



Service Nova Scotia
and Municipal Relations
Alcohol and Gaming Division

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Notice of Proposed Disciplinary Action

To: Pogue Fado Irish Public House (1581 Barrington Street, Halifax, NS)
Eating Establishment License No. 004257 & Lounge License No. 004258

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

Date: January 4, 2012

Subject: Notice of Disciplinary Action Against – Pogue Fado Irish Public House
Reference #: 2012_01_04_004257

Current Situation

An Agreed Statement of Facts was submitted to this office on January 4, 2012, wherein the Licensee acknowledged violations of sections 44(1), 44(2), and 45 subsections (a), (b), and (c) of the *Nova Scotia Liquor Licensing Regulations* on April 8, 2011, and sections 45 subsections (a), (b), and (c) of the *Nova Scotia Liquor Licensing Regulations* on August 12, 2011 and agreed on the following penalty:

The Eating Establishment Liquor License No. 004257 and Lounge Liquor License No. 004258 be suspended for a period of three (3) days, commencing Thursday, January 5th, 2012 to Saturday, January 7th, 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 4, 2012, pursuant to section 47B of the *Nova Scotia Liquor Control Act*; Document: 2012_01_04_004257.

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 three (3) day suspension of Pogue Fado Irish Public House, Halifax, NS: Eating Establishment Liquor License No. 004257 and Lounge License No. 004258, to be served from Thursday, January 5th, 2012 to Saturday, January 7th, 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 violations of sections 44 (1), 44 (2), and section 45 subsections (a), (b), and (c) of the *Liquor Licensing Regulations* by Pogue Fado Irish Public House Lg.

AGREED STATEMENT OF FACTS

1. Pogue Fado Irish Public House Lg., located at 1581 Barrington Street, Halifax, Nova Scotia is the holder of Eating Establishment Liquor License No. 004257 and Lounge Liquor License No. 004258.
2. The Licensee acknowledges that on April 8, 2011 it violated sections 44 (1), 44 (2), and section 45 subsections (a), (b), and (c) of the *Liquor Licensing Regulations*.
3. The Licensee acknowledges that on August 12, 2011 it violated section 45 subsections (a), (b), and (c) of the *Liquor Licensing Regulations*.
4. The circumstances of the April 8, 2011 violations are as follows:
 - a. On April 8, 2011 Kathy Williams, Rob Suffron, and Darlene Hancock, compliance officers working within and for the Nova Scotia Alcohol and Gaming Division, attended the Pogue Fado Irish Public House Lg., located at 1581 Barrington Street, Halifax, Nova Scotia, (hereinafter the "licensed premises"). The compliance officers attended the licensed premises for the purpose of conducting a routine inspection.
 - b. The compliance officers entered the licensed premises at approximately 00:50 hrs and were accompanied by Alex Cameron. Alex Cameron was an employee of the licensed premises. While inside the licensed premises the compliance officers began to check the identification of patrons.
 - c. When the compliance officers entered the lower level of the licensed premises, Kathy Williams and Darlene Hancock requested the identification of two females seated at a table. One of the females provided Kathy Williams with an Alberta Drivers License. The date of birth of the female depicted in the license photograph was December 6, 1991.
 - d. Constable Jordan Gilbert of the Halifax Regional Police Liquor Enforcement Unit was requested by compliance officer Williams to attend the licensed premises to

verify the Alberta Drivers License. Compliance officer Williams escorted the female in question outside of the licensed premises.

- e. Constable Gilbert arrived outside of the licensed premises and identified himself as a police officer to the female in question. After a brief conversation the female advised Constable Gilbert that the Alberta Drivers License that was presented to compliance officer Williams did not belong to her. The female in question advised Constable Gilbert that her date of birth was April 22, 1992. The female stated that she entered the licensed premises at approximately 22:30hrs and that while inside the license premises she purchased and consumed a pitcher of draft beer and a vodka lime.

5. The circumstances of the August 12, 2011 violations are as follows:

- a. On August 12, 2011 compliance officer Rob Suffron, working within and for the Nova Scotia Alcohol and Gaming Division, conducted a routine inspection of the licensed premises. Mr. Suffron was accompanied by Constable Jordan Gilbert of the Halifax Regional Police Liquor Enforcement Unit.
- b. When compliance officer Suffron entered the licensed premises he randomly began checking the identification of patrons. Compliance officers Suffron requested to see the identification of a female patron who was standing at the bar. The female did not have a drink in her possession nor was there one on the bar in front of her.
- c. The female in question gave compliance officer Suffron a Nova Scotia Drivers License. The date of birth of the female depicted in the license photograph was September 1, 1991.
- d. Constable Gilbert identified himself as a police officer to the female in question and instructed the female to exit the building so that the Constable and Compliance Officer Suffron could verify her identification.
- e. While being questioned by Constable Gilbert the female advised Constable Gilbert that she was seventeen years of age.

6. 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 44 (1), 44 (2), and section 45 subsections (a), (b), and (c) of the Liquor Licensing Regulations.


7. The Licensee and the Alcohol and Gaming Division have agreed to the following penalty for the Licensees violations of sections 44 (1), 44 (2), and section 45 subsections (a), (b), and (c) of the Liquor Licensing Regulations:

That Eating Establishment Liquor License No. 004257, and Lounge Liquor License No. 004258 be suspended for a period of three -days, commencing January 5th, 2012, January 6th, 2012, and January 7th, 2012.

8. ENTIRE AGREEMENT

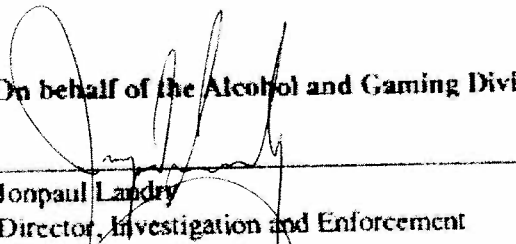
This Agreed Statement of Facts contains the entire agreement between the parties. There are no undertakings or representations expressed or implied, other than those contained in this agreement.

On behalf of the licensee:


Richard Stevens

4 - January - 2012
Date

On behalf of the Alcohol and Gaming Division:


Jonpaul Landry
Director, Investigation and Enforcement

04/01/2012
Date