



**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: D T R Ventures Ltd.
dba Harrison Crossroads Inn
5936 Lougheed Hwy.
Agassiz, BC V0M 1A0

Case: EH07-156

For the Licensee: Naresh & Rita Khare

For the Branch: Tania Cogan

Enforcement Hearing Adjudicator: Edward Owsianski

Date of Hearing: April 3 & 10 and August 14, 2008

Place of Hearing: Chilliwack and Vancouver, BC

Date of Decision: September 10, 2008

**Ministry of Housing
and Social
Development**

Liquor Control and
Licensing Branch

Mailing Address:
PO Box 9292 Stn Prov Govt
Victoria BC V8W 9J8
Telephone: 250 387-1254
Facsimile: 250 387-9184

Location:
Second Floor, 1019 Wharf Street
Victoria BC

www.gov.bc.ca/liquorregulationandlicensing

INTRODUCTION

D T R Ventures Ltd. holds Liquor Primary Licence No. 009862 by which it operates a pub located in the hotel, Harrison Crossroads Inn in Agassiz BC. The hours for the sale of liquor are 11:30 a.m. to 1:30 a.m. Monday to Thursday, Noon to 2 a.m. Friday and Saturday, and 11 a.m. to Midnight on Sunday. The capacity is 174 persons in the main area and 23 in the designated smoking area. The licence is, as are all liquor licenses issued in the province, subject to the terms and conditions contained in the publication 'Guide for Liquor Licensees in British Columbia'.

The principals of the corporate licensee at the time of the alleged contravention were Naresh and Rita Khare. They were actively involved in the management of the hotel. There is evidence that some portion of their shares were sold following the date of the alleged contravention and prior to the commencement of the hearing.

The hearing commenced in Chilliwack BC on April 3, 2008. There was insufficient time to receive all of the evidence and the hearing was adjourned. The hearing reconvened on April 10, 2008, however did not complete due to the ill health of Mr. Khare. The hearing was completed on August 14, 2008, in Vancouver BC. [A chronology may be found at exhibit 5.] In the interim period a further hearing was commenced and completed on a distinct and separate alleged contravention. That decision, dated July 23, 2008, may be found at exhibit 4.

THE ALLEGATION

The branch alleges that on the business day of Saturday, October 20/21, 2007, the licensee contravened section 20(1)(c.1) of the *Liquor Control & Licensing Act* by failing to take reasonable measures to ensure that the operation of the establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment. The proposed penalty is a fifteen (15) day suspension of the liquor licence (item 13, Schedule 4 of the *Liquor Control & Licensing Regulation*).

Item 13 of Schedule 4 of *the Regulation* provides a range of penalties for a first contravention of this type of a licence suspension for 10-15 days and/or a monetary penalty of \$7,500 to \$10,000.

The licensee disputes the alleged contravention.

RELEVANT STATUTORY PROVISIONS

Liquor Control and Licensing Act (the Act)

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;
- (b) the conviction of the licensee of an offence under the laws of Canada or British Columbia or under the bylaws of a municipality or regional district, if the offence relates to the licensed establishment or the conduct of it;
- (c) the persistent failure to keep the licensed establishment in a clean and orderly fashion;
 - (c.1) a failure by the licensee to take reasonable measures to ensure that the operation of the establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment;
- (d) the existence of a circumstance that, under section 16, would prevent the issue of a licence;
- (e) the suspension or cancellation of a municipally, regionally, provincially or federally granted licence, permit or certificate that the licensee is required to hold in order to operate the licensed establishment.

(2) If the general manager has the right under subsection (1) to take action against a licensee, the general manager may do any one or more of the following, with or without a hearing:

(a) [Repealed 1999-36-13.]

(b) impose terms and conditions on the licensee's licence or rescind or amend existing terms and conditions on the licence;

(c) impose a monetary penalty on the licensee in accordance with the prescribed schedule of penalties;

(d) suspend all or any part of the licensee's licence in accordance with the prescribed schedule of licence suspensions;

(e) cancel all or any part of the licensee's licence;

(f) order the licensee to transfer the licence, within the prescribed period, to a person who is at arm's length from the licensee.

