
Notice of Proposed Disciplinary Action

To: Platinum Hospitality Incorporated (Durdy Nelly's Irish Pub), 1646 Barrington Street,
Halifax
Eating Establishment Liquor License #004295 and Lounge Liquor License #004296

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

Date: November 22, 2013

Subject: Notice of Disciplinary Action Against – Platinum Hospitality Incorporated
Reference #: 2013_05_11_004295

Current Situation

An Agreed Statement of Facts was submitted to this office on November 22, 2013, wherein the Licensee acknowledged violations of sections 44(1) and 44(2) of the *Nova Scotia Liquor Licensing Regulations* on May 11, 2013, and agreed on the following penalty:

Eating Establishment Liquor License No. 004295 and Lounge Liquor License No. 004296 will be suspended for a period of two (2) days, commencing Tuesday, December 24th 2013 to Thursday, December 26th, 2013, inclusive.

The recognized agent of the Licensee, Joe McGuinness, shall not be permitted to consume alcohol within or about the licensed premises for a period of 365 days to run consecutively and to commence on the first day of the two (2) day license suspension ending on the 365th day thereafter.

The office of the Executive Director, Alcohol and Gaming Division, Service Nova Scotia and Municipal Relations, has considered the matter and issued a Notice of Disciplinary Action on November 22, 2013, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2013_05_11_004295.

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 and Municipal Relations has concluded the following:

A two (2) day suspension of Platinum Hospitality Incorporated, 1646 Barrington Street, Halifax, NS: Eating Establishment Liquor License No. 004295 and Lounge Liquor License No. 004296, be served from Tuesday, December 24th, 2013 to Thursday, December 26th, 2013, inclusive.

The recognized agent of the Licensee, Joe McGuinness, shall not be permitted to consume alcohol within or about the licensed premises for a period of 365 days to run consecutively and to commence on the first day of the two (2) day license suspension ending on the 365th day thereafter.

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 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 and Municipal Relations

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 NOVA SCOTIA LIQUOR LICENSING REGULATION 44 (1) and 44 (2) by Platinum Hospitality Incorporated, the holder of Eating Establishment Liquor License No. 004295 and Lounge Liquor License No. 004296 for the premises known as Durty Nelly's Irish Pub, located at 1646 Barrington Street Halifax, Nova Scotia

AGREED STATEMENT OF FACTS

1. Platinum Hospitality Incorporated, doing business under the business name Durty Nelly's Irish Pub, is the holder of Eating Establishment Liquor License No. 004295 and Lounge Liquor License No. 004296, which covers the premises known as Durty Nelly's Irish Pub, located at 1646 Barrington Street Halifax, Nova Scotia ("the Licensed Premises").
2. The Licensee acknowledges that it has violated regulation 44 (1) and 44 (2) of the Nova Scotia *Liquor Licensing Regulations* and accepts responsibility for the violations.
3. The circumstances of the violations are as follows:
 - a. On May 11, 2013 Eric Trowell, a compliance officer working within and for the Alcohol and Gaming Division conducted a routine inspection of the licensed premises. CO Trowell entered the licensed premises on May 11, 2013 at approximately 01:00 hours.
 - b. After entering the licensed premises CO Trowell observed a male patron consuming two shots of alcohol. CO Trowell approached the male patron because the male patron looked young in age. CO Trowell requested to see the male patron's identification in order to verify his date of birth. The male patron did not provide his identification to CO Trowell but admitted to CO Trowell that he was under nineteen years of age.
 - c. During the course of CO Trowell's investigation it was confirmed that on May 11, 2013, despite caution from security staff, the licensee knowingly permitted more than one underage patron to enter the licensed premises.
4. This matter has been brought before the Executive Director of the Alcohol and Gaming Division, Investigation and Enforcement Section, Service Nova Scotia and Municipal Relations, for the imposition of a penalty in respect of the Licensees violation of regulation 44 (1) and 44 (2) of the Nova Scotia *Liquor Licensing Regulations*.
5. The Licensee and the Regional Manager, Western and Metro Region Investigation and Enforcement Division of the Alcohol and Gaming Division jointly recommend that:

1. Eating Establishment Liquor License No. 004295 and Lounge Liquor License No. 004296 be suspended for a period of two (2) days commencing on a date to be determined by the Licensee on or before December 31, 2013.

2. The following shall be made a condition of license:

The recognized agent of the Licensee, Joe McGuinness, shall not be permitted to consume alcohol within or about the licensed premises for a period of 365 days to run consecutively and to commence on the first day of the two (2) day license suspension ending on the 365th day thereafter.

3. 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 Eating Establishment Liquor License No. 004295 and Lounge Liquor License No. 004296 have been suspended. This does not prevent the Licensee from providing the sale of food or other non-liquor related services.

6. ENTIRE AGREEMENT

This Agreed Statement of Facts and joint recommendation 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 Durty Nelly's:



Joe McGuinness

Nov 22, 2013
Date

On behalf of the Alcohol and Gaming Division:



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

Nov 22/2013
Date