
Notice of Proposed Disciplinary Action

To: 3004520 Nova Scotia Limited o/a Teazer's Dining Room & Lounge
10 Gerard Avenue, Amherst, Nova Scotia
Eating and Establishment Liquor License No. 003862, Lounge License
No. 003863 and Video Lottery Registration Certificate #VL 003863

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

Date: May 25, 2015

Subject: Notice of Disciplinary Action Against – 3004520 Nova Scotia Limited o/a Teazer's
Dining Room & Lounge
10 Gerard Avenue, Amherst, Nova Scotia

Current Situation

An Agreed Statement of Facts was submitted to this office on May 19, 2015, wherein the licensee acknowledged violation of sections 65(a), (b) and (f) of the *Nova Scotia Liquor Licensing Regulations*, relating to violations observed on December 6, 2014;

Requirements respecting adult entertainment

65 A licensee that presents adult entertainment in a licensed premises must ensure that all the following requirements are met:

- (a) notice of the presentation of adult entertainment must be posted so that it is clearly visible to customers before they enter the licensed premises;*
- (b) there must be no physical contact between customers and adult entertainers, including a customer placing a tip or gratuity on the adult entertainer or any part of the adult entertainer's clothing;*
- (f) any adult entertainment performances must take place exclusively on the stage."*

The licensee has agreed on the following penalty:

Eating and Establishment Liquor License No. 003862, Lounge Liquor License No. 003863 and Video Lottery Registration Certificate No. VL003863 be suspended for a period of two (2) days, to be served on June 5, 2015 and June 6, 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 May 25, 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, Fuel and Tobacco, Service Nova Scotia has concluded that a two (2) day suspension of Teazer's Dining Room & Lounge, 10 Gerard Avenue, Amherst, Nova Scotia: Eating and Establishment Liquor License No. 003862, Lounge License No. 003863 and Video Lottery Registration Certificate No.VL003863 shall be served at the request of the licensee on June 5, 2015 and June 6, 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, 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 Regulation 65 (a), (b), (f) of the *Liquor Licencing Regulations* by 3004520 N.S. Ltd. carrying on business as Teazer's Dining Room

AGREED STATEMENT OF FACTS

1. 3004520 N.S. Ltd. is a body corporate incorporated under the laws of the Province of Nova Scotia, and carrying on business as Teazer's Dining Room ("the Licensee").
2. The Licensee is the holder of Eating Establishment Liquor License No. 003862 and Lounge Liquor License No. 003863, which covers the premises known as Teazer's Dining Room, located at 10 Gerard Avenue, Amherst, 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.
3. The Licensee acknowledges that it has violated Regulation 65 (a), (b), (f) of the Liquor Licensing Regulations and accepts responsibility for the violation.
4. The circumstances of the violation are as follows:
 - a. On December 6, 2014 at approximately 00:40 hrs Ron Downey, a Compliance Officer (CO Downey) working with and for Alcohol, Gaming, Fuel and Tobacco conducted a routine inspection within the Licensed Premises.
 - b. On December 6, 2014 CO Downey had personal knowledge that adult entertainment was being presented within the Licensed Premises.
 - c. On December 6, 2014 upon entering the Licensed Premises at approximately 00:40 hrs CO Downey observed that there was no visible posted notice at the entrance of the Licensed Premises that adult entertainment was being displayed within the Licensed Premises.
 - d. CO Downey while observing the adult entertainment which consisted of female dancers on a stage observed male patrons proceeding onto the stage and offering gratuities including the placement of tips physically on individual entertainers persons.

- e. CO Downey during his routine inspection on December 6, 2014 within the Licensed Premises observed an area for "private dances" also referred to as the solarium.
- f. On December 11, 2014 CO Downey obtained and reviewed surveillance footage of the interior of the Licensed Premises that was recorded on December 6, 2014. The surveillance footage obtained by CO Downey consisted of recorded video from CAMERA 10 (which provided video surveillance of the stage and general seating area for patrons) and recorded video from CAMERA 2 (which provided video surveillance of the entrance to the solarium).

CAMERA 10

CO Downey observed the following from the "Camera 10" surveillance video footage (*inter alia*)

11:36pm Adult entertainer seen leaving stage, going to table to table, performing physical contact with patrons, including sitting on and straddling patrons.

11:40pm Adult entertainer seen leaving stage and performing while lying down on patron's table, on her back with legs spread in the air in the upper level of the bar, leaves table topless.

11:58pm Topless adult entertaining seen leaving the stage area and going table to table having physical contact with patrons then, continuing to the bar area which is adjacent to the main entrance of the bar and having physical contact with a patron.

00:26am Ticket draw takes place on stage. Each adult entertaining seen drawing from a bucket followed by a male patron joining her on stage.

CAMERA 2

CO Downey observed the following from the "Camera 2" surveillance video footage (*inter alia*)

00:30am All ticket winners seen being lead by adult entertainer to closed off solarium area of Licensed Premises.

00:35am Patrons seen leaving closed of solarium area.

00:38am Adult entertainers continue to lead patrons to closed off solarium area.

CAMERA 10 (repeated)

00:47am Adult entertainers begin performances back on stage area following return from solarium.

CAMERA 2 (repeated)

01:51am Adult entertains and patrons re-enter closed off solarium area.

02:00am Adult entertainer seen leaving closed off solarium area unclothed

02:01am Same adult entertainer seen leaving closed off solarium re-enters closed off solarium area.

02:06am Male patron seen leaving closed off solarium area.

5. This matter has been brought before the Executive Director of the Alcohol, Gaming, Fuel and Tobacco, Service Nova Scotia and Municipal Relations, for the imposition of a penalty in respect of the Licensees violation of section 65 (a), (b), (f) of the *Nova Scotia Liquor Licensing Regulations*.

6. The Licensee and Alcohol, Gaming, Fuel and Tobacco jointly recommend that

Eating Establishment Liquor License No. 003862 and Lounge Liquor License No. 003863 be suspended for a period of two days (2) to be served on June 5, 2015 and June 6, 2015.

Video Lottery Registration Certificate VL003863 for the following video lottery terminals:122022 ; 213524 ; 1173192 ; 213799 ; 12-212132 ; 215734 ; 1155058 shall be suspended for a period of two days (2) to be served on June 5, 2015 and June 6, 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 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 Teazer's Dining Room and Lounge:



Licensee, Teazer's Dining Room and Lounge

May 19/2015
Date

On behalf of Alcohol, Gaming, Fuel and Tobacco:



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

May 25/2015
Date