



**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:	Yaletown Brewing Company & Restaurant Corp. on behalf of Yaletown Brewing Company dba Yaletown Liquor Store #202-1110 Hamilton Street Vancouver, BC V6B 2S2
Case:	EH13-193
For the Licensee:	Fraser Boyer
For the Branch:	Peter Mior
General Manager's Delegate:	Daniel M. Graham
Date of Hearing:	June 11, 2014
Date of Decision:	June 27, 2014

**Liquor Control and
Licensing Branch**

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INTRODUCTION

Yaletown Brewing Company & Restaurant Corp., on behalf of Yaletown Brewing Company (the "Licensee") operates Yaletown Liquor Store (the "Establishment") under Licensee Retail Store Licence number 195450 (the "Licence"). The Establishment is located at 1116 Hamilton Street, Vancouver, B.C.

The Licence specifies hours of liquor sales daily, seven days a week, from 9:00 a.m. to 11:00 p.m. The Licence is, as are all liquor licences in the province, subject to the terms and conditions contained in the publication "A Guide for Liquor Licensees in British Columbia" (the "Guide").

Mr. Fraser Boyer, the Licensee's Director of Operations (the "Director"), represented the Licensee for the purposes of this hearing.

ALLEGED CONTRAVENTION AND PROPOSED PENALTY

The Liquor Control and Licensing Branch's (the "Branch") allegations and proposed penalty are set out in a Notice of Enforcement Action dated December 4, 2013 (the "NOEA"). The Branch alleges that, on Saturday, November 23, 2013, the Licensee contravened section 33(1)(a) of the *Liquor Control and Licensing Act* (the "Act") by selling, giving, or otherwise supplying liquor to a minor.

The proposed sanction is a \$7,500 monetary penalty. This proposed monetary penalty falls within the penalty range set out in item 2, Schedule 4 of the *Liquor Control and Licensing Regulation* (the "Regulation"). The range of penalties for a first contravention of this type is a 10 to 15 day licence suspension and/or a \$7,500 to \$10,000 monetary penalty.

The Licensee admits the contravention, but seeks to establish the defence of due diligence.

For the purposes of this hearing, and in accordance with section 3 of the Regulation, the General Manager has delegated to me the powers, duties and functions provided to the General Manager by section 20 of the Act and sections 65-69 of the Regulation.

RELEVANT STATUTORY PROVISIONS***Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267***

33 (1) A person must not

(a) sell, give or otherwise supply liquor to a minor...

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

**Schedule 4
Enforcement Actions**

Minors

Item	Contravention	Period of Suspension (Days)			Monetary Penalty
		First Contravention	Second Contravention	Subsequent Contraventions	
2	A breach of section 33 of the Act (<i>Selling liquor to minors</i>)	10-15	20-30	30-60	\$7,500-\$10,000

ISSUES

1. Did the contravention occur?
2. If so, has the Licensee established a defence to the contravention?
3. If the contravention is proven, what penalty, if any, is appropriate?

EXHIBITS

- Exhibit 1: The Branch's Book of Documents, tabs 1 to 14 inclusive.
- Exhibit 2: Photograph and identification of the Branch's minor agent (the "Minor Agent"), a sealed Exhibit only to be opened by the Hearing Delegate or Court.
- Exhibit 3: Set of four photos submitted by the Licensee.
- Exhibit 4: The Licensee's set of documents, including:
- a) a written submission in the form of a cover letter from the Director
 - b) notes from a meeting of Establishment staff dated May 15, 2013
 - c) notes from a meeting of Establishment staff dated July 27, 2013
 - d) notes from a meeting of Establishment staff dated November 23, 2013

- e) a list of Establishment staff at the time of the contravention, including their Serving It Right (“SIR”) certification numbers
- f) a second set of the notes from a meeting of Establishment staff dated November 23, 2013, including the signatures of eight attending staff
- g) an undated statement signed by the cashier involved in the contravention (the “Cashier”)
- h) a copy of the “Yaletown LRS Employee Manual” (7 pages)
- i) a copy of the “Avalon LRS Employee Manual” (6 pages)
- j) notes from a meeting of Avalon LRS staff dated March 23, 2013
- k) notes from a meeting of Avalon LRS staff dated August 31, 2013
- l) a copy of the “Big Ridge LRS Employee Manual” (6 pages)

EVIDENCE – BRANCH

The Branch called one witness – a liquor inspector who attended the Establishment on the evening of November 23, 2013 (“Inspector A”).

