
Notice of Proposed Disciplinary Action

To: Dooly's Dining Room & Lounge
1 Landsdown Avenue, Amherst, Nova Scotia
Eating and Establishment Liquor License No. 004039 and Lounge License
No. 004040

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

Date: March 4, 2015

Subject: Notice of Disciplinary Action Against – Dooly's Dining Room & Lounge
1 Landsdown Avenue, Amherst, Nova Scotia

Current Situation

An Agreed Statement of Facts was submitted to this office on February 26, 2015, wherein the licensee acknowledged violation of sections 61(1) (b) and 61 (2) of the *Nova Scotia Liquor Licensing Regulations*, relating to two intoxicated patrons on April 13, 2014;

Persons not permitted in, or to be served in, licensed premises

61 (1) *A licensee must not sell or provide liquor in their licensed premises to any of the following:*

(b) a person who is apparently under the influence of liquor.

(2) A licensee must not permit a person who is drunk to be in their licensed premises.

The licensee has agreed on the following penalty:

Eating and Establishment Liquor License No. 004039, Lounge Liquor License No. 004040 and Video Lottery Registration Certificate No. VL004040 be suspended for a period of one (1) day, to be served on March 21, 2015.

The office of the Executive Director, Alcohol and Gaming Division, Service Nova Scotia, has considered the matter and issued a Notice of Disciplinary Action on March 4, 2015, pursuant to section 47B of the *Nova Scotia Liquor Control Act*.

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 has concluded that a one (1) day suspension of Dooly's Dining Room & Lounge, 1 Landsdown Avenue, Amherst, Nova Scotia: Eating and Establishment Liquor License No. 004039, Lounge License No. 004040 and Video Lottery Registration Certificate No.VL004040 shall be served at the request of the licensee on Saturday, March 21, 2015.

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 and Video Lottery Registration Certificate 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

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 61 (1) (b) and 61 (2) by Dooly's Inc., the holder of Eating Establishment Liquor License No. 004039 and Lounge Liquor License No. 004040, and operator of Dooly's Lounge (Amherst)

AGREED STATEMENT OF FACTS

1. Dooly's Inc. is a registered extra-provincial corporation which conducts business within the Province of Nova Scotia, and is the owner and operator of Dooly's Lounge (Amherst), (hereinafter "the licensee").
2. Dooly's Inc. is the holder of Eating Establishment Liquor License No. 004039.
3. Dooly's Inc. is the holder of Lounge Liquor License No. 004040.
4. Dooly's Lounge (Amherst) is located at 1 Landsdown Avenue, Amherst, Nova Scotia, (hereinafter "the licensed premises").
5. The licensee acknowledges that it has violated regulations 61 (1) (b) and 61 (2), of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
6. The circumstances of the violations are as follows:
 - i. On April 13, 2014, at approximately 01:30 hrs Ron Downey, a compliance officer working within and for the Alcohol and Gaming Division (AGD), conducted a routine inspection within and about the licensed premises. At approximately 01:40 hrs Compliance Officer Downey observed security staff member M.F. escorting a female patron who showed signs of intoxication as she was unable to stand or walk under her own power.
 - ii. At approximately 01:43 hrs Compliance Officer Downey observed a male patron slouched on a stool near the dance floor area. Compliance Officer Downey approached the male patron and asked if he was alright, to which the male patron was unresponsive. After observing the compliance officer three male individuals approached Compliance Officer Downey which he concluded were friends of the male patron. Upon approach, one of the friends of the male patron stated to Compliance Officer Downey that the male patron "was alright and that he just had too much to drink". The male

patron, after significant prompting by Compliance Officer Downey, began to show signs of alertness, but was unable to stand without assistance, displaying poor muscle coordination and appeared confused. The male patron, accompanied by his friends, was escorted to the door.

- iii. On April 22, 2014, Compliance Officer Downey obtained video surveillance footage provided by Dooly's Inc. with respect to the male patron found by Compliance Officer Downey, who was slouched on a stool near the dance floor area. The footage showed the following:

10:47: Male patron enters licensed premises.

11:34:14: Male patron served 2 shots of liquor by bartender.

12:00:00: Male patron served 2 shots of liquor by bartender.

12:27: Male patron consumes 1 drink of liquor.

12:28: Male patron consumes "Jagermeister and Red Bull".

12:37:45: Male patron consumes several shots of liquor.

12:42:17: Male patron consumes 1 serving of "Jagermeister and Red Bull".

12:46:15: Male patron on dance floor consumes 1 serving of liquor. Male patron swaying while on dance floor.

01:07:35: Male patron swaying and staggering while standing.

01:14:36 Male patron falls while standing on the dance floor.

01:32:25: Male patron exits dance floor, sits on bar stool near the dance floor, puts head down.

01:37:44: Security staff member M.F. walks directly past male patron sloughed over a table while sitting on bar stool.

- iv. The surveillance footage with respect to the female patron who was observed by Compliance Officer Downey being unable to stand under her own power while being escorted by security staff towards the exit of the licensed premises displayed the following footage:

12:30:34 Female patron enters licensed premises.

12:53:34: Female patron served 1 beer and 3 shots by bartender. Female patron consumes 1 shot and half of the 2nd shot. Female patron consumes beer and staggers on her feet.

01:16:40: Female patron unsteady on her feet, has difficulty placing bottle to her mouth and stumbles backward into another patron.

01:20:19 Female patron walks to the bar and proceeds to stagger backwards into another patron.

01:21:00: Female patron picks up another patron's drink placing it to her mouth and continues to stagger while in view of bartender.

7. This matter has been brought before the Executive Director of the Alcohol and Gaming Division, Investigation and Enforcement Section, Service Nova Scotia, for the imposition of a penalty with respect to the licensee's violations of regulations 61 (1) (b) and 61 (2) of the *Nova Scotia Liquor Licensing Regulations*.
8. The Licensee and the Alcohol and Gaming Division jointly recommend that:

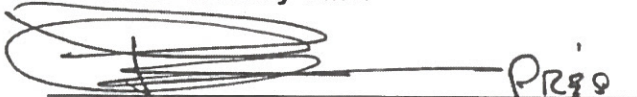
Eating Establishment Liquor License No. 004039, Lounge Liquor License No. 004040 and Video Lottery Registration Certificate No. VL004040 be suspended for a period of one (1) day to be served on Saturday, March 21, 2015.

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 and Video Lottery Registration Certificate have been suspended. The suspension does not prevent the Licensee from providing the sale of food or other non-liquor related services.

9. 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 Dooly's Inc:



Per:
Recognized Agent:

26 FEB 2015
Date

On behalf of the Alcohol and Gaming Division:



Tracy Hannah

Feb. 27/2015
Date