



**DECISION OF THE
GENERAL MANAGER
LIQUOR CONTROL AND LICENCING BRANCH**

IN THE MATTER OF

A hearing pursuant to Section 20 of

The Liquor Control and Licensing Act RSBC c. 267

Licensee: The Attic Billiards (2008) Corp.
dba The Attic Billiards
9461-120th Street
Delta, BC

Case: EH10-062

For the Licensee: Jim Sundar

For the Branch: Peter Mior

Enforcement Hearing Adjudicator: Sheldon M. Seigel

Date of Hearing: November 23, 2010

Place of Hearing: Surrey, BC

Date of Decision: December 16, 2010

INTRODUCTION

The licensee holds Food Primary Liquor Licence 303330 under which it operates Attic Billiards in Surrey. The licence indicates that liquor may be sold from 9:00 a.m. to midnight, seven days per week.

The food primary licence specifies a person capacity of 64. The licence is, as are all liquor licences issued in the province, subject to the terms and conditions contained in the publication *Food Primary Terms and Conditions, A Guide for Liquor Licensees in British Columbia* (Guide).

Appearing for the corporate licensee was Jim Sundar, the primary shareholder and operating executive (licensee). SR was present to assist and support Mr. Sundar. I advised Mr. Sundar that if SR was expected to provide evidence she should properly be excluded until her testimony. Mr. Sundar indicated that SR would testify, but insisted that she be present to assist him. I advised that SR's testimony might provide less value as independent corroboration of facts if she observes the hearing prior to testifying. Mr. Sundar acknowledged his understanding and was prepared to proceed on this basis.

THE ALLEGED CONTRAVENTIONS

The branch's allegations and proposed penalty are set out in a Notice of Enforcement Action (NOEA) EH10-062 dated June 17, 2010, and subsequent amendments of the NOEA and appendix dated November 4, 2010.

The branch alleges that on April 23, 2010, at approximately 9:00 p.m. the licensee contravened section 20 of the *Liquor Control and Licensing Act* (the *Act*) and section 11 of the *Liquor Control and Licensing Regulation* (the *Regulation*) by operating the licensed establishment in a manner contrary to the primary purpose of the business as stated on the licence. The branch proposes a fifteen (15) day suspension of the liquor licence in accordance with item 1 of Schedule 4, of the *Regulation*.

The branch also alleges that on April 23, 2010, at approximately 9:00 p.m. the licensee contravened section 42(3) of the *Regulation* when an employee consumed liquor while working. The branch proposes a one (1) day suspension of the liquor licence in accordance with item 27 of Schedule 4 of the *Regulation*.

RELEVANT STATUTORY PROVISIONS

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

Licences

12 (1) The general manager, having regard for the public interest, may, on application, issue a licence for the sale of liquor.

(2) The general manager may, in respect of any licence that is being or has been issued, impose, in the public interest, terms and conditions

(a) that vary the terms and conditions to which the licence is subject under the regulations, or

(b) that are in addition to those referred to in paragraph (a).

(3) Without limiting subsection (2), the terms and conditions referred to in that subsection may

(a) limit the type of liquor to be offered for sale,

(b) designate the areas of an establishment, both indoor and outdoor, where liquor may be sold and served,

(c) limit the days and hours that an establishment is permitted to be open for the sale of liquor,

(d) designate the areas within an establishment where minors are permitted,

(e) approve, prohibit or restrict games and entertainment in an establishment,

(f) exempt a class or category of licensee from requirements with respect to serving food and non-alcoholic beverages in an establishment,

(g) vary seating requirements in the dining area of an establishment,

(h) vary requirements with respect to the location of an establishment,

- (i) exempt a class of licensee from requirements with respect to marine facilities where liquor is sold,
- (j) specify the manner in which sponsorship by a liquor manufacturer or an agent under section 52 may be conducted and place restrictions on the types of events, activities or organizations that may be sponsored,
- (k) specify requirements for reporting and record keeping, and
- (l) control signs used in or for an establishment.

