



DECISION OF THE GENERAL MANAGER  
LIQUOR CONTROL AND LICENSING BRANCH

IN THE MATTER OF

A hearing pursuant to Section 51 of

*The Liquor Control and Licensing Act, S.B.C. 2015, c. 19*

Licensee: ECN Holdings Ltd. dba Tally-Ho Sports Bar and Grill

Case: EH16-156

For the Licensee: Wayne Hopkins

For the Branch: Maria Caduhada

General Manager's Delegate: A. Paul Devine

Hearing: Victoria B. C. May 9, 2017

Date of Hearing: June 6, 2017

Date of Decision: July 11, 2017

**Liquor Control and  
Licensing Branch**

Mailing  
Address:  
PO Box 9292  
Stn Prov Govt  
Victoria BC  
V8W 9J8

Location:  
4<sup>th</sup> Floor, 3350 Douglas St.  
Victoria BC

Telephone: (250) 952-5787  
Toll free: 1(866) 209-2111  
Facsimile: (250) 952-7066

[www.gov.bc.ca/liquorregulationandlicensing](http://www.gov.bc.ca/liquorregulationandlicensing)

## INTRODUCTION

The Licensee operates a liquor primary business under the name “Tally-Ho Sports Bar and Grill.” The business is located at 3020 Douglas Street in Victoria, British Columbia. Under the terms of Liquor Primary Licence #111522, the Licensee is entitled to operate from 11 AM to 1 AM Monday-Thursday inclusive, on Friday from 11 AM to 1:30 AM, on Saturday from 9 AM to 1:30 AM, and on Sunday from 9 AM to 10 PM.

The licence is, as with all similar licences issued in the province, subject to the Liquor Primary Terms and Conditions Guide for Liquor Licensees in British Columbia (the “Guide”).

On January 23, 2017, the *Liquor Control and Licensing Act*. R.S.B.C. 1996, c. 267 (the “Former Act”) was replaced with the *Liquor Control and Licensing Act* S.B.C. 2015 c. 19 (the “Current Act”) which came into force on that date. Therefore, although this hearing was held under the provisions of the Current Act, as the contravention occurred prior to January 23, 2017, this decision is in accordance with the provisions of the Former Act and the Former Regulation.

For the purposes of this hearing, and in accordance with section 5 of the Current Act, the general manager has delegated to me the powers, duties and functions provided to the general manager by section 51 of the Current Act and Part 6 of the current *Liquor Control and Licensing Regulation*.

## ALLEGED CONTRAVENTION:

The allegations of the branch in respect of the licensee are contained in a Notice of Enforcement Action dated December 15, 2016 (the NOEA”.) It is alleged that on December 9, 2016 the licensee breached section 33(1)(a) of the Former Act by selling liquor to a minor, being an individual under the age of 19. While the Former Act has since been significantly amended, the relevant provision of the earlier legislation is applicable to these allegations.

It is alleged that on the day in question, the branch was undertaking inspections under the “Minors as Agents Program” (“MAP”) in the Victoria area. Under the terms of this

program, the branch is entitled to engage persons under the age of 19 for the purpose of testing compliance with the provisions of the relevant legislation against selling liquor to minors.

The inspections were carried out by three liquor inspectors who accompanied the minor agent who was then 17 years of age. For the purposes of the inspections, a minor agent who was described as "Minor Agent #92" was utilized. Prior to undertaking the inspections, the identification of the Minor Agent was confirmed, and he was photographed. At 4:42 PM the Minor Agent and one inspector entered the premises of the licensee. The Minor Agent ordered a bottle of Budweiser beer, and the liquor inspector did the same. The server later returned after serving another table, and placed two bottles of beer before the Minor Agent and the liquor inspector. The Minor Agent then went to speak with the server. He informed her that they had to leave, and he wanted to pay the bill. He paid the server \$10.50 from a \$20 bill. After he received the change, he and the liquor inspector departed the establishment. At no time was Minor Agent #92 asked to produce ID.

The Minor Agent and the liquor inspector returned to the car which was being used for the MAP inspections to complete their notes. Two liquor inspectors then went back inside the bar to inform the manager on duty about the contravention. The manager advised that the server told her she thought she might have served a minor. A Contravention Notice was issued.

