



Service Nova Scotia and Internal
Services
Alcohol, Gaming, Fuel & Tobacco

Torrington Place
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Notice of Proposed Disciplinary Action

To: Tusu Karaoke Inc.
5680 Spring Garden Road (Basement)
Halifax, Nova Scotia
B3J 1H5
Eating Establishment #006246
Liquor License #006247

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

Date: October 18, 2023

Subject: Notice of Disciplinary Action

Current Situation

An Agreed Statement of Facts was submitted to this office on October 17, 2023, wherein the licensee acknowledged violation of sections 52(1) and 66 of the Nova Scotia Liquor Licensing Regulations, relating to violations observed from November 19, 2022 to March 3, 2023.

Method of dispensing liquor

52 (1) A licensee must ensure that the method used to dispense liquor in their licensed premises does not result in a customer receiving less liquor than is represented as being served.

Person in charge of licensed premises

66 A licensee must ensure that at least 1 person who is knowledgeable about the responsible sale and service of liquor is designated as being in charge of their licensed premises and is present at the premises at all times.

The licensee has agreed on the following penalty:

Eating Establishment Liquor License No. 006246 and Lounge Liquor License No. 006247 be suspended for a period of 4 (four) days (Friday and Saturday for 2 consecutive weekends) to be served on November 3 & 4 and November 10 & 11, 2023, inclusive.

The following shall be attached as conditions of the Eating Establishment No. 006246 & Liquor License No. 006247:



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1. *All video surveillance equipment will be kept in working condition, including the existing 10 video cameras. Video surveillance will be available and monitored at the bar if patrons are occupying the karaoke rooms.*
2. *The licensee will hire professional trained security to be at the licensed premises from 10:00pm until 2:00am on Friday and Saturday nights.*

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 October 18, 2023, 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 November 1, 2023**.

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 four (4) day suspension of Tusu Karaoke Inc., 5680 Spring Garden Road (Basement), Halifax Nova Scotia, Eating Establishment Liquor License #006246 and Lounge License #006247 shall be served at the request of the licensee on November 3 & 4 and November 10, 1, 2023, inclusive.



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

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

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 Regulations 52(1) and 66
of the *Liquor Licensing Regulations* and Section 47 B(1) of the
Liquor Control Act by Tusu Karaoke Incorporated carrying on
business as Tusu Karaoke Inc.

AGREED STATEMENT OF FACTS

- I. Tusu Karaoke Incorporated. is a body corporate incorporated under the laws of the Province of Nova Scotia and carrying on business as Tusu Karaoke Inc. ("the Licensee").
- II. The Licensee is the holder of Eating Establishment Liquor License #006246 and Lounge Liquor License #006247 which covers the premises carrying on business as Tusu Karaoke Inc., located at 5680 Spring Garden Road, Halifax, Nova Scotia (hereinafter, the "licensed premises").
- III. The Licensee is not registered to operate Video Lottery devices in accordance with the *Gaming Control Act* and the *Video Lottery Regulations*.
- IV. The Licensee acknowledges that it has violated Sections 52 (1) and 66 of the *Liquor Licensing Regulations*, Section 47 B (1) of the *Liquor Control Act*, and conditions of License #2 and #3, and accepts responsibility for the violations.
- V. The circumstances of the violations of Section 66 of the *Liquor Licensing Regulations* and Section 47 B (1) of the *Liquor Control Act*, which occurred on November 19, 2022, are as follows:
 - a. On November 19, 2022, at approximately 01:10 hours Compliance Officer Kris Hebert ("CO Hebert") working with and for Alcohol, Gaming, Fuel and Tobacco (AGFT) conducted a routine compliance inspection. During his inspection CO Hebert was advised by the Licensees' employee, Ruxion Zhang, that no security staff or approved manager were present or working at the licensed premises. After the compliance inspection and related investigation was completed, CO Hebert issued infraction reports citing the Licensee with violations under Section 66 (1) of the *Liquor Licensing Regulations*, Section 47 B (1) of the *Liquor Control Act*, and condition of license # 3 which state:

Section 66 A licensee must ensure that at least 1 person who is knowledgeable about the responsible sale and service of liquor is designated as being in charge of their licensed premises and is present at the premises at all times.

Section 47 B (1) Subject to this Act, but otherwise in the Executive Director's discretion, the Executive Director may

- (b) impose terms and condition on any license or rescind or amend existing terms and conditions on a license in accordance with this Act and the Regulations.

Condition 3: Based on the Agreed Statement of Facts dated April 21, 2022, the following conditions will apply: The licensee will hire professional security to be at the licensed premises from 10:00 pm until 02:00 am Friday and Saturday nights. The licensee will have an approved manager at the licensed premises during licensed hours.

VI. The circumstances of the violation of Section 47 B (1) of the *Liquor Control Act*, which occurred on November 25, 2022, are as follows:

- a. On November 25, 2022 CO Hebert retrieved video surveillance footage of the licensed premises pertaining to the violations noted above and occurring on November 19, 2022. When CO Hebert reviewed the video surveillance footage provided by the licensee CO Hebert determined that there were only six cameras that were operational in contravention of Section 47 B (1) of the *Liquor Control Act* and condition of license #2. Condition of license #2 states:

Condition 2: All video surveillance equipment will be kept in working condition – including the existing 10 video cameras.

