
Notice of Proposed Disciplinary Action

To: Maxwell's Plum Dining Room and Lounge – EELL No. 002930 and Lounge No. 002931
The New Old Time Restaurant Inc.
(1600 Grafton Street, Halifax, Nova Scotia)

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

Date: December 7, 2012

Subject: Notice of Disciplinary Action Against – Maxwell's Plum Dining Room and Lounge
Reference #: 2012_03_10_002930

Current Situation

An Agreed Statement of Facts was submitted to this office on December 4, 2012, wherein the licensee acknowledged violation of sections 44(1), 44(2), 45(a), 45(b) and 45(c) of the *Nova Scotia Liquor Licensing Regulations* on March 10, 2012, March 31, 2012 and September 1, 2012, and agreed on the following penalty:

The Eating Establishment Liquor License No. 002930 and Lounge License No. 002931 be suspended for a period of three (3) consecutive days, to be served on Friday, December 21, 2012, Saturday, December 22, 2012 and Sunday, December 23, 2012.

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 December 7, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2012_03_10_002930.

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;

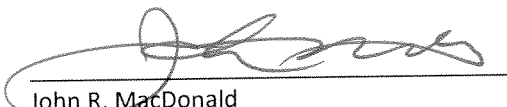
- (b) rescind the notice of proposed action;
- (c) vary the proposed action, but only if the action taken is permitted by clause 47(1)(b), (c) of the *Liquor Control Act*; or
- (d) refer the matter to the Review Board in accordance with subsection 47B(1)(b) of the Act.

Notice of Action

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

A three (3) day suspension of Maxwell's Plum Dining Room and Lounge, 1600 Grafton Street, Halifax, NS: Eating Establishment Liquor License No. 002930 and Lounge License No. 002931, shall be served at the request of the licensee, on Friday, December 21st, 2012, Saturday, December 22nd, 2012 and Sunday, December 23rd, 2012.

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 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 ALLEGED VIOLATIONS OF sections 44(1), 44(2), 45(a), 45(b) and 45(c) of the NOVA SCOTIA LIQUOR LICENSING REGULATIONS, by The New Old Time Restaurant Inc., holder of Eating Establishment Liquor License No. 002930 and Lounge Liquor License No. 002931 for premises known as Maxwell's Plum Dining Room and Lounge, located at 1600 Grafton Street, Halifax, Nova Scotia

AGREED STATEMENT OF FACTS

1. The New Old Time Restaurant Inc. (the "Licensee") is the holder of Eating Establishment Liquor License No. 002930 and Lounge Liquor License No. 002931 which covers premises known as Maxwell's Plum Dining Room and Lounge, located at 1600 Grafton Street Halifax, Nova Scotia ("the Licensed Premises").
2. The Licensee acknowledges that it has violated sections 44(1), 44(2), 45(a), 45(b) and 45(c) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
3. The circumstances of the violations are as follows:
 - a. On March 10, 2012, Stephen Timmons, a Compliance Officer (CO) working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises. CO Timmons identified one male and two females sharing a large pitcher of draught beer at a table. CO Timmons requested to see the identification cards of all three patrons.
 - b. One of the female patrons handed CO Timmons a Saskatchewan Identification Card. CO Timmons examined the back of the card and observed that there were restrictions listed on the back of the card. CO Timmons determined that the Saskatchewan Identification Card was not valid because identification cards do not have restrictions as part of the format. CO Timmons asked the female patron for her real name and DOB, at which time she advised CO Timmons of her particulars and that her DOB was July 7, 1993.
 - c. On March 31, 2012, Kathy Williams, a Compliance Officer (CO) working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises. CO Williams identified four males who looked young in appearance. CO Williams requested the identification of one of the male patrons. CO Williams determined that the male patron did not resemble the male depicted in the identification provided. After further questioning, the male advised CO Williams of his particulars, including his DOB which was May 25, 1994, and that while inside the licensed premises he consumed one glass of draught beer.
 - d. On September 1, 2012, Michael MacInnis, a Compliance Officer (CO) working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises. At approximately 11:30 p.m. CO MacInnis approached two males who were young in appearance and requested their identification.

- e. The first male's identification was valid. The second male produced an Ontario Driver's Licence. The DOB contained in the second male's identification did not match what was in the master number. The second male admitted that his real DOB was January 24, 1994 and that he consumed one beer while inside 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 Licensee's violations of sections 44(1), 44(2), 45 (a), 45(b) and 45(c) of the *Nova Scotia Liquor Licensing Regulations*.
5. The Licensee and the Alcohol and Gaming Division have agreed to the following penalty for the Licensee's violations of sections 44(1), 44(2), 45 (a), 45(b) and 45(c) of the *Nova Scotia Liquor Licensing Regulations*:

That Eating Establishment Liquor License No. 002930 and Lounge Liquor License No. 002931 be suspended for a period of three (3) consecutive days, to be served on Friday, December 21, 2012, Saturday, December 22, 2012, and Sunday December 23, 2012.

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.

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 The New Old Time Restaurant Inc.
operating as Maxwell's Plum Dining Room and Lounge (EELL #002930/Lounge #002931):**



Per: Matt Pierce
Authorized Agent

November 28, 2012
Date

On behalf of the Alcohol and Gaming Division:



Darlene T. Hancock
Regional Manager, Western and Metro Region
Investigation and Enforcement
Alcohol and Gaming Division

December 4, 2012
Date