



**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: 415807 B.C. Ltd.
dba Sandpiper Pub
15595 Marine Drive
White Rock, BC V4B 1C9

Case: EH12-149

For the Licensee: Bill Lawrence and Judy Baker

For the Branch: Olubode Fagbamiye

General Manager's Delegate: A. Paul Devine

Date of Hearing: February 25, 2013

Place of Hearing: Surrey, BC

Date of Decision: July 26, 2013

INTRODUCTION

415807 B.C. Ltd. (the "Licensee") operates a liquor primary establishment known as the "Sandpiper Pub" located at 15595 Marine Drive in White Rock B.C. (Liquor Primary Licence Number 035782). The licence is, as are all similar liquor licences issued in B.C., subject to the Liquor Primary Terms and Conditions set out in the Branch's publication "A Guide for Liquor Licensees in British Columbia" (the "Guide").

ALLEGED CONTRAVENTION AND PROPOSED PENALTY

The Liquor Control and Licensing Branch (the "Branch") issued a Notice of Enforcement Action on July 23, 2012 (the "NOEA"). In the NOEA, the Branch alleged that on March 9, 2012 a covert inspection by the Branch took place after receiving complaints from the RCMP about issues at the Sandpiper Pub. As a result of the RCMP reports, and the covert inspection, a Contravention Notice ("CN") was issued for overcrowding. At a subsequent Compliance Meeting, the Licensee committed to implement policies to address the overcrowding issue.

The NOEA described a follow-up covert inspection that was conducted by two liquor inspectors at the establishment on June 23, 2012. A third liquor inspector remained outside the establishment, and communicated by text messaging. During the covert inspection, the licensed establishment was found to be overcrowded. As well, a patron was observed drinking from a pitcher of beer without a glass in contravention of the maximum size of drink servings. An intoxicated male patron was observed on site between 11:45 p.m. and 1:08 a.m., at which time the two inspectors left the facility. The patron was seen to be walking unsteadily, had loss of muscle control, glassy unfocused eyes, flushed face, and was apparently confused because he tried to enter the women's washroom. The patron was also seen walking with drinks in both of his hands.

In the July 23, 2012 NOEA, the proposed penalty for the alleged contravention of exceeding the maximum drink size was a two day suspension; for overcrowding a seven day suspension, and for allowing an intoxicated patron to remain on the premises, a five day suspension.

The Licensee signed a waiver with respect to the contravention of overcrowding but disputes the contraventions of service in excess of maximum size, and allowing an intoxicated patron to remain on the premises. The Licensee also disputes the proposed enforcement action. I was appointed as a Delegate of the General Manager for the purpose dealing with this matter.

Appearing for Licensee were the Corporate Owners of the establishment.

LEGISLATION

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

Licences

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

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

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

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

Drunkenness

- 43** (1) A person must not sell or give liquor to an intoxicated person or a person apparently under the influence of liquor.
- (2) A licensee or the licensee's employee must not permit
- (a) a person to become intoxicated, or
 - (b) an intoxicated person to remain in that part of a licensed establishment where liquor is sold, served or otherwise supplied.

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 No. 1: Book of Documents submitted by Branch

Exhibit No. 2: CCTV Recording Submitted by Branch

Exhibit No. 3: Letter from Patron submitted by Licensee

EVIDENCE – THE BRANCH

The Branch bears the onus of calling evidence on the balance of probabilities sufficient to support the proposed enforcement action. To this end, the Branch produced a book of documents marked as "Exhibit One". The Branch also called two witnesses, both liquor inspectors who were involved in the covert inspection.

Liquor Inspector A

Liquor Inspector A has been 2½ years with the Branch, and has Langley and Abbotsford as his regions of responsibility. Previously, he had served with the Vancouver Police Department from 1980-2009.

Liquor Inspector A testified that he has received training from the Branch to observe visible signs of intoxication, including physical symptoms such as stance and gait, whether the person's eyes are bloodshot, glassy, or droopy. Head position and liquor on breath may also be telling. As well, speaking to the individual will test mental acuity. He also had similar training and experience during his tenure as a police officer.

