



**DECISION OF THE
GENERAL MANAGER
LIQUOR CONTROL AND LICENSING BRANCH
IN THE MATTER OF**

A hearing pursuant to Section 20 of

The Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267

Licensee:	G.S.W. Enterprises Ltd. dba Pemberton Hotel 7423 Frontier Street Pemberton BC, V0N 2L0
Case:	EH07-060
For the Licensee:	Ravinder Gill & Andrea Fournel
For the Branch:	Sonja Okada
Enforcement Hearing Adjudicator:	Edward Owsianski
Date of Hearing:	November 20, 2007
Place of Hearing:	Vancouver, BC
Date of Decision:	December 11, 2007

**Ministry of Public
Safety and Solicitor
General**

Liquor Control and
Licensing Branch

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INTRODUCTION

G.S.W. Enterprises Ltd. (dba Pemberton Hotel) holds Liquor Primary Licence No. 028760. The hours for the sale of liquor are 11 a.m. to 1 a.m. Monday to Thursday; Noon to 2 a.m. Friday and Saturday; and 11:00 a.m. to Midnight on Sunday. The person capacity is 155 in area 1; 49 in area 2; and 65 on the patio. The establishment is located in Pemberton, BC. The licence is, as are all liquor licenses issued in the province, subject to the terms and conditions contained in the publication 'Guide for Liquor Licensees in British Columbia.'

Alleged Contraventions and Proposed Penalties

The branch's allegations and proposed penalties are set out in the Notice of Enforcement Action (the "NOEA") dated July 23, 2007.

- 1. The branch alleges** that on January 11, 2007, the licensee contravened section 44 (3) of the *Liquor Control and Licensing Regulation* by allowing patrons to consume liquor in the licensed establishment beyond ½ hour after the time stated on the licence for the hours of liquor service. The proposed penalty is a four (4) day suspension of the liquor licence.

Item 26 of Schedule 4, *Liquor Control and Licensing Regulation* provides a range of penalties for a first contravention of this type of a licence suspension for 4 - 7 days and/or a monetary penalty of \$5000 - \$7000.

In the alternative, if the branch fails to prove the above allegation it asks the adjudicator to find that the licensee contravened section 44 (1)(a) of the *Liquor Control and Licensing Regulation* by failing to ensure that patrons are cleared from the establishment within ½ hour after the time stated on the licence for the hours of liquor service. The proposed penalty for that contravention is a one (1) day suspension of the liquor licence.

Item 24 of Schedule 4, *Liquor Control and Licensing Regulation* provides a range of penalties for a first contravention of this type of a licence suspension for 1 - 3 days and/or a monetary penalty of \$1000 - \$3000.

The licensee disputes the above contraventions.

2. The branch also alleges that on January 11, 2007, the licensee contravened section 43(2)(a) of the *Liquor Control & Licensing Act* by permitting a person to become intoxicated. The proposed penalty is a twenty (20) day suspension of the liquor licence.

Item 10 of Schedule 4, *Liquor Control and Licensing Regulation* provides a range of penalties: for a first contravention of this type, a licence suspension of 4 – 7 days, and/or a monetary penalty of \$5,000 - \$7,000; for a second contravention of this type a licence suspension of 10 - 14 days.

In the alternative, if the branch fails to prove the above allegation it asks the adjudicator to find that the licensee contravened section 44 (2)(b) of the *Liquor Control and Licensing Act* by permitting an intoxicated person to remain in that part of the licensed establishment where liquor is sold or served. The proposed penalty for that contravention is a twenty (20) day suspension of the liquor licence.

Item 11 of Schedule 4, *Liquor Control and Licensing Regulation* provides a range of penalties: for a first contravention of this type, a licence suspension of 4 – 7 days, and/or a monetary penalty of \$5,000 - \$7,000; for a second contravention of this type a licence suspension of 10 - 14 days.

Section 20(2.1)(b) of the *Liquor Control & Licensing Act* provides that the general manager may, if satisfied that it is in the public interest to do so, suspend a licensee's licence for a period longer than that provided for in the prescribed schedule.

The licensee does not dispute this contravention but believes that a twenty day suspension is inappropriate.

RELEVANT STATUTORY PROVISIONS

Liquor Control and Licensing Act (the Act)

43 (2) A licensee or the licensee's employee must not permit

- (a) a person to become intoxicated,
- (b) an intoxicated person to remain in that part of a licensed establishment where liquor is sold, served or otherwise supplied.