Action against a licensee

20 (1) In addition to any other powers the general manager has under this Act, the general manager may, on the general manager's own motion or on receiving a complaint, take action against a licensee for any of the following reasons:

- (a) the licensee's contravention of this Act or the regulations or the licensee's failure to comply with a term or condition of the licence;

Liquor Control and Licensing Regulation, B.C. Reg. 244/2002

[includes amendments up to B.C. Reg. 43/2010, April 1, 2010]

Food primary licences

11 (1) A food primary licence in respect of an establishment may be issued, renewed or transferred if the primary purpose of the business carried on in the establishment is the service of food during all hours of its operation.

(2) The following terms and conditions apply to a food primary licence:

- (a) minors are allowed in the establishment;
- (b) liquor must not be served unless the establishment is open for service of a varied selection of food items, including both appetizers and main courses, or their equivalent;

(c) subject to limitation by the general manager, hours of liquor service must start no earlier than 9:00 a.m. and end no later than 4:00 a.m. the next day.

(3) The general manager may consider, in determining whether the primary purpose of the business carried on in the establishment is or will be the service of food during all hours of its operation, any or all of the following:

- (a) kitchen equipment;
- (b) furnishings and lighting;
- (c) menu;
- (d) type and hours of entertainment and games offered by the licensee;
- (e) advertising;
- (f) hours of operation;
- (g) financial records;
- (h) the ratio of receipts from food sales to receipts from liquor sales in the establishment;
- (i) any other relevant consideration that may assist in the determination.

Consumption of liquor in licensed establishments

42 (3) A licensee, and the employees of the licensee, must not consume liquor while working in the licensed establishment.

ISSUES

1. Did the licensee contravene the *Act* or *Regulation* as alleged?
2. If either of the contraventions occurred, is a penalty required for the contravention[s] under the circumstances of this case, and if so, what penalty is appropriate?

EXHIBITS:

- Exhibit No. 1:** The Branch's Book of Documents (Branch).
Exhibit No. 2: DS payroll records (Licensee)
Exhibit No. 3: Sales receipts with May 7, 2010 cover letter (Licensee)
Exhibit No. 4: Education video, Food Primary section (Branch)

EVIDENCE AND DISCUSSION

The branch called two liquor inspectors and a police constable. Inspector 1 and the police constable attended in a covert capacity. They arrived at the establishment at approximately 8:10 p.m. on April 23, 2010. They sat at a table in the northwest corner of the establishment from which they were able to see all of the establishment and the adjacent billiard room (they identified the location on the floor plan at Exhibit No. 1, tab 10). They made individual observations as they consumed food and liquor over a period of approximately two and one half hours. They left the establishment at approximately 10:30 p.m. and each made notes of their observations in the remaining hours of that night. The inspector and the police constable each identified copies of their notes in Exhibit No. 1 (tabs 3 and 4).

Inspector 2 was the lead for the covert operation and the inspector responsible for the licensed establishment and the file relating to the allegations. This inspector met with Inspector 1 and the police constable prior to the covert operation, and provided the covert team with copies of the establishment's licence and floor-plan. The covert inspection team made arrangements to text messages to inspector 2 during the inspection. Inspector 2 identified the contents of Exhibit No. 1. Inspector 2 indicated that the licensees attended an initial inspection on February 5, 2009, during which they were instructed as to the nature of a food primary licence and directed to the provisions of the *Regulation* and Guide in that regard. He indicated that Exhibit No. 1, tab 11 is a copy of the initial inspection sheet. He also identified Exhibit No. 4 as the video that the licensees watched during the initial inspection. The video describes a licensee's obligations in a food primary establishment.

The licensee and SR testified on behalf of the licensee. SR did provide testimony while assisting the licensee with his testimony. As SR and the licensee were in agreement on all relevant matters and there was no significant controversy between their evidence and the branch witnesses with respect to their observations, I will refer to SR and the licensee together as the licensees. The licensees were present in the establishment between 8:00 p.m. and 10:30 p.m. on April 23, 2010. The licensees provided evidence of their observations relating to that night and of their knowledge and experience with respect to the establishment's operation and history.

Operating Contrary to Primary Purpose

Section 11(3) of the *Regulation* sets out the criteria that the general manager may consider when determining if the primary business carried on at the establishment is the service of food. *The Publik Restaurant PG Ltd. v. The General Manager of the Liquor Control and Licensing Branch*, 2009 BCSC 249 and its antecedent, enforcement hearing decision EH07-011 (LCLB February 22, 2008) are the cases commonly cited as the authority for taking a holistic approach to this determination. In essence, the test is whether after taking into account all of the circumstances of the operation, the establishment functions more like a restaurant or a bar. It is significant that a food primary establishment must focus on the service of food with liquor available as an accompaniment at all times of its operation. In order to assist in making that determination, reference may be had to s. 11(3) of the *Regulation*.

