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## Notice of Proposed Disciplinary Action

**To:** LDCP Bar&Grill (Lower Deck Neighborhood Bar&Grill), 278 Lacewood Drive, Halifax  
Eating Establishment Liquor License #003800 and Lounge Liquor License #003801

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

**Date:** May 17, 2013

**Subject:** Notice of Disciplinary Action Against – LDCP Bar&Grill  
(2 Day Suspension)  
Reference #: 2012\_12\_18\_003800

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### Current Situation

An Agreed Statement of Facts was submitted to this office on May 13, 2013, wherein the Licensee acknowledged violations of sections 44(1), 44(2) and 45(a), 45(b) and 45(c), of the *Nova Scotia Liquor Licensing Regulations* on December 18, 2012, and agreed on the following penalty:

***Eating Establishment Liquor License No. 003800 and Lounge Liquor License No. 003801 will be suspended for a period of two (2) days, commencing Monday, June 10<sup>th</sup> 2013 to Tuesday, June 11<sup>th</sup>, 2013, 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 May 17, 2013, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2012\_12\_18\_003800.

### 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 LDCP Bar&Grill, 278 Lacewood Drive, Halifax, NS: Eating Establishment Liquor License No. 003800 and Lounge Liquor License No. 003801, be served from Monday, June 10<sup>th</sup>, 2013 to Tuesday, June 11<sup>th</sup>, 2013, 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(1), 44(2) and 45(a), 45(b) and 45 ( c ) by LDCP Bar & Grill Incorporated, the holder of Eating Establishment Liquor License No. 003800 and Lounge Liquor License No.003801**

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**AGREED STATEMENT OF FACTS**

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1. LDCP Bar & Grill Incorporated, doing business under the business name Lower Deck Neighbourhood Bar & Grill, is the holder of Eating Establishment Liquor License No. 003800 and Lounge Liquor License No.003801, which covers the premises known as the Lower Deck Neighbourhood Bar & Grill, located at 278 Lacewood Drive, Halifax, Nova Scotia (hereinafter “the Licensed Premises”).
2. The Licensee acknowledges that it has violated regulations 44(1), 44(2) and 45(a), 45(b) and 45(c) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
3. The circumstances of the violations are as follows:
  - a. On December 18, 2012, the Halifax Regional Police (HRP) received a call from Emergency Health Services (EHS) who advised that a male patron was found unconscious in the male washroom located within the licensed premises. Cst. Roache, Cst Greencorn and Cst Morash of the (HRP) were dispatched to the licensed premises.
  - b. Upon arrival at the licensed premises police officers met EHS paramedics A.D. and J.L. who were attending to the male patron that was found unconscious in the male washroom. EHS paramedics had determined that the male patron was unconscious due to excessive alcohol consumption.
  - c. During the course of the police investigation officer's, while inside the licensed premises, questioned a male patron who had accompanied the unconscious male to the bar on the evening in question. The male whom the police officer's questioned was identified by police as M.M. DOB 1994-09-28. The unconscious male was later identified by police as J.D. DOB1994-02-1994. Both M.M. and J.D. attended the licensed premises on December 18, 2012 for a corporate Christmas party.
  - d. Subsequent to the police investigation the Alcohol and Gaming Division received a complaint from HRP regarding the December 18, 2012 incident. Andrew MacLean, a Compliance Officer working within and for the Alcohol and Gaming Division, investigated the complaint. Compliance Officer MacLean met with the manager of the licensed premises, obtained video surveillance of the December 18, 2012 incident, and spoke to a representative of the company who had contracted with the licensee to host a Christmas party event at the licensed premises.

- e. As a result of his investigation Compliance Officer MacLean determined that on December 18, 2012, the identification of M.M. and J.D. was not checked by staff of the licensed premises. Compliance Officer MacLean also determined that at least thirteen alcoholic beverages were provide to M.M. and J.D. and that M.M. and J.D. were eighteen years of age as of December 18, 2012.
4. 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 sections 44(1), 44(2) and 45(a), 45(b) and 45(c) of the *Nova Scotia Liquor Licensing Regulations*.
5. The Licensee and the Alcohol and Gaming Division jointly recommend that

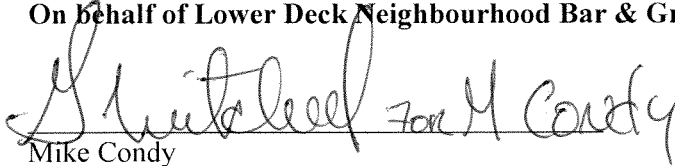
**Eating Establishment Liquor License No. 003800, Lounge Liquor License No. 003801 be suspended for a period of 2 consecutive days.**

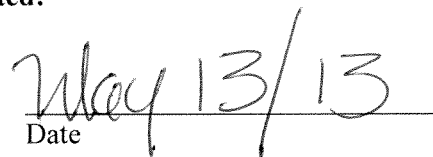
**In accordance with sections 83 (1) and (2) of the *Nova Scotia Liquor Licensing Regulations* a Suspension Notice will be posted at the licensed premises stating that the Liquor Licenses have been suspended. The suspension does not prevent the Licensee from providing the sale of food or other non-liquor 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.

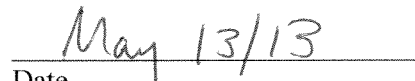
**On behalf of Lower Deck Neighbourhood Bar & Grill Limited:**

  
Mike Condy

  
Date

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

  
Tracy Hannah  
Regional Manager, Western and Metro Region  
Investigation and Enforcement Division

  
Date