2012
Date