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## Notice of Proposed Disciplinary Action

**To:** IndianBrook Adventures Inc.  
o/a Cabot Shores Adventure & Retreat Centre  
Eating Establishment Liquor License #005243  
30 Buchanan Drive, Englishtown, Nova Scotia

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

**Date:** March 10, 2014

**Subject:** Notice of Disciplinary Action Against – IndianBrook Adventures Inc.  
Reference #: 2013\_07\_27\_005243.

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### Current Situation

An Agreed Statement of Facts was submitted to this office on March 10, 2014, wherein the licensee acknowledged violation of sections 58(1), 59(2) and 64(1) of the *Nova Scotia Liquor Licensing Regulations* on July 26 & 27, 2013 and agreed on the following penalty:

**Eating Establishment Liquor License #005243 be suspended for a period of 2 consecutive days to be served on Friday July 11, 2014 and Saturday July 12, 2014.**

**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. The suspension does not prevent the Licensee from providing the sale of food or other non-liquor related services.**

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 March 10, 2014, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2013\_07\_27\_005243.

### 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 #005243 be suspended for a period of 2 consecutive days to be served on Friday July 11, 2014 and Saturday July 12, 2014.

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 License has been suspended. The suspension does not prevent the Licensee from providing the sale of food or other non-liquor related services. The lounge must be vacated of patrons during the suspension.

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 NOVA SCOTIA LIQUOR LICENSING REGULATIONS 58(1), 59(2), 64(1) by IndianBrook Adventures Inc. operating as Cabot Shores Adventure & Retreat Centre, the holder of Eating Establishment Liquor License #005243

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AGREED STATEMENT OF FACTS

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1. IndianBrook Adventures Inc., a body corporate, incorporated under the laws of the Province of Nova Scotia, conducts business within the Province of Nova Scotia under the business name Cabot Shores Adventure & Retreat Centre.
2. Cabot Shores Adventure & Retreat Centre is the holder of Eating Establishment Liquor License #05243. An Eating Establishment Liquor License authorizes its holder to sell or serve liquor to a customer only if the customer is also served enough food to constitute a meal and only to sell or serve liquor in the amount that would reasonably be consumed with a meal.
3. Eating Establishment Liquor License #005243 covers part of the premises known as Cabot Shores Adventure & Retreat Centre, located at 30 Buchanan Drive, Englishtown, Nova Scotia (hereinafter "the Licensed Area").
4. The Licensee acknowledges that it has violated regulations 58(1), 59(2), 64(1) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
5. The circumstances of the violations are as follows:
  - i. On July 26, 27, and 28, 2013, Cabot Shores Adventure & Retreat was hosting a three (3) day music festival at 30 Buchanan Drive, Englishtown, Nova Scotia.
  - ii. At all material times set out herein the patron accommodation for Eating Establishment Liquor License #005243, established by the Utility and Review Board was 25.
  - iii. The licensee was granted Eating Establishment Liquor License #005243 on September 23, 2005. On or before September 23, 2005, the licensee had personal knowledge of the area that would be covered by the license. The licensed area, at all material times, was delineated from the unlicensed area.

- iv. On July 26, 2013, Scott Hennick, a Compliance Officer working within and for the Alcohol and Gaming Division, conducted an inspection of the licensed area and the premises located at 30 Buchanan Drive, Englishtown, Nova Scotia at 22:00 hours. During his inspection he observed a male and female sitting outside of the licensed area. The male and female patron were at the bar counter drinking a beer while playing cards. Compliance Officer Hennick requested that the licensee produce a bill for the liquor and meal consumed by the male and female patron. The licensee was unable to produce the bill to Compliance Officer Hennick.
  - v. On July 27, 2013, Compliance Officer Hennick conducted an inspection of the licensed area and premises located at 30 Buchanan Drive, Englishtown, Nova Scotia. Compliance Officer Hennick observed fifty (50) people within the premises. Food was not being served to or consumed by the vast majority of the patrons who were buying and consuming alcohol. Patrons were removing the alcohol purchased on license to an unlicensed area, which was not approved for use by the Office of the Fire Marshal due to fire and life safety issues, for consumption.
  - vi. During his July 27, 2013, inspection Compliance Officer Hennick also observed a bartender serving liquor to patrons who was working at the bar which was located outside of the licensed area.
6. This matter has been brought before the Executive Director of the Alcohol and Gaming Division for the imposition of a penalty with respect to the Licensees violations of regulations 58(1), 59(2), 64(1) of the *Nova Scotia Liquor Licensing Regulations*.
7. The Licensee and the Alcohol and Gaming Division jointly recommend that:

**Eating Establishment Liquor License #005243 will be suspended for a period of two (2) consecutive days to be served on Friday & Saturday.**

**The dates on which the suspension will be served by the Licensee shall be agreed to as between the Licensee and Alcohol and Gaming Division prior to the signing of this Agreement.**

**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. The suspension does not prevent the Licensee 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 IndianBrook Adventures Inc.:**

  
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Per:  
Recognized Agent: Paul Weinberg

Feb 12 - 2014  
Date

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

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

March 6, 2014  
Date