Liquor Control and Licensing Regulations (the Regulations)

44 (1) Unless otherwise authorized by the general manager,

- (a) liquor primary licensees and liquor primary club licensees must ensure that patrons are cleared from the licensed establishment within 1/2 hour after the time stated on the licence for the hours of liquor service, and
- (3) Unless otherwise authorized by the general manager, a licensee must not allow a person to consume liquor in the licensed establishment beyond 1/2 hour after the time stated on the licence for the hours of liquor service.

ISSUES

Contravention 1

Did a contravention occur? If so, is a penalty appropriate and what is a reasonable penalty?

Contravention 2

Did a contravention occur? If so, is a penalty appropriate and what is a reasonable penalty?

EXHIBITS

The following exhibits were presented:

- Exhibit No. 1:** Branch book of documents, tabs 1 – 37
- Exhibit No. 2:** Four video discs, 1- 4
- Exhibit No. 3:** Reproduced photographs, 1 – 12
- Exhibit No. 4:** Hand-written notes, 1 page
- Exhibit No. 5:** Licensee documents

EVIDENCE - THE LIQUOR CONTROL AND LICENSING BRANCH

Witness A testified that he was a patron of the Pemberton Hotel on January 11, 2007, arriving at approximately 12:20 a.m. He got a beer from the bar then proceeded into the smoking room where he exchanged greetings with a male friend of his. His friend was in the company of another male whom the witness did not know. His friend was consuming a mixed drink that appeared to contain either whiskey or rum and cola. The witness shortly left the smoking room and sat at a table in the main licensed area with a number of work associates. His friend later left the smoking room and was talking and dancing with some of the women seated at the table. The witness was unable to say whether his friend was intoxicated at this time. He described him as having loose mannerisms, his eyes a bit glossy. He was not “blottoed” and didn’t display the outlandish behaviour of an intoxicated person. He described his friend as being “a heavy drinker who could consume a large amount of alcohol and still be able to speak.”

The witness testified that he left the hotel at approximately 1:20 a.m., after “last call” had been made and at which time staff was putting up the chairs for the end of the night. His friend had left sometime earlier. As he walked across the parking lot he heard a truck engine start. He looked toward the sound of the vehicle and saw a pick-up truck moving backwards and stalling, almost hitting a building and stalling. He walked toward the vehicle and realized that his friend was driving it with a male passenger. His friend’s

condition was in marked contrast to that noticed earlier in the night. Now he appeared to be intoxicated, “smashed”, displaying “not a lot of co-ordination to be driving.” The witness got into the back seat of the truck and tried to persuade his friend not to drive. He was unsuccessful and his friend re-started the vehicle and took off with him in the back seat. To no avail he shouted at his friend to stop and let him out. The vehicle drove over a traffic circle and ran over a lane-divider sign. It proceeded up the road at a high rate of speed and swerving from side to side. It missed the street exit then made a U-turn running over the median on the opposite side of the street. The truck then turned onto and proceeded up the intersecting street and into a snow bank at which time the witness jumped from the vehicle. The truck reversed from the snowbank almost hitting the witness and hitting the opposite snowbank. It then departed at high speed.

The witness proceeded to the nearby home of another friend and within a short time heard an ambulance proceeding through the area. He learned later that his friend driving the pick-up truck had been killed in a motor vehicle accident. He contacted the local police detachment and provided a written statement (Exhibit 1, tab 7C), a diagram of the vehicle’s route (Exhibit 1, tab 7D) and a response to questions from the investigating police officer (Exhibit 1, tab 7E). He later made a written signed statement for the liquor inspector (Exhibit 1, tab 7A & B)

A branch liquor inspector testified that she has been employed as a liquor inspector for the province of British Columbia for approximately 3½ years. She is the inspector responsible for the geographical area in which the Pemberton Hotel is located and is familiar with the hotel.

Upon hearing about the fatal motor vehicle accident she commenced an investigation:

- She contacted the police detachment and received a copy of the police report (Exhibit 1, tab 3), a copy of a statement given to the police by a server at the hotel (Exhibit 1, tab 8C), and copies of the statement, hand-drawn diagram and written response to questions provided to the police by witness A (Exhibit 1, tab 7, C, D & E). After reviewing these documents she completed a Contravention Notice (CN),

(Exhibit 1, tab 2). The CN alleged contraventions of Section 43 of the *Act* related to the intoxicated state of three patrons of the hotel on January 11, 2007. One of the patrons was the deceased friend of witness A. The CN was delivered to the son of the owner of the hotel and he was told that an investigation was underway as a result of the fatal motor vehicle accident. He responded that he was sorry that it happened, "But what are we supposed to do." He told her that the deceased had been at another establishment earlier in the evening, and had open liquor in his vehicle. The inspector made hand-written notes of her meeting (Exhibit 1, tab 4).

