
Notice of Proposed Disciplinary Action

To: Thistle Dining Room & Lounge (610 East River Road, New Glasgow, NS)
Eating Establishment License No. 003357 & Lounge License No. 003358

From: John R. MacDonald, Executive Director, Alcohol and Gaming Division
Service Nova Scotia & Municipal Relations

Date: January 25, 2012

Subject: Notice of Disciplinary Action Against –Thistle Dining Room & Lounge
Reference #: 2012_01_25_003357

Current Situation

An Agreed Statement of Facts was submitted to this office on January 25, 2012, wherein the licensee acknowledged violations of sections 49, 56(1) and 75(1)(a) of the *Nova Scotia Liquor Licensing Regulations* on November 5, 2010 and agreed on the following penalty:

The Eating Establishment Liquor License No. 003357 and Lounge Liquor License No. 003358 be suspended for a period of one (1) day, on Saturday, February 11th, 2012.

The office of the Executive Director, Alcohol and Gaming Division, Service Nova Scotia and Municipal Relations, has considered the matter and issued a Notice of Disciplinary Action on January 25, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2012_01_25_003357.

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 no later than 14 days after the date the notice of proposed action was served on the permanent licensee.

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 and Gaming Division, Service Nova Scotia and Municipal Relations has concluded that a one (1) day suspension of Thistle Dining Room and Lounge, New Glasgow, NS: Eating Establishment Liquor License No. 003357 and Lounge License No. 003358, be served on Saturday, February 11th 2012.

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.



John R. MacDonald
Executive Director, Alcohol and Gaming
Service Nova Scotia and Municipal Relations

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 regulations 49, 56 (1), and 75 (1) (a) of the
Liquor Licensing Regulations by
Thistle Eating Establishment & Lounge**

AGREED STATEMENT OF FACTS

1. Thistle Eating Establishment & Lounge, located at 610 East River Road, New Glasgow, Nova Scotia is the holder of Eating Establishment No. 003357 and Lounge Liquor License No. 003358.
2. The Licensee acknowledges that it has violated sections 49, 56 (1), and 75 (1) (a) of the Liquor Licensing Regulations and accepts responsibility for the violations.
3. The circumstances of the violations are as follows:
 - a. Trevor Murphy is the principal owner of the licensed premises known as Thistle Eating Establishment & Lounge. Mr. Murphy is also the principal owner of another licensed premises known as Plaza Pizza Dining Room. On November 3, 2010 Compliance Officer Andrew MacLean, working within and for the Alcohol and Gaming Division, observed two kegs of beer being delivered to Plaza Pizza Dining Room. Mr. MacLean also observed two kegs of beer being loaded onto the bed of a red pickup truck bearing the logo "Thistle Bar & Grill". The two kegs of beer that were loaded onto the red pickup truck were delivered to the Thistle Eating Establishment & Lounge.
 - b. Mr. MacLean reviewed the data sheets obtained from the Nova Scotia Liquor Commission which listed delivery destinations and the number of kegs to be delivered to various licensed establishments on November 3, 2010. Plaza Pizza was not listed on the data sheet.
 - c. On January 14, 2011 Compliance Officer Mark Coffin, working within and for the Alcohol and Gaming Division, asked Mr. Murphy to provide receipts for the two kegs of beer that were delivered to the Thistle Eating Establishment & Lounge from Plaza Pizza Dining Room on November 3, 2010. Mr. Murphy was unable to provide Mr. Coffin with receipts for the two kegs of beer.

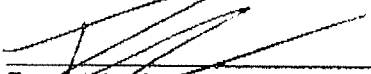
4. This matter has been brought before the Executive Director of the Alcohol and Gaming Division, Investigation and Enforcement Section, Service Nova Scotia and Municipal Relations, for the imposition of a penalty in respect of the Licensees violations of sections 49, 56 (1), and 75 (1) (a) of the Liquor Licensing Regulations.
5. The Licensee and the Alcohol and Gaming Division have agreed to the following penalty for the Licensees violations of sections 49, 56 (1), and 75 (1) (a) of the Liquor Licensing Regulations:

That Eating Establishment Liquor License No. 003357 and Lounge Liquor License No. 003358 be suspended for a period of one-day, commencing February 11, 2012.

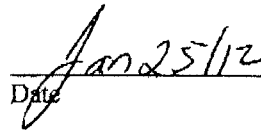
6. ENTIRE AGREEMENT

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 the licensee:

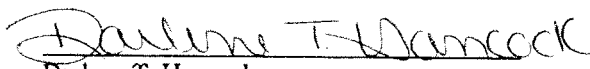


Trevor Murphy

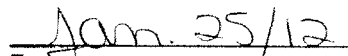


Date

On behalf of the Alcohol and Gaming Division:



Darlene T. Hancock
Acting Regional Manager Investigation and Enforcement
Alcohol and Gaming Division



Date