The Liquor Inspector testified that a typical inspection of a liquor primary is to look for overcrowding, after-hours service, service to minors, and for general compliance with the liquor legislation. The licence requirements for a liquor primary licensee are found in the Guide. As well, the Licensee must adhere to the requirements set out in the Branch's "Serving it Right Program Manual". This explains tips for observing signs of possible intoxication, and how to deal with them.

The Sandpiper Pub is not in the usual area of responsibility for the Liquor Inspector. On June 23, 2012, he was called in to assist in a covert operation with other inspectors. The purpose of the operation was to observe to see if the Licensee was in compliance as a follow up to previous inspections.

Liquor Inspector A testified that he purchased two rum and cokes during the covert inspection. This is permitted to be used as a prop when involved in a covert inspection. He sipped and carried them around during the inspection, then disposed of the remains in the washroom. The Liquor Inspector testified that he arrived at the establishment at 10:55 p.m. to see a long line to get inside. It took some time to enter the establishment but he and a second liquor inspector got in eventually. A third liquor inspector remained outside, and was contacted through text messaging.

Inside, the establishment was quite crowded, so the two liquor inspectors went to a less crowded section where the visibility was better. They moved to different seats from time to time to observe the activity taking place inside the pub. As well, they walked back and forth around the inside of the pub to observe the patrons.

At the first location they sat in, they saw a male drinking from a pitcher of what appeared to be beer with no glasses. He made no attempt to hide what he was doing, and none of the staff interceded to tell him to curtail this activity. The patron was observed drinking in this manner over the course of 15 minutes.

Another patron wearing a blue tee shirt and baseball hat was seen walking around drinking beer from a pitcher. Initially, he used a glass but later just used the pitcher. He walked all around the pub, and was seen on the dance floor as well. He was observed over 30-40 minutes, and no staff member approached him to tell him to use a glass. Liquor Inspector A testified that allowable maximum serving sizes are 24 ounces for beer; 3 ounces for liquor; and 10 ounces for wine. The concern for service in excess of these drink sizes is intoxication, which can be a problem for the patron involved, and for other patrons as well.

An intoxicated patron was observed as well, a white male in a blue tee shirt and orange baseball hat. Liquor Inspector A testified that this patron was seen shortly before 1 a.m., and observed to be unsteady on his feet, bumping into other patrons as he walked. As well, he bumped into the wall going into the washroom. His eyes were red and runny, and his head was lolling from side to side. This patron was observed over the course of over 30 minutes, and was visible from their vantage point during that time. Staff of the Licensee were not seen to intercede. He walked around bumping into patrons while he drank mixed drinks and beer. The concern for intoxicated persons is they can make bad decisions and become a danger for themselves and others, including staff and the community outside of the establishment.

The Liquor Inspector testified that he left with the other liquor inspector at 1:08 a.m.

Under cross-examination Liquor Inspector A was asked about training to observe intoxication. He testified that he had extensive training with the Vancouver Police Department for assessing intoxication in motor vehicle drivers. He was also trained to observe intoxication in people in 2011 when he joined the Branch.

On questioning about liquor consumption, the Liquor Inspector testified that he consumed one or two drinks while inside the establishment, and was not intoxicated. He agreed that the pub was crowded inside but staff should have been able to see the patrons moving around the establishment as he did. It was easier to move around near the dance floor, and the numbers inside the pub were less near midnight.

Liquor Inspector A testified that he counted patrons twice as did the other Liquor Inspector. He was inside the establishment from 11:45 p.m. to 1:08 a.m., 80 minutes altogether. He did not speak to the patrons who were drinking from pitchers or the patron who was seen to be intoxicated.

Liquor Inspector A testified that he did not analyze the contents of the pitchers, although the circumstances suggested they contained beer. The contents were not ginger ale for example as there was white foam on top of the liquid. The Licensee suggested it might have been an energy drink combination sold in the establishment that looks like beer. The Liquor Inspector testified that he was unaware of this product. He recalled that the light inside the establishment was dim but adequate for purposes of observing the patrons within.