Food to liquor ratio

The *Guide* indicates that in most cases a food primary establishment should sell more food than liquor. Hence a comparison of the revenues obtained for food and liquor represents a good starting point for any investigation.

In this case, the branch concedes that the food to liquor ratio marginally favours food sales. The licensees say that after a previous contravention of operating contrary to primary purpose on April 17, 2009, they changed their menu and operating systems to ensure that they sold more food than liquor. They testified that it was their belief that their culpability in the earlier contravention was due to the food/liquor ratio only and that by resolving the issue of the food to liquor ratio they would be in compliance with the regulatory framework. The licensees stated that they didn't know they could still be in contravention under those circumstances. The earlier matter was decided on October 20, 2009 (Exhibit No. 1, tab 12). For that hearing the licensee took the position that it was not provided with sufficient information to know the requirements to be met in operating a food primary licence. The general manager found that argument wanting and decided that the licensee was provided with sufficient information to operate within the requirements of the licence. Similarly, a year later, and armed with the experience of the previous enforcement process and published decision, I find the licensees' current argument that it did not know its obligations in operating a food primary establishment to be ineffectual.

In many cases the food to liquor ratio is a valuable tool for identifying the potential issue of whether an establishment is operating contrary its primary purpose and a critical tool for assessing the *de facto* operation of an establishment. However, the food to liquor ratio is an incomplete indicator of primary purpose. The relative cost of food items and liquor items can in some circumstances significantly distort the ratio. If food, for example is particularly inexpensive due to promotional activities or a licensee's interest in keeping its patrons seated and eating, the ratio based on revenues will not be an accurate reflection of whether liquor is effectively an accompaniment to food.

Furnishings, lighting, door staff, cover charge, kitchen equipment and hours of operation, menu,

These are matters often cited in order to help establish whether a licensed establishment is operating in accordance with its primary focus. In this case these matters played a relatively small part. The furnishings and lighting were described as consistent with a pool hall. There was no door staff or cover charge in place. There was no evidence of the nature and extent of the kitchen equipment except to the extent that the licensees indicated that they had trouble

selling many of the meal items they have offered in the past. In light of that uncontroverted evidence and nothing more, I conclude there was adequate kitchen equipment to prepare a variety of meals. There was also no indication that the kitchen closed before the establishment closed. At the hearing no witnesses testified to the presence or content of any menu and no menu was presented as an exhibit. The branch did not argue that the licensee's available food selection was lacking. In total, these matters did not factor into the evidence with sufficient scope to provide any probative value.

Noise level

Inspector 1 and the police constable testified that at times the establishment was quite noisy and not consistent with what is usually associated with a typical restaurant environment. There was a hockey game on television and the patrons were cheering for the home team. As well, the sounds from the pool hall portion of the facility occasionally intruded into the food primary establishment.

The sound levels in casual dining establishments featuring sports on television or forming part of a facility including a recreational area such as a pool hall can be significantly higher than would normally be associated with a typical restaurant without entertainment or in a more formal dining venue. I am mindful that the branch issued the licensee with a food primary licence with full awareness of the licensee's business plan and his adjacent pool hall, effectively operating as one facility. While I do accept that at times the level of sound produced by the pool hall and a cheering body of patrons would exceed that usually encountered in a food primary establishment without televised sports or an adjacent pool hall, there is little evidence before me of noise levels beyond what must surely have been considered and expected to exist under the current licensed situation. I find the level of noise to be consistent with the licensee's primary purpose.

Types and hours of entertainment offered

The only entertainment offered to patrons of the licensed establishment is televised sports. Although the availability of televised sports is an activity customarily associated with liquor primary licenses, no argument was made suggesting that televised sports are inconsistent with the operation of a food primary establishment. As the pool hall venue is not part of the redlined area described in the layout, and does not serve the function of accommodating or facilitating the operation of the food primary licence, it is not part of the food primary establishment and thus neither legally affected by, nor contributing to, the criteria relevant to the licensed establishment. Accordingly, the hours of the pool hall are not relevant. There was little evidence or argument put forth to suggest that the hours of the food primary establishment were unusual.