VII. The circumstances of the violations of Section 47 B (1) of the *Liquor Control Act*, and condition of license #3, which occurred on February 11 to 12, 2023, are as follows:

- a. On February 11, 2023, at approximately 10 p.m., Compliance Officer Brianna Berlemont accompanied by Compliance Officer Ron Downey both working for and with the AGFT, conducted a routine compliance inspection of the licensed premises. During their inspection CO Berlemont and CO Downey did not observe security at the entrance to the licensed premises. CO Downey was subsequently advised by a female bartender that security was late and that none of the approved managers were on duty that night. CO's Berlemont and Downey returned to the licensed premises at approximately 12 a.m. and did not observe any security present or working at the licensed premises.

VIII. The circumstances of the violations of Section 52 (1) and 66 of the *Liquor Licensing Regulations*, and Section 47 B (1) of the *Liquor Control Act*, which occurred on February 19, 2023, are as follows:

- a. On February 19, 2023, Compliance Officer Kathy Williams ("CO Williams") working with and for Alcohol, Gaming, Fuel and Tobacco (AGFT) conducted a routine compliance inspection of the License Premises. During the inspection CO Williams observed bartender Li Chengye (Chay) free pour vodka into a champagne glass containing a blue liquid in violation of Section 52 (1) of the *Liquor Licensing Regulations* which states

52 (1) A licensee must ensure that the method used to dispense liquor in their licensed premises does not result in a customer receiving less liquor than is represented as being served.

CO Williams immediately advised Li Chengye (Chay) to stop pouring the vodka. Li Chengye (Chay) advised that he did not need a measuring glass because he can measure by counting how long the liquor pours out of the bottle. CO Williams advised that he must use a measuring glass to measure the amount of alcohol patrons are receiving in each drink.

- b. During CO Williams compliance inspection conducted on February 19, 2023, CO Williams spoke to Xinghan Dong. Mr. Dong advised CO Williams that he was the approved manager working at the licensed premises. CO Williams immediately advised Mr. Dong that she observed Mr. Dong consuming alcohol earlier during her inspection and therefore could not be in charge of the licensed premises as a manager.
- c. On February 19, 2023 an approved manager was not present or working at the licensed premises during licensed hours.

IX. The circumstances of the violations of Section 52 (1) and 66 of the *Liquor Licensing Regulations* and Section 47 B (1) of the *Liquor Control Act*, which occurred on March 3, 2023, are as follows:

- a. On March 3, 2023 CO Willams conducted a routine compliance inspection at the licensed premises. During her inspection CO Willams spoke with Zepei Zhou (Johnny) who at the time in March 2023 was in the process of purchasing the business and transferring the liquor and eating establishment licenses. CO Williams asked Mr. Zhou if the manager listed on the license was present to manage the premises on March 3, 2023. Mr. Zhou advised CO Williams that the approved managers were no longer involved in the daily operation of the business. CO Williams determined that there were no approved managers present at the licensed premises on March 3, 2023 during licensed hours in violation of condition of license # 3, Section 66 of the *Liquor Licensing Regulations*, and Section 47 B (1) of the *Liquor Control Act*.
- b. During CO Williams compliance inspection conducted on March 3, 2023, CO Williams observed bartender Shiyang Li (Larissa Lee) free pour two shots of vodka in glasses at the bar in violation of Section 52 (1) of the *Liquor Licensing Regulations*. CO Williams immediately instructed the bartender to stop pouring. The bartender advised that she does not need a measuring glass because she measures the amount of vodka by counting the amount of time the liquor is pouring out of the bottle.

X. 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 52 (1) and 66 of the *Liquor Licensing Regulations*, Section 47 B (1) of the *Liquor Control Act*, and conditions of license #2 and #3:

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

Eating Establishment Liquor License #006246 and Lounge Liquor License #006247 be suspended for a period of 4 days (Friday and Saturday for 2 consecutive weekends) to commence within 30 days of the date of execution of this Agreement.

That the following amendments will be made to the license:

All video surveillance equipment will be kept in working condition, including the existing 10 video cameras. Video surveillance will be available and monitored at the bar if patrons are occupying the karaoke rooms.

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. Camera coverage will be mutually agreeable between the Licensee and Alcohol, Gaming, Fuel and Tobacco.

The licensee will hire professional trained security to be at the licensed premises from 10:00pm until 2:00am on Friday and Saturday nights.

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.

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 Tusu Karaoke Incorporated:

Zepe: Zlu
Licensee, Tusu Karaoke Incorporated

2023/10/17
Date

On behalf of Alcohol, Gaming, Fuel and Tobacco:

Charlene Fogarty
Charlene Fogarty
Regional Manager, Investigation and Enforcement

October 17/2023
Date