The Licensee suggested that the patron who appeared to be intoxicated was in fact suffering from other problems. The Liquor Inspector agreed that was possible but unlikely as all of the observed symptoms were consistent with alcohol consumption. The Liquor Inspector testified he had been involved in policing that involved illegal drug usage for years, and the symptom of alcohol abuse were different. The patron exhibited red, droopy, and unfocused eyes. His head was rolling from side to side and his features were slack. As he walked, he bumped into other patrons. He passed by the Liquor Inspector several times during the thirty minutes that he was observed.

The Licensee suggested in questioning that the establishment was overcrowded, and so observations were limited. The Liquor Inspector testified that while it was crowded inside the pub, the patron was in an open area when he was observed. He agreed that an intoxicated male is a concern for safety, and observed that the staff of the establishment should be alert for such problems.

On re-examination, the Liquor Inspector confirmed that the Licensee is responsible to manage all problems within the licensed establishment. He testified that he concluded the pitcher which was being used as a glass by a patron would hold 4-5 drinks. He concluded that it contained beer because of its colour and foam. The contents of the pitchers appeared to be the same as the beer as it appeared in the glasses of other patrons.

Liquor Inspector B

Liquor Inspector B has been employed with the Branch since 1998 after retiring from a career as a police officer. He was managing the covert operation from outside of the establishment on the evening of June 23, 2012. The inspection was to look for overcrowding, intoxication among patrons, and service to minors. The terms of the Licence for the establishment provide that it is subject to the conditions found in the Guide. The Guide contains definitions for intoxication with respect to patrons, and also sets out a policy on over service. Maximum allowable single drink service sizes are also described in the Guide.

The licensed establishment is located on Marine Drive in White Rock in an area where there is a mix of commercial and residential buildings. It is one of over 2300 liquor primary establishments that are licensed in the Province. Liquor Inspector B testified that he monitored the covert inspection by text messaging. He picked up the two inspectors that had been inside the establishment when they left after 1 p.m. Based on the information provided by the two liquor inspectors who were inside the licensed establishment, Liquor Inspector B prepared the NOEA. He also prepared and issued a Contravention Notice ("CN") which was delivered to the Licensee.

The scheduled penalty for service in excess of maximum drink size is a suspension of 1-3 days and/or a \$1,000 to \$3,000 penalty. He recommended a 2 day suspension because exceeding maximum drink size can lead to intoxication and over service. It can also lead to fights and assaults among patrons. Here the patron was in plain view and no actions were taken by the staff of the Licensee who had the responsibility to control such matters. The suspension will bring home to staff the necessity to control these issues.

The scheduled penalty for allowing an intoxicated person to remain on the premises was a 4-7 day suspension and/or a \$4,000-\$7,000 penalty. A 5 day suspension was recommended because the patron was obvious, and staff took no action. A suspension was recommended as it was appropriate to the size of the establishment.

EVIDENCE – THE LICENSEE

Bill Lawrence – principal of the Licensee

Bill Lawrence testified on behalf of the Licensee. He produced a letter of support from a patron which was as a hearsay document not going to the truth of its contents to be used for the purpose of argument. The Licensee testified that a person with a disability can incorrectly be construed as intoxicated. The Licensee once barred a patron from the pub, only to later discover her observed behaviour was linked to a disability.

The Licensee testified that beer in a vessel may or may not have a head on it depending on the temperature of the liquid. There are dissolved gasses in beer, so a pitcher may not have a head of foam on it. The pitchers used by the Licensee are opaque, and so you can't readily see the contents. I observed at this point the Liquor Inspector was not asked about the clarity of the pitchers during his testimony.

The Licensee testified that he sells a drink that combines an energy drink and ginger ale. It is described by the Licensee as "bib in a box". Younger patrons often pre-drink before coming to the establishment, then order this drink in a pitcher. All drinks ordered in a pitcher are provided with glasses, and the Licensee insists on their use. All beverages served in a pitcher come with glasses, and patrons are not supposed to drink directly from a pitcher. If they are seen drinking from a pitcher, they are not expelled but instead they are reminded to use the glasses.

