

Notice of Proposed Disciplinary Action

To: King's Corner Bar and Grille Limited
o/a Split Crow Antigonish
25 James Street, Antigonish, Nova Scotia
Eating Establishment Liquor License #003860 and
Lounge License #003861
Video Lottery Registration Certificate

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

Date: December 11, 2017

Subject: Notice of Disciplinary Action
King's Corner Bar and Grille Limited o/a Split Crow Antigonish
25 James Street, Antigonish, Nova Scotia

Current Situation

Infraction Report #1928 was issued by Compliance Officer Mark Coffin, Alcohol, Gaming, Fuel & Tobacco Division on December 22, 2016. Infraction Report #2262 was issued by Senior Compliance Officer Neil MacNeil on January 13, 2017, respecting alleged violations of sections 44(1), 44(2), 45, 58, 64(1) of the NS Liquor Licensing Regulations which state:

Duty to prevent liquor being sold to, served to or consumed by minors

44(1) A licensee must ensure that a person who is under 19 years old is not sold, supplied or given liquor in their licensed premises.

44(2) A licensee must ensure that a person who is under 19 years old does not consume liquor in their licensed premises.

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.

The alleged violations of sections 44(1), 44(2), 45, 58, 64(1) of the NS Liquor Licensing Regulations occurred on September 11, 2016 and on October 1, 2016, at the Split Crow Antigonish Dining Room and Lounge, 25 James Street, Antigonish, NS.

A transfer of license was approved by this office on November 16, 2017 for Eating Establishment Liquor License #003860 and Lounge Liquor License #003861. King's Corner Bar and Grille Limited agreed to accept a 2-day suspension of license to conclude the matter of the outstanding infraction reports #1928 and #2262. The agreement to accept the suspension was a condition of the transfer of the licenses to King's Corner Bar and Grille Limited.

The licensee has agreed to the following penalty:

Eating and Establishment Liquor License No. 003860, Lounge Liquor License No. 003861 and the Video Lottery Registration Certificate be suspended for a period of two (2) days.

Penalty to be served on December 15 and December 16, 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 November 30, 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 December 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.

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 King's Corner Bar and Grille Limited o/a Split Crow Antigonish Dining Room and Lounge, 25 James Street, Antigonish, Nova Scotia. Eating Establishment Liquor License #003860, Lounge License #003861 and Video Lottery Registration Certificate shall be served on December 15 and 16, 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