



**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:	KSJM Investment Group Ltd. dba Sammy J. Peppers (Delta) 8701 120 Street Delta, BC V4C 6R4
Case:	EH13-033
For the Licensee:	Kushveen (Shaun) Jagpal
For the Branch:	Peter Mior
General Manager's Delegate:	Daniel M. Graham
Date of Hearing:	July 10, 2013
Place of Hearing:	Surrey, BC
Date of Decision:	August 9, 2013

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Liquor Control and  
Licensing Branch

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## **INTRODUCTION**

KSJM Investment Group Ltd. (the “Licensee”) operates Sammy J. Peppers (Delta) (the “Restaurant”) under Food Primary Licence number 302405 (the “Licence”). The Restaurant is located at 8701 120 Street in Delta, B.C.

The Licence specifies hours of liquor service daily, 7 days a week, from 9:00 a.m. to 1:00 a.m. The Licence is, as are all liquor licences issued in the province, subject to the terms and conditions contained in the publication “Guide for Liquor Licensees in British Columbia” (the “Guide”).

The Licensee’s president, Mr. Kushveen (Shaun) Jagpal, represented the Licensee for purposes of this hearing.

## **ALLEGED CONTRAVENTION AND PROPOSED PENALTY**

The Liquor Control and Licensing Branch’s (the “Branch”) allegations and proposed penalties are set out in the Notice of Enforcement Action (the “NOEA”) dated February 19, 2013. The Branch alleges that on February 7, 2013 the Licensee contravened section 33(1)(a) of the *Liquor Control and Licensing Act* (the “Act”) by selling, giving, or otherwise supplying liquor to a minor.

The proposed enforcement action outlined in the NOEA is a \$7,500 monetary penalty (item 2, Schedule 4 of the *Liquor Control and Licensing Regulation*) (the “Regulation”). The range of penalties for a first contravention of this type is a 10 to 15 day licence suspension and/or a \$7,500 to \$10,000 monetary penalty. The Licensee took no position on the contravention, but seeks to establish the defence of due diligence.

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

## RELEVANT STATUTORY PROVISIONS

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

**33** (1) A person must not

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

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

#### Schedule 4

#### Enforcement Actions

#### Minors

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

## ISSUES

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

**EXHIBITS**

- Exhibit 1:** The Branch's Book of Documents, Tabs 1 to 14 inclusive.
- Exhibit 2:** Photograph and Identification of the Branch's minor agent (the "Minor Agent") (sealed exhibit, only to be opened by the adjudicator or Court.)
- Exhibit 3:** A stapled set of 22 pages of documents submitted by the Licensee, including among other things copies of staff Serving it Right certificates and agendas of various staff meetings.
- Exhibit 4:** The Licensee's Orientation Package for Front of House staff, submitted by the Licensee.
- Exhibit 5:** Agenda for the Licensee's managers meeting dated March 4, 2010, submitted by the Licensee.
- Exhibit 6:** A package of 5 photos of a notice board and signs within the Restaurant, submitted by the Licensee.

**Order to delete any reference to Minor Agent's name or other identifying factor**

I placed a copy of the Minor Agent's photo and her identification in an envelope and marked it as Exhibit 2, with a notation that it is not to be opened unless required by law. A redacted copy is at tab 7 of Exhibit 1. Exhibit 2 has been sealed to protect the identity of the Minor Agent. At the hearing, the Branch provided the Licensee with an opportunity to view the photo of the Minor Agent and her identification with birth date. The Minor Agent also appeared as a witness for the Branch.

## **EVIDENCE – THE BRANCH**

The Branch called two witnesses: the Minor Agent, and the Branch regional inspector who had attended at the Restaurant on February 7, 2013.

### **The Minor Agent**

The Minor Agent testified as to her date of birth, making her 17 years of age at the time of the alleged contravention. She is a high school student hired by the Branch for purposes of the Minors as Agents Program (the “MAP”). The Minor Agent attended at the Restaurant for an inspection on February 7, 2013 along with the regional inspector and another liquor inspector. Prior to her attendance at the Restaurant the Minor Agent was photographed by the inspectors, and a photocopy was taken of her identification. At the hearing, the Minor Agent confirmed that the photographs and copies of identification produced as Exhibit 2 were the ones taken that night.

The Minor Agent gave evidence that on the evening in question, she entered the Restaurant with the two liquor inspectors following moments later. She saw no hostess, and continued to what she thought was the lounge, where she took a seat. A waitress brought menus then left. Subsequently another waitress came and asked if she wanted a drink. The Minor Agent ordered a Smirnoff Ice. The second waitress returned with a Smirnoff Ice and served it to the Minor Agent without having asked for ID. The Minor Agent stated that the transaction took just a few seconds. The Minor Agent then left the Restaurant, returning to the Branch vehicle where she completed the Minor Agent Observation Form and Minor Agent Statement (tabs 5 and 6 of Exhibit 1).