On the night in question, the Licensee was very busy. The Licensee recalled the evidence of the Liquor Inspector that one of the patrons drinking out of a pitcher had a glass but did not use it. The Licensee acknowledged that a waiver had been signed for the overcrowding contravention, and it was hard to keep tabs on the patrons inside the establishment on the night of the covert inspection.

In cross-examination, The Licensee acknowledged the letter he produced did not deal with the contravention issues of the Branch. He agreed he was not in the establishment on the night of the covert inspection. He was able to identify the servers who were working by a review of the video surveillance system. The “bib in a box” drink that he described in his evidence can also be served with beer mixed in as part of the drink.

The Licensee acknowledged that there were no incident reports made by staff on the night of the inspection, and no servers were called as witnesses concerning the events of the evening. The door persons did not remove anyone for intoxication as far as he could recall. There were no paper records of anyone being cut off service for intoxication during the evening.

The Licensee did not bring any written policies on removal of intoxicated patrons. There were no records of staff meetings or any agendas for such meetings produced in evidence for the hearing. As well, Mr. Lawrence acknowledged that the Licensee does not administer written tests to its staff to test on its policies. Instead, it relies on the Serving it Right Certificate, and maintains the onus is on BCCLC to administer to the qualifications of staff. No reports were made to the Licensee about patrons suffering from medical problems during the evening of the inspection.

SUBMISSIONS - THE BRANCH

The Branch submits that the first contravention of exceeding the maximum drink size contrary to section 12 of *Act* is made out on the evidence of 2 patrons who were seen drinking what appeared to be beer from pitchers inside the red line area of the establishment. Staff of the Licensee did not intervene in either case.

The second contravention was serving an intoxicated patron contrary to section 43(2)(b) of *Act*. The patron was also served inside the red line area of the establishment, and was observed to exhibit symptoms of intoxication including unfocused, droopy red eyes, head lolling swaying back and forth, and unsteady gait. These symptoms were observed over 30-40 minutes, and no staff member intervened. The evidence was on the balance of probabilities sufficient to establish that the contravention occurred as alleged.

As far as due diligence was concerned, the question to be considered is whether the Licensee did all that was reasonable at the time of the contravention. Perfection is not required. There was, however, no evidence of relevant policies disclosed. In particular, no documents or policies about serving sizes for drinks were produced. The Serving it Right Manual emphasizes the importance to maintain policies but there was no evidence of the existence or enforcement of such policies. The Licensee failed to act on both contraventions. The obligation is on the Licensee to effectively operate its business. It did not do so here, and so cannot rely on the defence of due diligence.

SUBMISSIONS - THE LICENSEE

The Licensee submitted that its pitchers are made of plastic, not glass, and are opaque in appearance. The Liquor Inspector testified that he did not know of the energy drink product which is sold by the Licensee. While he testified that he thought that it was beer, the Licensee disagrees. It was not proved that the product being consumed from the pitchers contained alcohol beyond a balance of probabilities. The Branch could have had the contents tested but chose not to do so.

The Licensee submitted that neither of the Liquor Inspectors intervened or engaged the patron to determine the state of his sobriety, and so this was not proved beyond doubt. The establishment was over capacity on the evening in question, so bumping into things was not unusual.

In reply, the Branch noted the standard of proof it is required to provide is on the balance of probabilities, and that has been satisfied. No samples of beverage or field sobriety tests are needed. There was no direct evidence of any of these issues provided by the Licensee.

REASONS AND DECISION

The issues before me are first, were the contraventions as alleged by the Branch proven? If so, the second issue is whether the defence of due diligence was made out by the Licensee. If due diligence is not shown, the third issue to determine is what penalty, if any, is warranted in all of the circumstances?

The Contravention

There are two contraventions alleged:

1. Contravention of a term & condition – exceeding maximum drink size under section 12 of the *Act*,, and,
2. Permitting an intoxicated person to remain under section 43(2)(b) of the *Act*.

Exceeding maximum drink size

The first alleged contravention is exceeding drink sizes mandated by the General Manager under the *Act*. Section 12(2) of the *Act* provides:

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

- (a) that vary the terms and conditions to which the licence is subject under the regulations, or
- (b) that are in addition to those referred to in paragraph (a).

