

NOVA SCOTIA UTILITY AND REVIEW BOARD

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 79, 80(a) and (b), 58 and 61(2); and 47B(1) of the Nova Scotia Liquor Control Act by Kings Corner Bar and Grille Limited o/a Down Home Country Kitchen and Back Alley Lounge, holder of Eating Establishment Liquor License No. 002913 and Lounge Liquor License No. 002914.

---

AGREED STATEMENT OF FACTS

---

1. King's Corner Bar and Grille Limited is a body corporate, incorporated under the laws of the Province of Nova Scotia. Kings Corner Bar and Grille Limited is the holder of Eating Establishment Liquor License No. 002913 and Lounge Liquor License No. 002914 (hereinafter "the licensee").
2. King's Corner Bar and Grille Limited conducts business within the Province of Nova Scotia and is the owner and operator of Down Home Country Kitchen and The Back Alley Lounge, located at 777 King St., Bridgewater, Nova Scotia (hereinafter "the licensed premises").
3. The licensee acknowledges that it has violated regulations 79, 80(a) and (b), 58 and 61(2) of the *Nova Scotia Liquor Licensing Regulations*; and 47B(1) of the *Nova Scotia Liquor Control Act* and accepts responsibility for the violations.
4. The circumstances of the violations are as follows:
  - i. On February 24, 2018 Ryan MacLellan, a Compliance Officer ("CO") working with and for Alcohol, Gaming, Fuel and Tobacco ("AGFT"), attended the licensed premises for the purposes of conducting a routine inspection. Routine inspections form part of CO MacLellan's regular employment duties with AGFT.
  - ii. As CO MacLellan approached the premises, he observed two male patrons seated on the half wall at the entrance of the premises. CO MacLellan observed a plastic cup between the men, the cup was near full of a clear liquor with ice, it had a lime garnish and a straw.
  - iii. CO MacLellan entered the premises and observed two male patrons in the licensed premises who were loud, their movements exaggerated. One patron was wearing a red shirt, the other a grey shirt. CO MacLellan observed the patron in dressed in the grey shirt leaning on the bar with his arms folded on the bar top. His head was moving up and down, several times the patron was

observed lying on his arms and holding himself up with the bar. His face was red, his eyes glossy and he was not able to focus as he looked around. Mike Habib asked the patrons to leave the premises. When leaving the patron dressed in grey staggered and often paused to correct his path to the exit.

- iv. On February 27, 2018 CO MacLellan requested video surveillance for the weekend of February 23-24, 2018 for the purposes of gathering information pertaining to a report received from the Bridgewater Police. The report from the Bridgewater Police indicated that a 911 call was received reporting that a male had been found on his own porch. The caller believed the male to be deceased. EHS arrived to find the male conscious with an odor of alcohol on his breath, the male indicated he had been at the licensed premises.
  - v. On February 28, March 6, March 7, March 12, March 15 and March 24 CO MacLellan followed up, making additional requests for video surveillance for February 23-24. On March 24 Mike Habib showed CO MacLellan video from surveillance system. The cameras were focused on walls and irrelevant areas where patrons would not normally gather. Mr. Habib indicated that the condition of license only stated he had to have cameras, not where they had to be point.
  - vi. On April 11, April 12, April 13, and April 23 CO MacLellan followed up, making additional requests for the video surveillance for February 23-24. On April 23 CO MacLellan was provided a memory stick. On April 24 CO MacLellan reviewed the contents of the memory stick. There were no video files on the stick. The stick contained PDF images of cartoons and product labels. On April 24 and April 25 CO MacLellan followed up regarding the content of the memory stick and again requested video for February 23-24.
  - vii. On July 25, 2018 CO MacLellan met with the licensee and issued 14 infractions pertaining to the incidents which occurred on February 23-24, 2018. Including six (6) infractions of section 79, two (2) infractions of section 80(a), two infractions of section 80(b), an infraction of section 38 and an infraction of 61(2) of the *Nova Scotia Liquor Licensing Regulations*; and two (2) infractions of section 47B(1) of the *Liquor Control Act*.
5. This matter has been brought before the Nova Scotia Utility and Review Board for the imposition of a penalty with respect to the licensee's violations of regulations **79, 80(a) and (b), 58 and 61(2); and 47B(1) of the Nova Scotia Liquor Control Act.**
  6. The Licensee and Alcohol, Gaming, Fuel and Tobacco jointly recommend that:

**Eating Establishment Liquor License No 002913 and Lounge Liquor License No. 002914, will be suspended for a period of fifteen (15) consecutive days. The suspension is to be served within 60 days of the licensed premises opening and resuming consistent operating hours.**

**Video Lottery Registration Certificate Number VL002914 shall be suspended for the period of the fifteen-day (15) liquor license suspension.**

The following conditions shall be added to the license:

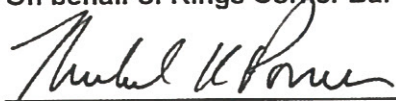
- a) The licensee shall conduct criminal background checks for all persons performing work duties in the premises every two (2) years. These records are to be kept at the Licensed Premises and made available to the AGFT immediately upon request.
- b) Any person who has received a criminal conviction within the previous three (3) years shall not be permitted to perform work duties within the Licensed Premises.
- c) The Licensee shall take all reasonable steps to ensure that a manager is at the Licensed Premises during licensed hours.

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.

