
Notice of Proposed Disciplinary Action

To: Chatterbox Cafe (10163 Durham Street, Pugwash, NS)
Eating Establishment License No. 005123

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

Date: April 27, 2012

Subject: Notice of Disciplinary Action Against – Chatterbox Cafe
Reference #: 2011_01_24_005123

Current Situation

An Agreed Statement of Facts was submitted to this office on October 17, 2011, wherein the licensee acknowledged violations of sections 64(1) and 66 of the *Nova Scotia Liquor Licensing Regulations* on January 24, 2011 and agreed on the following penalty:

The Eating Establishment Liquor License No. 005123 be suspended for a period of one (1) day, on Friday, June 1st, 2012.

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 April 27, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2011_01_24_005123.

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;



Service Nova Scotia
and Municipal Relations
Alcohol and Gaming Division

Torrington Place
2nd Floor
780 Windmill Road
PO Box 545
Dartmouth, NS
B2Y3Y8
902.424.4884 T
TOLL FREE IN NS
1.877.565.0556
902.424.6313 F

- (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 one (1) day suspension of Chatterbox Cafe, Pugwash, NS: Eating Establishment Liquor License No. 005123, to be served at the request of the licensee, on Friday, June 1st, 2012 .

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 License has 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

NOVA SCOTIA UTILITY AND REVIEW BOARD

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 64(1) and 66 of the
Liquor Licensing Regulations by
Chatterbox Cafe**

AGREED STATEMENT OF FACTS

1. Chatterbox Cafe (formerly known as Hidden Jewel Café), located at 10163 Durham Street, Pugwash, Nova Scotia is the holder of Eating Establishment Liquor License No. 005123 (hereinafter "the Licensed Premises").
2. The Licensee acknowledges that it has violated sections 64(1) and 66 of the Liquor Licensing Regulations and accepts responsibility for the violations.
3. The circumstances of the violations are as follows:
 - a. On January ~~24~~²⁵, 2011 Ron Downey, a compliance officer working within and for the Alcohol and Gaming Division conducted a routine inspection of the licensed premises. When Mr. Downey approached the entrance of the licensed premises he observed a sign hanging next to the entrance that stated the following:

"House Band. Come on in! Norene is away and I had to go to the Co-op AGM at the curling club. Help yourselves to the dishes, stove, micro-wave, etc. I should be back before 8:00 so don't worry about the dishes. Have fun. Red Wine is under the sales counter. White wine is in the big fridge (bottom right). Help yourself. Greg."
 - b. Mr. Downey entered the licensed premises and questioned Greg Smiley. Mr. Smiley is the owner and operator of the licensed premises. Mr. Smiley admitted to Mr. Downey that on January 24, 2011 he allowed the licensed area to be used as a practice area for a local band and that the band was able to serve themselves alcoholic beverages in his absence.

- c. At no time prior to Mr. Smiley's arrival at the licensed premises on January 24, 2011 was there an employee or person knowledgeable about the responsible sale and service of liquor present while alcohol was made available to band members.
4. This matter is brought before the Nova Scotia Utility and Review Board for the imposition of penalty.
 5. The Licensee and the Alcohol and Gaming Division jointly recommend that Eating Establishment Liquor License No. 005123 be suspended for a period of one day, commencing on a Friday, as penalty for the Licensee's violations of sections 64 (1) and 66 of the Liquor Licensing Regulations.
 6. In addition to the joint recommendation with respect to the penalty to be served in connection with the Licensee's violations of sections 64 (1) and 66 of the Liquor Licensing Regulations the Licensee and the Alcohol and Gaming Division request that the Board stipulate by way of Order that the penalty shall be served within the month of June 2012 when the licensed premises resumes full operation.


On behalf of Chatterbox Cafe



Greg Smiley

10/7/11
Date

On behalf of the Alcohol and Gaming Division:



Darlene T. Hancock
Acting Regional Manager

Oct. 17/11
Date