In the NOEA, the branch set out its reasons for pursuing enforcement action. First, selling liquor to minors constituted a significant public safety issue because of the effects of alcohol on growing bodies and developing minds. Irresponsible drinking behaviour learned at an early age effects individuals because of their lack of capacity to metabolize alcohol in the same manner as an adult. It therefore has a more intoxicating effect on minors. It is also a significant factor in crimes committed by youth, including driving offenses, assault, sexual assault, and theft. It was also noted that liquor primary establishments had been notified about the utilization of the MAP on several occasions since it was implemented in 2010.

In view of these factors, a monetary penalty of \$7500 was proposed. This is the lowest monetary penalty set out in the Former Regulation for a first contravention. There was no history of a similar prior contravention.

### RELEVANT STATUTORY PROVISIONS

The relevant statutory provisions in the Former Act and Regulation are:

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

Supplying liquor to minors

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 <i>Act</i> (Selling liquor to minors)	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 One** - Branch Book of Documents

**Exhibit Two** - Server and Bartender Training Manual ("Manual") (Licensee)

**Unmarked** - Photographs of the Minor Agent and his identification (unredacted) were produced by the Branch and sealed after viewing.

## WITNESSES

The branch advocate presented the case for the branch. One witness, a liquor inspector, was called to testify on behalf of the branch on the understanding the Licensee was not contesting the occurrence of the contravention.

The Licensee was represented by Wayne Hopkins, one of the owners of the business. The Licensee agreed that it was not contesting the contravention. The Licensee's representative and two staff members (the "Owner" and the "Manager") gave evidence on behalf of the Licensee.

## EVIDENCE

### Branch

The branch called Liquor Inspector, who testified under oath. His territory has included the North of Vancouver Island, and more recently, the core area of the city of Victoria. He supervises approximately 500 licensees in his current role.

The Liquor Inspector identified the branch publication described earlier as the Guide. He noted that sections of the Guide are now outdated because of recent changes to the Former Act but the sections were in effect at the time of the alleged contravention. The licence which was issued to the Licensee is subject to the terms and conditions set out in the Guide. These include a definition of "minor" as an individual under the age of 19. The role of the Licensee to be aware of and to understand the application of the Former Act and its regulations is also set out. The Guide notes that it is against the law to sell, serve or supply liquor to a minor, and the Licensee and its staff are expected to have effective house policies in place to meet this obligation.

The Inspector noted that the Licensee should request ID if door service is utilized because all minors entering the facility need to be accompanied by an adult. As well, a

place is to be set aside for the purpose of checking ID at the door. If door service is not used, staff should check for ID at the table before service is effected.

The Licensee had a Compliance Meeting with a liquor inspector in January 2014. At the time, the issue related to door control was discussed.

The Liquor Inspector testified about the Minors as Agents Program ("MAP") that was instituted by the branch in 2010. The introduction of the program was made known to licensees in the province prior to its implementation, and by notices that were sent to them subsequently.

The MAP normally employs minors who are interested in police work. Prospective candidates are interviewed. If accepted into the Program, they are given one day of training by liquor inspectors. They are told about the law relating to the sale of alcohol to minors, and what their role is to be in the MAP inspections. They are also told the basics of providing proper identification, and about recording their observations concerning the inspections that they are involved in. They are told to be truthful, and not to change their normal appearance.

The Liquor Inspector was the author of the NOEA described above. He remained in the car during the inspection of the premises of the Licensee. The inspection was carried out by the other two liquor inspectors who accompanied the Minor Agent inside the premises of the Licensee. Prior to entering the facility, the Minor Agent, who was 17 years of age at the time of the inspection, left his ID in the car. If he was asked, he could truthfully say that he left his identification there, and so would not be telling a lie. He was told to answer truthfully if asked his age.

The inspection took place at 4:40 p.m. The record of what took place inside the service area of the Licensee is recorded in the notes of one of the liquor inspectors who was inside the licensed premises. It is also recorded in the observation form completed by the Minor Agent.

The reasons for deciding to pursue enforcement action are set out in the NOEA at page 4. A monetary penalty was recommended because a suspension of the Licence was not feasible.

## **Cross Examination**

The Liquor Inspector acknowledged that it was not known that the Licensee was going to close at the time the NOEA was issued. The Branch also considered LCLB data, and concluded that a monetary penalty would be more appropriate than a licence suspension.

