

### Notice of Proposed Disciplinary Action

**To:** 3222742 Nova Scotia Limited o/a Best Kept Secret Dining Room & Lounge  
21 Portland Street, Dartmouth, Nova Scotia  
Eating Establishment Liquor License #004607 and Lounge License #004608  
Video Lottery Registration Certificate #VL 004608

**From:** John R. MacDonald, Executive Director  
Alcohol, Gaming, Fuel and Tobacco, SNS

**Date:** April 6, 2017

**Subject:** Notice of Disciplinary Action  
3222742 Nova Scotia Limited o/a Best Kept Secret Room & Lounge  
21 Portland Street, Dartmouth, Nova Scotia

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#### Current Situation

An Agreed Statement of Facts was submitted to this office on April 14, 2017, wherein the licensee acknowledged violation of sections 45, 58, 64(1) of the *Nova Scotia Liquor Licensing Regulations*, relating to violations observed on February 25, 2017;

#### When accompanied minor may be in tavern, lounge, beverage room or cabaret

- 45 Except as prohibited in Section 47, a person who is under 19 years old may enter and be in a premises for which a tavern license, beverage room license, lounge license or cabaret license is in effect until 9:00 p.m. if all of the following conditions are met:
- (a) the person is accompanied at all times by a parent, legal guardian or spouse who is 19 years old or older;
  - (b) full meal service is provided in the licensed premises;
  - (c) the person enters the licensed premises for the purpose of eating a meal.

#### Removing liquor from licensed premises

- 58 Except as provided in Sections 58A and 58B, a licensee must not permit liquor that was sold in their licensed premises to be taken from the premises.

#### Activities not permitted in licensed premises

- 64(1) A licensee must not permit any activity in or about their licensed premises that is detrimental to the orderly control and operation of the licensed premises.

- (d) the person is accompanied at all times by a parent, legal guardian or spouse who is 19 years old or older;
- (e) full meal service is provided in the licensed premises;
- (f) the person enters the licensed premises for the purpose of eating a meal.

The licensee has agreed on the following penalty:

***Eating and Establishment Liquor License No. 004607, Lounge Liquor License No. 004608 and Video Lottery Registration Certificate No. VL004608 be suspended for a period of two (2) days, to be served on April 14 and April 15, 2017.***

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 April 12, 2017, 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 prior to April 14, 2017.

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.



Service Nova Scotia

Alcohol, Gaming, Fuel and Tobacco

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## Notice of Action

The office of the Executive Director, Alcohol, Fuel and Tobacco, Service Nova Scotia has concluded that a two (2) day suspension of Best Kept Secret Dining Room and Lounge, 21 Portland Street, Dartmouth, Nova Scotia. Eating Establishment Liquor License #004607, Lounge License #004608 and Video Lottery Registration Certificate #VL004608 shall be served at the request of the licensee on April 14 and April 15, 2017.

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, Gaming, Fuel and Tobacco  
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 an alleged violation of Regulations 45, 58, and 64(1) of the *Liquor Licencing Regulations* by 3222742 N.S. Ltd. carrying on business as Best Kept Secret Dining Room & Lounge

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AGREED STATEMENT OF FACTS

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- I. 3222742 Nova Scotia Ltd. is a body corporate incorporated under the laws of the Province of Nova Scotia, and carrying on business as Best Kept Secret Dining Room & Lounge ("the Licensee").
- II. The Licensee is the holder of Eating Establishment Liquor License No. 004607 and Lounge Liquor License No. 004608, which covers the premises known as Best Kept Secret Dining Room & Lounge located at 21 Portland Street, Dartmouth, Nova Scotia ("the licensed premises"). The Licensee is also registered to operate Video Lottery devices in accordance with the Gaming Control Act and the Video Lottery Regulations.
- III. The Licensee acknowledges that it has violated Regulations 45, 58, and 64(1) of the Liquor Licensing Regulations and accepts responsibility for the violation.
- IV. The circumstances of the violation are as follows:
  - a. On February 25, 2017 at approximately 23:45 hrs KW, a Compliance Officer ("CO KW") working with and for Alcohol, Gaming, Fuel and Tobacco ("AGFT"), accompanied by Sgt. D'Arcy Hueston and Cst. Andrew MacNeil, entered the licensed premises for the purposes of investigating an incident which took place in the early morning of February 25, 2017. Conducting investigations forms part of the regular employment duties of a Compliance officer with AGFT.
  - b. On February 25, 2017 upon entering the licensed premises at approximately 23:45 hrs CO KW was speaking with bartender Gus Crawford, the person in charge, when CO KW observed two males enter the licensed premises who appeared young. CO KW immediately approached the males to check their identification. CO KW confirmed that both males were 18 years of age. CO KW advised the males they had to leave, both exited the premises.
  - c. CO KW also observed a group of young patrons seated at a table by the entrance of the premises. CO KW approached the table with Sgt. Hueston, and requested identification from the patrons. After verifying the identification of the patrons with Sgt. Hueston, it was determined that 3 patrons were 17 years of age, and one was 18 years of age.
  - d. One additional male patron indicated that his identification was in the car. CO KW instructed the male to retrieve his identification and return to the premises so that his age could be verified. The male proceeded to walk towards the bar counter area to speak with two other males. He then proceeded to walk to the front of the bar, where Cst.

