
Notice of Proposed Disciplinary Action

To: Tops'I Dining Room and Lounge EELL No. 002913/Lounge No. 002914
TopsI's Little Vegas Dining Room and Lounge EELL No. 003243/Lounge No. 003244
(777 King Street, Bridgewater, Nova Scotia)

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

Date: June 1, 2012

Subject: Notice of Disciplinary Action Against – Tops'I Dining Room and Lounge AND TopsI's
Little Vegas Dining Room and Lounge
Reference #: 2011_03_13_002913

Current Situation

An Agreed Statement of Facts was submitted to this office on May 30, 2012, wherein the licensee acknowledged violations of sections 44 (2), 45 and 64 (1) of the *Nova Scotia Liquor Licensing Regulations* on March 13, 2011 and February 5, 2012 and agreed on the following penalty:

The Eating Establishment Liquor License Nos. 002913 and 003243 and Lounge Liquor License Nos. 002914 and 003244 be suspended for a period of seven (7) consecutive days, commencing on Sunday June 3, 2012 to Saturday, June 9, 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 June 1, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2011_03_13_002913.

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 seven (7) consecutive day suspension of Tops'l Dining Room and Lounge and Tops'l's Little Vegas Dining Room and Lounge, Bridgewater, NS: Eating Establishment Liquor License Nos. 002913/003243 and Lounge Liquor License Nos. 002914/003244, to be served at the request of the licensee, from Sunday, June 3rd, 2012 to Saturday, June 9th, 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 ALLEGED VIOLATIONS OF NOVA SCOTIA LIQUOR LICENSING REGULATIONS 44 (2), 45 and 64 (1) by holder of Eating Establishment Liquor License No. 002913 and No. 003243, and Lounge Liquor License No. 002914 and No. 003244 for premises known as Tops'l Dining Room and Lounge and Topsl's Little Vegas Dining Room and Lounge, 777 King Street, Bridgewater, Nova Scotia

AGREED STATEMENT OF FACTS

1. Tops'l Dining Room and Lounge Topsl's Little Vegas Dining Room and Lounge is the holder of Eating Establishment Liquor License No. 002913 and No. 003243, and Lounge Liquor License No. 002914 and No. 003244. Tops'l Dining Room and Topsl's Little Vegas Dining Room and Lounge is located at 777 King Street, Bridgewater, Nova Scotia (hereinafter, the "licensed premises").
2. The Licensee acknowledges that it has violated Regulations 44 (2), 45 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 March 13, 2011, Rob Suffron, a compliance officer working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises. Mr. Suffron entered the licenced premises at approximately 01:15 hrs.
 - b. Upon entering the licensed premises Compliance Officer Suffron observed three females which stood out to him as being young in appearance. Compliance Officer Suffron requested that a staff member ask to see the three females' identification cards.
 - c. The first female presented a Nova Scotia Driver's License with the first name Ryhlee. Compliance Officer Suffron determined that the date of birth on the back of the license read 26/11/1992. After confirming that the first female was eighteen years of age, Compliance Officer Suffron observed that the first female was holding a bottle of beer in her left hand.
 - d. The second female presented a Nova Scotia Driver's License with the first name

Kelsey. Compliance Officer Suffron determined that the master number on the license showed the second female's date of birth as 10/02/93, which confirmed that she was eighteen years of age.

- e. It was determined by Compliance Officer Suffron that the third female was nineteen years of age.
- f. Compliance Officer Suffron, during the course of his investigation, contacted the Bridgewater police service and obtained written statements which were given by the two females - Rhylee and Kelsey. The two females stated that their identification was not checked by staff during the evening of March 12, 2011 early morning March 13, 2011.
- g. On July 17, 2011, Compliance Officer Rob Suffron conducted another routine inspection of the licensed premises. Compliance Officer Suffron entered the licensed premises at 00:30 hrs. Compliance Officer Suffron, upon entering the licensed premises, proceeded to conduct identification checks.
- h. Compliance Officer Suffron while inside the licensed premises observed one female who appeared underage. Compliance Officer Suffron requested to see the female's identification card. The female produced a Nova Scotia Driver's License with the first name Catlin – date of birth 15/01/92. After a brief conversation between Catlin and Compliance Officer Suffron the female stated to Mr. Suffron that she was not the person depicted in the driver's license and that her name was Bronte, she was eighteen years of age and date of birth was 12/04/92. The female also stated to Compliance Officer Suffron that she bought three drinks while inside the premises and that she bought one of the drinks from the bar herself.
- i. On February 5, 2012, Ryan MacLellan, a compliance officer working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises. Compliance Officer MacLellan entered the licensed premises at 01:25 hrs.
- j. Upon entering the licensed premises Compliance Officer MacLellan identified two females who appeared underage. Compliance Officer MacLellan called the Bridgewater police service. The two females were taken into custody by police. It was confirmed by police that the two females were 17 years of age and born on April 3, 1994 and May 3, 1994 respectively.
- k. On February 16, Compliance Officer Ryan MacLellan received a complaint by Detective Constable Steve Shipley, of the Bridgewater police service, of an altercation inside the licensed premises that occurred on February 12, 2012 between two females.
- l. Compliance Officer MacLellan met with Detective Constable Shipley, who conducted the investigation into the February 12, 2012 altercation. Detective

Constable Shipley concluded as a result of his investigation that one female was hit in the face with a glass causing a cut under her eye which required seven stitches. After the incident, staff members did not call the police or ambulance and sent the injured patron to the hospital in a cab. Police were notified of the incident when dispatch received a phone call from a friend of the victim.

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 violation of sections 44 (2), 45 and 64 (1) of the *Nova Scotia Liquor Licensing Regulations*.
5. The Licensee and the Alcohol and Gaming Division have agreed to the following penalty for the Licensees violation of sections 44 (2), 45, and 64 (1) of the *Nova Scotia Liquor Licensing Regulations* :

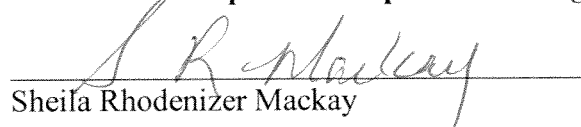
That Eating Establishment Liquor License No. 003243 and No. 002913, and Lounge Liquor License No. 003244 and No. 002914 be suspended for a period of seven (7) consecutive days commencing on Sunday June 3, 2012 to Saturday, June 9, 2012, inclusive.

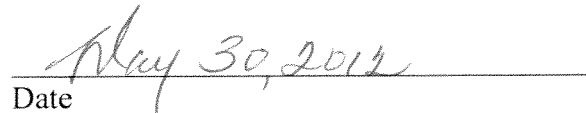
In accordance with sections 83 (1) and (2) of the *Nova Scotia Liquor Licensing Regulations* a Suspension Notice will be posted at the licensed premises stating that the Liquor Licenses have been suspended. This does not prevent the business from providing the sale of food or other non-liquor related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


Sheila Rhodenizer Mackay


Date

On behalf of the Alcohol and Gaming Division:



Darlene T. Hancock
Acting Regional Manager


Date