The Liquor Inspector agreed that the jurisdictional police were pleased with the efforts made by the Licensee to clean up the licensed facility compared with the manner in which it was operated by the previous owner. For example, it became part of bar watch program in Victoria.

## **Licensee**

The Owner is one of the managers of the licensed premises. He explained the liquor primary business had previously closed in October 2011, and reopened with current ownership in December 2013 after renovations were completed.

The Owner has a Serving It Right certificate (SIR), and was involved in preparing the Server and Bartender Training Manual ("Manual") which was introduced as Exhibit 2. While he attended staff training sessions, he was not directly involved in hiring employees or training them. He did attend disciplinary meetings when those were necessary because the staff were in a union.

The Manual is given to new staff when they are hired. The floor manager (normally the Manager) goes over the Manual with new staff. As well, it is reviewed when staff meetings take place. The Manual advises staff on alcohol awareness, and sets out that they are not to knowingly serve intoxicated or underaged customers. Staff are informed that responsible service is a team effort. There is a reference in the manual on greeting customers, and on alcohol service standards. Reference is made to applicable liquor laws, and the Manual sets out examples of appropriate ID. Staff are informed that they cannot permit an intoxicated person to remain in the bar. Further, ID is to be checked for anyone who appears to be under the age of 25. Staff are discouraged from serving doubles to customers due to concerns about encouraging intoxication.

The Owner testified that he has used his son and the daughter of one of the other owners as secret shoppers. They were instructed to come in during busy times in order to test as many employees as possible. All of them were asked for ID. During special

events such as UFC nights, the security staff who were employed were very careful about checking for ID. The Licensee joined bar watch in 2014.

The Owner also testified about a comment he'd heard from the jurisdictional police about needing to make increased visits to the licensed facility. He spoke to the police because the comment was affecting relations with the local liquor inspectors. He learned that the visits were to a resident of the hotel, and were not related to anything to do with the licensed facility.

### **Cross Examination**

Since April 2015, the Owner was not directly involved in staff management except for discipline. He was, however, involved in developing policies for staff, and he reviewed scheduling for the purpose of controlling costs. Scheduling and hiring decisions were made by the Manager of staff.

The Owner testified that he did not document the instances when he used a secret shopper. Instead, he took word of his son or daughter that they had been asked for ID. The Owner testified that the Manual is for staff who are involved with liquor service. There are other manuals for different departments that do not engage in liquor sales. The policy manual is given to new staff to review, and it is discussed with them. All new staff have SIR certification and are experienced in liquor sales and service. They are trained by the Manager. New staff are shadowed initially, and learn point of sale procedures, the Licensee's approach to customers, and service issues. If customers appear to be under 25, ID is requested.

The Owner was questioned about the Manual's lack of reference to employee discipline for failure to comply with liquor service issues. He explained that since the staff of the licensed facility were in a union, the licensee could not predetermine discipline. Each case had to be considered on its own merits.

On nights when UFC events were held, staff and security personnel met at 5 PM to discuss procedure. The event itself normally started at 7 PM and was by reservation only. There was a scrum with staff to ensure that everyone understood the appropriate procedures.

The Owner attended staff meetings where upcoming events and procedures were discussed. Notes were made of any concerns raised by employees. There was not a formal agenda but speaking points were prepared in advance. There were no formal



minutes of the meetings. The records that were kept contained only action items, and were destroyed after those items were addressed.

The Licensee also used an incident log book. The business of the Licensee is closed at present, and so the book is in storage. It consists of a binder where notes are made of events such as individuals who have been ejected from the facility, problem customers, dine and dash incidents, and incidents involving intoxicated customers. Entries are made into the log book by the Manager or by the bartender if she is not present. Employees are aware of the log book and its uses. Employees are told about incidents such as customers who has been barred from the facility.

There are signs inside the bar about age and identification issues. There are also two notice boards that contain information about upcoming events, and provide information about employee "do's and don'ts". As well, there are posters inside the facility.

The employee who was involved in the MAP incident was not disciplined. She immediately recognized that she possibly had served a minor, and said so to management before the liquor inspectors re-entered the premises. She had been employed for 1 ½ years and was considered a good employee.