Other relevant considerations

This is the provision that authorizes the general manager to consider site-specific qualities of the operation of an establishment when evaluating whether a licensee is operating a food primary establishment in accordance with its primary purpose the focus on food at all hours of business. As there is not a single restaurant or bar model that would apply to all food primary or liquor primary establishments, there must be a continuum of sorts. Every establishment will be located somewhere on that continuum and the applicable question of primary focus will be determined based on the facts of each case. The licensees testified that the food primary licence was intended to support the pool hall. Indeed the licensees said repeatedly that what they intended to operate was a pool hall with a food primary licence. They expected patrons to eat lunch or dinner and play a game of pool as part of their day or evening activity. The branch witnesses, however, painted a very different picture of the activities in the facility.

Inspector 1 observed between 25 and 47 people in the establishment at any given time in a period of about an hour. She saw virtually all of the patrons drinking alcoholic beverages and although for a period of time she noticed no food service whatsoever, eventually she observed two plates of chicken wings served to a table of ten males who were watching a hockey game

on television. She testified that she watched the servers deliver a constant flow of liquor to patrons. Until the chicken wings were served, she did not note any odour of food. She saw bottles and pitchers of beer and glasses (empty and full) but no dishes, cutlery, napkins, or any paraphernalia related to food (prior to the service of the chicken wings).

The police constable testified that he entered and left the establishment with liquor inspector 1. He said that while inside he saw no indication of the kitchen being in operation but for the delivery of two baskets of chicken wings. He said there were no napkins or place settings and all of the patrons were drinking what appeared to be beer or other alcoholic beverages.

The licensees' evidence does not contradict the volume of food or lack thereof described by the inspectors during their covert inspection. Rather, the licensees take the position that their business model was ill-conceived and that their naivety resulted in being in a position in which they could not possibly be compliant with the food primary focus. The licensee's said:

[Patrons] don't come for dinner. We advertise for that but it doesn't work. They come in for snacks. They do not come in for a restaurant. We have prime rib for \$9.99. Nobody comes. It's a pool hall. They watch TV and go. They have some snacks.

... It's a pool hall with a food primary [licence]. It's not a restaurant. It's a pool hall. I can't help it. I bought it as a pool hall and I want to have a pool hall. I can't make it a restaurant because people won't come for dinner.

I find there was a notable absence of food during the covert inspection. At the same time, the evidence that liquor was served in abundance is uncontroverted. The licence requires that the focus be on food with liquor provided as an adjunct at all hours of operation. There is no evidence that the lack of food service observed by the branch witnesses during the covert inspection is anything but the *status quo* for the establishment. Indeed the licensee's testimony confirms the lack of food service, though the claim it is the result of patron choice rather than the licensees' plan.

Atmosphere

Both inspector 1 and the police constable testified to observing a nightclub-like atmosphere inside the establishment. They noted that the patrons were almost entirely male, and female staff members were dressed largely in lingerie. Male patrons were observed taking particular notice of the scantily clad employees, and both of the branch witnesses said that the women so dressed did nothing to dissuade the patrons from acting in that manner. In fact, both branch witnesses observed what might have been the only female patron in the establishment baring her breasts to loud cheers of appreciation from the other patrons. The police constable also stated that one of the licensee's employees, a man described as wearing white pants and a blue shirt, gave the patron a "high five" in support of her actions, and that as a result, the patron repeated her impromptu exposure. The operation of the Attic and the atmosphere present during the inspection was a strong indication that the licensed establishment was not operating with a primary focus on the service of food.

The establishment demonstrated not only a lack of food service and a considerable liquor service between 8:00 p.m. and 10:30 p.m. on April 16, 2010, but also several of the considerations identified in s. 11(1) of the *Regulation* point toward the licensee operating the establishment contrary to the primary purpose stated on its licence. I find that taken as a whole, the evidence indicates that the establishment was operating contrary to its primary purpose. The elements of the contravention have been established.

It is noteworthy that the licensees indicate that they have applied for a liquor primary licence as they feel that is more suitable to the operation they are running. Notwithstanding the application for a liquor primary licence, a licensee must abide by the rules applicable to the licence currently attached to the establishment.