(2.1) The general manager may, if he or she is satisfied that it is in the public interest to do so,

(a) impose a monetary penalty under subsection (2) (c) that is greater than the amount provided for in the prescribed schedule of penalties, or

(b) suspend a licensee's licence under subsection (2) (d) for a period longer than that provided for in the prescribed schedule of suspensions.

ISSUES

1. Did the contravention occur?
2. If so, is a penalty appropriate and what is a reasonable penalty?

EXHIBITS

The following exhibits were presented:

Exhibit 1: Branch Book of Documents #1, tabs 1 – 22

Exhibit 2: Branch Book of Documents #2, tabs 1 – 24

Exhibit 3: Letter of March 17, 2008 from the branch advocate to the licensee

- Exhibit 4:** Decision of the General Manager LCLB, re: DTR Ventures Ltd., July 23, 2008 (EH08-002)
- Exhibit 5:** Document titled, "Harrison Crossroads Inn EH07-156 – Chronology"

EVIDENCE - THE LIQUOR CONTROL AND LICENSING BRANCH

Two RCMP Police members of the Agassiz Detachment, Constables A & B testified regarding their knowledge of the operation of the pub at the Harrison Crossroads Inn (the establishment) from a policing perspective during the period from January to October 2007.

Constable A testified that he has responded to eight incidents occurring at the establishment since the current owners have managed the hotel.

On **January 19, 2007**, he was one of several police officers who responded to a call of a disturbance at the establishment. A fight had taken place in the establishment leaving one victim lying on the dance floor with a head injury. The victim appeared to be very intoxicated and was uncooperative with the attending officers and with their subsequent investigation. One of the other officers attending dealt with two minors, 18 years old, who were seen leaving the establishment with bottles of beer. A vehicle belonging to a known criminal gang member was observed in the parking lot.

The officer spoke with Mr. Khare about the police concerns over the assault, minors in the establishment, drunkenness and the presence of the gang member's vehicle. The officer explained that the presence of known gang members was dangerous and could lead to injuries to patrons or staff. He advised that they should be discouraged from patronizing the bar and the owner should notify the police detachment of their presence and they would attend and deal with them.

Mr. Khare advised the officer that the fight was between two patrons and had nothing to do with the hotel. He said that he was unaware of the presence of gang members.

On **January 20, 2007**, the officer made a follow-up patrol of the establishment. Two patrons were unable to produce identification and were requested to leave the establishment. He advised the Mr. Khare of the importance of checking identification.

On **April 13, 2007**, the officer made a routine patrol to the establishment near closing time. He noted the same vehicle in the parking lot with two known gang members standing next to it. Upon observing the police vehicle the two gang members ran into the hotel. The officer looked into the vehicle and observed two bullet proof vests inside. The officer spoke with Mr. Khare and advised him that the two persons were known gang members. The owner advised that they had rented a room in the hotel for the night. The officer expressed his concerns that the gang members were permitted to frequent the establishment after he had spoken to the owner about the police concerns over their presence at the hotel.

On **May 31, 2007**, the officer was one of three police officers responding to a complaint of a fight occurring at the hotel. Upon attending it was determined that a patron, "X" known to police as being associated to organized crime had been in a verbal argument with Mr. Khare. "X" was located in one of the hotel rooms, was spoken to by the officers and left the establishment.

On **June 14, 2007**, police responded to a call of nude females sunbathing on the roof of the hotel. It was determined that they were two of the exotic dancers engaged as entertainment at the hotel. The officer spoke with Mr. Khare and advised him that having nude sunbathing on the roof was inappropriate in a neighbourhood with young children.

The officer also spoke to Mr. Khare about "X" frequenting the hotel. Mr. Khare advised the officer that "X" had offered him \$2000.00 a month for the use of room at the hotel. He had refused the offer. The officer expressed his concerns about such persons frequenting the hotel.