Inspector A

The Minors as Agents Program (“MAP”)

Inspector A testified that the MAP was implemented in 2011, after the Act was amended to allow the Branch to employ minors as agents for the purpose of testing compliance with the prohibition against selling liquor to minors. She explained that licensees were notified of the MAP by way of a letter sent to all licensees from the General Manager on February 7, 2011 (tab 11, Exhibit 1), followed up with an article in the Branch’s newsletter Liquor Line in March, 2011 (tab 11, Exhibit 1). Under the MAP, the Branch has hired 16 to 18 year-old minor agents to carry out compliance inspections.

Inspection of the Establishment

Inspector A testified that on Saturday, November 23, 2013 she was conducting MAP compliance inspections with a second liquor inspector ("Inspector B") and a minor agent ("Agent 43"). She stated that, at the start of the shift, Agent 43 was photographed, and his identification was checked and photocopied to confirm that Agent 43 was under 19 years of age.

The Branch submitted a copy of Agent 43's photo and his identification. I placed these items in an envelope and marked it as Exhibit 2, with a notation that it is not to be opened unless required by law. Redacted copies are located at tab 6 of Exhibit 1. Exhibit 2 has been sealed to protect the identity of Agent 43. At the hearing, the Branch provided the Licensee with an opportunity to view the photo of Agent 43 and his identification with birth date.

Inspector A testified that, at about 8:38 p.m., Agent 43 entered the Establishment followed almost immediately by Inspectors A and B. She said that there were perhaps four other patrons in the store, and referred to a floor plan of the Establishment (tab 9, Exhibit 1) to indicate where the members of the inspection team were standing. The floor plan shows the red-lined floor area of the Establishment is 512 square feet.

Inspector A testified that Agent 43 went into the beer cooler and selected six cans of Pabst Blue Ribbon beer. He got in line behind one other person at the counter and the Cashier subsequently processed the sale. Agent 43 paid for the beer with cash and received change from the Cashier. Inspector A said that at no time did the Cashier ask Agent 43 for identification. After the sale, Inspectors A and B left the Establishment at approximately 8:39 p.m., followed immediately by Agent 43.

Inspector A testified further that:

- During the sales transaction, she observed a male employee of the Establishment through a doorway breaking down boxes in the brewery portion of the premises.

- After the inspection, Inspectors A and B prepared their notes (tabs 2 and 3, Exhibit 1). Agent 43 prepared the Minor Agent Observation form (tab 4, Exhibit 1) and Minor Agent Statement (tab 5, Exhibit 1). Inspector A also prepared a contravention notice.
- At about 9:00 p.m., after completing their notes and waiting for a lull in the number of patrons in the Establishment, Inspector A re-entered the Establishment and served a male employee with the contravention notice.
- Inspector A subsequently prepared the NOEA (tab 1, Exhibit 1). She decided to take enforcement action because serving alcohol to minors is a serious public safety issue. She explained that the proposed penalty falls within the range set out in Schedule 4 of the Regulation for a first contravention, and that it is appropriate to ensure the Licensee's compliance in the future.

Cross-examination of Inspector A

In response to questions from the Director, Inspector A stated that:

- On the evening of November 23, 2013 she had seen signs (Exhibit 3) posted in the Establishment advising that patrons must be 19 or older and that two pieces of ID are required.
- Compliance letters sent to the Licensee on June 16, 2008 (tab 12, Exhibit 1) and April 1, 2009 (tab 13, Exhibit 1) dealt with a since-repealed provision of the Regulation which required 2 pieces of ID for persons 25 or younger. There was no enforcement action taken in relation to those incidents.
- To the best of her recollection, one previous MAP inspection had been conducted in the Establishment with no resulting contravention observed. She agreed that no letter was sent to the Licensee to inform it that a compliance inspection had taken place and that the Licensee had "done the right thing."

EVIDENCE – LICENSEE

The Licensee called four witnesses: 1) the Director; 2) the Licensee's LRS Manager (the "LRS Manager"); 3) the Licensee's store manager (the "Store Manager"); and 4) the Cashier.

The Director

The Director testified that the Licensee operates three liquor retail stores and three brew pubs, and that Licensee management are well aware of its responsibilities under the legislation and the Licence.

