
Notice of Proposed Disciplinary Action

To: Papa's Pasta & Steakhouse and District 34 Bar (42 Hwy 330, Barrington Passage, NS)
Eating Establishment License No. 004312 & Lounge License No. 004906

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

Date: February 23, 2012

Subject: Notice of Disciplinary Action Against – Papa's Pasta & Steakhouse and District 34 Bar
Reference #: 2010_01_17_004312

Current Situation

An Agreed Statement of Facts was submitted to this office on July 14, 2011, wherein the licensee acknowledged violations of sections 53(1) of the *Nova Scotia Liquor Licensing Regulations* on January 17, 2010 and agreed on the following penalty:

The Eating Establishment Liquor License No. 004312 and Lounge Liquor License No. 004906 be suspended for a period of one (1) day, on Saturday, February 25th, 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 February 23, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2010_01_17_004312.

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 one (1) day suspension of Papa's Pasta & Steakhouse and District 34 Bar, Barrington Passage, NS: Eating Establishment Liquor License No. 004312 and Lounge License No. 004906, be served on Saturday, February 25th 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 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

NOVA SCOTIA UTILITY AND REVIEW BOARD

IN THE MATTER OF the *Liquor Control Act*, R.S.N.S. 1989, c. 260, as amended

- and -

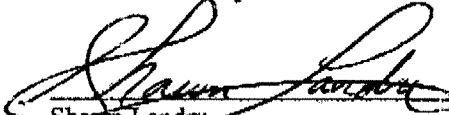
**IN THE MATTER OF an alleged violation of Regulation 53(1) of
the Liquor Licensing Regulations by
Papa's Pasta & Steakhouse and District 34 Bar**

AGREED STATEMENT OF FACTS

1. Papa's Pasta & Steakhouse and District 34 Bar is the holder of Eating Establishment Liquor License No. 004312, and is the holder of Lounge Liquor License No. 004906, which covers the premises known as Papa's Pasta & Steakhouse and District 34 Bar, 42 Highway 330 Barrington Passage, Nova Scotia (hereinafter "the Licensed Premises").
2. The Licensee acknowledges that it has violated Regulation 53(1) of the Liquor Licensing Regulations and accepts responsibility for the violation.
3. The circumstances of the violation are as follows:
 - a. On January 17, 2010 at 02:00 hrs Compliance Officer ("CO") Tim Beaudoin conducted a routine inspection inside the licensed premises. CO Beaudoin while inside the licensed premises observed that there was a band playing inside the licensed premises.
 - b. The band stopped playing at 02:15 hrs. Between 02:00 hrs and 02:15hrs CO Beaudoin observed two female bartenders behind the bar serving alcohol to patrons. At 02:22 hrs CO Beaudoin observed a bartender serving a male band member a bottle of beer.
 - c. On Tuesday January 19, 2010 CO Beaudoin attended the licensed premises and issued one infraction report.
 - d. Infraction Report #3130 was issued for serving alcohol on or about January 17, 2010 until 02:22 hrs in violation of section 53 (1) of the Liquor Licensing Regulations.

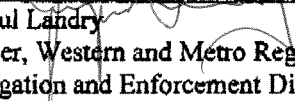
4. This matter is brought before the Nova Scotia Utility and Review Board for the imposition of penalty.
5. The Licensee and the Alcohol and Gaming Division jointly recommend that Eating Establishment Liquor License No. 004312, and Lounge Liquor License No. 004906 be suspended for a period of one day, commencing on a Saturday, as penalty for the Licensee's violation of Regulation 53(1) of the Liquor Licensing Regulations.

On behalf of Papa's Pasta & Steakhouse and District 34 Bar


Shawn Landry
For the Licensee, Papa's Pasta & Steakhouse
and District 34 Bar

July 13 2011
Date

On behalf of the Alcohol and Gaming Division:


Jon Paul Landry
Manager, Western and Metro Region
Investigation and Enforcement Division

July 21, 2011
Date