

Notice of Proposed Disciplinary Action

To: 3103603 Nova Scotia Limited o/a Stone House Motel and Julia's Lounge
165 Willow Street, Truro, Nova Scotia
Eating Establishment Liquor License #004185 and
Lounge License #004186
VLT Registration Certificate #VL004186

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

Date: December 12, 2019

Subject: Notice of Disciplinary Action
Stone House Motel and Julia's Lounge
165 Willow Street, Truro, Nova Scotia

Current Situation

An Agreed Statement of Facts was submitted to this office on, December 9, 2019 wherein the licensee acknowledged violation of section 61(2) of the Nova Scotia Liquor Licensing Regulations relating to a violation observed on February 17, 2019

Persons not permitted in, or to be served in, licensed premises

61 (2) A licensee must not permit a person who is drunk to be in their licensed premises.

The licensee has agreed on the following penalty:

Eating Establishment Liquor License No. 004185, Lounge Liquor License No. 004186 and VLT Registration Certificate #VL004186 be suspended for a period of two (2) days, to be served on December 27 and 28, 2019.

The office of the Executive Director, Alcohol and Gaming Division, Service Nova Scotia Internal Services, has considered the matter and issued a Notice of Disciplinary Action on December 13, 2019, 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 20, 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, Gaming, Fuel and Tobacco, Service Nova Scotia Internal Services has concluded that a two (2) day suspension of Stone House Motel and Julia's Lounge, 165 Willow Street, Truro, Nova Scotia, Eating Establishment Liquor License #004185, Lounge License #004186 and VLT Registration Certificate #VL004186 shall be served on December 27 and 28, 2019, as was determined in collaboration with the licensee.

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 Internal Services

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**

**61(2) of the *Nova Scotia Liquor Licensing Regulations*
3103603 Nova Scotia Limited**

AGREED STATEMENT OF FACTS

1. 3103603 Nova Scotia Limited is a body corporate, incorporated under the laws of the Province of Nova Scotia. 3103603 Nova Scotia Limited is the holder of Eating Establishment Liquor License No. 004185 and Lounge Liquor License No. 004186 (hereinafter "the licensee"). The Licensee is also registered to operate Video Lottery devices in accordance with the Gaming Control Act and the Video Lottery Regulations.
2. 3103603 Nova Scotia Limited conducts business within the Province of Nova Scotia, is the owner and operator of Stonehouse Motel and Julia's Lounge, which is located at 165 Willow Street, Truro Nova Scotia (hereinafter "the licensed premises").
3. The licensee acknowledges that it has violated regulation 61(2) of the *Nova Scotia Liquor Licensing Regulations* and accepts responsibility for the violations.
4. The circumstances of the violation of regulation 61(2) of the *Nova Scotia Liquor Licensing Regulations* are as follows:
 - a. On February 17, 2019 Compliance Officer Jason Bowden ("CO Bowden") 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 February 17, 2019 at approximately 00:44, CO Bowden observed a female staggering when she re-entered the licensed premises from the smoking area. The female walked past security, staggered towards the bar where she picked up a full glass of beer. Security approached the female, returned the glass of beer to the bar and removed her from the licensed premises. Approximately two minutes

later the female returned inside the licensed premises and was again removed. CO Bowden was concerned that the patron may be permitted to re-enter once he left, so advised that he intended to return later.

- c. At approximately 01:45 on February 17, 2019 CO Bowden returned to the licensed premises. At this time, CO Bowden observed a male who was flush in the face, slurring his speech and staggering while approaching the bar. Security staff escorted the male to the lobby. CO Bowden was advised that they had called a cab for the male approximately two hours earlier, but the cab did not show up. CO Bowden went to the lobby to check on the drunk male and found him passed out. Security woke the male and took him outside to wait for a cab.
- d. On February 17, 2019 CO Bowden observed a female in the licensed premises who was drunk. The female was an off-duty employee. She was unable to speak coherently, her eyes were barely open, and she was having difficulty walking. The drunk female was taken to the lobby area and placed in a chair where she passed out. The female began spitting on the floor, at approximately 02:50 she was observed throwing a bunch of pamphlets on the floor. The bartender came to the lobby and started to pick up the pamphlets off the floor. The bartender discovered the drunk female had vomited on the floor and attempted to cover it with the pamphlets.
- e. On May 14, 2019 CO Bowden met the bartender, who was serving the night of the incident, for the purposes of obtaining a voluntary statement. The bartender indicated that the female began drinking between 21:00 and 22:00 hours after she finished her shift. She stated the female had consumed approximately two or three drinks and then left the licensed premises. The patron subsequently returned to the licensed premises and consumed approximately three shots of tequila. The bartender rated the patron as being "8 or 9" on a scale of 10 in terms of level of intoxication. When asked about the intoxicated male, the bartender stated that she didn't notice anything out of the ordinary because she "was so stressed with the female he didn't register".

5. This matter has been brought before the Executive Director of AGFT for the imposition of a penalty with respect to the licensee's violation of regulation 61(2) of the *Nova Scotia Liquor Licensing Regulations*.

6. The Licensee and AGFT jointly recommend that:

Eating Establishment Liquor License No. 004185 and Lounge Liquor License No. 004186 will be suspended for a period of 2 days within 30 days at a date and time mutually agreeable between the Licensee and AGFT.

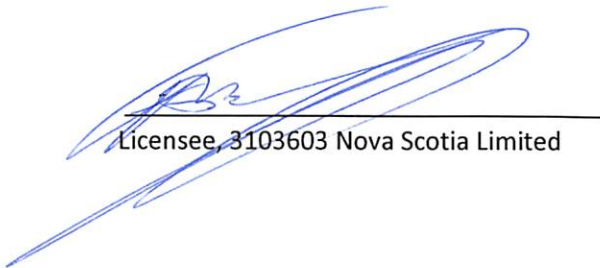
Video Lottery Registration Certificate VL004186 will also be suspended during the two-day suspension of the liquor licenses and the video lottery terminals will not be played.

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.

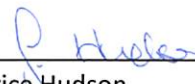
3103603 Nova Scotia Limited:



Licensee, 3103603 Nova Scotia Limited

Dec 9 2019
Date

On behalf of the AGFT:



Jennifer Price Hudson
Director, Investigation & Enforcement, AGFT
Service Nova Scotia

Dec. 12 2019
Date