

IN THE MATTER OF the *Liquor Control Act*, R.S.N.S. 1989, c. 260, as amended

-and-

IN THE MATTER OF an alleged violation of Sections 53 (1) (2), 55 (1) (2), and 64 (1) of the *Liquor Licensing Regulations* by Scotia Entertainment Systems (1994) Ltd.

AGREED STATEMENT OF FACTS

- I. Scotia Entertainment Systems (1994) Ltd. is a body corporate incorporated under the laws of the Province of Nova Scotia and carrying on business as Pacifico Bar Lounge (“The Licensee”).
- II. The Licensee is the holder of Eating Establishment Liquor License #003261 and Lounge Liquor License #003262 (the “Liquor License”), which covers the premises carrying on business as Pacifico Bar Lounge located at 5171 George Street, Halifax, Nova Scotia (the “Licensed Premises”).
- III. The Licensee acknowledges that it has violated Sections 53 (1) (2), 55 (1) (2), and 64 (1) of the *Liquor Licensing Regulations* and accepts responsibility for the violations.
- IV. The circumstances of the violations are set out as follows:

Section 64 (1)

- a. On or about December, 22, 2023, Compliance Officer DeWolfe working with and for Alcohol, Gaming, Fuel and Tobacco (AGFT) attended the Headquarters of the Halifax Regional Police Service (“HRP”). While at HRP headquarters Compliance Officer DeWolfe was advised by Cst. Benjamin of the Liquor Enforcement Unit (LEU), that on December 15, 2023 a female patron was left inside the licensed premises after the licensed premises closed at 2 a.m. The LEU was investigating the December 15, 2023 incident following a police report filled by the mother of the female patron who was left inside the licensed premises.

On December 22, 2023, Compliance Officer DeWolfe started an AGFT investigation into the December 15, 2023 incident by attending the licensed premises to speak with management and security staff.

CO DeWolfe, as part of her investigation, obtained information through video surveillance and conversations with the Licensee's management and security staff that the female patron identified as "Murphy" was left inside the female washroom, which is located on the lower level of the licensed premises.

The video surveillance footage obtained from the Licensee depicts the following:

At 1:48:54 hrs. - Murphy enters the female washroom.

At 1:51:27 hrs. – two females are seen exiting the washroom

At 1:51:28 hrs. – female bar staff member enters the washroom

At 1:51:38 hrs. – second female bar staff member enters the washroom with empty glass tray

At 1:52:45 hrs. – both female staff members exit the washroom, one is carrying a full tray of glasses

At 1:56:03hrs. – male bar staff (McCormick head of security) enters the washroom

At 1:56:17 hrs. – male bar staff member exits the washroom

At 2:29:18 hrs. – bar manager (George) is seen entering the bar staff washroom to turn off the lighting

At 2:29:28 hrs. – bar manager exits the bar staff washroom

At 2:37:22 hrs. – bar lights are turned off and the cameras switch to night mode

Nothing is seen on the video until Murphy is seen exiting the washroom at 4:05:54 hrs.

At 4:05:54 hrs. – Murphy is seen from the bottom of the washroom door, using the flashlight on her phone and uses it to guide herself through the licensed premises. Murphy retrieves her jacket from coat check and then exits the licensed premises through a side door onto Granville Street.

At 4:10:59hrs. – lights in the bar come back on

At 4:26:15hrs. – the cleaners arrive on site.

The licensed hours of operation for the licensed premises are 10 a.m. to 2 a.m. Monday to Sunday.

Sections 53 (1) (2) and 55 (1) (2)

- b. On or about December 23, 2023, Compliance Officer DeWolfe reviewed video surveillance of the licensed premises. During Compliance Officer DeWolfe's review of the video surveillance footage Compliance Officer DeWolfe observed the Licensee violate Sections 53 (1)(2) and 55 (1) (2) of the *Liquor Licensing Regulations*

by permitting employees to pour and consume alcohol after 2 a.m. and after the allowable time of selling and serving alcohol under the liquor license. Twelve (12) employees were observed by Compliance Officer DeWolfe drinking alcohol after 02:30 hrs.

- V. This matter has been brought before the Executive Director of the Alcohol Gaming Fuel and Tobacco Division, for the imposition of a penalty in respect of the Licensees violations of Sections 53 (1)(2), 55 (1) (2), and 64 (1) of the *Liquor Licensing Regulations*.

a. The Licensee and Alcohol, Gaming, Fuel and Tobacco jointly recommend that:

Eating Establishment Liquor License #003261 and Lounge Liquor License #003262 be suspended for a period of three (3) consecutive days on Thursday, Friday and Saturday within 30 days from the date the agreement is signed.

That the following conditions will be added to the license:

- **An end of night procedure shall be developed and submitted to AGFT when the penalty is imposed. Should the procedure be updated or changed, an updated copy shall be submitted to licensing within Seven (7) days of any changes. The plan shall include and but not limited to increased washroom checks throughout the evening and upon closing.**
- **All video surveillance equipment will be kept in working condition. This includes all sixteen (16) cameras.**
- **Video surveillance will be made available to AGFT upon request.**
- **Video surveillance will be stored for a minimum of ten (10) days.**

- VI. 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.

- VII. The Licensee acknowledges and agrees that the terms of this Agreed Statement of Facts have been read and are fully understood by the Licensee. The Licensee hereby acknowledges and agrees that they have been afforded the opportunity to obtain independent legal advice and confirms by the execution of this Agreed Statement of Facts that they have either done so or waived their right to do so in connection with entering into this agreement. The Licensee acknowledges and agrees that this Agreed Statement of Facts has been signed of their own free will and without any form of duress being exerted upon them by any person.

