
Notice of Disciplinary Action

To: 3197612 Nova Scotia Limited
o/a Glasgow Pub Dining Room and Lounge
300 Stewart Street, New Glasgow, Nova Scotia
Eating Establishment Liquor License #002899
Lounge Liquor License #002900
Video Lottery Registration Certificate #VL002900

From: John R. MacDonald, Executive Director, Alcohol, Gaming, Fuel & Tobacco Division,
Service Nova Scotia

Date: November 21, 2016

Subject: Notice of Disciplinary Action Against – 3197612 Nova Scotia Limited
Document #: 2016_07_23_002900.

Current Situation

An Agreed Statement of Facts was submitted to this office on November 16, 2016, wherein the licensee acknowledged violation of sections 55(1) of the *Nova Scotia Liquor Licensing Regulations*, consuming liquor after time to stop selling and serving liquor, on July 23, 2016 and agreed on the following penalty:

Eating Establishment Liquor License No. 002899 and Lounge Liquor License No. 002900, shall be suspended for a period of one (1) day to be served on a Saturday and in consultation with the AGFT.

Video Lottery Registration Certificate No. VL002900 will also be suspended during the one (day) suspension of the liquor licenses and the video lottery terminals will not be played.

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, Gaming, Fuel & Tobacco Division, Service Nova Scotia, has considered the matter and issued a Notice of Disciplinary Action on November 21, 2016, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document# 2016_07_23_002900.

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.

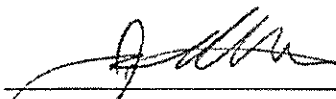
Notice of Action

The office of the Executive Director, Alcohol and Gaming Division, Service Nova Scotia has concluded that:

Eating Establishment Liquor License No. 002899 and Lounge Liquor License No. 002900 be suspended for a period of one (1) day to be served on a Saturday and in consultation with the Alcohol Gaming Fuel & Tobacco Division, Service Nova Scotia.

Video Lottery Registration Certificate No. VL002900 will also be suspended during the one day suspension of the liquor licenses and the video lottery terminals will not be played.

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, Gaming, Fuel & Tobacco, Service Nova Scotia

EXECUTIVE DIRECTOR OF THE ALCOHOL GAMING FUEL AND TOBACCO DIVISION

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 REGULATION section 55 (1) by 3197612 Nova Scotia Limited, the holder of Eating Establishment Liquor License No. 002899 and Lounge Liquor License No. 002900 and operator of Glasgow Pub Dining Room and Lounge

AGREED STATEMENT OF FACTS

1. 3197612 Nova Scotia Limited, is a body corporate, incorporated under the laws of the Province of Nova Scotia and is the holder of Eating Establishment Liquor License No. 002899 and Lounge Liquor License No. 002900 (hereinafter "the licensee").
2. 3197612 Nova Scotia Limited conducts business within the Province of Nova Scotia, and is the owner and operator of Glasgow Pub Dining Room and Lounge, which is located at 300 Stewart St., New Glasgow, Nova Scotia (hereinafter "the licensed premises").
3. The licensee acknowledges that it has violated regulation section 55 (1) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
4. The circumstances of the violation is as follows:
 - i. On the 23rd day of July 2016 at approximately 3:12 a.m. Compliance Officer Duane Stewart, working within and for the Alcohol, Gaming, Fuel and Tobacco Division (AGFT), entered the licensed premises. Compliance Officer Stewart entered the licensed premises to conduct a routine inspection. Routine inspections of licensed premises form part of his regular employment duties as a Compliance Officer for the AGFT.
 - ii. Prior to entering the licensed premises Compliance Officer Stewart observed that the "Open" sign adjacent to the entrance of the licensed premises was illuminated and the front door of the licensed premises was unlocked.

- iii. Upon entering the licensed premises, Compliance Officer Stewart heard music playing and observed one bartender and seven patrons inside the licensed premises. Compliance Officer Stewart observed six patrons drinking from beer bottles and glasses while seated or standing by the bar. Based on Compliance Officer Stewart's observations made during his routine inspection he concluded that the licensee was in violation of section 55 (1) of the *Liquor Licensing Regulations*. Compliance Officer Stewart then proceeded to investigate the violation further.
 - iv. Before concluding his investigation Compliance Officer Stewart took a statement from the bartender who was, at all material times, in charge of serving alcohol and liquor at the licensed premises on the 23rd day of July 2016. In the statement given by the bartender to Compliance Officer Stewart the bartender admits that on the 23rd day of July 2016 they served liquor and alcohol to patrons at the licensed premises until 3 a.m.
 - v. The bartender, at all material times, was an employee of the licensee.
5. This matter has been brought before the Executive Director of the Alcohol, Gaming, Fuel and Tobacco Division (AGFT) for the imposition of a penalty with respect to the licensee's violation of regulation section 55 (1), of the *Nova Scotia Liquor Licensing Regulations*.
 6. The Licensee and the AGFT jointly recommend that:

Eating Establishment Liquor License No 002899 and Lounge Liquor License No. 002900, shall be suspended for a period of one (1) day to be served on a Saturday and in consultation with the AGFT.

Video Lottery Registration Certificate No. VL002900 will also be suspended during the one (day) suspension of the liquor licenses and the video lottery terminals will not be played.

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.

7. 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 Glasgow Pub Dining Room and Lounge:

 Allan Smith
Per:
Recognized Agent:

 Oct 24/16
Date

On behalf of the Alcohol and Gaming Division:

 Jeff Barnes
Jeffrey Barnes
Regional Manager
Alcohol, Gaming, Fuel and Tobacco
Investigation & Enforcement
Service Nova Scotia

 Nov 14, 2016
Date