- She interviewed and took a written, signed statement from an employee of the restaurant in the hotel (Exhibit 1, tab 14). The employee, upon finishing her shift in the restaurant approximately 9 – 9:15 p.m. went into the LP area where she spoke briefly with the deceased. He appeared to have been drinking, but did not appear to be intoxicated at that time.
- The inspector received and reviewed the hotel's video surveillance discs for January 11, 2007 (Exhibit 2, A – D) and made photocopies of still images of pertinent time frames (Exhibit 3). The surveillance discs contained the time on each video sequence. On reviewing them she noted (Exhibit 4) that the last drink was served at 1:47 a.m. (Exhibit 3, p. 7) and the last patrons were noted leaving at 2:09 a.m. (Exhibit 3, p. 12). The liquor licence for the hotel (Exhibit 1, tab 22) provides the hours for the sale of liquor for Thursday, January 11, 2007, as ceasing at 1 a.m. The *Regulations* require that all liquor must be consumed and patrons exited within ½ hour. She completed an amended CN (Exhibit 1, tab 2) alleging contraventions of afterhours consumption of liquor and failing to clear patrons within ½ hour. It was delivered to the son of the owner of the hotel.
- She received the hotel's logbook and made copies of the entries of notes made by the server and disc jockey for January 11, 2007 (Exhibit 1, tab 5). She received hotel staff schedules for the week preceding the accident (Exhibit 1, tab 6).

- She interviewed and took a written, signed statement from the server working at the hotel on January 11, 2007 (Exhibit 1, tab 8, A & B). The server stated that the deceased and two male friends were in the hotel that night. She had had problems with the deceased in the past, so told the bartender that he would have to serve him. The deceased is known as a professional drinker and often drinks until he is kicked out or refused service. He didn't cause any problems that night. He was with three friends that night, one of whom was celebrating a birthday and appeared to be drunk.

- She interviewed and took a written, signed statement from a hotel patron present the night of January 11, 2007 (Exhibit 1, tab 15). The patron stated that she arrived in the Liquor Primary area at "eightish" i.e., 8 p.m. and went into the smoking room. She saw the deceased who was with two friends. One of the friends was celebrating a birthday and became intoxicated during the course of the night. He was disoriented and staggering. He said, "I'm drunk and I need to go home." The inspector noted that the images from the video surveillance discs showed this patron walking through the LP area at 8:04 p.m. (Exhibit 3).

- She interviewed and took a written, signed statement from the bartender working the night of January 11, 2007 (Exhibit 1, tab 11). He stated that the server pointed out the deceased to him as he had caused her problems in the past. The deceased was there with two friends, one of whom was celebrating a birthday and was intoxicated. He was not cut-off or requested to leave. The deceased and the other friend did not appear to be intoxicated.

- She interviewed and took a written, signed statement from the Deputy Chief of the Pemberton Fire Department (Exhibit 1, tab 12). He stated that they were dispatched to the motor vehicle accident scene. It took approximately 5 – 7 minutes to respond and they arrived at 2 a.m. Copy of report at Exhibit 1, tab 20.

- She interviewed and took a written, statement from one of the friends of the deceased who accompanied him to the hotel the night of January 11, 2007 and who was a passenger in the truck involved in the accident (Exhibit 1, tab 13). The statement was unsigned on the advice of his lawyer. He was with the deceased and another friend during the course of the night. They started out at another establishment at approximately 7 p.m. where they each consumed two drinks and watched the first period of the hockey game. They then went to the hotel, each consuming several drinks. He was uncertain at what time they left, perhaps between 11:30 p.m. - midnight. He did not believe that he or the deceased were overserved; however, he did see indications of overservice to other patrons. He stated; "I've been a server for a long time and a lot of people were being over served, showing breast, etc., falling down, 4 or 5 shooters to a single person, the person took them back to the table."
- She interviewed and took a written, signed statement from witness A, who had been a patron at the hotel for a short time during the night of January 11, 2007 (Exhibit 1, tab 7, A & B). He stated that he had talked briefly with the deceased in the hotel and again in the deceased's vehicle outside of the hotel. He was unable to say whether the deceased was intoxicated while he was in the hotel; however, he was definitely intoxicated when he spoke with him later in the vehicle to the point that he attempted to persuade him not to drive.
- She interviewed and took written signed statements from employees of another licensed establishment in Pemberton (Exhibit 1, tabs 16 - 18). They stated that the deceased and two friends had been at the establishment on January 11, 2007, during the early evening. They did not appear to have been drinking earlier. Whilst in the establishment the deceased had a beer, the two friends had two double rum and coke.