The terms and conditions of a licence include reference to the Guide, which in turn sets out the maximum size for drink servings. In the Guide, the maximum size for a single beer serving is 24 ounces. Pitchers or other multiple serving containers which are to be shared by two or more patrons cannot exceed 1.5 litres of draught beer. Clearly a pitcher is intending for more than one patron. There is no dispute that the pitchers used by the Licensee exceed the maximum single serving size for draught beer set out in the Guide.

The Licensee submits that the two patrons who were observed drinking from a pitcher may have been drinking a non-alcoholic concoction sold by the Licensee known by the nickname "bib in a box." This contains an energy drink combination that may look like beer. On the other hand, the Liquor Inspector, a former police officer, identified the contents of the two pitchers that he observed as beer, similar to the contents seen in the glasses of other patrons.

The evidence of the Liquor Inspector was sufficiently persuasive as to the contents of the pitchers that I would accept his evidence without something more from the Licensee. While the Licensee has raised an issue as to the real content of the pitchers on the night in question, the burden of going forward on that issue lies with the Licensee. The Liquor Inspector was firm in his evidence about the contents of the pitchers that he saw. The Licensee acknowledged in cross-examination that the energy drink can be purchased mixed with beer. Even if the product observed by the Liquor Inspector contained energy drink, it may well have been mixed with beer.

The Licensee also testified that the colour of the pitchers used in the establishment is opaque, and so presumably would cause some difficulty observing the contents. The Liquor Inspector, however, was not cross-examined on evidence of his observations. Nor was any demonstrative evidence produced by the Licensee about alternate products.

In the circumstances, I conclude that the Licensee was obliged to call some affirmative evidence as to the contents and the colour of the pitchers. It was open to the Licensee to bring a pitcher from the establishment together with a sample of the product that was described in the evidence for the purpose of cross-examination. Merely raising the issue without more does not persuade me that the Liquor Inspector improperly identified the contents of the pitchers that he saw consumed by two of the patrons during his covert inspection. I therefore accept the evidence of the Liquor Inspector and conclude that the contravention of section 12 of the *Act* is proven.

Permitting intoxicated person to remain

Turning to the intoxicated patron issue, the Licensee maintains that the crowd in the establishment would have made observation of an intoxicated patron difficult. The Liquor Inspector, however, had no difficulty observing the patron in question. His evidence on this point was not shaken when he testified that he had no problem with visibility in the area that he was observing. Overcrowding is not otherwise a valid reason for allowing intoxication on the premises as the Licensee is ultimately responsible to effectively manage the establishment in accordance with its obligations under the *Act*.

The Licensee suggested the patron might have suffered a medical condition. There was no video or medical evidence to affirmatively establish this as a defence. The Liquor Inspector saw no evidence of a medical condition during his observations, so there is no foundation in the evidence to support this argument.

Section 43(2)(b) of the *Act* provide that a Licensee must not allow an intoxicated person to remain on the premises where liquor is sold, served or otherwise supplied. The Guide affirmatively places the responsibility for ensuring that patrons do not become intoxicated on the Licensee. A person under the influence of alcohol or drugs is not to remain in the premises, and a record is to be taken of incidents involving such patrons in an incident log. There was no log entry taken with respect to the patron who was observed by the Liquor Inspector.

The patron in question was observed inside the red line area where liquor was sold, and was apparently allowed to remain on the premises for as long as he was observed by the Liquor Inspector. I accept the evidence of the Liquor Inspector, and find that the contravention of allowing an intoxicated person to remain on the premises, contrary to section 43(2)(b) of the *Act*, is proven.

Due Diligence

The defence of due diligence may result in the vitiation of a penalty proposed by the Branch. There must, however, at a minimum be evidence to establish that the contravention happened despite diligent steps taken by the Licensee to prevent its occurrence. The onus is on the Licensee to establish that it acted with due diligence.

The requirements for the defence of due diligence are found in the leading case from the Supreme Court of Canada in *R. v. Sault Ste. Marie* (1979) 2 SCR 1299. The requirements to establish the defence are set out in the judgment of Mr. Justice Dickson at page 1331:

One comment on the defence of reasonable care in this context should be added. Since the issue is whether the defendant is guilty of an offence, the doctrine of *respondeat superior* has no application. 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.

