

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 44 (1) (2), 45 (1) (2), 48 (1), 56 (1) (2), 58, 59 (1) (a), 64(1), 67, 74 (4) (k), 76, 79, of the *Liquor Licensing Regulations* and Section 48 (1) (d) & (e) of the *Liquor Control Act* by Ragazzi Resto Bar Limited carrying on business as Ragazzi Resto Bar

AGREED STATEMENT OF FACTS

- I. Ragazzi Resto Bar Limited is the holder of Eating Establishment Liquor License #006917 and Lounge Liquor License #00618 (hereinafter, the "Licensee").
- II. Ragazzi Resto Bar Limited is a body corporate, incorporated under the laws of the Province of Nova Scotia and carries on business under the business name Ragazzi Resto Bar ("The Licensee").
- III. Ragazzi Resto Bar is located at 5187 Salter Street, Halifax, NS (hereinafter, the "Licensed Premises").
- IV. The Licensee acknowledges that it has violated Sections 44 (1) (2), 45 (1) (2), 48 (1), 56(1) (2)(2), 58, 59 (1) (a), 64(1), 67, 74 (4) (k), 76, 79, of the *Liquor Licensing Regulations* and Section 48 (1) (d) & (e) of the *Liquor Control Act* and accepts responsibility for the violations.
- V. The circumstances of the violation which occurred on January 20, 2024, to January 21, 2024 are as follows:

Regulation 59 (1) (a)

- a. On January 20, 2024, at approximately 23:50 hrs Compliance Officer Williams ("**CO Williams**") Senior Compliance Officer Downey ("**SCO Downey**") and Compliance Officer Pottie ("**CO Pottie**") working with and for Alcohol, Gaming, Fuel and Tobacco (AGFT) conducted a routine inspection of the Licensed Premises. Upon entering the licensed premises the CO's observed that patrons were in the eating establishment area signing karaoke and dancing. Tables in the eating establishment were pushed back to allow space for patrons to dance and consume alcohol.

- b. At all material times during the evening of January 20, 2024 and early morning of January 21, 2024 the Licensee did not provide meal service to patrons located within the eating establishment area. The kitchen was closed at 10 p.m. and the licensee does not have conversion privileges whereby the eating establishment may convert to a lounge after a specified time.

Regulation 44 (1) (2), 45 (1) (2) and 64 (1)

- c. At 23:55 hrs CO Williams requested the identification of a female patron ("**Female Patron #1**"). The picture on the drive's licensed handed CO Williams by female patron #1 did not match the female patron's physical appearance. Following a brief discussion the female patron admitted to CO Williams that she was 18 years of age and that while on the licensed premises she had purchased and consumed one Corona Beer.
- d. When CO Williams continued checking identification, she identified two more female patrons who looked young in appearance (**Female Patron # 2 and Female Patron # 3**). Female patron # 2 admitted to CO Williams that she was 18 years of age and that her date of birth was July 24, 2005. Female Patron # 2 had consumed alcohol and CO Williams observed that female patron # 2 had a strong odor of alcohol on her breath. Female patron # 2 stated to CO Williams that her ID was not checked by staff at Ragazzi's. Female patron # 3 admitted to CO Williams that she was also 18 years of age and that her date of Birth was February 5, 2005.
- e. During the routine inspection SCO Downey and CO Pottie also identified minors within the licensed premises.
- f. CO Pottie requested the identification of several patrons who appeared under the age of 19. None could provide valid identification to CO Pottie and some advised CO Pottie that they were not asked to provide identification prior to entering the licensed premises. CO Pottie subsequently escorted a female patron outside who was unable to provide CO Pottie with valid identification (**Female Patron # 4**). Once outside female patron # 4 provided CO Pottie with a Dalhousie Student ID Card and was advised by female patron # 4 that she was 18 years of age. During CO Pottie's discussion with female patron # 4 she stated that Ragazzi's was known on Campus as the bar to go to when underage. Female patron # 4 consumed one bottle of Corona beer while inside the licensed premises.

- g. SCO Downey once inside the licensed premises began asking patrons for identification. SCO Downey requested identification from a male patron. The male patron stated he did not have identification on him and immediately admitted he was 18 years of age and provided his name. SCO Downey observed that the male patron had a strong odor of alcohol on his breath. The male patron advised arriving at the licensed premises at 7:30 p.m. but denied consuming alcohol within the licensed premises. SCO Downey requested the identification of a female patron (**Female Patron # 5**). Female patron #5 provided identification which she later admitted was her cousins and stated to SCO Downey that her date of birth was October 5, 2005 making her age 18. SCO Downey observed that Female patron # 5 had a strong odor of alcohol on her breath but female patron #5 denied consuming alcohol inside the licensed premises.