- The inspector spoke with a police officer investigating the motor vehicle accident and made notes of the conversation (Exhibit 1, tab 13). The officer advised her that a blood sample had been taken from the passenger in the deceased's vehicle at the time of the accident. The laboratory results revealed that he had a blood/alcohol reading equivalent to a breathalyser reading of .21, a level at which the individual would have been "grossly intoxicated."
- She received a toxicology report from the BC Coroners Service which provided that a urine sample taken from the deceased indicated a blood/alcohol reading of .35% with traces of cannabis in his system.

The inspector testified that upon completing her investigation she was satisfied that the contraventions as alleged in the NOEA of July 23, 2007 (Exhibit 1, tab 1) had occurred.

She testified that she is responsible for maintaining the branch files for the establishment. The liquor primary licence (Exhibit 1, tab 22) allows the sale of liquor between 11 a.m. and 1 a.m. Monday thru Thursday. January 11, 2007, was a Thursday, thus liquor service must cease by 1 a.m., allowing for ½ for patrons to consume their drinks and all patrons to have left the premises by 1:30 a.m. The licence is subject to the terms and conditions contained in the branch publication "Guide for Liquor Licensees". A copy of the Guide is provided to all licensees. Excerpts from the Guide in effect at the time of the alleged contraventions are found at Exhibit 1, tab 23. She referred to the excerpts dealing with: "Your Role as a Licensee" (p. 3); "Hours of Sale" (p 7); and "Over-service and Intoxicated Patrons" (p.13).

The inspector testified that in making the recommendations for the penalty for each contravention she reviewed the branch file for the establishment. She referred to copies of documents from branch files:

- Exhibit 1, tab 26 – April 25, 2002, when the licence was transferred to the current principal of the corporate licensee, the principal spoke with the then area liquor inspector and signed the branch Inspection Interview Sheet. He acknowledged

understanding the provisions of the *Act* and *Regulations* and the terms and conditions of the licence, and agreed to abide by them.

- Exhibit 1, tab 27 – October 3, 2002, CNs issued for failing to comply with Responsible Beverage Service requirements (Liquor and Food Primary licenses) and operating outside of class (Food Primary licence). Did not proceed to enforcement action.
- Exhibit 1, tab 28 – February 14, 2003, CN issued for employee consuming and allowing consumption of liquor after hours. Contraventions admitted, Liquor Primary licence suspended for one and four days respectively.
- Exhibit 1, tab 29 – March 3, 2003, CN issued on LP licence for failing to request two pieces of identification from person appearing to be under 25 years of age. Did not proceed to enforcement action.
- Exhibit 1, tab 30 – March 1, 2003, CN issued for overcrowding. Contravention admitted, Liquor Primary licence suspended for two days. CN issued for permitting person to become intoxicated. Did not proceed to enforcement.
- Exhibit 1, tab 31 – September 11, 2003, CN issued for permitting liquor to be removed from the premises. Did not proceed to enforcement.
- Exhibit 1, tab 32 – September 14, 2003, CN issued for permitting liquor to be removed from the premises. Did not proceed to enforcement.
- Exhibit 1, tab 33 – August 28, 2004, CN, issued on LP licence for failing to request two pieces of identification from person appearing to be under 25 years of age. Did not proceed to enforcement action.
- Exhibit 1, tab 34 – April 19, 2006, educational meeting held with the licensee, staff and local police officer during which time matters related to minors, identification, intoxication, overservice, staff drinking and overcrowding were discussed. Copy of the Guide to Licensees left with the establishment for their review.
- Exhibit 1, tab 35 – December 15, 2006, CN issued LP licence for permitting liquor to be removed from the establishment, selling liquor to an intoxicated person and permitting an intoxicated person to remain. Contraventions admitted and Liquor Primary licence suspended for one, four and four days respectively.