On **August 11, 2007**, the officer was one of three police officers responding to an anonymous call from a patron at the hotel that there were known criminal gang members at the hotel. Upon attendance the officer observed three known gang members and two of their associates seated at a table with three of the exotic dancers. One of the gang members was wearing a bullet-proof vest. The officer spoke with Mrs. Khare about the presence of the gang members and told her that they should not be allowed into the bar. She stated that she was unaware of them. The officer went to the owner's suite at the hotel and spoke with the Mr. Khare. He said that he was unaware that they were in the bar.

On **August 26, 2007**, the officer was one of three police officers responding to a call from a patron that there were 10 persons engaged in a fight in the bar. Upon attending the officer observed that a large, four by six foot window had been broken, four beer bottles were smashed on the floor and bar stools near the stage area had been overturned. The combatants had departed prior to police arrival. Patrons in the bar were uncooperative. The officer spoke with the son of the owners. He advised that he was called to the bar by his mother after the fight had broken out. He observed two males kicking another following which other persons got involved. The officer told Mrs. Khare and her son that they should have called police at the outset, so they could have dealt with the persons involved.

On **September 24, 2007**, the officer making a routine patrol past the establishment observed the vehicle belonging to "X" in the parking lot. He could not be located in the hotel. While at the hotel the officer observed water leaking from the roof into an "Exit" sign and a ceiling fan and advised the Mr. Khare that they represented potential electrical hazards. Mr. Khare said that he was having problems with a roofing contractor.

The officer **summarized** his ongoing concerns with the operation of the hotel. The criminal gang members frequenting the hotel are known to be dangerous and are known to carry firearms. He is concerned serious injury or death could result from fights occurring at the hotel. Victims are often intoxicated. Other licensed establishments within the detachment patrol area require less than one-half the calls for police service than does this establishment. He has attempted to work with the owners to deal with the problems occurring at the hotel. In discussions with them, he has made suggestions regarding the presence of known gang members and the need for security and door control. They have not followed through on any of the recommendations with the result that the problems are recurring.

Constable B testified that he was one of the police officers responding to a call of a fight occurring at the establishment on **August 26, 2007**. The male owner of the establishment advised him that the fight started inside the establishment and that the combatants caused the damages on their way out. The officer testified that he observed several patrons remaining at the establishment appeared to be intoxicated exhibiting usual signs of intoxication including poor co-ordination and slurred speech. He testified that intoxication is an ongoing problem at the establishment.

He testified that on **October 21, 2007**, he was one of several police officers responding to a call of a disturbance at the hotel. Upon arriving he observed three to four males, obviously intoxicated who complained of being assaulted and their belongings stolen. The officer spoke with the hotel maintenance employee [witness D] who was present at the time. The employee advised him that he had witnessed a fight on the parking lot from inside the hotel. One of the persons involved in the fight was observed inside the hotel suffering from head injuries. He was taken to hospital by ambulance.

The officer testified that the police are concerned with the manner in which the establishment is being operated under the current licensee. He feels there is a risk to the public and the police as result of the disturbances, fights and assaults occurring at the establishment. Intoxication is a continuing problem, particularly during evenings and

weekends. The officers have recognized criminal gang members frequenting the establishment and have brought this to the attention of the owners. The owners are usually present and reassure the police officers that they are working to maintain control and get more staff, but have not followed through. The police recommended that they install a video surveillance system. Although this has been done, it has not been operative on numerous occasions when there have been problems. There have recently been new owners involved in the operation of the establishment who have shown a willingness to co-operate with the police.

Reports have been forwarded from officers to the area liquor inspector outlining their observations of disturbances, assaults, intoxication and minors on the premises (exhibit 1, tabs 18 - 22; exhibit 2, tabs 1-11 and 19 – 23).

Liquor Inspector C testified that she has been employed as a liquor inspector for approximately six years and is responsible for licensed establishments located in the Fraser Valley area. She is familiar with the Harrison Crossroads Inn. The liquor primary licence (exhibit 2, tab 17) allows the sale of liquor between 11:30 and 1:30 a.m. Monday thru Thursday, noon to 2 a.m. Friday and Saturday, and 11 a.m. to midnight on Sunday. The licence is subject to the terms and conditions contained in the branch publication "Guide for Liquor Licensees." A copy of the Guide is provided to all licensees. Excerpts from the Guide in effect at the time of the alleged contraventions are found at exhibit 2, tab 13. She referred to the excerpts dealing with: "Controlling your establishment" (p 10); and "Disorderly or riotous conduct" (p14).