The Director testified that at the time of the contravention the Store Manager had just moved to the Establishment, and that the Cashier's training had ended just prior to the night of the contravention. He said that there had been a staff meeting at the Establishment on the morning of the contravention at which ID requirements had been discussed.

In his written submission (Exhibit 4), the Director wrote: "I believe [the Cashier] had no intention to be careless or not take her job seriously as it pertains to ID practices laid out by Serving It Right, but rather she was slightly overwhelmed at the volume of sales on her first night as a non training staff member."

Cross-examination of the Director

The Branch advocate had no questions for the Director, but indicated he may wish to cross-examine him later.

The LRS Manager

The LRS Manager referred to the staff meeting notes of November 23, 2013 (Exhibit 4), indicating that typically the staff meetings deal with recent challenges or issues affecting the Licensee's operations. The LRS Manager said that at "pretty much" every staff meeting he discusses the requirement to ID any patron who appears to be under age 30, as he did at the November 23, 2014 meeting.

He said that even though the government-issued signs posted in the Establishment refer to age 25, it is the Licensee's policy to require ID under age 30. The LRS Manager stated that to the best of his knowledge the Licensee had never previously been "written up".

Cross-examination of the LRS Manager

In response to questions from the Branch advocate, the LRS Manager stated that:

- On the day of the contravention the Cashier had attended the staff meeting at 9:30 a.m. and had signed a copy of the minutes (along with the other staff) confirming that she had attended. All staff are required to attend staff meetings and to sign confirming their attendance. The Cashier then had the rest of the day off until her shift started at either 3:30 p.m. or 5:30 p.m.
- The Cashier was given about a week of training during which the LRS Manager went over the Yaletown LRS Employee Manual (the "Manual") and Licensee policies with her, and during which she job-shadowed two more senior employees. New employees require a minimum of four training shifts shadowing more senior employees, and possibly more depending on their previous experience.
- New staff are not tested on their knowledge of liquor regulations or ID requirements, but their level of understanding is monitored through feedback from the senior staff members. The training does not contain any instruction on what an employee should look for to assess a patron's age.
- The evening of the contravention was the Cashier's first weekend shift. The male employee working with her was senior to her, with about one year's experience.

The LRS Manager stated in cross-examination that the Manual had been compiled by the LRS Manager in May and June, 2013. With respect to ID, it provides that:

All employees must have Serving It Right Certification and follow the guidelines laid out by that program. At Yaletown LRS you must check the identification of anyone who looks 30 years of age or under. You must know all guidelines for ID checking laid out by the province of British Columbia. In B.C., the legal drinking age is 19 years old. It is illegal to sell alcohol to anyone under that age. In our store, any group of purchasers must ALL produce two pieces of valid ID. If one person in the group that has been asked to produce ID cannot, we will not sell to the entire group. That person could be a minor and we would be selling to people who are potentially supplying a minor with alcohol. The exception is if the minor is with a legal guardian.

The Manual also contains a page and a half of information from the SIR website with respect to when to ask for ID, types of acceptable ID, how to verify ID, and other tips for retail liquor store employees. The LRS Manager has been aware of the MAP since some time in 2013. He has seen the Guide but hasn't looked at it recently. He stated that the Guide essentially contains the rules for running the store.

The LRS Manager was advised of the contravention soon after it occurred. He was incredulous since there had just been a staff meeting that morning at which the ID requirement was discussed. He thought that the Cashier had probably been overwhelmed by the volume of clients on the weekend. He felt that, based on her training and feedback from other staff, the Cashier was ready to handle a weekend shift.

After being advised of the contravention, the LRS Manager spoke to the more senior staff member who was working with the Cashier on the night of the contravention, and told him that the new employee (the Cashier) should have been assigned to break down the boxes while the senior employee should have been handling the more demanding task of running the till.

Redirect-examination of the LRS Manager

In response to a question from the Director as to the Cashier's experience prior to being hired by the Licensee, the LRS Manager testified that the Cashier had worked in her family's bar and grill business so that, in addition to her SIR training and her training with the Licensee, and the Cashier was well aware of the applicable liquor laws.

