
Notice of Proposed Disciplinary Action

To: Halifax Metro Centre – Special Premises License No. 001210
Trade Centre Limited
(5284 Duke Street, Halifax, Nova Scotia)

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

Date: November 6, 2012

Subject: Notice of Disciplinary Action Against – Halifax Metro Centre
Reference #: 2012_05_29_001210

Current Situation

An Agreed Statement of Facts was submitted to this office on October 31, 2012, wherein the licensee acknowledged violations of sections 44(1), 44(2) and 61(2) of the *Nova Scotia Liquor Licensing Regulations* on May 29, 2012 and May 31, 2012, and agreed on the following penalty:

The licensee shall follow the terms of the Condition of Special Premises License No. 001210, which is set out below, attached hereto and forming part of this Notice; and

The Special Premises Liquor License No. 001210 be suspended for a period of one (1) day, to be served on Sunday, November 11, 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 November 6, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2012_05_29_001210.

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:

The licensee shall follow the terms of the Condition of Special Premises License No. 001210, which is set out below, attached hereto and forming part of this Notice.

All responsible staff, including but not limited to, ushers, wait staff and security, must attend an ID/Compliance Staff Instruction Training session conducted by a compliance officer with the Alcohol and Gaming Division. Staff are to be adequately trained in the Regulations and conditions of the license in order to ensure compliance of the *Nova Scotia Liquor Licensing Regulations*.

A one (1) day suspension of Halifax Metro Centre, Halifax, NS: Special Premises Liquor License No. 001210, shall be served at the request of the licensee, on Sunday, November 11th, 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) and 61(2) of *NOVA SCOTIA LIQUOR LICENSING REGULATIONS*, holder of Special Premises Liquor License No. 001210, for premises known as Halifax Metro Centre, located at 5284 Duke Street, Halifax, Nova Scotia

AGREED STATEMENT OF FACTS

1. Halifax Metro Centre (the “Licensee”) is the holder of Special Premises Liquor License No. 001210, for premises known as Halifax Metro Centre, located at 5284 Duke Street, Halifax, Nova Scotia (the “Licensed Premises”).
2. The Licensee acknowledges that it has violated sections 44(1), 44(2) and 61(2) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
3. The circumstances of the violations are as follows:
 - a. On May 29, 2012, Rob Suffron, a Compliance Officer working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises.
 - b. At approximately 8:50 p.m. Compliance Officer Suffron identified two females, who looked young in appearance, standing by the bar area with drinks in their hands. The first female was asked to present her identification. She advised Compliance Officer Suffron that she did not have identification in her possession, however the second female presented three pieces of identification to Compliance Officer Suffron. After further questioning by Compliance Officer Suffron, the second female admitted to Compliance Officer Suffron that the female depicted in the identification was her older sister DOB June 5, 1992. The second female advised Compliance Suffron that her DOB was January 13, 1995.
 - c. Compliance Officer Suffron was further advised by the second female that she purchased two Rum and Cokes at the bar and gave one of the drinks to her friend who did not have identification. The second female was arrested for underage drinking and was subsequently released into parental custody.

- d. On May 31, 2012, Stephen Timmons, a Compliance Officer working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises. At approximately 8:30 p.m. Compliance Officer Timmons approached a group of males who looked young in appearance.
 - e. Compliance Officer Timmons observed one of the males, who appeared to be unsteady on his feet, attempting to lift a cup of beer towards his mouth but dropped the beer before being able to take a drink.
 - f. Compliance Officer Timmons proceeded to question the male and requested that the he present his identification. The male's DOB was March 5, 1995. While the male was being questioned by Compliance Officer Timmons, he stumbled and fell over. The male could not stand up after falling. Emergency Health Services personnel (EHS) were called to the scene and were able to get the male patron back to his feet. The male patron was taken to the EHS room located inside the Metro Centre for observation. The male patron was subsequently released into the custody of a friend who attended the licensed premises after being called by security staff. Both individuals were escorted out of the licensed premises into a motor vehicle.
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 violation of sections 44(1), 44(2) and 61(2) of the *Nova Scotia Liquor Licensing Regulations*.
5. The Licensee and the Alcohol and Gaming Division jointly recommend that

The licensee shall follow the terms of the Condition of Special Premises License No. 001210, which is set out below, attached hereto and forming part of the agreed statement of facts and joint recommendation on penalty.

"All responsible staff, including but not limited to, ushers, wait staff and security, must attend an ID/Compliance Staff Instruction Training session conducted by a compliance officer with the Alcohol and Gaming Division. Staff are to be adequately trained in the Regulations and conditions of the license in order to ensure compliance of the *Nova Scotia Liquor Licensing Regulations*."

Special Premises License No. 001210 be suspended for a period of one (1) day, to be served on Sunday, November 11, 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

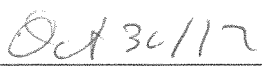
This Agreed Statement of Facts contains the entire agreement between the parties. There are no

undertakings or representations expressed or implied, other than those contained in this agreement.

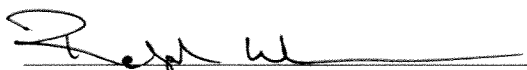
On behalf of Halifax Metro Centre:



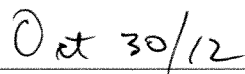
Scott Ferguson, Licensee
Halifax Metro Centre



Date




Ralph Williams
Halifax Metro Centre



Date

On behalf of the Alcohol and Gaming Division:



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



Date