The current licensees took over the operation of the establishment in December 2005. Since that time there have been increasingly violent incidents occurring at the establishment.

She has spoken with persons living in the community who have advised her of violent incidents at the establishment and of having suffered injuries while there. Mr. Khare himself was injured when he intervened in a fight between two patrons. She has had

conversations with and received reports from Agassiz Detachment RCMP Police officers (exhibit 1, tabs 18-22; exhibit 2, tabs 1-11 and 19-22), the district by-law enforcement officer (exhibit 2, tab 18), and local health and fire services. Several contravention notices were issued as a result (exhibit 1, tabs 3-9).

Compliance meetings have been held with the licensees to discuss the problems identified at the establishment (exhibit 1, tabs 10, 11, 14-17). At each meeting the licensee committed to making changes, but these were never followed through. Video cameras were installed, but never worked. She advised Mr. Khare of problems arising as a result of the establishment offering exotic dancer entertainment. He said that he would cease using exotic dancer entertainment. This change lasted a week following which the exotic dancers were brought back as entertainment. He said that the establishment had lost business without them.

One contravention of permitting liquor to be removed from the establishment (exhibit 1, tab 4) went to enforcement action resulting in a two day licence suspension (exhibit 2, tab 12). Enforcement action was not requested for other incidents. She was satisfied that the licensees were honestly trying to comply and were trying to work with the branch and the police.

On **October 21, 2007**, she received a report from constable B of a serious assault occurring on that date at the hotel (exhibit 2, tab 22). She subsequently met with two employees at the hotel, witness D who is in charge of maintenance and security, and a server working the night in question. They advised that a fight had occurred in the parking lot with two males attacking a third male. The attack was so vicious that the employees were concerned that the victim could be killed. Witness D dragged the victim inside the hotel and locked the door. The three males had been patrons in the bar earlier, however nothing unusual had been observed. The inspector spoke with the employees about the recurring violence at the hotel and that it appeared to be getting worse. Witness D said that he was planning to take over management of the bar effective November 1, 2007, but he needed to make changes in order to change the clientele and the activities. He wanted to cease offering exotic dancer entertainment

because it drew problem clientele. The owners wouldn't agree to the proposed changes.

The inspector testified that she spoke with Mr. Khare over the telephone about two weeks later. She told him that because of the ongoing and escalating violence, she was recommending the matter proceed to enforcement action. He requested that she not do so and that he wished to speak to someone in Victoria.

The inspector issued a contravention notice for operating contrary to the public interest (exhibit 1, tab 3) and following a review of the licensee file prepared a Notice of Enforcement Action in which she recommended a 15 day licence suspension, the maximum suspension for a first contravention of this type. She testified that she felt that enforcement action was necessary because compliance meetings in the past had not brought about any change in the operation. A lengthy suspension was necessary to ensure that the licensee took control of the establishment. In her view a monetary penalty would not be sufficient to bring about voluntary compliance.

EVIDENCE - THE LICENSEE

Licensee Witness D testified that he had been employed at the hotel; his responsibilities included maintenance and security. He was always present on Friday and Saturday nights. During his time at the hotel he witnessed approximately five violent incidents occurring at the hotel and was told of other incidents occurring when he was not present. The incidents that he witnessed involved persons who had been drinking in the hotel pub. The licensees instructed him that minor incidents were to be handled by staff and police were only to be notified for serious matters. He testified that he and other employees were sometimes concerned for their safety. He was aware of criminal gang members patronizing the bar. He knows some of them by reputation. They are regular patrons coming in a couple of times a month. The police told him that if the hotel allows this type of patrons they should expect problems.

