
Notice of Proposed Disciplinary Action

To: Royal Canadian Legion Branch #147, Upper Musquodoboit
Club License No. 002611
(2768 Caribou Road, Upper Musquodoboit, Nova Scotia)

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

Date: May 5, 2014

Subject: Notice of Disciplinary Action Against – Royal Canadian Legion Branch #147,
Upper Musquodoboit
Reference #: 2013_11_10_002611

Current Situation

An Agreed Statement of Facts was submitted to this office on April 30, 2014, wherein the licensee acknowledged violation of sections 53(1)(2), 55(1), 60(1) (a)(b)(c), 61(1) (a)(b) (2), 64(1), 66 and 76 of the *Nova Scotia Liquor Licensing Regulations* on November 10, 2013, and agreed on the following penalty:

Club License No. 002611 be suspended for a period of seven (7) consecutive days to cover a two (2) day closure, to be served from Sunday, May 11, 2014 to Saturday, May 17, 2014 inclusive.

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 5, 2014, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2013_11_10_002611.

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;

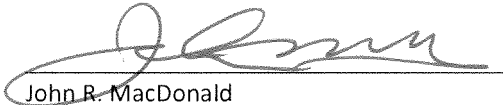
- (c) vary the proposed action, but only if the action taken is permitted by clause 47(1)(b), (c) of the *Liquor Control Act*; or
- (d) refer the matter to the Review Board in accordance with subsection 47B(1)(b) of the Act.

Notice of Action

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

- A seven (7) day suspension to cover a two (2) day closure of Royal Canadian Legion Branch #147, 2768 Caribou Road, Upper Musquodoboit, NS: Club License No. 002611, shall be served at the request of the licensee, from Sunday, May 11, 2014 to Saturday, May 17, 2014 inclusive.

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 and Gaming
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 ALLEGED VIOLATIONS OF NOVA SCOTIA LIQUOR LICENSING REGULATIONS 53(1) (2), 55 (1), 60 (1) (a) (b) (c), 61 (1) (a) (b) (2), 64 (1), 66 and 76 by Royal Canadian Legion Branch #147, the holder of Club Liquor License #002611

AGREED STATEMENT OF FACTS

1. Royal Canadian Legion Branch #147 is the holder of Club Liquor License #002611.
2. Club Liquor License #002611 covers part of the premises known as Royal Canadian Legion Branch #147, located at 2768 Caribou Road, Upper Musquodoboit, Nova Scotia (hereinafter "the Licensed Premises").
3. The Licensee acknowledges that it has violated regulations 53(1) (2), 55 (1), 60 (1) (a) (b) (c), 61 (1) (a) (b), 61 (2), 64 (1), 66 and 76 of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
4. The circumstances of the violations are as follows:
 - i. On November 10, 2013 at 2:53 a.m. Middle Musquodoboit RCMP were dispatched to the licensed premises in response to a public complaint.
 - ii. RCMP Constable Bigger arrived at the licensed premises at 3:20 a.m. When Constable Bigger entered the licensed premises he observed W.P. and five other individuals. Only two out of the six individuals that Constable Bigger observed inside the licensed premises were members of the Royal Canadian Legion branch #147. On November 10, 2013, W.P. was the bartender for the licensed premises and was the only employee working in the licensed premises.
 - iii. During his investigation, Constable Bigger questioned W.P. regarding the public complaint received by his detachment. At the time W.P. was being questioned by Constable Bigger W.P. was sitting behind the bar. While questioning W.P. Constable Bigger observed that W.P. was unsteady on their feet and their speech was slurred. Constable Bigger determined that W.P. was intoxicated to the point that W.P. could not fully answer any of his questions.
 - iv. On November 10, 2013, W.P. had consumed alcohol between 1:30 a.m. and 3:20 a.m. while inside the licensed premises.

- v. Prior to Constable Bigger's arrival on November 10, 2013, at the licensed premises, a birthday party had taken place within the licensed premises. When the birthday ended W.P. permitted two males and one female to enter the licensed premises on November 10, 2013, at approximately 1:45 a.m. When the three individuals entered the licensed premises W.P. served the two males and one female alcohol.
5. This matter has been brought before the Executive Director of the Alcohol and Gaming Division for the imposition of a penalty with respect to the Licensees violations of regulations 53(1) (2), 55 (1), 60 (1) (a) (b) (c), 61 (1) (a) (b) (2), 64 (1), 66 and 76 of the *Nova Scotia Liquor Licensing Regulations*.
6. The Licensee and the Alcohol and Gaming Division jointly recommend that:

Club Liquor License #002611 will be suspended for a period of 7 consecutive days to cover a 2 day closure to be served from May 11, 2014 to May 17, 2014.


The dates on which the suspension will be served by the Licensee shall be agreed to as between the Licensee and Alcohol and Gaming Division prior to the signing of this Agreement.

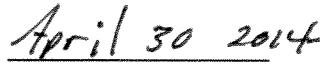
In accordance with sections 83 (1) and (2) of the *Nova Scotia Liquor Licensing Regulations* a Suspension Notice will be posted at the licensed premises stating that the Liquor Licenses have been suspended. The suspension does not prevent the Licensee from providing the sale of food or other non-liquor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

6. 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 Royal Canadian Legion Branch #147:


Per: Gary Leslie


Date

On behalf of the Alcohol and Gaming Division:


Tracy Hannah
Regional Manager,
Investigation and Enforcement Division
Alcohol and Gaming Division


Date