Regulation 79

- h. CO Williams requested receipts for all liquor and food sales made on January 20, 2024. Upon review of the receipts CO Williams attempted to ask the Licensee questions but was unable to do so due to the Licensee declining to answer.
- i. During the review of video surveillance footage, the Licensee is seen at 11:49pm taking the minor employee to the staff washroom and leaving her there for 15 minutes while the inspection is taking place.

Regulation 48 (1)

- j. CO Williams obtained surveillance footage from the Licensee depicting the inside of the licensed premises from January 20 to January 21, 2024.
- k. On review of the video surveillance footage a female server that the Licensee confirmed was 18 years of age was observed after 10 p.m. mixing and dispensing alcohol for patrons in the licensed premises.

Regulation 76

- l. The Licensee is also observed at 11:45:27 hrs going behind the bar taking two different bottles of alcohol off the shelf pouring himself a drink. CO Williams observes the Licensee sitting in the lounge consuming alcohol. Throughout the evening the Licensee is observed by CO Williams doing various tasks and instructing staff.

Section 48 (1) (d) & (e) of Liquor Control Act

- m. At 10:00:12 hrs the License is observed serving four unopened bottles of beer to two males standing at the bar. At 10:12:20 hrs a male bartender is observed serving an unopened beer.

Regulation 56 (1) (a) and subsection (2)

- n. CO Williams observed patrons inside the licensed premises consuming alcohol that was observed in the video footage being brought in the licensed premises by them. The Patrons were observed by CO Williams drinking out of various liquor bottles.

Regulation 58

- o. Two male patrons were observed by CO Williams removing drinks from the licensed premises as they walked by SCO Downey.

Regulation 67

- p. The licensed premises at all material times exceeded the occupancy limit of 90 patrons set by the Fire Marshal. A count was taken from the still footage for the bar area, lounge area and eating establishment area. CO Williams determined that the number of patrons inside the licensed premises was 114.

Regulation 74 (4) (k)

- q. A review of the licensed premises social media shows the employee who is a minor, seated at the bar with a cocktail in her hand.

- VI. This matter has been brought before the Executive Director of the Alcohol, Gaming, Fuel, and Tobacco, Service Nova Scotia, for the imposition of a penalty in respect to the Licensee's violations of Sections 44 (1) (2), 45 (1) (2), 48 (1) 56 (1) (2), 58, 59 (1) (a), 64 (1), 67, 74 (4) (k), 76, 79, of the *Liquor Licensing Regulations* and Section 48 (1) (d) & (e) of the *Liquor Control Act*

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

Eating Establishment Liquor License #006917 and Lounge Liquor License #00618 be suspended for a period of twelve (12) consecutive days to commence within 30 days of the date of execution of this Agreement.

The following amendments will be made to the liquor license conditions

Video surveillance will be made available to the Alcohol, Gaming, Fuel and Tobacco Division upon request at any time and will be stored for a minimum of 10 days.

The Licensee must have a minimum of one approved principal for the business on the licensed premises whenever the premises are open for business and the primary function is not dine-in service. Security will be provided from 10:00pm until 2:00am. Security persons must also be approved. For the purposes of these conditions, "approved" means the individual is approved by the ED of AGFT Division as a principal or security person for the licensed premises.

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.

- VII. 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.
- VIII. 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 Ragazzi Resto Bar Limited :



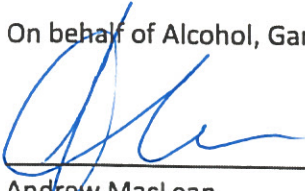
Licensee, Ragazzi Resto Bar Limited

07/16/2024

Date

Print Name:

On behalf of Alcohol, Gaming, Fuel and Tobacco:



Andrew MacLean

Director, Investigation and Enforcement

Date

July 17, 2024.



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Executive Director

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Notice of Proposed Disciplinary Action

To: Ragazzi Resto Bar Limited o/a Ragazzi Resto Bar
5187 Salter Street, Halifax, Nova Scotia,
Eating Establishment Liquor License #006917 and
Lounge License #006918

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

Date: July 22, 2024

Subject: Notice of Disciplinary Action
Ragazzi Resto Bar Limited o/a Ragazzi Resto Bar
5187 Salter Street, Halifax, Nova Scotia

Current Situation

An Agreed Statement of Facts was submitted to this office on, July 16, 2024 wherein the licensee acknowledged violation of sections 44(1)(2), 45(1)(2), 48(1), 56(1)(2), 58, 59(1)(a), 64(1), 67, 74(4)(k), 76, 79 of the Nova Scotia Liquor Licensing Regulations and 48(1),(d) and (e) of the Nova Scotia Liquor Control Act, relating to violations observed between January 20, 2024 and January 21, 2024.