He testified that he was working the night of October 21, 2007. The pub ceased liquor service at 2 a.m. and all patrons were out by 2:30 a.m. He locked up. The male owner had left for Vancouver. The female owner was in her residence in the hotel. At approximately 3 a.m. he heard screaming and yelling coming from the hotel parking lot. From the window he observed one male on the ground being beaten by two males wielding baseball bats. Other hotel residents had heard the noise and had gathered in the hotel lobby. He instructed them to stay inside. Concerned for the life of the victim, he ran outside and dragged him into the hotel lobby. The two perpetrators commenced beating on the lobby doors with their baseball bats yelling that they wanted inside. The victim was bleeding profusely from head injuries. Police and ambulance services were called to attend. The ambulance arrived within five to ten minutes but, concerned for their safety, the attendants would not enter the hotel until the police arrived. The police arrived at approximately 3:45 a.m. following which the ambulance attendants removed the victim.

He testified that the victim and the two assailants had been patrons at the hotel pub that night. The victim had been sitting quietly by himself. The assailants were together. During his walk rounds in the parking lot he noticed the two assailants leave the pub and go into their vehicle, a cube van with a roll-up rear door. They would enter the back of the vehicle closing the roll-up door behind them. He couldn't see inside and was unaware of what they were doing inside the vehicle. They would then exit the back of the vehicle and return to the pub. He had not seen the assailants at the hotel prior to or following this incident.

Mr. Khare testified that he and his wife were the sole shareholders of the corporate licensee at the time of the alleged contravention. They have since sold some of the shares. He testified that the evidence of the police officers and the liquor inspector do not tell the whole story. There are 500 gang members residing in the area. He does not know the identities of all of them.

On a previous occasion, the liquor licence was taken by the inspector because of a stage for the exotic dancers. The matter was referred to the branch in Victoria where it was resolved. On another occasion, the money to renew the liquor licence was sent by the licensees to Victoria and misplaced. They had to close the pub until the money was found.

Licensee Witness F testified that she and her husband were the owners of the hotel but have since sold some of their shares. She was asleep at her residence in the hotel on October 21, 2007, when the fight occurred on the parking lot. The pub was closed at the time and the persons involved may have been drinking in their vehicle. The fight had nothing to do with the operation of the pub. It was a police problem. The actions of the staff saved the life of the victim and the hotel should not be punished with a 15 day suspension.

SUBMISSIONS – LICENSEE

The licensees submitted that on October 21, 2007, when the fight occurred in the parking lot, the pub was closed at the time and the fight had nothing to do with the operation of the pub.

There is a drug house located near to the hotel. It is well known and has operated continuously for the past 10 years. This is where the problems come from. Drug dealers are not scared of a hotel security guard. A businessman cannot resolve the problems in the area. Suspending the liquor licence at the hotel will not solve the problems.

They have been in the industry for 30 years, operating five or six hotels in Vancouver without a prior licence suspension. There is no reason for a penalty in this case. It would punish hotel staff who have been doing their duty. They have not allowed the sale of drugs or prostitution in the hotel. The hotel has been closed for the past three to

four months while repairs are being made. The whole building is being renovated. There are new owners of the hotel and they should be given the opportunity to operate the hotel.

REASONS AND DECISION

The evidence here is of a licensed establishment, the liquor primary licensed pub located at the Harrison Crossroads Inn being operated in such a manner as to necessitate repeated calls from within the community to the local police detachment to deal with problems occurring within the licensed establishment. Police officers attending have had to deal with intoxicated persons and the aftermath of fights between patrons of the establishment. Injuries have occurred and the level of violence is increasing. Concern has been expressed that left unchecked the situation may result in the death of a patron or staff member.

Police officers and the area liquor inspector have attempted to counsel the licensee on the necessity of prohibiting known gang members from frequenting the establishment. They have advised the licensee of the need to call for police attendance upon the attendance of known gang members and before fights and disorderly conduct has commenced. They have advised the licensee that the form of entertainment provided at the establishment, namely performances by exotic dancers, provide attraction to known gang members. They have recommended enhanced security measures be taken by the licensee. To no avail. The licensee has proven to be either unwilling or unable to put measures in place to prevent fights, disorderly conduct or the increasing level of violence. Known gang members continue to frequent the establishment. The licensee's security measures have proved inadequate.