The Store Manager

The Store Manager testified that he and the Cashier had been at the November 23, 2013 staff meeting, and that the requirement to ID under age 30 was discussed. He stated that, as a result of his observations of the Cashier, she was ready for the Saturday shift. He confirmed that managers are always stressing the age and ID requirements.

Cross-examination of the Store Manager

In response to questions from the Branch advocate, the Store Manager testified that:

- Before the night of the contravention, he had worked with the Cashier “a handful of times”.
- He helps with staff training “now and then”. He said that training consists of shadowing more experienced staff, and how and when to ask for ID.
- The Cashier was not one to feel intimidated about asking patrons for ID, and he thought he had seen the Cashier during her training refuse service to at least one patron who did not have ID.

The Cashier

The Cashier testified that, prior to being hired by the Licensee, she had been serving at her family’s business for about two years. She had been notified of the identification requirements by management of the Licensee, and she’d had five training shifts with the Licensee. Management had gone over the Manual with her and discussed the difference between the 25 year ID requirement on the in-store signs versus the Licensee’s 30 year ID policy.

The Cashier confirmed that there had been about four other patrons in the store at the time of the contravention, and that it had been “fairly busy.” When shown the photo of Agent 43 (Exhibit 2), she said that she did not recall him. In response to a question from the Director about her state of mind on the night of the contravention, the Cashier said that she had felt “overwhelmed”, and that she was “still getting used to everything”.

In response to a question from the Director as to why she had not asked Agent 43 for ID when he clearly looked to be under age 30, the Cashier replied that she had been “overwhelmed” and that this had been her first non-training shift. She acknowledged that she should have asked for ID, and said that she now asks for ID “pretty much every time”. She said that subsequent to the contravention she has had to turn away “a couple [of patrons] a week” for lack of ID.

She stated that the level of training she had received from the Licensee made her comfortable with asking patrons for ID.

In her written statement (Exhibit 4), the Cashier wrote that she “must have been flustered” and “not 100% on my game” at the time the contravention occurred. She wrote that she felt embarrassed as she knew the Licensee’s policy was to ID anyone who appears to be under 30. Since the contravention she has taken extra care in making sure every person who appears even close to under 30 years old has identification.

Cross-examination of the Cashier

In response to questions from the Branch advocate, the Cashier testified that:

- The Cashier’s serving experience at her family’s business had occurred prior to her SIR Certification.
- She’d had five training shifts prior to the November 23, 2013 shift, and that possibly one of those had been a night shift.

SUBMISSIONS – BRANCH

The Branch advocate submitted that the Licensee had admitted that the contravention occurred, and that the elements of the contravention had been established.

Regarding the defence of due diligence, the Branch argued that:

- The Licensee’s training puts too much weight on a patron’s appearance as opposed to his or her age. He cited *Sandman Hotel Langley Inc. v. General Manager of the Liquor Control and Licensing Branch*, 2006 BCSC 417 to the effect that “assessing age is a purely subjective exercise” and that due diligence “requires that, in the absence of something approaching absolute certainty as to a person’s age, identification should be asked for in every single case.”
- The Licensee’s policy of ID checking under age 30 as outlined in the Manual is inadequate in that it doesn’t mention the public policy/public safety rationale for the prohibition against selling liquor to minors. He said that it also includes no information about how to assess a person’s age.
- The proposed \$7,500 monetary penalty is appropriate to the circumstances.

SUBMISSIONS – LICENSEE

The Licensee, through the Director, admitted that the contravention occurred. With respect to due diligence, the Licensee said it does all in its power to ensure that staff are adequately trained. The Licensee referred to its five day training requirement, its “30 year” ID requirement, its requirement for staff to have SIR certification, and its system of staff meetings as constituting an appropriate training program. The Licensee submitted that even with the best of training and systems, staff are only human and can make errors.

While acknowledging that the Cashier was “an absolute rookie – a newbie” on the night of the contravention, the Licensee said that the five days training given to her was appropriate in that the job isn’t any more complicated than cashiering in a convenience store, except for having to know the liquor regulations. The Licensee said that it has approximately 985 employees, and that its rules and policies are consistently applied at each of its operations around the province. The Licensee stated that a contravention in any operation is taken very seriously.

The Licensee pointed out that the Branch does not issue a report about inspections that do not find a contravention. The Director said that there is evidence that the Licensee had at least one other MAP inspection without a contravention, but that there may have been more.

