
Notice of Proposed Disciplinary Action

To: Pacifico Bar and Grill - EELL No. 003261/Lounge No. 003262
Scotia Entertainment Systems (1994) Limited
(1505 Barrington Street, Halifax, Nova Scotia)

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

Date: September 12, 2012

Subject: Notice of Disciplinary Action Against – Pacifico Bar and Grill
Reference #: 2012_06_02_003261

Current Situation

An Agreed Statement of Facts was submitted to this office on September 11, 2012, wherein the licensee acknowledged violations of sections 45(1), 45(b), 45(c), 61(1) and 61(2) of the *Nova Scotia Liquor Licensing Regulations* on June 2, 2012, July 7, 2012 and July 15, 2012, and agreed on the following penalty:

The Eating Establishment Liquor License No. 003261 and Lounge Liquor License No. 003262 be suspended for a period of two (2) consecutive days, commencing at 10:00am on Friday, October 5, 2012 and ending at 2:00am on Sunday, October 7, 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 September 12, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2012_06_02_003261.

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:

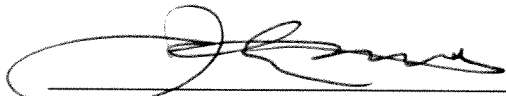
- (a) take the proposed action;
- (b) rescind the notice of proposed action;

- (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 Pacifico Bar & Grill, Halifax, NS: Eating Establishment Liquor License No. 003261 and Lounge Liquor License No. 003262, shall be served at the request of the licensee, commencing at 10:00am on Friday, October 5th, 2012 and ending at 2:00am on Sunday, October 7th, 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

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 45(a), 45(b), 45(c), 61(1) and 61(2) of the Liquor Licensing Regulations, by SCOTIA ENTERTAINMENT SYSTEMS (1994) LIMITED, holder of Eating Establishment Liquor License No. 003261 and Lounge Liquor License No. 003262, for premises known as Pacifico Bar and Grill, located at 1505 Barrington Street, Halifax, Nova Scotia

AGREED STATEMENT OF FACTS

1. Scotia Entertainment Systems (1994) Limited (the “Licensee”) is the holder of Eating Establishment Liquor License No. 003261 and Lounge Liquor License No. 003262, for premises known as Pacifico Bar and Grill, located at 1505 Barrington Street, Halifax, Nova Scotia (the “Licensed Premises”).
2. The Licensee acknowledges that it has violated sections 45(a), 45(b), 45(c), 61(1) and (2) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
3. The circumstances of the violations are as follows:
 - a. On June 2, 2012, Rob Suffron, a Compliance Officer working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises. Compliance Officer Suffron entered the licensed premises at 1:35 a.m. During his inspection Compliance Officer Suffron approached two females and asked one female for her identification card. The female patron replied that she did not have identification. Compliance Officer Suffron was advised by the female that her date of birth was June 16, 1995 (16 years old) and that she purchased one shot of tequila while inside the licensed premises.
 - c. On July 7, 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 1:10 a.m. Compliance Officer Williams entered the licensed premises and began checking patrons’ identification. While checking identification Compliance Officer Williams observed a male patron who looked young in appearance.

- d. Compliance Officer Williams approached the male patron and requested to see his identification. Compliance Officer Williams obtained two International Drivers Licenses from the male patron. Compliance Officer Williams determined that both pieces of identification were fake. The male patron advised Compliance Officer Williams that his date of birth was June 5, 1995 (17 years old). The male patron also stated that his identification had been checked by door staff prior to entering the licensed premises.
 - e. On July 15, 2012, Andrew MacLean, a Compliance Officer working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises. Compliance Officer MacLean was accompanied by Constable Jason Mood of the Halifax Regional Police Liquor Enforcement Unit. Compliance Officer MacLean and Constable Mood entered the licensed premises at approximately 1:00 a.m.
 - f. During the inspection Compliance Officer MacLean and Constable Mood were escorted by a security supervisor. Compliance Officer MacLean, while walking across the dance floor, observed a male patron stumbling down a set of stairs. Based on this observation, Compliance Officer MacLean determined that the male was intoxicated. The male was escorted outside and put in a cab.
 - g. The inspection continued and Compliance Officer MacLean observed a female patron slouched over in a booth. Compliance Officer MacLean approached the female who was drinking vodka and cranberry. The female was disorientated and appeared confused. Compliance Officer MacLean determined that the female was intoxicated. The female patron was escorted out of the licensed premises by staff.
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 45(a), 45(b), 45(c), 61(1) and 61(2) of the *Nova Scotia Liquor Licensing Regulations*.
5. The Licensee and the Alcohol and Gaming Division jointly recommend that

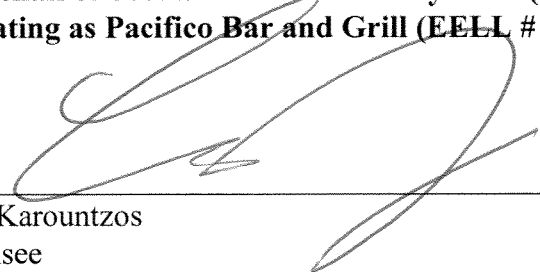
Eating Establishment Liquor License No. 003261 and Lounge Liquor License No. 003262 be suspended for a period of 2 consecutive days, to be served on Friday, October 5, 2012 and Saturday, October 6, 2012.

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.

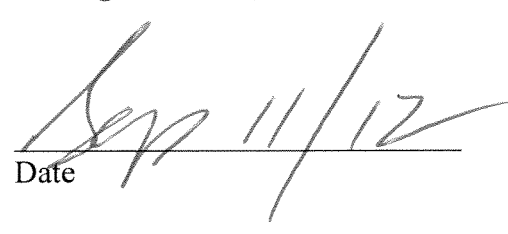
6. ENTIRE AGREEMENT

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 Scotia Entertainment Systems (1994) Limited
operating as Pacifico Bar and Grill (EELL # 003261 and Lounge # 003262):**

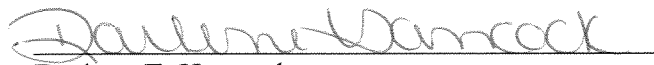


Labi Karountzos
Licensee

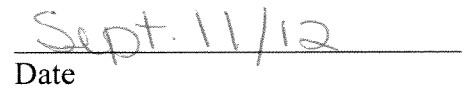


Date

On behalf of the Alcohol and Gaming Division:



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



Date