
Notice of Proposed Disciplinary Action

To: Acadia University
15 University Avenue, Wolfville, NS
Special Premises Liquor License #001113

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

Date: October 30, 2017

Subject: Notice of Disciplinary Action
Acadia University
15 University Avenue, Wolfville, NS

Current Situation

An Agreed Statement of Facts was submitted to this office on October 16, 2017, wherein the licensee acknowledged violation of sections 61(2) x 2 of the *Nova Scotia Liquor Licensing Regulations*, relating to violations observed on February 3, 2017 and February 4, 2017;

Persons not permitted in, or to be served in, licensed premises

61(2) A licensee must not permit a person who is drunk to be in their licensed premises.

The licensee has agreed on the following penalty:

Special Premises Liquor License No. 001113 will be suspended for a period of two (2) days, to be served on Friday, November 3, 2017 and Saturday, November 4, 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 October 25, 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 November 2, 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.

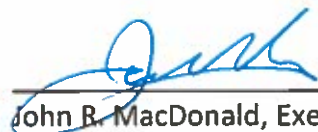
After considering any objection to a notice of proposed action, the Executive Director must do one of the following:

- (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.

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 Acadia University, 15 University Avenue, Wolfville, Nova Scotia Special Premises Liquor License #001113, shall be served at the request of the licensee on Friday, November 3, 2017 and Saturday, November 4, 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 has been suspended. This suspension does not prevent the University from providing the sale of food or other non-liquor related services.



John B. 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 61(2) x 2 of the *Liquor Licensing Regulations* by
Acadia University

AGREED STATEMENT OF FACTS

- I. Acadia University ("the Licensee") is the holder of Special Premises Liquor License #001113, located at 15 University Avenue, Wolfville, Nova Scotia ("the Licensed Premises").
- II. The Licensee acknowledges that it has violated Regulation 61(2) of the Liquor Licensing Regulations and accepts responsibility for the violation.
- III. The circumstances of the violation are as follows:
 - a. On February 3, 2017 at approximately 11:55 hrs Compliance Officer Rob Suffron ("CO Suffron") working with and for Alcohol, Gaming, Fuel and Tobacco ("AGFT") conducted a routine inspection within the Licensed Premises. Routine inspections of licensed premises form part of the regular employment duties of a Compliance Officer with AGFT.
 - b. On February 3, 2017 upon entering the area known as the Axe Lounge at the Licensed Premises CO Suffron spoke with Kira Awrey, the manager on duty. Ms. Awrey advised of an incident which took place at an all ages licensed event in the MacKeen Room earlier in the evening.
 - c. Ms. Awrey advised that at approximately 23:38 hrs on February 3, 2017, 911 was called for an 18-year-old female student who had over consumed alcohol and was semi-conscious. The female student was transported to Valley Regional Hospital at approximately 23:50.
 - d. At approximately 00:20 hrs on February 4, 2017 in the area known as the Axe Lounge CO Suffron observed a male who was approximately 6'2", 300 lbs stumble towards the door of the Axe Lounge on his way to the washroom. CO Suffron observed that the male was being supported by a female who was later determined to be his wife; the male was unsteady on his feet, was having difficulty keeping his head up and difficulty focusing. When the male arrived at the washroom, the male fell into the wall and struggled to regain his balance.
 - e. CO Suffron noted a security staff member who was approximately 15 feet from the washroom door, and approach him to discuss the male who had just entered the washroom. CO Suffron suggested that the male patron who had just entered the washroom should be evaluated and possibly removed from the premises.

- f. Two security staff approached the male and determined that he should leave the licensed premises. The male's wife and another male patron, one on each side of him, assisted him out.
- g. At this time, CO Suffron requested the video surveillance from the camera positioned above the location where the incident took place.
- h. On February 8, 2017 CO Suffron met with the licensee James Sanford, bar manager Alicia Johnson, and general manager Ian Morrison to discuss these incidents. CO Suffron expressed concerns about the security and the seriousness of the two events. CO Suffron received confirmation that he would obtain the requested video surveillance and the security reports from Campus Safety and Security.
- i. On February 21, 2017 CO Suffron received the security reports from Campus Safety and Security. On February 24, 2017 CO Suffron received the video surveillance.
- j. The surveillance footage obtained by CO Suffron consisted of recorded video of the incident involving the male patron which occurred in the Axe Lounge and provided video surveillance of the area outside the washrooms.

CO Suffron observed the following from surveillance video footage (*inter alia*).

Video clip that starts with 24:

19:16 – Male patron supported by his wife walks past Axe staff member who does not notice or react to him.

Video clip that starts with 28:

25:03 – Male patron appears on screen, stumbles and is leaning against the wall supported by his wife and another male.

26:50 – Male patron is assisted from the premises by his wife and a male patron.

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

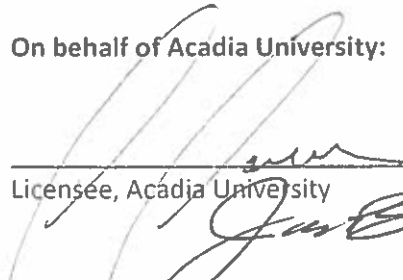
Special Premises Liquor license #001113 be suspended for a period of two (2) consecutive days to be served on a Friday and Saturday prior to October 31, 2017. The exact dates to be determined collaboratively by AGFT and the licensee.

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 Acadia University:



Licensee, Acadia University

September 13, 2017
Date
Sept 13/2017

On behalf of Alcohol, Gaming, Fuel and Tobacco:



Jennifer Price Hudson
Director
Investigation and Enforcement Division

September 16, 2017
Date

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 61(2) x 2 of the *Liquor Licensing Regulations* by Acadia University

1st ADDENDUM TO AGREED STATEMENT OF FACTS

IT IS AGREED, in consideration of the mutual covenants contained in this Addendum and other good and valuable consideration, the Agreed Statement of Facts executed between Alcohol, Gaming, Fuel, and Tobacco, (hereinafter referred to as the "AGFT") and Acadia University, shall be amended as follows:

EFFECTIVE FRIDAY, NOVEMBER 3, 2017, Special Premises Liquor license #001113 shall be suspended for a period of two (2) consecutive days to be served on Friday, November 3, 2017 and Saturday, November 4, 2017.

ALL OTHER TERMS AND CONDITIONS of the Agreed Statement of Facts shall remain in effect without change.

AGREED AND ACCEPTED this 23 day of October 2017.

On behalf of Acadia University




Licensee, Acadia University

Oct 23 / 2017

Date

On Behalf of Alcohol, Gaming, Fuel
and Tobacco



Jennifer Price Hudson
Director
Investigation and Enforcement

October 23, 2017

Date