MacNeil asked again for identification. The male become uncooperative, and was subsequently arrested by Cst. MacNeil. The patron was searched, and was found to be in possession of a hunting knife. It was determined that the males was 16 years of age.

- e. CO KW spoke with licensee Dale Swift, and bartender Gus Crawford advising them of the number of underage patrons in the premises. Gus stated he had checked their identification but did not look at the date of birth.
- f. CO KW proceeded to speak with the licensee Dale Swift, regarding the incident from the early morning of February 25, 2017 involving two staff members Roy Moore, and Ellen Jordan. CO KW requested video surveillance from licensee for the incident.
- g. On February 27, 2017, CO KW received a copy of video surveillance of the licensed premises for the incident occurring February 25, 2017 at approximately 02:36 hrs.
- k. The surveillance footage obtained by CO KW consisted of recorded video from a camera inside facing the bar, and a camera showing the exterior of the premises at the front entrance.

With respect to the incident in the early morning of February 25, 2017 CO KW observed the following from surveillance video footage (*inter alia*). All time entries noted below are in actual time of events.

**Video Camera (Inside facing bar area)**

02:36 – An argument takes place between Roy Moore and Ellen Jordan.

02:36 – Roy Moore leaves the premises with his girlfriend

02:37 - Ellen Jordan follows behind Roy Moore, her friends attempt to prevent her from leaving. Ellen Jordan is then seen chasing after Roy Moore heading towards exit.

**Video Camera (Outside of premises)**

02:37 – Ellen Jordan is seen exiting the bar chasing after Roy Moore. Altercation occurs out of view of cameras.

02:37 – Female patron wearing a black jacket is seen leaving the premises with a bottle of beer.

02:37 – Female wearing black jacket is seen placing the bottle of beer in snowbank and then pouring remaining beer out of bottle before walking out of camera view, holding the bottle by the neck as if she intends to use it as a weapon.

02:37 – Blonde haired female patron is seen consuming a bottle of beer outside of premises.

- V. This matter has been brought before the Executive Director of the Alcohol, Gaming, Fuel and Tobacco, Service Nova Scotia, for the imposition of a penalty in respect of the Licensees violation of sections 45, 58, and 64(1) of the *Nova Scotia Liquor Licensing Regulations*.
- VI. The Licensee and Alcohol, Gaming, Fuel and Tobacco jointly recommend that

Eating Establishment Liquor License No. 004607 and Lounge Liquor License No. 004608 be suspended for a period of two days (2) to be served on April 14 and April 15, 2017.

Video Lottery Registration Certificate VL004608 shall be suspended for the period of two days (2) to be served on April 14 and April 15, 2017.

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. This does not prevent the business from providing the sale of food or other non-liquor related services.

**7. ENTIRE AGREEMENT**

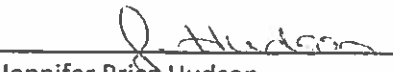
This Agreed Statement of Facts contains the entire agreement between the parties. There are no undertakings or representations expressed or implied, other than those contained in this agreement.

On behalf of Best Kept Secret Dining Room and Lounge:

  
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Licensee, Best Kept Secret Dining Room and Lounge

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Date April 12 2017

On behalf of Alcohol, Gaming, Fuel and Tobacco:

  
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Jennifer Price Hudson  
Director  
Investigation and Enforcement Division

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Date April 13, 2017