
Notice of Proposed Disciplinary Action

To: Plaza Pizza Dining Room & Lounge (1856 Albemarle Street, Halifax, NS)
Eating Establishment License No. 003768 & Lounge License No. 003947

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

Date: February 20, 2012

Subject: Notice of Disciplinary Action Against – Plaza Pizza Dining Room & Lounge
Reference #: 2012_01_25_003768

Current Situation

An Agreed Statement of Facts was submitted to this office on January 25, 2012, wherein the licensee acknowledged violations of sections 75(1)(a) and 49 of the *Nova Scotia Liquor Licensing Regulations* on November 3, 2010 and agreed on the following penalty:

The Eating Establishment Liquor License No. 003768 and Lounge Liquor License No. 003947 be suspended for a period of two (2) days, commencing Friday, March 16th, 2012 to Saturday, March 17th, 2012, inclusive.

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_003768.

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 two (2) day suspension of Plaza Pizza , Halifax, NS: Eating Establishment Liquor License No. 003768 and Lounge License No. 003947, to be served at the request of the licensee, from Friday, March 16th, 2012 to Saturday, March 17th, 2012, inclusive.

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 75 (1) (a) and 49 of the
Liquor Licensing Regulations by
Plaza Pizza Dining Room and Lounge**

AGREED STATEMENT OF FACTS

1. Plaza Pizza Dining Room located at 1856 Albemarle Street, Halifax, Nova Scotia is the holder of Eating Establishment Liquor License No. 003768, and Lounge Liquor License No. 003947 (hereinafter "the Licensed Premises").
2. The Licensee acknowledges that it has violated sections 75 (1) (a) and 49 of the Liquor Licensing Regulations and accepts responsibility for the violations.
3. The circumstances of the violations are as follows:
 - a. During a joint investigation Andrew MacLean, a compliance officer working within and for the Alcohol and Gaming Division (AGD), and Constable Jordan Gilbert of the Halifax Regional Police Liquor Enforcement Unit conducted surveillance of the licensed premises on November 3, 2010. On November 3, 2010 Mr. MacLean and Constable Gilbert observed two kegs being delivered to the licensed premises from the bed of a truck at approximately 1617 hours on November 3, 2010.
 - 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. Mr. MacLean entered the licensed premises on November 3, 2010 to conduct a routine inspection of the licensed premises. Upon entering the licensed premises Mr. MacLean spoke with an employee of Plaza Pizza and requested that he be permitted to inspect all liquor purchase receipts. The employee advised that they did not know where the receipts were and that they would contact Trevor Murphy, the owner of Plaza Pizza to ascertain the whereabouts of the liquor purchase receipts.
 - d. Receipts for the two kegs that were observed being delivered to the licensed premises on November 3, 2010 by compliance officer MacLean and Constable Gilbert were

never provided to the AGD.


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 75 (1) (a) and 49 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 75 (1) (a) and 49 of the Liquor Licensing Regulations:

That Eating Establishment Liquor License No. 003768 and Lounge Liquor License No.003947 be suspended for a period of two-days, commencing March 2, 2012 and March 3, 2012.

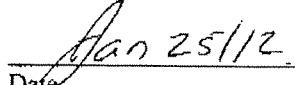
6. ENTIRE AGREEMENT

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 ~~Plaza Pizza~~ Dining Room and Lounge

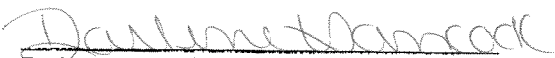


Trevor Murphy

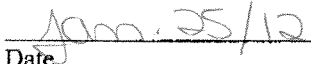


Date

On behalf of the Alcohol and Gaming Division:



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



Date