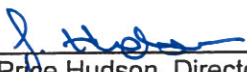
On behalf of Kings Corner Bar and Grille Limited:

  
\_\_\_\_\_

Per:  
Recognized Agent:

10 February 2020  
Date

On behalf of the Alcohol and Gaming Division:

  
\_\_\_\_\_  
Jennifer Price Hudson, Director  
Investigation & Enforcement, AGFT  
Service Nova Scotia and Internal Services

Feb. 10 / 2020  
Date

**NOVA SCOTIA UTILITY AND REVIEW BOARD**

**IN THE MATTER OF THE LIQUOR CONTROL ACT**

- and-

**IN THE MATTER OF** alleged violations of Sections 79, 80(a) and (b), 58 and 61(2) of the *Nova Scotia Liquor Licensing Regulations*, and 47B(1) of the *Nova Scotia Liquor Control Act* by King's Corner Bar and Grille Limited o/a Down Home Country Kitchen and Back Alley Lounge, located at 777 King Street, Bridgewater, Nova Scotia, and holder of Eating Establishment Liquor License No. 002913 and Lounge Liquor License No. 002914

**BEFORE:**



David J. Almon, LL.B., Member

**DECISION AND ORDER**

**WHEREAS** the Alcohol, Gaming, Fuel and Tobacco Division of Service Nova Scotia and Municipal Relations (AGFT) referred a request for a disciplinary hearing, pursuant to section 47B(1) of the *Liquor Control Act*, to the Nova Scotia Utility and Review Board on July 12, 2019, with respect to alleged violations of Sections 79, 80(a) and (b), 58 and 61(2) of the *Nova Scotia Liquor Licensing Regulations (Regulations)* by King's Corner Bar and Grille Limited o/a Down Home Country Kitchen and Back Alley Lounge (Licensee), holder of Eating Establishment Liquor License No. 002913, and Lounge Liquor License No. 002914 (Licenses), for premises located at 777 King Street, Bridgewater, Nova Scotia (Licensed Premises);

**AND WHEREAS** Mr. Eddy corresponded with the Board on February 10, 2020, stating that the parties would be proceeding with the hearing by way of an Agreed Statement of Facts, based on the charges laid under sections 79, 80(a) and (b), 58 and 61(2) of the *Regulations*;

**AND WHEREAS** the Agreed Statement of Facts, including a joint recommendation on penalty, executed by Michael K. Power, Q.C., on behalf of the Licensee, and Jennifer Price-Hudson, Director, Investigation and Enforcement, on behalf of the AGFT, was filed with the Board on February 10, 2020;

**AND WHEREAS** the Licensee, represented by Michael K. Power, Q.C., and the AGFT, represented by Duane Eddy, LL.B., appeared before the Board at a joint settlement hearing on February 12, 2020, via telephone conference;

**AND WHEREAS** the Licensee acknowledges that it violated sections 79, 80(a) and (b), 58 and 61(2) of the *Regulations*, and accepts responsibility for the offences;

**AND WHEREAS** the Agreed Statement of Facts included the following joint recommendation on penalty:

Eating Establishment Liquor License No. 002913 and Lounge Liquor License No. 002914 will be suspended for a period of fifteen (15) consecutive days. The suspension is to be served within 60 days of the licensed premises opening and resuming consistent operating hours.

Video Lottery Registration Certificate Number VL002914 shall be suspended for the period of the fifteen (15) day liquor license suspension.

The following conditions shall be added to the License:

- a) The Licensee shall conduct criminal background checks for all persons performing work duties in the premises every two (2)

years. These records are to be kept at the Licensed Premises and made available to the AGFT immediately upon request;

- b) Any person who has received a criminal conviction within the previous three (3) years shall not be permitted to perform work duties within the Licensed Premises; and
- c) The Licensee shall take all reasonable steps to ensure that a manager is at the Licensed Premises during licensed hours.

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.

**AND WHEREAS** it is within the Board's discretion whether or not to accept the Agreed Statement of Facts and joint recommendation on penalty that has been submitted to the Board for approval;

**AND WHEREAS** having considered the submissions, the Board accepted the joint recommendation, and rendered its oral Decision on the same date;

**IT IS HEREBY ORDERED** that King's Corner Bar and Grille Limited o/a Down Home Country Kitchen and Back Alley Lounge, holder of Eating Establishment Liquor License No. 002913, and Lounge Liquor License No. 002914, for premises known as King's Corner Bar and Grille, located at 777 King Street, Bridgewater, Nova Scotia, shall have its Licenses suspended for fifteen (15) days, to be served within 60 days of the Licensed Premises opening and resuming consistent operating hours;

**IT IS FURTHER ORDERED** that the Video Lottery Registration Certificate No. VL002914 shall be suspended for the period of the fifteen (15) day liquor license suspension;

**IT IS FURTHER ORDERED** that the following conditions apply:

- a) The Licensee shall conduct criminal background checks for all persons performing work duties in the premises every two (2) years. These records are to be kept at the Licensed Premises and made available to the AGFT immediately upon request;
- b) Any person who has received a criminal conviction within the previous three (3) years shall not be permitted to perform work duties within the Licensed Premises;
- c) The Licensee shall take all reasonable steps to ensure that a manager is at the Licensed Premises during licensed hours; and
- d) 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.

**DATED** at Halifax, Nova Scotia this 12<sup>th</sup> day of February 2020.

  
Clerk of the Board