Employee Consuming

Section 42(3) of the *Regulation* stipulates that a licensee and its employees may not consume liquor when working in the establishment. The branch alleges that such a contravention occurred during the inspection on April 23, 2010.

Inspector 1 testified that she observed a male with a blue shirt and white pants who appeared to be the manager in charge of the establishment. She said:

When the Canucks scored, the manager on duty said shooters were going to be \$2.50 for the rest of the night. He made two announcements. He said Sunday there would be seven girls dressed in lingerie and the cheapest drinks in Canada. He also checked I.D. on three people that came in and sat at a booth. The manager asked them for ID. He was drinking a bottle of beer and walked back and forth quite a bit, and at one point ordered shooters and made a comment about liquor inspectors being present.

Inspector 1 also said that she observed the man in the blue shirt and white pants drinking from a bottle of Miller Genuine Draft as he walked near her in front of the bar in the main area of the licensed establishment.

The licensee's testified that the male in the blue shirt and white pants was their son. They said that their son was not an employee of the establishment. The licensees acknowledged that their son was present in the establishment during the inspection, that he might have checked I.D. from some patrons, and that he might also have gone into the store-room or into service areas of the establishment to get supplies or to assist the working employees on April 23, 2010. They said also that their son often is the one who fills the soft drink cartridges or pressurized cylinders for the fountain drinks. They did not deny that their son might have done that while in the establishment during the inspection. The licensees testified that their son would likely have poured his own drink from behind the bar rather than asking an employee for one. They said

that he made the announcements about the upcoming girls in lingerie and cheap shooters while in the pool hall, which is not part of the licensed establishment.

The licensees acknowledge that their son attends the establishment and does what is required with the cash, the computer, and the drink dispensing equipment, on a regular basis. The licensees either acknowledged that these activities occurred on the date of the inspection or did not deny that they occurred. The licensees said their son will walk behind the bar or in the small room in the back to access surveillance cameras and computer equipment, and that the patrons do not go into those areas.

I find that it is not necessary for an individual to get paid to be an employee of the licensed establishment for the purpose of the *Act* and *Regulation*. It matters only that he act and look like an employee rather than a patron, and particularly that he look so to a reasonable patron. The son had access to areas that patrons do not access. It would look as though he was an employee to any reasonable patron who cared to notice. He made announcements and checked identification. I find that he was not a patron and was an employee for the purpose of the *Act* and *Regulation*. Further, I find that by doing the tasks that he was seen or acknowledged to have done for the benefit of the licensee, he was working. The uncontroverted evidence is that he did consume liquor during these activities and therefore while working as an employee for the licensee.

Due Diligence

The licensee is entitled to a defence to an allegation of any contravention of the *Act* or *Regulation* if the licensee can show that it was duly diligent in taking reasonable steps to prevent the contravention from occurring. In order to show due diligence, the licensee must not only establish that it had policy and procedures in place to identify and deal with potential problems, but that it acted to ensure that those policies and procedures are consistently acted upon in order to prevent contraventions from occurring. As the elements of two distinct contraventions have been established, the due diligence required of the licensee must relate to the circumstances of each specific contravention.

Operating Contrary to Primary Purpose

The licensees say they are doing everything possible to operate as a restaurant. They say: "We have no minors. We have no violence. We have taken all precautions. But the way the allegation is written, I will be guilty every day. We might as well be closed and walk away. I can't fix it." I find this is not an answer to the allegation. I accept that the licensee had a business plan that it quickly determined was untenable. I accept that the licensee tried several modifications of the business to attempt compliance with the licence requirements. I find that at some point prior to the inspection on April 23, 2010, the licensee determined that the business could not comply with the regulatory provisions. At that point, the licensee had an obligation to voluntarily surrender his licence, stop serving liquor, close or separate the pool hall from the food primary establishment, or notify the branch that he was unable to comply with the terms of his licence. It was not an acceptable option for the licensee to continue to operate in contravention because his business plan was untenable, or because he held the wrong licence for his plan for the establishment. The licensee knew when he opened the doors to the establishment on April 23, 2010 that he would not be in compliance with the terms of his licence that day and yet open the doors he did. Although the licensee might have been diligent with respect to attempting to move his business in the right direction, he was clearly not duly diligent in ensuring that he did not contravene the *Act* or *Regulation*.