On behalf of Pacifico Bar Lounge:



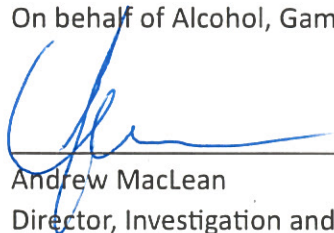
Licensee, Scotia Entertainment Systems (1994) Ltd.

Print Name:

July 18, 2024

Date

On behalf of Alcohol, Gaming, Fuel and Tobacco:



Andrew MacLean
Director, Investigation and Enforcement

July 19, 2024

Date



Service Nova Scotia
Alcohol, Gaming, Fuel, & Tobacco
Executive Director

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Notice of Proposed Disciplinary Action

To: Scotia Entertainment Systems o/a Pacifico Bar
 5171 George Street, Halifax, Nova Scotia,
 Eating Establishment Liquor License #003261 and
 Lounge License #003262

From: JP Landry, Executive Director
 Alcohol, Gaming, Fuel and Tobacco, SNS

Date: August 1, 2024

Subject: Notice of Disciplinary Action
 Scotia Entertainment Systems o/a Pacifico Bar
 5171 George Street, Halifax, Nova Scotia

Current Situation

An Agreed Statement of Facts was submitted to this office on, July 18, 2024, wherein the licensee acknowledged violation of sections 53 (1) (2), 55 (1) (2) and 64 (1) of the Nova Scotia Liquor Licensing Regulations relating to violations observed on December 15, 2023.

Hours for selling and serving liquor

53 (1) Except as authorized by the Executive Director under Section 54 for a temporary extension, the maximum hours during which a permanent licensee may be authorized to sell or dispense liquor are as set out in the following table:

Type of Permanent License	Maximum Hours for Selling and Serving Liquor
eating establishment license	10:00 a.m. Monday to 2:00 a.m. Tuesday 10:00 a.m. Tuesday to 2:00 a.m. Wednesday 10:00 a.m. Wednesday to 2:00 a.m. Thursday 10:00 a.m. Thursday to 2:00 a.m. Friday 10:00 a.m. Friday to 2:00 a.m. Saturday 10:00 a.m. Saturday to 2:00 a.m. Sunday 10:00 a.m. Sunday to 2:00 a.m. Monday



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Alcohol, Gaming, Fuel, & Tobacco
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lounge license	10:00 a.m. Monday to 2:00 a.m. Tuesday 10:00 a.m. Tuesday to 2:00 a.m. Wednesday 10:00 a.m. Wednesday to 2:00 a.m. Thursday 10:00 a.m. Thursday to 2:00 a.m. Friday 10:00 a.m. Friday to 2:00 a.m. Saturday 10:00 a.m. Saturday to 2:00 a.m. Sunday 10:00 a.m. Sunday to 2:00 a.m. Monday
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- (2) Except as authorized by the Executive Director under Section 54 for a temporary extension, a licensee must ensure that liquor is sold and dispensed only during the hours authorized by the licensee’s license.

Consuming liquor after time to stop selling and serving liquor

- 55 (1) Except as provided in subsection (2), a licensee must ensure that all customers leave their licensed premises no later than 30 minutes after the time authorized by their license to stop selling and dispensing liquor.
- (2) An eating establishment licensee and a class B club licensee may permit customers to remain in their licensed premises for as long as the licensee considers appropriate after the time authorized by their license to stop selling and dispensing liquor.

Activities not permitted in licensed premises

- 64 (1) A licensee must not permit any activity in or about their licensed premises that is detrimental to the orderly control and operation of the licensed premises.

The licensee has agreed on the following penalty:

Eating Establishment Liquor License No. 003261, Lounge Liquor License No. 003262 be suspended for a period of three (3) consecutive days, to commence within 30 days of the date of execution of this Agreement.

The following shall be attached as conditions of Eating Establishment and Lounge Liquor License No. 003261 and 003262:

Video surveillance system that includes 16 cameras will be kept in working order and made available to the Alcohol, Gaming, Fuel and Tobacco



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Division upon request at any time and will be stored for a minimum of 10 days.

The Licensee must create an end of night procedure and submit it to AGFT at the time the penalty is imposed. Should the procedure be updated or changed, an updated copy shall be submitted by the Licensee within seven (7) days of any changes. The plan shall include, but not limited to increased washroom checks throughout the evening and upon closing.

The office of the Executive Director, Alcohol, Gaming, Fuel & Tobacco Division, Service Nova Scotia, has considered the matter and issued a Notice of Disciplinary Action on August 1, 2024, 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 August 8, 2024

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.



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Notice of Action

The office of the Executive Director, Alcohol, Gaming, Fuel and Tobacco, Service Nova Scotia has concluded that a three (3) day suspension of Pacifico Dining Room & Lounge, 5171 George Street, Halifax, Nova Scotia, Eating Establishment Liquor License #003261 and Lounge License #003262, shall be served on, August 15, 2024 to August 17, 2024 inclusive, 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.

A handwritten signature in black ink, appearing to read "M. Brewer", followed by a horizontal line.

Matthew Brewer
Director, a/ Executive Director
Alcohol, Gaming, Fuel and Tobacco
Service Nova Scotia

For and on behalf of:
JP Landry, Executive Director
Alcohol, Gaming, Fuel and Tobacco
Service Nova Scotia