

NOVA SCOTIA UTILITY AND REVIEW BOARD
IN THE MATTER OF THE LIQUOR CONTROL ACT

- and-

IN THE MATTER OF VIOLATIONS OF THE *LIQUOR LICENSING REGULATIONS* by **King's Corner Bar and Grille Limited**, holder of Eating Establishment Liquor License Nos. 002913 and 003243, and Lounge Liquor License Nos. 002914 and 003244, for premises known as King's Corner Bar and Grille, 777 King Street, Bridgewater, Nova Scotia

BEFORE:



David J. Almon, LL.B., Member

DECISION AND ORDER

WHEREAS the Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia and Municipal Relations (the "AGD") made a request to the Nova Scotia Utility and Review Board (the "Board") on April 10, 2015, with respect to alleged violations of sections 61(1)(a) and (b) and 61(2), of the *Liquor Licensing Regulations* (the "*Regulations*") by King's Corner Bar and Grille (the "Licensee"), holder of Eating Establishment Liquor License Nos. 002913 and 003243, and Lounge Liquor License Nos. 002914 and 003244, (the "Licenses"), for premises known as King's Corner Bar and Grille, located at 777 King Street, Bridgewater, Nova Scotia;

AND WHEREAS the Licensee, represented by its counsel Michael K. Power, Q.C., and the AGD, represented by its counsel Duane Eddy, LL.B., appeared

before the Board at a joint settlement hearing on December 18, 2015 via telephone conference;

AND WHEREAS Mr. Eddy filed a request for a joint settlement agreement (“Agreement”) with the Board on December 17, 2015, stating that the parties would be proceeding with the hearing by way of an Agreed Statement of Facts, based on the charges laid under sections 61(1) (a) and (b) and 61(2) of the *Regulations*;

AND WHEREAS the Agreed Statement of Facts, including a joint recommendation on penalty, executed by C. Peach, Recognized Agent., on behalf of the Licensee, and Tracy Hannah, Mainland Regional Manager, Investigation and Enforcement, AGD, was filed with the Board on December 17, 2015;

AND WHEREAS the Licensee acknowledges that it violated sections 61(1) (a) and (b) and 61(2) of the *Regulations* and accepts responsibility for the offences;

AND WHEREAS the Agreed Statement of Facts included the following joint recommendation on penalty:

Eating Establishment Liquor License Nos. 002913 and 003243 and Lounge Liquor License Nos. 002914 and 003244, will be suspended for a period of two (2) consecutive days to be served on Friday, January 8, 2016 and Saturday January 9, 2016.

Video Lottery Registration Certificate Numbers VL002914 and VL003244 shall be suspended for a period of two (2) consecutive days to be served on Friday, January 8, 2016 and Saturday, January 9, 2016.

The following shall be attached as conditions of Eating Establishment Liquor License Nos. 002913 and 003243 and Lounge Liquor License Nos. 002914 and 003244:

- (a) All video surveillance equipment will be kept in working condition, including the existing 11 video cameras, Video surveillance will be made available to the Alcohol, Gaming,

Fuel and Tobacco Division upon request at any time and will be stored for a minimum of 14 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.

AND WHEREAS it is within the Board's discretion whether or not to accept the Agreed Statement of Facts and joint recommendation on penalty that has been submitted to the Board for approval;

AND WHEREAS having considered the submissions, the Board accepts the joint recommendation, and rendered its decision on the same date;

IT IS HEREBY ORDERED that King's Corner Bar and Grille., holder of Eating Establishment Liquor License Nos. 002913 and 003243, and Lounge Liquor License Nos. 002914 and 003244, for premises known as King's Corner Bar and Grille, located at 777 King Street, Bridgewater, Nova Scotia, shall have its Licenses suspended for two (2) days, to be served on Friday, January 8 and Saturday, January 9, 2016;

IT IS FURTHER ORDERED that the Video Lottery Registration Certificate Nos. VL002914 and VL003244 shall be suspended for a period of two (2) days, to be served on Friday, January 8, and Saturday, January 9, 2016, as penalty for the Licensee's violations of the *Regulations*, subject to the following conditions:

- (a) In accordance with sections 83(1) and (2) of the *Nova Scotia Liquor Licensing Regulations*, a Suspension Notice shall be posted at the licensed premises stating that the Liquor Licenses and Video Lottery Registration Certificates have been suspended;
- (b) The suspension does not prevent the Licensee from providing the sale of food or other non-liquor related services;

IT IS FURTHER ORDERED that the licensee shall have the following condition attached to its Eating Establishment Liquor License Nos. 002913 and 003243, and Lounge Liquor License Nos. 002914 and 003244:

All video surveillance equipment will be kept in working condition, including the existing 11 video cameras, Video surveillance will be made available to the Alcohol, Gaming, Fuel and Tobacco Division upon request at any time and will be stored for a minimum of 14 days.

DATED at Halifax, Nova Scotia this 22nd day of December, 2015.