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.
- (2)** A licensee must ensure that a person who is under 19 years old does not consume liquor in their licensed premises.

When minor may be in lounge, beverage room or class A cabaret

- 45 (1)** This Section applies to a premises where full meal service is provided and for which one of the following types of permanent licences is in effect:



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- (a) [repealed]
 - (b) beverage room license;
 - (c) lounge license;
 - (d) class A cabaret license.
- (2) Except as prohibited in Section 47, a person who is under 19 years old may enter and be in a licensed premises to which this Section applies until 10:00 p.m. if one of the following conditions is met:
- (a) the person is accompanied by a parent, legal guardian or spouse who is 19 years old or older;
 - (b) the person is employed by the licensee, at work on premises and under adult supervision.

Duty to ensure minor does not dispense liquor

- 48 (1) Except as provided in subsection (2) for an eating establishment, a licensee must ensure that liquor is not dispensed by an employee who is under 19 years old.

Criteria for liquor permitted in licensed premises

- 56 (1) A licensee must ensure that any liquor in their licensed premises meets at least one of the following criteria:
- (a) it is liquor that was purchased by the licensee from the Corporation, an agency store or manufacturer permitted by the Corporation;
 - (b) it is wine that was brought into the licensed premises by a customer in accordance with Section 57;
 - (c) it is liquor that was brought into the licensed premises by a registered representative in accordance with Section 62 or 63;

(d) it is liquor that was produced by the licensee under a permit issued under the *Nova Scotia Liquor Corporation Regulations* made under the Act that authorizes the licensee to produce liquor.

(2) A licensee must ensure that only liquor purchased from or served by the licensee is consumed in their licensed premises.

Removing liquor from licensed premises

58 Except as provided in Sections 58A, 58B, 58C and 58D, a licensee must not permit liquor that was sold in their licensed premises to be taken from the premises.

Liquor must be sold and served with meal in eating establishment

59 (1) Except as provided in Sections 58B, 58C and 58D, an eating establishment licensee may sell or serve liquor to a customer in their licensed premises, other than the part designated as a holding area under Section 72, only if

(a) the customer is served enough food to constitute a meal; or

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.

Number of persons in licensed premises

67 A licensee must ensure that the number of persons in their licensed premises does not exceed the number of persons specified on their license under Section 22.

Advertising for licensed premises

74 (4) A licensee must not use an advertisement that does any of the following:

(k) uses pictures or descriptions of minors or of personalities, images or activities that may appeal to minors.

Employees not to consume liquor while on duty

76 A licensee must not permit an employee of the licensee to consume liquor in their licensed premises while on duty, other than liquor consumed in the presence of a registered representative to sample the liquor.



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Obstructing inspector

79 A licensee must not obstruct an inspector while the inspector is performing their duties or exercising their powers.

Classes of license

48 (1) Subject to the regulations, a license may be one of the following classes:
(d) eating establishment license — that shall permit the sale of liquor by the glass and beer and wine by the glass, open bottle or other container with meals or otherwise as specified in the license;
(e) lounge license — that shall permit the sale of liquor by the glass and beer and wine by the open bottle, glass or other container;

The licensee has agreed on the following penalty:

Eating Establishment Liquor License No. 006917, Lounge Liquor License No. 006918 be suspended for a period of twelve (12) 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 Liquor License No. 006917 and Lounge Liquor License No. 006918:

Video surveillance will be made available to the Alcohol, Gaming, Fuel and Tobacco Division upon request at any time and will be stored for a minimum of 10 days.

The Licensee must have a minimum of one approved principal for the business on the licensed premises whenever the premises are open for business and the primary function is not dine-in service. Security will be provided from 10:00pm until 2:00am. Security persons must also be approved. For the purposes of these conditions, “approved” means the individual is approved by the ED of AGFT Division as a principal or security person for the licensed premises.

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, July 22, 2024, pursuant to section 47B of the *Nova Scotia Liquor Control Act*.



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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 July 24, 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.

Notice of Action

The office of the Executive Director, Alcohol, Gaming, Fuel and Tobacco, Service Nova Scotia has concluded that a twelve (12) day suspension of Ragazzi Resto Bar Dining Room & Lounge, 5187 Salter Street, Halifax, Nova Scotia, Eating Establishment Liquor License #006917 and Lounge License #006918, shall be served on, July 25, 2024 to August 5, 2024 inclusive, as was determined in collaboration with the licensee.



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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 blue ink, appearing to read "JP Landry".

JP Landry, Executive Director
Alcohol, Gaming, Fuel and Tobacco
Service Nova Scotia