The Owner testified that employees are not tested on house policies but instead, there were talks with them about service issues. The Manual is reviewed only if an employee appears to be acting in a manner that is not compliant with its requirements. After initial training and shadowing, employees are not subjected to further retraining unless there are apparent issues related to the performance of their job duties. The decision on this is a made by the Manager.

The Owner stated that he had never written up an employee for serving under age customers. There had been no need to do that previously.

Door control was used by the Licensee only when there are special events. Weekends are not necessarily a busier time for the Licensee unless a band has been engaged. The Licensee controls costs when security is used because it is expensive.

#### **RE-EXAMINATION:**

The Owner testified that agendas were prepared for employee meetings. These were essentially speaking points to be addressed with the employees. When there were

special events, he would be present to support the Manager. There was also a floor manager there working under the Manager.

The Manager was responsible for training staff. She has worked for 35 years in the hospitality industry, and hired and trained new staff. When she was not on site, the bartender was the manager. The bartender could call her at home if there were issues that need her attention as she lives close to the licensed facility.

The Manager had input in the development of the Manual, and a copy was provided to all new employees. Initially, staff were asked to sign the Manual to acknowledge their review of it. The union, however, objected to this and the practice ended. Revisions to the Manual were posted on the bulletin board. Staff were asked about whether they had read the changes during pre-shift meetings.

New employees were required to review the Manual before their first shift. The Manager also went through it with them. They went through the Licensee's policies on service and SIR issues. New staff training took 4 to 5 days. Liquor service issues were part of staff training. Before each shift there was a scrum or "rah rah" meeting. Staff at these meetings discussed what events were on for the day, and talked about the minimum age where ID was needed. Other liquor service issues were discussed at these meetings.

Formal staff meetings only took place every two months or so because under the collective agreement, the Licensee had to pay overtime. Instead, meetings prior to each shift dealt with issues including secret shoppers, ID, hospitality, and age and appearance issues.

There was a staff information board near the office that contained information about upcoming events, people who were barred from the facility, etc. Staff were trained about using the incident log book, and could access it to enter information about intoxicated patrons, fights, patrons who were barred from entering the facility, and customers who had been declined service. Any major incidents went on the bulletin board. Information from the Branch was also posted on the bulletin board.

The Licensee had a practice of cooperating with local police. Staff had called the police on occasion when the Manager was not available. As well, staff were supported in their decisions on asking for ID and refusing service. The Manager was on site every day and her door was open to speak with staff. Management met with owners every

Thursday to discuss issues arising from operation of the facility. Every second meeting involved employee evaluation issues.

The Manager described the demographic of the licensed facility as being 45 – 50 on average. This could change on evenings where, for example, young bands were performing. Secret shoppers were used five times a month. All of the service staff were involved in being tested. There had been one fail when a young person was not asked for ID. The young person was not served, and the server asked the bartender about how to proceed. The policy of the Licensee was that all customers who appeared to be under 25 had to be ID'd whether or not they were served liquor.

Door security was only used when there were special events. When door security was employed, customers would be ID'd at the door. Nevertheless, staff inside the facility would also ask for ID.

As for the incident on December 9, there was going to be an event in the evening that required door security. The MAP inspection took place prior to this, and so the door security personnel were not yet present. The server who sold a beer to the Minor Agent told the bartender immediately that she thought she had served a minor. He told her to go back to the table and ask for ID. By the time she returned, the Minor Agent was gone. The server was upset after learning of the MAP inspection, and was sent home. There was an owner meeting on the following Monday, and decision made not to discipline the server.

The MAP incident was recorded in the Incident Log Book. It was also the subject of a discussion with staff. The staff were upset that the incident had occurred.

## **CROSS EXAMINATION**

The Manager testified that door security was scheduled for 7 p.m. on the day of the MAP inspection which took place about three hours earlier. There was a party scheduled that evening. Door security would look at ID in order to keep minor persons from entering the facility. Normally most of the clientele were older unless there was a younger band playing.

There was a system of employee discipline used by the Licensee but because facility had a union, there was a process for writing up employees before a warning could be issued. An employee had to be written up three times before a written warning was issued.

The Manager testified that after initial training, an employee could be shadowed again if problems were apparent. She had a copy of Guide in her office. It was shown to staff and was available for employees to review.

