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## Notice of Proposed Disciplinary Action

**To:** Dalhousie University – Grawood Lounge  
Special Premises License No. 001116  
(6136 University Avenue, Halifax, Nova Scotia)

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

**Date:** December 7, 2012

**Subject:** Notice of Disciplinary Action Against – Dalhousie University – Grawood Lounge  
Reference #: 2012\_09\_07\_001116

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### Current Situation

An Agreed Statement of Facts was submitted to this office on December 4, 2012, wherein the licensee acknowledged violation of sections 44(2) and 61(2) of the *Nova Scotia Liquor Licensing Regulations* on September 7, 2012 and September 8, 2012, and agreed on the following penalty:

***The licensee shall follow the terms of the Conditions of Special Premises License No. 001116, which are set out below, attached hereto and forming part of the agreed statement of facts and joint recommendation on penalty. These Conditions shall remain in effect until renewal of the Special Premises License and shall be reassessed by the Executive Director upon receipt of a formal request to remove any/all of the conditions;***

***“Persons under 19 years of age are not permitted within the licensed area of the campus known as the Grawood Lounge after 9:00 p.m.; and***

***The Licensee shall become a member of the PASS program and shall agree to Staff Instruction upon the request of the Alcohol and Gaming Division.”***

***Special Premises License No. 001116 be suspended for a period of two (2) consecutive days, to be served on Friday, January 11, 2013 and Saturday, January 12, 2013.***

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 December 7, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2012\_09\_07\_001116.

### 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:

- Persons under 19 years of age are not permitted within the licensed area of the campus known as the Grawood Lounge after 9:00 p.m.
- The Licensee shall become a member of the PASS program and shall agree to Staff Instruction upon the request of the Alcohol and Gaming Division.
- A two (2) day suspension of Dalhousie University – Grawood Lounge, 6136 University Avenue, Halifax, NS: Special Premises License No. 001116, shall be served at the request of the licensee, on Friday, January 11<sup>th</sup>, 2013 and Saturday, January 12<sup>th</sup>, 2013.

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

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 sections 44 (2) and 61 (2) of the NOVA SCOTIA LIQUOR LICENSING REGULATIONS by Dalhousie University, holder of Special Premises License No. 001116 for premises known as Dalhousie University - Grawood Lounge, located at 6136 University Avenue, Halifax, Nova Scotia

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AGREED STATEMENT OF FACTS

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1. Dalhousie University ( the "Licensee") is the holder of Special Premises License No. 001116 which covers premises known as Dalhousie University - Grawood Lounge, located at 6136 University Avenue, Halifax, Nova Scotia ("the Licensed Premises").
2. The Licensee acknowledges that it has violated sections 44 (2) and 61(2) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
3. The circumstances of the violations are as follows:
  - a. Andrew MacLean, a Compliance Officer (CO) working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises on September 7, 2012. During his inspection, at approximately 23:30 hrs. CO MacLean observed two females and one male seated at a table within the licensed premises. CO MacLean observed the patrons drinking from three sand buckets.
  - b. CO MacLean approached the three patrons seated at the table and determined, based on smell, that each bucket contained beer. CO MacLean requested the male patron's identification. The male patron provided a British Columbia driver's license. CO MacLean confirmed that the identification was valid and belonged to the male patron. The date of birth indicated on the male patrons' driver's license was October 6, 1994.
  - c. CO MacLean during his inspection observed that the male patron had an orange bracelet around his wrist. The orange bracelet is provided by staff upon entry and is a signal to servers that a patron is 19 years of age. The bracelet was removed from the male patron's wrist.
  - d. Eric Trowell, a Compliance Officer working within and for the Nova Scotia Alcohol and Gaming Division, accompanied CO MacLean on September 7, 2012 for the purpose of conducting a routine inspection of the licensed premises. During the inspection, at approximately 23:52 hrs. CO Trowell also observed two females and one male seated at a table within the licensed premises. CO Trowell also observed the patrons drinking from the three sand buckets.

- e. Upon approaching the table of three patrons with CO MacLean, CO Trowell also determined that the buckets contained beer. CO Trowell requested one of the female's identification. The female provided a Dalhousie University school ID to CO Trowell. Upon further questioning, she was advised that she was signed in under her school ID as an underage and received an orange bracelet.
  - f. CO Trowell then requested and received the second female's identification which was an Ontario Drivers License (DOB: 1991/Oct/31), in which the CO immediately determined the Drivers License was not the individual before him. Upon further questioning, the female finally identified herself (DOB: 1994/Aug/13), and advised that she was from Barrie, Ontario and a first year student at Dalhousie University. She advised the CO that she used her Dalhousie University school ID to gain entry and did not use the Ontario Drivers License and received an orange bracelet.
  - g. On September 8, 2012, Kathy Williams, a Compliance Officer working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises at approximately 11:19 p.m. While conducting her inspection CO Williams observed a male hunched over in a booth in clear view of security staff.
  - h. CO Williams approached the male patron in the booth and requested to see his identification. When the male patron provided his identification card CO Williams observed that the male patron had bloodshot eyes, slurred speech, and a strong smell of alcohol on his breath. Based on her observations CO Williams determined that the male was intoxicated. After questioning a friend of the male patron CO Williams determined that the male patron had been in the licensed premises for approximately 3 hours.
  - i. When the male patron was escorted out of the licensed premises by his friend CO Williams observed that he was unsteady on his feet and staggered as he walked.
4. This matter has been brought before the Executive Director of the Alcohol and Gaming Division, Service Nova Scotia and Municipal Relations, for the imposition of a penalty in respect of the Licensee's violations of sections 44 (2) and 61 (2) of the *Nova Scotia Liquor Licensing Regulations*.
5. The Licensee and the Alcohol and Gaming Division jointly recommend that

**The licensee shall follow the terms of the Condition of Special Premises License No. 001116, which is set out below, attached hereto and forming part of the agreed statement of facts and joint recommendation on penalty. This Condition shall remain in effect until renewal of the Special Premises License and shall be reassessed by the Executive Director upon receipt of a formal request to remove any/all of the conditions;**

***"Persons under 19 years of age are not permitted within the licensed area of the campus known as the Grawood Lounge after 9pm."***

**The Licensee shall become a member of the PASS program and shall agree to Staff Instruction upon the request of the Alcohol and Gaming Division; and**

Special Premises License No. 001116 be suspended for a period of two (2) consecutive days, to be served on Friday January 11, 2013 and Saturday January 12, 2013.

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 the Licensee:**

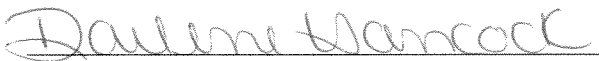


Craig Kennedy  
General Manager/Licensee  
Dalhousie University

12/4/12

Date

**On behalf of the Alcohol and Gaming Division:**



Darlene T. Hancock  
Acting Regional Manager, Western and Metro Region  
Investigation and Enforcement Division

December 4, 2012

Date