
Notice of Proposed Disciplinary Action

To: Halifax Forum – Special Premises License No. 001121
Halifax Forum Community Association
(2901 Windsor Street, Halifax, Nova Scotia)

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

Date: October 2, 2012

Subject: Notice of Disciplinary Action Against – Halifax Forum
Reference #: 2012_05_26_001121

Current Situation

An Agreed Statement of Facts was submitted to this office on October 1, 2012, wherein the licensee acknowledged violations of sections 64(1) and 58(1) of the *Nova Scotia Liquor Licensing Regulations* on May 26, 2012, and agreed on the following penalty:

The licensee shall follow the terms of Conditions, which are set out in Schedule "A", attached to and forming part of this Notice. The terms outlined in Schedule "A" shall remain in effect until renewal of the Special Premises License and shall be reassessed by the Executive Director upon receipt of a formal request to remove any/all of the conditions; and

The Special Premises Liquor License No. 001121 be suspended for a period of one (1) day, to be served on Thursday, October 4, 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 October 2, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2012_05_26_001121.

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:

the licensee shall follow the terms of Conditions, which are set out in Schedule "A", attached to and forming part of this Notice. The terms outlined in Schedule "A" shall remain in effect until renewal of the Special Premises License and shall be reassessed by the Executive Director upon receipt of a formal request to remove any/all of the conditions; and

a one (1) day suspension of Halifax Forum, Halifax, NS: Special Premises Liquor License No. 001121, shall be served at the request of the licensee, on Thursday, October 4th, 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

SCHEDULE "A"
CONDITIONS OF SPECIAL PREMISES LIQUOR LICENSE #001121
HELD BY HALIFAX FORUM

- Pursuant to sections 22, 22A and 67 of the *Nova Scotia Liquor Licensing Regulations* ("the Regulations") the maximum number of persons permitted in the licensed establishment is listed below, unless a fire official or a final inspection conducted by a member of Investigation and Enforcement subsequently sets a different occupant load:

Area	Square Footage	Customer Accommodation
Bingo Hall Rm #1	7600	635
Bingo Hall Rm #2	5700	475
Mezzanine (Wolverine Lounge)	2712	226
In seat sections 2 – 5 of the stands	Licensed	
Multipurpose Centre	Licensed	
The Floor (ice surface) of the Forum	Not licensed	
Civic Arena	Not licensed	
Maritime Hall	Not licensed	
	TOTAL	1336

- Security must be on duty at all times liquor service is available at a minimum ratio of 1 per 100 patrons, unless otherwise approved by AGD.
- Persons under 19 years of age are not permitted in the licensed areas when liquor service is available.
- Liquor service is not permitted at events which are predominantly attended by persons under 19 years of age and younger.

5. This license permits the sale of liquor one (1) hour before events between the hours of 10:00 am and 12:30 am the following day, Monday to Sunday inclusive. Alternatively, this license permits the sale of liquor until the conclusion of an event, whichever occurs first.
6. The licensee must ensure that all customers leave the licensed premises no later than 30 minutes after the time authorized by their license to stop selling and dispensing liquor.
7. This license permits the sale of liquor to guests of the licensee and during previously booked functions of the licensee, and is not for service to the general public.
8. Notification of each event at which liquor service will be available must be submitted to the AGD prior to any advertising of the event.
9. The notification must include a complete description of the nature of the event, date, time, number of customers, set-up plan, security plan, confirmation that the event is age-restricted, and the availability and nature of food service.
10. In-seat sale and consumption of liquor in sections 2 through 5 may only take place during lights-on events, specifically hockey games, trade shows, conventions, etc.
11. All containers used for in-seat sale and consumption of liquor must be plastic, paper or foam with lids.
12. All staff providing in-seat sale and service of liquor must be 19 years of age or older.
13. When liquor service is available during bingo events, one area of the premises must be separated by way of a stanchion and designated a “dry area” (no liquor service).
14. Persons under the age of 19 years are not permitted in Room 1 or Room 2 when bingo is being played and alcohol service is available, unless they are in a separate roped-off (by stanchion) “dry area”.
15. Underage employees of the bingo may be in the licensed area during bingo events for the sole purpose of selling bingo cards; they must immediately leave the licensed area upon conclusion of card sales.

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 64 (1) and 58 (1) NOVA SCOTIA LIQUOR LICENSING REGULATIONS, by HALIFAX FORUM COMMUNITY ASSOCIATION, holder of Special Premises Liquor License No. 001121, for premises known as Halifax Forum, located at 2901 Windsor Street, Halifax, Nova Scotia

AGREED STATEMENT OF FACTS

1. Halifax Forum Community Association (the “Licensee”) is the holder of Special Premises Liquor License No. 001121, for premises known as Halifax Forum, located at 2901 Windsor Street, Halifax, Nova Scotia (the “Licensed Premises”).
2. The Licensee acknowledges that it has violated sections 64 (1) and 58 (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 May 26, 2012, Eric Trowell, a Compliance Officer working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises during a licensed event.
 - b. At approximately 10:25 p.m. Compliance Officer Trowell approached the front entrance of the licensed premises and observed two females holding white plastic cups of beer. Compliance Officer Trowell observed that there were approximately 7 to 10 individuals to the left of the front entrance drinking alcoholic beverages. Compliance Officer Trowell also observed that the fire exit doors were left open with no security staff present. Compliance Officer Trowell observed patrons entering and leaving through the fire exit doors with alcohol beverages. Compliance Officer Trowell advised the licensee of the activity being permitted within the vicinity of the front entrance.
 - c. Compliance Officer Trowell continued his inspection within the licensed premises. While inside the licensed premises Compliance Officer Trowell observed a male patron entering the licensed premises through the front entrance. The male patron proceeded past security and was swaying back and forth until he reached the bar area.

Upon reaching the bar the male patron ordered and purchased a beer from bar staff. Based on Compliance Officer Trowell's observations of the male patron swaying back and forth he concluded that the male patron was intoxicated and advised the licensee of same.

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 Licensee's violations of sections 64 (1) and 58 (1) of the *Nova Scotia Liquor Licensing Regulations*.

5. The Licensee and the Alcohol and Gaming Division jointly recommend that:

The licensee shall follow the terms of Conditions of Special Premises License No. 001121, which are set out in Schedule "A", attached hereto and forming part of the agreed statement of facts and joint recommendation on penalty. The terms outlined in Schedule "A" shall remain in effect until renewal of the Special Premises License and shall be reassessed by the Executive Director upon receipt of a formal request to remove any/all of the conditions; and

Special Premises Liquor License No. 001121 be suspended for a period of 1 day, to be served on Thursday, October, 4, 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 License has been suspended. This does not prevent the business from providing the sale of food or other non-liquor related services.

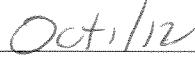
6. ENTIRE AGREEMENT

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 Halifax Forum Community Association
operating as Halifax Forum (SPL #001121):**

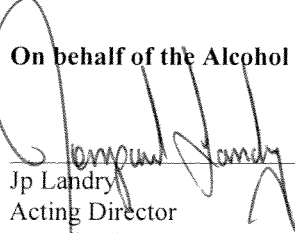


A.M. Driscoll, General Manager




Date

On behalf of the Alcohol and Gaming Division:



Jp Landry
Acting Director
Investigation and Enforcement
Alcohol and Gaming Division



Date