

Notice of Proposed Disciplinary Action

To: Tusu Karaoke Incorporated o/a Tusu Karaoke
5680 Spring Garden Road, Halifax, Nova Scotia
Eating Establishment Liquor License #006246 and
Lounge License #006247

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

Date: May 30, 2018

Subject: Notice of Disciplinary Action
Tusu Karaoke Incorporated o/a Tusu Karaoke
5680 Spring Garden Road, Halifax, Nova Scotia

Current Situation

An Agreed Statement of Facts was submitted to this office on May 13, 2018, wherein the licensee acknowledged violation of sections 45 (a) (b) (c) of the *Nova Scotia Liquor Licensing Regulations*, relating to violations observed on September 3, 2017;

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.

The licensee has agreed on the following penalty:

Eating and Establishment Liquor License No. 006246, Lounge Liquor License No. 006247 be suspended for a period of one (1) day, to be served on June 2, 2018.

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 30, 2018, 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 June 1, 2018 at 16:30 hours.

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 one (1) day suspension of Tusu Karaoke, 5680 Spring Garden Road, Halifax, Nova Scotia. Eating Establishment Liquor License #006246 and Lounge License #006247 shall be served at the request of the licensee on June 2, 2018.

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 ALLEGED VIOLATIONS OF NOVA SCOTIA LIQUOR LICENSING REGULATIONS 45 (a) (b) (c), by Tusu Karaoke Incorporated, the holder of Eating Establishment Liquor License No. 006246 and Lounge Liquor License No. 006247, and operator of Tusu Karaoke

AGREED STATEMENT OF FACTS

1. Tusu Karaoke Incorporated is a body corporate, incorporated under the laws of the Province of Nova Scotia. Tusu Karaoke is the holder of Eating Establishment Liquor License No. 006246 and Lounge Liquor License No. 006247 (hereinafter "the licensee").
2. Tusu Karaoke Incorporated conducts business within the Province of Nova Scotia and is the owner and operator of Tusu Karaoke and is located at 5680 Spring Garden Road, Halifax Nova Scotia (hereinafter "the licensed premises").
3. The licensee acknowledges that it has violated regulation 45 (a) (b) (c) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
4. The circumstances of the violation of regulation 45 (a) (b) (c) are as follows:
 - a. On September 3, 2017, at approximately 0133 hrs Compliance Officer Trenten Simmonds ("CO Simmonds") and Compliance Officer Rodney Cameron ("CO Cameron") 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 September 3, 2017, upon entering the Licensed Premises CO Simmonds and CO Cameron were met by owner Jianfeg Tu. Mr. Tu indicated there were patrons in karaoke rooms three and four.
 - c. While CO Simmonds and CO Cameron were checking ID's in karaoke room number three, CO Cameron handed CO Simmonds a Chinese passport of a female patron to get a second opinion. CO Simmonds immediately noticed that the patron in possession of and presenting the passport did not resemble the person in the passport photo.
 - d. CO Simmonds contacted the Acting Regional Manager, Andrew MacLean, to determine if he had sufficient authority to seize the Passport. RM MacLean

confirmed that under section 78 (2) (h) of the Nova Scotia Liquor Licensing Regulations that CO Simmonds had appropriate authority to seize the Passport. CO Simmonds advised the female that until she could provide further documentation to support her identity, he would hold her Passport. CO Simmonds provided his business card and was provided contact information for the female.

- e. On September 6, 2017, CO Simmonds contacted Canada Border Services Agency ("CBSA"), Immigration Enforcement Officer Danny Sedore and forwarded a copy of the Passport and a picture of the female who presented the Passport.
 - f. On September 7, 2017, CO Simmonds along with CBSA Immigration Enforcement Officer Sedore, met with the female who presented the Passport. The female advised CO Simmonds that it was not really her Passport and she borrowed the Passport from her friend to buy a phone, not to go to the bar but ended up going to the bar and using it.
 - g. The female who presented the Passport to CO Simmonds provided him with a Nova Scotia Identification card with a date of birth of May 22, 1999.
 - h. CBSA, Immigration Enforcement Officer Sedore, asked the female to contact the actual owner of the Passport so he could return it to her. The Passport was returned to its rightful owner and the misuse was documented by Immigration Enforcement Officer Sedore.
5. This matter has been brought before the Executive Director of Alcohol, Gaming, Fuel, and Tobacco for the imposition of a penalty with respect to the licensee's violations of regulations 45 (a) (b) (c) of the *Nova Scotia Liquor Licensing Regulations*.
6. The Licensee and Alcohol, Gaming, Fuel and Tobacco jointly recommend that:

Eating Establishment Liquor License No 006246 and Lounge Liquor License No. 006247, will be suspended for a period of one day on a Saturday in May 2018, or at a date and time mutually agreeable between the Licensee and Alcohol, Gaming, Fuel and Tobacco.

The following shall be attached as conditions of Eating Establishment Liquor License No. 006246 and Lounge Liquor License No. 006247:

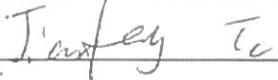
- a) All video surveillance equipment will be kept in working condition, including the existing 10 video cameras. Video surveillance will be made available to the Alcohol, Gaming, Fuel and Tobacco Division upon request at any time and will be stored for a minimum of 10 days. Camera coverage will be mutually agreeable between the Licensee and Alcohol, Gaming, Fuel and Tobacco.

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.

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.

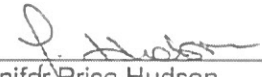
On behalf of Southwest Hospitality Incorporated:



Per:
Recognized Agent:

May 13, 2018
Date

On behalf of the Alcohol and Gaming Division:



Jennifer Price Hudson
Director, Investigation & Enforcement
Alcohol, Gaming, Fuel and Tobacco
Service Nova Scotia

May 14, 2018
Date