- Exhibit 1, tab 36 – December 15, 2006, CN issued on LP licence for permitting unlawful activities, (patron openly smoking marijuana in the smoking room). Contravention admitted and Liquor Primary licence suspended for 10 days.
- Exhibit 1, tab 37 – December 24, 2006, CN issued on LP licence for selling liquor to an intoxicated person, permit an intoxicated person to remain, and permit a person to become intoxicated. This did not proceed to enforcement after further investigation revealed that the person in question arrived at the hotel in an intoxicated state and not been permitted entry.
- Exhibit 1, tab 21 – February 12, 2007, educational meeting held with the licensee and staff and local police officer during which time matters related to minors, identification, intoxication, staff conduct responsibilities, red-line, capacity, illegal activities was discussed. Copy of the Guide to Licensees left with the establishment for their review.

The inspector testified that after reviewing the branch file she recommended the minimum penalty for the first and alternate contraventions. She recommended a 20 day suspension for the second contravention. One of the friends of the deceased was known to be intoxicated whilst in the establishment, yet was not cut-off or requested to leave the establishment. The deceased and passenger both had high blood/alcohol readings following the accident. The incident took place within a few weeks of the previous contraventions of December 15, 2006, involving intoxication and had tragic consequences.

EVIDENCE - THE LICENSEE

The representatives for the licensee entered the following documents (Exhibit 5):

- Letter of November 1, 2007, from a loss prevention company concerning the security cameras and date and time recorder system.
- Service agreement for a private shuttle service for hotel patrons when no taxi service is available. Trip logs May – October 2007.
- Letter of November 2, 2007, from the hotel to the RCMP Pemberton advising of changes made in the operation of the hotel following the fatal motor vehicle accident.

- Letter of August 3, 2007, from the hotel to the liquor inspector.
- Undated Fax Transmission together with attached employee time sheets and a hand-written memo written in March of 2005 or 2006 explaining the 47-minute time difference between the time recorded on the video security system and the actual time.
- Typewritten notes dated January 12, 2007, made following the fatal motor vehicle accident.
- Report of liquor sales made by the hotel for January 11, 2007.
- Hand-written notes made following receipt of the CN of December 24, 2006 (Exhibit 1, tab 37).

SUBMISSIONS – LICENSEE

Contravention 1

The licensee representative disputes the allegations and points out that the computer clock in its video surveillance recorder was inaccurate and did not reflect the correct time. He referred to the documents within Exhibit 5:

- Letter of November 1, 2007, from a loss prevention company concerning the security cameras and date and time recorder system.
- Undated Fax Transmission together with attached employee time sheets and a hand-written memo written in March of 2005 or 2006 explaining the 47-minute time difference between the time recorded on the video security system and the actual time.

He submitted that the video surveillance system was installed in April 2002 during Daylight Saving Time and had never been adjusted. Thus, January 11, 2007 being Standard Time, there would be a one-hour difference in the time registered on the surveillance recorder and actual time. Further, the computer clock in the video surveillance recorder had lost a total of 13 minutes from the time it was installed in April 2002 until recording the events of January 11, 2007. Thus, the computer clock

recorded the time 47 minutes ahead of the actual time. This accounted for the perception of the liquor inspector that liquor was served beyond licensing hours and patrons allowed to remain beyond the ½ hour allowed. The inspector also relied on the perception of the time by persons interviewed following the January 11, 2007. These persons were not certain of the times and their perceptions were not accurate.

Contravention 2

The licensee admits the contravention, however, believes that a twenty-day suspension is inappropriate. It is unknown how long the deceased and his companions were in the licensed establishment. It is likely that they consumed more liquor in their vehicle after leaving the hotel. The police officer attending the scene of the accident observed, “a beer bottle and a bottle of alcoholic beverage” near the vehicle. The toxicology report (Exhibit 1, tab 19) indicates that the deceased had traces of cannabis in his system. Since the date of the accident the hotel has taken measures to prevent a repetition of the events surrounding January 11, 2007 (Exhibit 5). These changes have been acknowledged by the local police detachment. A lengthy suspension will adversely affect hotel staff. It will also result in people driving from Pemberton to Whistler, which will create more problems. The appropriate suspension would be a ten-day suspension, the minimum suspension for a second contravention of the same type.

REASONS AND DECISION

Contravention 1

The evidence as a whole is inconclusive.