From this, it is clear that the onus is on the Licensee to provide affirmative evidence that it has proper training, systems, and procedures in place to prevent the commission of the contraventions which were described in the NOEA. In this case, the Licensee failed to call any affirmative evidence of the existence of such procedures. Instead, the Licensee argued that it employed individuals who had Serving it Right certification, and the responsibility for their ongoing training lay with the Branch.

The Guide at page 21 requires the Licensee to have its servers and bartenders complete a Serving it Right certification. The Licensee, however, remains responsible for managing and controlling the behaviour of its patrons. The Serving it Right Manual contains suggestions for ongoing training of staff. The training is the responsibility of the Licensee, not the Branch. The Licensee produced no evidence that it engages in such training. The Licensee also called no affirmative evidence of steps it has taken to prevent the occurrence of either of the contraventions described previously in this decision. There was no evidence of steps taken to prevent over service to patrons. There was no evidence of steps taken to prevent exceeding size limits when serving draught beer to patrons. I find, therefore, that the defence of due diligence is not made out.

PENALTY

Pursuant to section 20, having found that the licensee has contravened the *Act*, the *Regulation*, and/or the terms and conditions of the Licence, I may do one or more of the following:

1. Take no enforcement action
2. Impose terms and conditions on the licence or rescind or amend existing terms and conditions
3. Impose a monetary penalty on the licensee
4. Suspend all or any part of the licence
5. Cancel all or any part of the licence
6. Order the licensee to transfer the licence

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

The primary goal of the Branch in bringing enforcement action and imposing penalties is to achieve voluntary compliance. The factors that are considered in determining the appropriate penalty include whether there is a proven history of compliance, a past history of warnings by the branch and/or police, the seriousness of the contravention, the threat to the public safety, and the well being of the community.

Exceeding maximum drink size

The range of penalties for exceeding maximum drink sizes is a 1-3 day suspension. The Liquor Inspector recommended a two day suspension. In view of the fact there was more than one patron who was seen drinking from a pitcher of beer, I agree that the 2 day suspension is warranted.

Permitting intoxicated person to remain

The range of suspensions for allowing an intoxicated patron to remain on the premises is a 4-7 day suspension. The Liquor Inspector recommended a 5 day suspension because the patron's intoxication was obvious and staff did nothing.

It may be that the overcrowded situation in the establishment (for which contravention the Licensee signed a waiver) played a role in preventing staff from observing the intoxicated patron from the same vantage point of the Liquor Inspector. The Liquor Inspector acknowledged in his evidence that the establishment was crowded at the time he was present. He testified, however, that the patron who was intoxicated was easily seen because the area where he was sitting was less crowded.

There was no evidence called about the frequency of staff visits, if any, to the area where the Liquor Inspector observed the intoxicated patron. Therefore, there is no evidence about whether staff were present and simply ignored the situation, or did not take the steps necessary to observe the patron. It is not clear from this if staff were preoccupied elsewhere or deliberately allowing the contravention to occur without taking necessary action.

I agree that the Licensee is responsible for controlling this kind of behaviour, and so a penalty is warranted. I am not satisfied that the evidence establishes aggravated conduct by the staff of the Licensee to warrant an increased suspension. In the circumstances, I am satisfied that a 4 day suspension will be sufficient to bring the Licensee into voluntary compliance.

ORDER

Pursuant to section 20(2) of the *Act*, and Schedule 4 of the *Regulation*, for the finding of a contravention of section 12 and 43(2)(b) of the *Act*, I order a suspension of Liquor Primary Licence Number 035782 for a period of six (6) days to commence on the close of business on Friday, August 30, 2013, and to continue for each succeeding business day until the suspension is completed.

To ensure this order is effective, I direct that the liquor licence be held by the Branch or the White Rock jurisdictional police from the close of business on August 30, 2013, until the Licensee has demonstrated to the Branch's satisfaction that the suspension has been served.

Original signed by

A. Paul Devine
Enforcement Hearing Adjudicator

Date: July 26, 2013

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