### **RE-EXAMINATION**

The Manager testified that there was about 50 – 75 customers for the party on the day of the MAP inspection. This compared with approximately 200 who would attend if there was a band or other special event. The Manager was aware of the MAP inspections being carried on by the Branch. She felt there was no need to take special steps because of this because the staff were well-trained. The staff were never pressured to ignore the rules pertaining to liquor service.

### **ARGUMENT**

#### **BRANCH**

The Branch submits that the elements of the contravention have been made out. The evidence establishes that liquor was served to the Minor Agent by an employee of the Licensee. The Minor Agent was 17 years of age at the time that this occurred. None of this is disputed by the Licensee, and so a contravention of section 33 of the Former Act is made out.

As far as the defence of due diligence is concerned, the Licensee must establish that it had policies and procedures in place to deal with issues such as service to minors. There is insufficient documentation to establish these. The Manual by itself is not enough. There are no photographs or other evidence to establish the existence of the Incident Log Book. There was no testing of staff on service issues, and no minutes taken of meetings with staff. As such, the steps were inadequate and did not meet industry standards. There was no training material specific to the service of minors except by reference to the Manual. There was no proof that employees were trained on the information in the Manual. There was no established and effective testing system other than verbal discussions to establish that employees knew the policies and procedures of the Licensee or to show they are acting correctly in accordance with them. There were no minutes or agendas regarding staff meetings, and there was no evidence that the meetings were used to discuss policies or liquor serving issues.

Despite the expectation there would be a busy night on December 9 which included door security, there were no extra measures taken to discuss the special event with staff. There was also an inconsistency in the evidence of the two witnesses concerning the use

of the Incident Log Book. One witness said that entries were only made by the bartender while the second witness said that all employees who experience incidents could make a record. There was no evidence that employees were trained to make entries into the Incident Log Book or that it was reviewed with employees.

The Branch submits that due diligence is not established, and so a monetary penalty for the contravention is warranted.

## LICENSEE

The Licensee submits that it has never had a similar infraction during its operations. The liquor inspector advised the Licensee that he was pleased with way the business had turned around after current ownership took over. He also acknowledged that she was an excellent manager. The Manual has 11 specific references to liquor service and service to minors. Any changes to the Manual were posted and discussed with employees. The Licensee empowered its staff. On day and time of the MAP inspection, business was like that of a food primary. There was no need for door security at that time. The server who provided liquor to the Minor Agent took her responsibilities seriously. It was a gross error on her part, and she recognized it almost immediately. Further, the Licensee did not try to hide behind the incident.

After years in service, and in consideration of its record, the Licensee seeks a waiver of penalty.

## ANALYSIS AND DECISION

The first issue to address is whether the Licensee contravened section 33 of the Former Act by serving liquor to a minor. The Licensee concedes that the contravention occurred as alleged, and I find that the contravention of section 33 of the Former Act is established.

The issue which follows then is whether the Licensee otherwise acted with due diligence. At the outset, it is common ground that the onus to establish due diligence falls on the Licensee. The leading case on establishing the defence of due diligence is the decision of the Supreme Court of Canada in *R. v. Sault Ste. Marie* (1979) 2 SCR 1299.

At page 1331 in the reported decision, Dickson, J. sets out the test of due diligence as follows:

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.

There is no evidence that the sale to the Minor Agent was made with the concurrence of management. This means that the Licensee is not precluded from advancing a due diligence defence because a directing mind was involved in the contravention.

The issue then is whether the Licensee had "a proper system to prevent commission of the offence" and took "reasonable steps to ensure the effective operation of the system" in the words of Dickson, J. quoted above. The evidence relied upon for the purpose of demonstrating the existence of a "proper system to prevent commission of the offence" is often in the form of written records, including policy manuals, written guidelines, agendas, records of meetings with staff, incident logs, and the like. These can serve to support oral evidence about the implementation of the system and procedures utilized by the Licensee.

By way of written evidence on its systems to avoid the contravention, the Licensee introduced the Manual, which as earlier noted was intended for use by servers and bartenders. It is 34 pages in length, and both witnesses for the Licensee participated in its development. They testify that other manuals were used for staff not involved in the liquor sales.

