
Notice of Proposed Disciplinary Action

To: Chuggles Dining Room and Lounge – EELL No. 003860 and Lounge License No. 003861
Dakun Enterprises Limited
25 James Street, Antigonish, Nova Scotia

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

Date: January 8, 2013

Subject: Notice of Disciplinary Action Against – Chuggles Dining Room and Lounge
Reference #: 2012_04_27_003861

Current Situation

An Agreed Statement of Facts was submitted to this office on January 4, 2013, wherein the licensee acknowledged violation of sections 10(1)(a) and 10(2)(a) of the Nova Scotia Video Lottery Regulations and sections 45 and 64(1) of the *Nova Scotia Liquor Licensing Regulations* on April 27, 2012, and agreed on the following penalty:

Eating Establishment Liquor License No. 003860, Lounge Liquor License No. 003861, and Video Lottery Registration Certificate No. VL003861 be suspended for a period of one (1) day. The suspension shall be served on a Friday. The date upon which the suspension will be served will be determined by mutual agreement between the parties.

The licensee shall submit a proposal for approval to the Nova Scotia Alcohol and Gaming Division. The proposal must include a "plan of action" that the Licensee will implement to mitigate the risk of non-compliance with *Video Lottery Regulations* 10(1)(a) and 10 (2)(a). The proposal must be submitted within 30 days from the date of issuance of the Notice of Disciplinary Action. Upon approval, the proposal's terms of reference shall be made a condition of license. This condition shall remain in effect until renewal of the license and shall be reassessed by the Executive Director upon receipt of a formal request to remove any/all of the conditions.

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 January 8, 2013, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2012_04_27_003861.

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:

Eating Establishment Liquor License No. 003860, Lounge Liquor License No. 003861, and Video Lottery Registration Certificate No. VL003861 be suspended for a period of one (1) day. The suspension shall be served on a Friday. The date upon which the suspension will be served will be determined by mutual agreement between the parties.

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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. The Video Lottery Terminals located within the licensed premises are not permitted to be operational during the suspension period.



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 45 & 64(1) and NOVA SCOTIA VIDEO LOTTERY REGULATIONS 10(1)(a) & 10(2)(a) by the holder of Eating Establishment Liquor License No. 003860, Lounge Liquor License No. 003861, and Video Lottery Registration Certificate No. VL003861 for the premises known as Chuggles Dining Room and Lounge, 25 James Street, Antigonish, Nova Scotia

AGREED STATEMENT OF FACTS

1. Dakun Enterprises Limited (a body corporate, incorporated under the laws of the Province of Nova Scotia) is the holder of Eating Establishment Liquor License No. 003860 and Lounge Liquor License No. 003861 which covers the premises known as Chuggles Dining Room and Lounge, located at 25 James Street, Antigonish, Nova Scotia ("the Licensed Premises").
2. Dakun Enterprises Limited (hereinafter, "the Licensee") in addition to holding the aforementioned Liquor Licenses the Licensee is also the holder of Video Lottery Registration Certificate No. VL003861.
3. The Licensee acknowledges that it has violated Regulations 45 & 64(1) of the *Nova Scotia Liquor Licensing Regulations* and Regulations 10(1)(a) & 10(2)(a) of the *Nova Scotia Video Lottery Regulations* and accepts responsibility for the violations.
4. The circumstances of the violations are as follows:
 - a. On April 27, 2012, Dan Demone, a Compliance Officer (CO) working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the Licensed Premises.
 - b. At approximately, 1:35 p.m. on April 27, 2012, CO Demone entered the lower level of the Licensed Premises and proceeded into a room containing all of the Video Lottery Terminals (VLT's) registered to the Licensee under Video Lottery Registration Certificate No. VL003861.
 - c. Upon entry into the VLT room CO Demone identified a male patron who looked young in appearance. The male patron was standing behind a young looking female who was playing a VLT machine. CO Demone observed the male patron exit the VLT room to withdraw money from the Automated Teller Machine (ATM). The male patron was observed by CO Demone walking back into the VLT room from the ATM.
 - d. CO Demone approached the male patron and identified himself as a Compliance Officer with the Alcohol and Gaming Division. CO Demone asked the male patron for his identification. The male advised CO Demone that he did not have identification. CO Demone then asked the male for his date of birth. The male advised CO Demone that his date of birth was June 17, 1993.

- e. During the course of his investigation, CO Demone obtained the male patron's name, registry of motor vehicle information, and Certificate of Live Birth. CO Demone determined, based on this information, that the male patron which he observed inside the VLT room was 18 years of age.
- 5. This matter has been brought before the Executive Director of the Alcohol and Gaming Division, Investigation and Enforcement Branch, Service Nova Scotia and Municipal Relations, for the imposition of a penalty in respect of the Licensees violation of Regulations 45 & 64(1) of the *Nova Scotia Liquor Licensing Regulations* and Regulations 10(1)(a) & 10(2)(a) of the *Nova Scotia Video Lottery Regulations*.
- 6. The Licensee and the Alcohol and Gaming Division jointly recommend that

Eating Establishment Liquor License No. 003860, Lounge Liquor License No. 003861, and Video Lottery Registration Certificate No. VL003861 be suspended for a period of one (1) day. The suspension shall be served on a Friday. The date upon which the suspension will be served will be determined by mutual agreement between the parties.


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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.

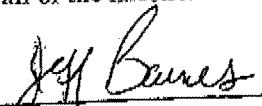
On behalf of Dakun Enterprises Limited:



Simon Feng Quan Lei

Jan 03, 2013
Date

On behalf of the Alcohol and Gaming Division:



Jeff Barnes
Regional Manager, Alcohol and Gaming Division
Investigation and Enforcement Branch

January 7, 2013
Date