Clerk of the Board

NOVA SCOTIA UTILITY AND REVIEW BOARD

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) (a), 61 (1) (b), 61 (2) by Kings Corner Bar and Grille Limited, the holder of Eating Establishment Liquor License No. 002913, and Lounge Liquor License No. 002914, and operator of Kings Corner Bar & Grille

AGREED STATEMENT OF FACTS

1. Kings Corner Bar and Grille Limited, is a body corporate, incorporated under the laws of the Province of Nova Scotia. Kings Corner Bar and Grille Limited is the holder of Eating Establishment Liquor License No. 002913 and 003243 and Lounge Liquor License No. 002914 and 003244, (hereinafter "the licensee").
2. Kings Corner Bar and Grille Limited conducts business within the Province of Nova Scotia, and is the owner and operator of King Corner Bar and Grille, which is located at 777 King St., Bridgewater, Nova Scotia (hereinafter "the licensed premises").
3. The licensee acknowledges that it has violated regulations 61 (1) (a), 61 (1) (b), 61 (2), of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
4. The circumstances of the violations are as follows:
 - i. On January 10, 2015, at approximately 04:00 hrs Bridgewater Police received a 911 call. A female called 911 because her male partner had become excessively drunk at Kings Corner Bar and Grille. The female could not get her partner home as he had started going in and out of consciousness. When Cst. Childs of the Bridgewater Police Service arrived on scene, on Pleasant Street, two blocks from the licensed premises, Cst Childs observed that the female patron had been dragging her male partner as his pants had come down and his legs were heavily scraped. On January 15, 2015, R.M., a Compliance Officer working within and for the Alcohol, Gaming, Fuel, and Tobacco Division, retrieved surveillance video footage from the licensee for January 10, 2015

between 01:00hrs to 02:30 hrs. The January 10, 2015 video footage obtained by Compliance Officer R.M. depicts the following:

At 01:34hrs the male patron, who was later observed by Cst. Childs to be extremely intoxicated on Pleasant Street, is served a bottle of beer.

At 01:35hrs the male patron is served two shots of tequila. The male patron consumes both shots and then continues to drink from the bottle of beer.

At 01:43hrs the male patron is served a second bottle of beer.

At 01:44hrs the male patron is served two shots of tequila. The male patron consumes both shots and continues to drink from the bottle of beer.

At 01:55hrs the male patron can be seen exiting the front entrance of the licensed premises with his female partner. Staff observe both patrons as they exit the front entrance. As the male patron is exiting the licensed premises his motor ability is impaired as he is slouched as he walks, is unsteady on his feet, and staggers as he walks.

At 02:00 hrs staff were proceeding to lock the front entrance but pause to allow the male and female patron to return inside. The male patron staggers with obvious impairment, appearing drunk, through cameras 8, 1, and 5. The male patron returns to the bar in camera 2. The male and female patron's bottles of beer were stored behind the bar when they exited the licensed premises. Both the male and female patron when they returned from outside were given their beer from behind the bar at 02:01 hrs. The male patron drinks from the bottle of beer.

At 02:10hrs the female patron assists the male patron with his belt and/or pants as the male patron maintains his balance by holding the bar. The female patron does not appear to be intoxicated.

At 02:11hrs the male patron falls backwards to the floor with no attempt to break his fall. The male patron is helped to his feet by staff and two female patrons.

At 02:12hrs the male patron is helped through the licensed premises by staff. While proceeding towards the exit the male patron falls to the floor a second time while trying to sit in a chair. The male patron is assisted out of the chair by staff. The male patron then exits the licensed premises with the assistance of the female patron who accompanied him throughout the evening.

- ii. On May 1, 2015, at approximately 02:30 hrs Cst. Creamer of the Bridgewater Police Service arrested and issued a Summary Offence Ticket under s. 87 (1) of the *Liquor Control Act* to a male who was found by police approximately 50 meters from Kings Corner Bar and Grille. The male advised Cst. Creamer that he had been drinking at Kings Corner

Bar and Grille and was kicked out. Cst. Childs of the Bridgewater Police Service who attended on scene with Cst. Creamer spoke to staff at the licensed premises. Staff advised Cst. Childs that the male had been removed from the premises because he had urinated on the ATM located inside the licensed premises.

5. This matter has been brought before the Nova Scotia Utility and Review Board for the imposition of a penalty with respect to the licensee's violations of regulations 61 (1) (a), 61 (1) (b), and 61 (2), of the *Nova Scotia Liquor Licensing Regulations*.
6. The Licensee and the Alcohol and Gaming Division jointly recommend that:

Eating Establishment Liquor License No 002913 and 003243 and Lounge Liquor License No. 002914 and 003244, will be suspended for a period of two (2) consecutive days to be served on January 8, 2016 and January 9, 2016.

Video Lottery Registration Certificate Number VL002914 shall be suspended for a period of two (2) consecutive days to be served on January 8, 2016 and January 9, 2016.

The following shall be attached as conditions of Eating Establishment Liquor License No. 002913 and 003243 and Lounge Liquor License No. 002914 and 003244:


(a) All video surveillance equipment will be kept in working condition, including the existing 11 video cameras. Video surveillance will be made available to the Alcohol, Gaming, Fuel and Tobacco Division upon request at any time and will be stored for a minimum of 14 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.

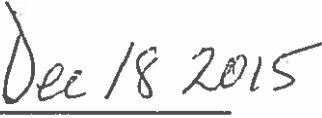
7. ENTIRE AGREEMENT

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 Kings Corner Bar and Grille Limited:



Per:
Recognized Agent:

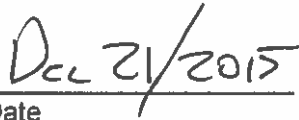


_____ Date

On behalf of the Alcohol and Gaming Division:



Tracy Hannah
Tracy Hannah, Mainland Regional Manager
Alcohol, Gaming, Fuel and Tobacco
Investigation & Enforcement
Service Nova Scotia



_____ Date