Finally, based in its asserted due diligence, the Licensee asked that the proposed monetary penalty be reconsidered and retracted.

REASONS AND DECISION

Contravention

The Licensee admits that alcohol was sold to a minor.

Based on the evidence of Agent 43’s identification tendered in Exhibit 2, I find as a fact that Agent 43 was a minor on November 23, 2013.

The evidence and the submissions filed in these proceedings demonstrate on the balance of probabilities that, with reference to section 33(1)(a) of the Act:

- a person (the Licensee, acting through its employee the Cashier)
- sold liquor (6 cans of Pabst beer)
- to a minor (Agent 43).

Accordingly, I find that on November 23, 2013 the Licensee contravened section 33(1)(a) of the Act by selling, giving or otherwise supplying liquor to a minor.

Due Diligence

The Licensee is entitled to a defence if it can be shown that it was duly diligent in taking reasonable steps to prevent the contravention from occurring. The Licensee must not only establish procedures to identify and deal with problems, it must ensure that those procedures are consistently acted upon and problems are dealt with.

The leading case is: *R v. Sault Ste. Marie* (1979) 2 SCR 1299, where at page 1331, Dickson, J. sets out the test of due diligence:

The due diligence which must be established is that of the accused alone. Where an employer is charged in respect of an act committed by an employee acting in the course of employment, the question will be whether the act took place without the accused's direction or approval, thus negating wilful involvement of the accused, and whether the accused exercised all reasonable care by establishing a proper system to prevent commission of the offence and by taking reasonable steps to ensure the effective operation of the system. The availability of the defence to a corporation will depend on whether such due diligence was taken by those who are the directing mind and will of the corporation, whose acts are therefore in law the acts of the corporation itself.

The BC Supreme Court, in *Beverly Corners Liquor Store Ltd. v. British Columbia (Liquor Control and Licensing Branch)*, 2012 BCSC 1851, recently considered and clarified the application of the defence of due diligence in the context of the sale of liquor to a minor contrary to the Act.

In these circumstances, the defence of due diligence is to be considered in two stages:

1. Whether the employee who made the sale was a directing mind of the licensee – if so, the defence of due diligence is not available and the inquiry stops there.
2. If the employee who made the sale was not a directing mind of the licensee (and there is no requirement that a “directing mind” must be on the premises when the sale is made), then the questions to be considered and answered are whether the licensee had:
 - a. implemented adequate training and other systems to prevent the contravention (the sale of liquor to minors); and,
 - b. taken reasonable steps to ensure the effective application of that education and the operation of those systems.

Both of these issues are factual, and will depend on the evidence presented. The onus is on a licensee to establish on a balance of probabilities that it had exercised all reasonable care by establishing adequate training and other systems and ensuring effective application of them.

Analysis

The evidence indicates that the Cashier did not have the degree of express or implied authority to “design and supervise the implementation of corporate policy” to constitute her being a directing mind, as described in *Beverly Corners*. Neither the Branch nor the Licensee made any submissions in this regard. Accordingly, I find that the Cashier who sold the liquor to Agent 43 was not a directing mind of the Licensee.

Since a directing mind did not commit the contravention I must consider the second stage of the due diligence analysis.

a. Adequate Training and Systems

Due diligence requires that a Licensee takes reasonable steps to try to ensure that a contravention does not occur. The exercise of due diligence does not guarantee that a contravention will never occur. It is intended, however, to reduce the likelihood of a contravention occurring to a reasonable and acceptable level. The analysis of what is adequate or reasonable must take place in the context of the public policy

considerations and potential consequences underlying the prohibition against selling liquor to minors, including:

- The effects of alcohol on growing bodies and developing minds
- The effects on individuals and society of irresponsible drinking behaviour learned at an early age
- A minor's lack of capacity to metabolize alcohol in the same manner as an adult, and
- Liquor is a significant factor in many crimes committed by youth

In the circumstances of the current case, I find that the employee training system with respect to ID checks and the prohibition against selling alcohol to minors was deficient. There is limited evidence of adequate training or systems being in place to prevent contraventions of this nature from occurring.

The Licensee does have an employee training program and the Manual. However, with respect to the issue of alcohol and minors, the Manual substantially just reiterates information from the SIR website. There is nothing to indicate that the employee training contained any detail with respect to the public policy concerns of selling alcohol to minors, or how to assess a patron's age. Also, there is no evidence that the training provides employees any familiarity with respect to the terms and conditions of the Licence or the Guide, since the evidence of the LRS Manager – who does much of the training - was that he has not looked at the Guide recently.