Employee Consuming

There is little evidence on which I could conclude that the licensee was duly diligent in attempting to comply with the prohibition on the licensee or its employees consuming liquor while working. The only explanation offered by the licensees is that the specified individual was either not an employee or not working. The individual's observed activities clearly indicate that he was working as an employee. No evidence of policies and procedures, training, or measures designed to prevent such contraventions were presented in evidence.

CONCLUSION

I find that the licensee contravened section 20 of the *Act* and section 11 of the *Regulation* by operating the establishment contrary to the primary purpose of its licence. I also find that the licensee contravened s. 42(3) of the *Regulation* by allowing an employee to consume liquor while working,

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 the 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 by the minimums set out in Schedule 4 of the *Regulations*. However, I am not bound by the maximums and may impose higher penalties when it is in the public interest to do so. I am not bound to order the penalties proposed in the Notices of Enforcement Action.

The terms of the licence are fixed and enforceable, and include compliance with the *Act* and *Regulation* and any terms and conditions of the licence. It is the sole responsibility of the licensee to ensure compliance with these terms while operating the establishment. While the

branch wishes to have voluntary compliance, it has the mandate to assure compliance through enforcement action if required to do so.

For the purposes of this adjudication, I must consider past contraventions proven and alleged as a whole and in the context of this enforcement action. The licensee has no proven compliance history of the type found in this matter in the 12 months prior to the date of the contraventions. The contraventions I found to have occurred on April 23, 2010 are therefore first contraventions for the purpose of assessing a penalty in accordance with the *Regulation*.

Schedule 4 of the *Regulation* provides the range of penalties for contraventions of the *Act* and *Regulation*. The penalty range for a first contravention of section 20 of the *Act* and section 11 of the *Regulation* by operating the licensed establishment in a manner contrary to the primary purpose of the business as stated on the licence is a licence suspension of ten (10) to fifteen (15) days and/or a monetary penalty of \$7,500 - \$10,000. The branch recommended a fifteen (15) day suspension. The branch submitted that the licensee holds a food primary licence for which the licensee applied. The obligations inherent in that licence were made clear to the licensee. There was a similar contravention just outside of the period required to qualify this as a second contravention of its type. The licensee knew it was in contravention, but took no steps to address that issue while its application for a liquor primary licence was pending. Inspector 2, the inspector responsible for the establishment, testified that he chose the maximum penalty for a first contravention of this type because it was clear to him that voluntary compliance would not likely be achieved without an opportunity for the licensee to rethink its business plan and notify patrons that the establishment is supposed to be operating in a different capacity. I concur with the inspector. I find that an enforced opportunity to reconsider its mode of operation pending the results of the liquor primary application would benefit the licensee and offer the only realistic chance of obtaining compliance. I find a suspension of fifteen (15) days is both warranted and appropriate.

The penalty range for a first contravention of s. 42(3) of the *Regulation* for the licensee or an employee consuming liquor while working is a licence suspension of one (1) to three (3) days and/or a monetary penalty of \$1,000 - \$3,000. The branch recommended a suspension of one

(1) day. An employee consuming liquor while working may have the effect of impairing his judgement. If his judgement is impaired, an employee is more likely to lose control of the establishment and be unable to properly assess if people have over-consumed resulting in failure to recognize persons who are intoxicated. I find a one (1) day suspension is warranted and appropriate.

ORDER

Pursuant to section 20(2) of the *Act*, I order a suspension of the Food Primary Licence 303330 for a period of sixteen (16) days to commence at the close of business on Thursday, January 20, 2011, 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 *Regulations*). I direct that Liquor Licence 303330 be held by the branch or the Surrey Detachment of the RCMP from the close of business on Thursday, January 20, 2011, until the licensee has demonstrated to the branch's satisfaction that the licensed establishment has been closed for sixteen (16) days.

Original signed by

Sheldon M. Seigel
Enforcement Hearing Adjudicator

Date: December 16, 2010

cc: Liquor Control and Licensing Branch, Surrey Office
Attn: Michael Clark, Regional Manager

Liquor Control and Licensing Branch, Vancouver Office
Attn: Peter Mior, Branch Advocate