This culminated in a violent serious assault taking place on the licensee's parking lot outside of the establishment after closing during the early morning hours of October 21, 2007. The staff member witnessing the assault feared for the life of the victim to the

extent that he potentially placed himself in jeopardy to rescue the victim from the assailants. The enraged assailants then used their weapons to beat upon the doors to the establishment. Police and ambulance services were required. The licensee argues that because the incident occurred outside of the pub and after the pub had closed the licensee bore no responsibility. I disagree. The assailants had earlier been patrons at the hotel pub. They exhibited unusual behaviour by leaving the pub to climb into the back of their cube van, close the door thus securing them from public view, then exit later and return to the pub. This behaviour took place on the parking lot of the establishment and was observed by the hotel staff member responsible for security. The parking lot is under the control of its owners, the licensees. No action was taken to inquire into the behaviour of the two persons while in the back of the vehicle or to request the attendance of the police to investigate for illegal behaviour. The policy of management was to discourage staff from contacting the police. Had they done so here the serious assault may have been prevented.

On the whole of the evidence I find that the licensee contravened section 20(1)(c.1) of the *Liquor Control & Licensing Act* by failing to take reasonable measures to ensure that the operation of the establishment is not contrary to the public interest and does not disturb persons in the vicinity of the establishment.

Due Diligence

The defence of due diligence is a complete defence to contraventions under the *Act*. The onus is on the licensee to demonstrate, on a balance of probabilities, that it implemented adequate systems to prevent the contravention and took all reasonable steps to ensure the effective operation of the system.

There is little evidence that the licensee exercised due diligence. While the licensee did employ a staff member responsible for security, there is no evidence of the staff members' duties and responsibilities. While the staff member made a walk around of

the parking lot he failed to inquire into a situation that had the potential for problems or to request attendance of police to investigate. The licensee discouraged staff from calling the police despite the recommendations of police officers to call before problems occurred and allow them to defuse potentially violent situations.

In the result I find that the licensee has not been duly diligent.

In conclusion, I find on a balance of probabilities that on October 21, 2007, the licensee contravened section 20(1)(c.1) of the *Liquor Control & Licensing Act*.

PENALTY

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

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

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

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

There is no record of prior proven contraventions, offences or enforcement actions of the same types as found here for this licensee or this establishment within the year preceding these contraventions.

The range of penalties for a first contravention pursuant to Schedule 4, item 13 is a ten (10) to fifteen (15) day suspension and/or a monetary penalty of \$7,500 - \$10,000. The branch has proposed a penalty consisting of the maximum 15 day licence suspension.

In the circumstances of this case, I find that a penalty is necessary to ensure future compliance. The establishment is owned and operated by experienced licensees. A branch liquor inspector and several police officers counselled the licensee of the necessity of prohibiting known gang members from frequenting the establishment. They have advised the licensee of the need to call for police attendance upon the presence of known gang members and before fights and disorderly conduct commences. They have advised the licensee that the form of entertainment provided at the establishment, namely performances by exotic dancers, attracts known gang members. They have recommended enhanced security measures be taken by the licensee. To no avail.

In the circumstances of this contravention, I find that the maximum fifteen day licence suspension is warranted, appropriate and reasonable.

ORDER

Pursuant to Section 20(2) and 20(2.1) of the *Act*, and Section 66(3) of the *Regulations*, I order a suspension of Liquor Primary Licence No. 009862 for a period of fifteen (15) days. "Business day" means a day on which the licensee's establishment would normally be open for business (section 67 of the *Regulations*). It is my understanding that the establishment may currently be closed and undergoing renovations. Therefore, the general manager will select the days for the suspension once the licensee has demonstrated, to the general manager's satisfaction, that the establishment is once again open and operating.

To ensure this Order is effective, I direct that the liquor licence be held by the branch or the Agassiz detachment of the RCMPolice during the period of suspension until the licensee has demonstrated to the branch's satisfaction that the aforementioned Order has been carried out.

Original signed by

Edward W. Owsianski
Enforcement Hearing Adjudicator

Date: September 10, 2008

cc: RCMPolice Agassiz Detachment

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

Liquor Control and Licensing Branch, Vancouver Office
Attention: Tania Cogan, Branch Advocate