The job shadowing aspect of the training is important. However, given that the Cashier's prior experience was in serving rather than cashiering in a retail liquor store environment, the on-the-job training she was given by the Licensee was insufficient. The evidence of the Cashier confirmed the observations of the Director and the LRS Manager that she had been "overwhelmed" and unprepared for the volume of sales activity that occurred at the Establishment on a Saturday night. This indicates to me that the Cashier's training was inadequate to prepare her to perform her tasks while maintaining compliance with legislative requirements. This conclusion is supported by the evidence of the LRS Manager that in his view, the senior employee at the Establishment should have assigned the Cashier to breaking down boxes while he operated the till.

b. Steps to Ensure Effectiveness

This aspect of due diligence requires the Licensee to take reasonable steps to supervise and monitor its operations sufficiently to ensure that staff are applying their skills and knowledge appropriately, and to ensure that risk-reducing systems are operating effectively.

In the current case, the evidence indicates that the Licensee relies substantially on observation of the staff by management. The Licensee kept the Cashier on staff after the contravention recognizing that she was a new employee with potential and that she had been overwhelmed and simply made a mistake. However, there was no evidence before me with respect to records being kept of performance monitoring, or as to what kind of discipline process the Licensee may have for its staff.

Similarly, recording and communicating the number of incidents where minors have been caught on the premises ordering alcohol would be a good method for management and staff to be aware of the risks they are facing. Written communication of incidents, such as this contravention, would reinforce the message that checking identification should be a priority for staff. There is no evidence before me that any description of the circumstances of this contravention was circulated to the Licensee's staff, or that the Cashier or staff other than the LRS Manager are aware of the MAP.

It is my view that, considering the scope of the Licensee's operations and the limited evidence of training, systems, or monitoring, the evidence falls short of that which would be necessary to successfully establish the defence of due diligence.

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 may do one or more of the following:

- Take no enforcement action
- Impose terms and conditions on the licence or rescind or amend existing terms and conditions
- Impose a monetary penalty on the licensee
- Suspend all or any part of the licence
- Cancel all or any part of the licence
- Order the Licensee to transfer the Licence

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

The factors that I have considered in determining the appropriate penalty in this case include: whether there is a proven compliance history; 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.

Licensees are obliged to comply with the legislation and the terms and conditions of their licences. Enforcement action is intended to both redress the Licensee's non-compliance, and to encourage future compliance by way of deterrence.

There is no record of a proven contravention of the same type for this Licensee at this Establishment within the preceding 12 months of this incident. Therefore, I find this to be a first contravention for the purposes of Schedule 4 and calculating a penalty. Item 2 in Schedule 4 provides a range of penalties for a first contravention of this type: a 10 to 15 day licence suspension and/or a monetary penalty of \$7,500 to \$10,000.

The Branch has recommended a penalty of \$7,500, which is the minimum monetary penalty applicable in the circumstances. The Licensee asked that the monetary penalty be reconsidered and retracted in light of its asserted level of due diligence.

It is clear that allowing consumption of liquor by minors contrary to the Act is a serious contravention giving rise to significant public safety concerns. Early learned behaviour with respect to abuse of alcohol, and less effective metabolism of alcohol by minors cause liquor to be a factor in many crimes committed by youth, including assault and driving offences.

These public safety factors, coupled with the limited evidence of due diligence being exercised by the Licensee, lead me to the conclusion that a monetary penalty levied against the Licensee is warranted. Having reached this conclusion, I am bound to apply at least the minimum penalty prescribed by the Regulation. Accordingly, I find that a monetary penalty of \$7,500 is necessary and warranted for the Licensee to bring itself into voluntary compliance.

ORDER

Pursuant to section 20(2) of the Act, I order that the Licensee pay a monetary penalty in the sum of \$7,500 to the general manager of the Branch on or before July 31, 2014.

Signs satisfactory to the general manager showing that a monetary penalty has been imposed will be placed in a prominent location in the Establishment by a Branch inspector or a police officer.

Original signed by

Daniel M. Graham
General Manager's Delegate

Date: June 27, 2014

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

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