The licensee has presented a reasonable explanation of the time difference indicated in the video surveillance discs. The branch disputes this explanation on the basis that it does not coincide with the times given in evidence by several of the witnesses.

I am satisfied that the times provided by witnesses were their best estimates and as such may not be wholly accurate.

In conclusion, I find that on the whole of the evidence, the evidentiary burden for the alleged contravention and alternate contravention has not been satisfied.

Contravention 2

The licensee has admitted the contravention.

On the evidence, I find that on January 11, 2007, the licensee contravened section 43(2)(b) of the *Liquor Control & Licensing Act* by permitting an intoxicated person to remain in that part of the licensed establishment where liquor is sold or served.

PENALTY

Pursuant to section 20(2) of the *Act*, having found that the licensee has contravened the *Act*, the *Regulations* and/or the terms and conditions of the licence, I have discretion to order one or more of the following enforcement actions:

- impose a suspension of the liquor licence for a period of time
- cancel a liquor licence
- impose terms and conditions to a licence or rescind or amend existing terms and conditions
- impose a monetary penalty
- order a licensee to transfer a licence

Imposing any penalty is discretionary. However, if I find that either a licence suspension or monetary penalty is warranted, I am bound to follow the minimums set out in Schedule 4 of the *Regulations*. I am not bound by the maximums and may impose higher penalties when it is in the public interest to do so, and I am not bound to order the penalty proposed in the NOEA.

The branch's primary goal in bringing enforcement action and imposing penalties is achieving voluntary compliance. Among the factors that are considered in determining whether a penalty should be imposed and if so, the appropriate penalty, are: whether there is a past history of warnings by the branch and/or the police, the seriousness of the contravention, the threat to the public safety and the well being of the community.

This is the second contravention of this type within a twelve month period. The range of penalties for a second contravention of 43 (2)(b) of the *Liquor Control and Licensing Act* pursuant to Schedule 4, item 11 is ten (10) to fourteen (14) days suspension. Section 20(2.1)(b) of the *Liquor Control & Licensing Act* provides that the general manager may, if satisfied that it is in the public interest to do so, suspend a licensee's licence for a period longer than that provided for in the prescribed schedule.

Permitting intoxication in a licensed establishment can have an adverse effect on the community. The evidence is that on January 11, 2007, three friends patronized the establishment during the evening/late night hours. One was described by witnesses as being noticeably intoxicated whilst in the establishment. The other two were found to have high blood/alcohol readings after having consumed liquor at the hotel, leaving and within a short period of time becoming involved in a motor vehicle accident which caused the death of one of the persons. No action was taken by staff or management at the hotel to prevent the contraventions.

In the circumstances of this case, I find that a penalty is necessary to ensure future compliance. Intoxication has been an ongoing problem in this establishment. On April 19, 2006, an educational meeting was held by the liquor inspector with the licensee, staff and local police officer, during which time intoxication and overservice were discussed. Later that year the establishment admitted to contraventions of selling liquor to an intoxicated person and permitting a person to become intoxicated on December 15, 2006, for which two four day suspensions were imposed commencing February 16, 2007. Less than one month later and prior to the suspensions being served, a further incident involving intoxication occurred. The latest incident resulted in tragic consequences.

In the circumstances, I find that it is in the public interest to impose a penalty greater than that provided for at item 11 of Schedule 4 of the *Regulations*. I find that a twenty day suspension is necessary, appropriate and reasonable.

ORDER

Pursuant to Section 20(2) of the *Act*, I order a suspension of Liquor Primary Licence No. 028760 for a period of twenty (20) days, to commence as of the close of business on Wednesday, January 16, 2008, and to continue each succeeding business day until the suspension is completed. "Business day" means a day on which the licensee's establishment would normally be open for business (Section 67 of the *Regulation*).

To ensure this Order is effective, I direct that the liquor licence be held by the branch or the Pemberton detachment of the RCMPolice from the close of business on Wednesday, January 16, 2008, until the licensee has demonstrated to the branch's satisfaction that the suspension has been served.

[ORIGINAL SIGNED]

Edward W. Owsianski
Enforcement Hearing Adjudicator

Date: December 11, 2007

cc: RCMPolice Pemberton Detachment

Liquor Control and Licensing Branch, Vancouver Office
Attention: Donna Lister, Regional Manager

Liquor Control and Licensing Branch, Surrey Office
Attention: Sonja Okada, Branch Advocate