The Manual provides at page 4 that the policies of the Licensee include not knowingly admitting obviously intoxicated or underage customers to the bar or knowingly serving alcohol to an obviously intoxicated or underage customer. At pages 15 – 16, the Manual deals with liquor laws and service to intoxicated or underage persons. ID requirements are set out. It provides that an intoxicated person cannot be allowed to remain on the premises. At page 33, there are instructions to bartenders about checking for ID from anyone who appears to be under the age of 25.

The Manager testified that she reviewed the Manual with all new employees who were involved in liquor sales or service. Initially, employees were required to sign the Manual after reviewing it. This practice ended as result of pressure from the Union. The Manager also testified that each employee was given a copy of the Manual. This was contrary to the evidence of the Owner but it was apparent that the Manager was a person responsible for dealing with employees directly, and I accept her evidence on this point.

Following the review of the Manual, new employees were given 4 to 5 days of training. Liquor service issues formed part of that training.

She is a senior manager with years of service in the retail liquor sales industry. She provided initial training of new employees on the Manual followed by a reasonable period of direct training that included liquor service issues. She had an open-door policy for employees to discuss employment issues that might be of concern to them. I accept that initially at least, the Licensee had effective procedure in place to teach new employees about their responsibilities in the sale and service of alcohol.

The evidence of effective operation of the systems afterwards, however, is less clear. There was no system of ongoing regular training in place. The Manual was only reviewed again with staff after initial training concluded if there were changes made to it. Employees did not receive ongoing training or reviews on issues such as assessing the age of patrons or in addressing other liquor service issues. Meetings with employees were few because of the overtime costs involved. There were no agendas or records of the meetings that did take place, only speaking points. As well, it is not clear whether any part of these meetings was for the purpose of dealing with liquor service issues.

The pre-shift "rah rah" meetings with employees were a useful tool to address liquor service issues but evidence of the content and effectiveness of those meetings is scant. Based on the evidence of the Manager, employees had access to and use the Incident Log Book. It was not, however, produced as an exhibit at the hearing into this matter. While I understand that the business of the Licensee is not operating at present, the onus is on the Licensee to bring items such as this forward to the hearing in order to demonstrate due diligence. Likewise, pictures of the Bulletin Board used by the Licensee could have been produced to illustrate the type of information that was conveyed to the employees who were engaged in the sale of liquor. Otherwise it is not clear what information the employees had access to from this medium. Similarly, there was evidence that the Licensee use secret shoppers from time to time but no records were kept of when or how often these shoppers were used.

I am mindful that the business operations of the Licensee were well regarded by the police and by the liquor inspector. Further, the employee who served the Minor Agent quickly recognized that she had made a mistake, and was directed by the bartender to go and ask for ID. This is evidence that employees paid attention to their responsibilities. It also shows that there was no hesitation in seeking to ID a youthful customer. The Licensee is a sophisticated employer, however, and so should have sophisticated systems in place including ongoing training to ensure that the standard of responsibility in the sale of liquor was continually maintained. While the Licensee had some of these, there are deficiencies in the record-keeping and ongoing training of employees which fall short of due diligence.

In the result, I find that the Licensee did not meet the test of establishing that it has appropriate procedures in place to avoid a contravention such as occurred on December 9, 2016. Therefore, the Licensee has not met the obligation on it to establish due diligence. I find also that the proposed minimum monetary penalty of \$7500.00 was appropriate to encourage the Licensee to meet its obligations under the *Act* going forward.

One other matter requires comment. The branch argued that the systems and procedures of the Licensee did not meet "industry standards." I did not, however, have any expert or other evidence presented on which to base a finding of what comprises an "industry standard." I therefore made no finding based on this argument.



**IX. ORDER:**

Pursuant to section 20(2) of the Former Act, I order that the Licensee pay a monetary penalty of seven thousand five hundred dollars (\$7500.00) to the General Manager of the Liquor Control and Licensing Branch on or before July 31, 2017.

Since the business of the Licensee is now closed, the posting of signs that a monetary penalty was imposed would be of little effect. I therefore make no direction concerning posting evidence of the monetary penalty.

Dated the 11th day of July, 2017.

*Original signed by*

\_\_\_\_\_  
A. P. Devine, Delegate

cc: Liquor Control and Licensing Branch, Victoria Office  
Attn: Stephen Hitchcock, Regional Manager

Liquor Control and Licensing Branch, Vancouver Office  
Attn: Maria Caduhada, Branch Advocate