

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**

**44(1)(2) of the *Nova Scotia Liquor Licensing Regulations*
3329130 Nova Scotia Limited**

AGREED STATEMENT OF FACTS

1. 3329130 Nova Scotia Limited is a body corporate, incorporated under the laws of the Province of Nova Scotia. 3329130 Nova Scotia Limited is the holder of Eating Establishment Liquor License No. 000840 and Lounge Liquor License No. 004978 (hereinafter "the licensee").
2. 3329130 Nova Scotia Limited conducts business within the Province of Nova Scotia and is the owner and operator of Joe's Food Emporium, which is located at 434 Main Street, Wolfville, Nova Scotia (hereinafter "the licensed premises").
3. The licensee acknowledges that it has violated regulations 44(1)(2) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
4. The circumstances of the violation of regulations are as follows:
 - a. On March 11, 2022, Compliance Officer Robert Suffron ("CO Suffron") working with and for Alcohol, Gaming, Fuel and Tobacco ("AGFT") received a complaint from a patron who attended the licensed premises on March 10, 2022. Receiving complaints form part of the regular employment duties of a Compliance Officer with AGFT.
 - b. The complainant indicated that she was the legal guardian of a 14-year-old minor who was served and consumed an alcoholic beverage on March 10, 2022, at the licensed premises.
 - c. The complainant indicated that their party of three entered the licensed premises at approximately 2100 hours, were seated at a table in the rear of the licensed premises. They were provided with two menus, a food and non-alcoholic beverage menu together with an alcoholic drink menu.
 - d. The minor ordered a pink lemonade and consumed the entire beverage. After the party finished their meal, and the complainant was paying the bill, she inquired why the pink lemonade was \$6.99. The server indicated that the drink contained alcohol. The complainant explained that the minor was 14 years old.

- e. On March 11, 2022, CO Suffron entered the licensed premises to conduct a routine inspection. Routine inspections of licensed premises form part of the regular employment duties of a Compliance Officer with AGFT. CO Suffron spoke to Hussein Rafih (“Rafih”), one of the owners of the licensed premises, regarding the complaint.
 - f. Rafih confirmed that the server did not ask anyone in the party for identification and served a ‘hard lemonade’ to the youngest looking member of the party. CO Suffron requested an incident report from Rafih and a copy of the video surveillance recording from the time of the incident.
 - g. On March 11, 2022, CO Suffron received the incident report by email and a copy of the video surveillance recording from Rafih. Both the incident report and the video corroborated the information provided by the complainant.
 - h. On April 7, 2022, CO Suffron took a statement from the server. The server confirmed that age verification did not take place, and the youngest looking member of the party was served an alcoholic beverage.
5. These matters have been brought before the Executive Director of AGFT for the imposition of a penalty with respect to the licensee’s violation of regulations 44(1)(2) of the *Nova Scotia Liquor Licensing Regulations*.
6. The licensee and AGFT jointly recommend that:

Eating Establishment Liquor License No. 000840 and Lounge Liquor License No. 004978 will be suspended for a period of 2 days, to take place on September 7 and 8, 2022.

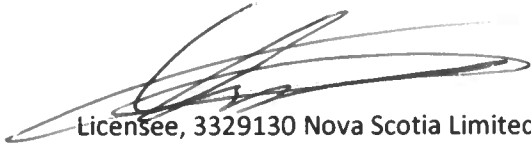
In accordance with sections 83(1) and (2) of the Nova Scotia Liquor Licensing Regulations a Suspension Notice will be posted at the licensed premises stating that the Liquor Licenses have been suspended. The suspension does not prevent the licensee from providing the sale of food or other non-liquor related services.

The Licensee agrees to have all bartenders and staff involved in the administration of the liquor license attend a Staff Instruction, provided by the AGFT within thirty (30) days from the date of settlement.

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.

3329130 Nova Scotia Limited



Licensee, 3329130 Nova Scotia Limited

Sept 1, 2022
Date

On behalf of the AGFT:



Andrew MacLean
Regional Manager, Investigation & Enforcement, AGFT
Service Nova Scotia and Internal Services

September 1, 2022
Date



Service Nova Scotia and Internal
Services

Alcohol, Gaming, Fuel & Tobacco

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Notice of Proposed Disciplinary Action

To: 3329130 Nova Scotia Limited
Operator of Joe's Food Emporium.
434 Main Street, Wolfville, Nova Scotia
Eating Establishment Liquor License #000840 and
Lounge License #004978

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

Date: September 2, 2022

Subject: Notice of Disciplinary Action
3329130 Nova Scotia Limited o/a Joe's Food Emporium.
434 Main Street, Wolfville, Nova Scotia

Current Situation

An Agreed Statement of Facts was submitted to this office on September 1, 2022, wherein the licensee acknowledged violation of sections 44(1), 44(2) of the Nova Scotia Liquor Licensing Regulations, relating to violations observed on March 10, 2022.

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.

The licensee has agreed on the following penalty:

Eating Establishment Liquor License No. 000840 and Lounge Liquor License No. 004978 be suspended for a period of two (2) days to be served on September 7-8, 2022.

The following shall be attached as conditions of Eating Establishment Liquor License No. 000840 and Lounge Liquor License No. 004978:

- 1. The Licensee agrees to have all bartenders and staff involved in the administration of the liquor license attend a Staff Instruction, provided by the AGFT within thirty (30) days from the date of settlement.***



Service Nova Scotia and Internal
Services

Alcohol, Gaming, Fuel & Tobacco

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The office of the Executive Director, Alcohol and Gaming Division, Service Nova Scotia and Internal services, has considered the matter and issued a Notice of Disciplinary Action on September 2, 2022, 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) of the *Nova Scotia Liquor Licensing Regulations*. 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 4:30 pm on Tuesday September 6, 2022**.

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, Gaming, Fuel and Tobacco, Service Nova Scotia and Internal Services has concluded that a two (2) day suspension of Joe's Food Emporium 434 Main Street, Wolfville, Nova Scotia. Eating Establishment Liquor License #000840 and Lounge License #004978 shall be served at the request of the licensee on September 7 & 8 2022.

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 have been suspended. This suspension does not prevent the business from providing the sale of food or other non-liquor related services.



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John R. MacDonald, Executive Director
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