In response to a question, the Minor Agent said that the liquor inspectors had taken a table close behind her. Presented with a copy of the Restaurant floor plan (tab 10 in Exhibit 1), the Minor Agent pointed out the table and booth where she and the inspectors, respectively, had been seated.

### **The Regional Inspector**

The Branch's regional inspector testified that the MAP started operations in 2011. MAP inspections are utilized by the Branch in order to monitor compliance with the Act's prohibition against selling liquor to persons under the age of nineteen.

The Branch has hired seventeen and eighteen year old minors, who appear young, as agents to carry out these compliance inspections. The Branch's main concern is safety of the minor agents. The minor agents receive instructions not to attempt to mislead or deceive the Licensee, and to honestly answer questions regarding their age or identification.

The regional inspector referred to a media release issued by the Branch's General Manager, dated July 14, 2010, (which provides details of the MAP) and a letter dated October, 2012, which was sent to Licensees by the General Manager to advise that the MAP was being used to monitor food primary establishments. These documents are at tab 13 of Exhibit 1.

The regional inspector gave evidence that on the evening of February 7, 2013 she was working with the Minor Agent. The regional inspector reviewed and copied the Minor Agent's ID and photographed her and, at the hearing, confirmed that the documents included in Exhibit 2 were representative of those that had been created that evening.

The regional inspector testified that the Minor Agent entered the Restaurant about 8:25 p.m., with the regional inspector and a second liquor inspector entering approximately 20 seconds behind her. The Minor Agent proceeded to the lounge area where she took a seat at a table. The inspectors sat at a booth behind the Minor Agent. The regional inspector was shown the floor diagram (Tab 10 of Exhibit 1) and confirmed the locations of the booth and table where the inspectors and Minor Agent had been seated, respectively. The regional inspector observed a female server approach and speak to

the Minor Agent and then walk away. At about 8:30 the server returned and served a Smirnoff Ice cooler and glass to the Minor Agent.

After the Minor Agent had been served, the inspectors directed her to return to their vehicle, and the inspectors sat at the table vacated by the Minor Agent. When the server approached, the regional inspector explained what had just occurred. The server confirmed that she had provided the alcohol. The inspectors asked for a receipt for the Smirnoff Ice and paid cash. The regional inspector verified tab 6 of Exhibit 1 as being a photograph of the Smirnoff Ice and a copy of the subject receipt.

The regional inspector gave evidence that the server stated that she thought the Minor Agent was about the same age as the server (32). The server was given a Contravention Notice (tab 8 of Exhibit 1) and was instructed to save surveillance video of the transaction. The inspectors left the Restaurant at approximately 8:45 p.m. and returned to their vehicle, where the Minor Agent had completed the observation sheet and statement shown at tabs 5 and 6 of Exhibit 1.

## **EVIDENCE – THE LICENSEE**

The Licensee called two witnesses: the Licensee's president, and the shift leader who was on duty on February 7, 2013.

### **The Licensee's President**

Mr. Kushveen (Shaun) Jagpal testified that the Licensee has always been very responsible and has done everything in its power to ensure that minors are not served alcohol. He stated that there have been no such incidents in the past, and that the Licensee demonstrates due diligence.

Mr. Jagpal testified that each employee receives a copy of the Licensee's orientation package (Exhibit 4) when hired. He pointed out a page in the orientation package that identifies "serving alcohol to minors" as "Grounds For Dismissal", with the accompanying statement that "There is zero tolerance for the above actions". A manager goes over the orientation package with each new employee and the employee signs that they understand the policies and procedures and acknowledges that they could be subject to termination for failing to abide by them. The shift leader who served the Minor Agent had signed the same acknowledgement. The hostesses and kitchen staff also get this training. Since 2007, all staff have had to have Serving it Right training as a mandatory first step to being hired. A number of Serving it Right certificates and signed acknowledgments are contained in Exhibit 3.

The Licensee gave evidence that he has quarterly meetings with Restaurant staff, and that the importance of identification of minors is always discussed. In support, Mr. Jagpal referred to the agenda for a managers meeting dated March 4, 2010 (Exhibit 5), which includes the item "ID checks for all guests under 25" as a discussion topic. He then referred to Exhibit 3 where the agenda for a staff meeting, dated June 13, 2010, contains a discussion topic "ID check reminders - Managers should follow-up every shift".

Finally, Mr. Jagpal referred to the Licensee's "last line of defence" policy, which he testified was implemented in accordance with notes for a staff meeting dated November 4, 2012, included in Exhibit 3. The meeting notes refer to the MAP, and state "...make sure we are id'ing everybody period!...Very Important to review this every shift with you[r] manager on shift...Implementing in house last line of defence program to help!! All bartenders are from now on asking each server prior to them taking drinks if they have asked for id from their table. If not no drinks...be honest, could result in a fine for you and possible suspension. This is not an option we must do this everyshift (*sic*)..."

The Licensee stated that he was not on site on the day of the contravention, and named the shift leader who was the manager/bartender that day. He explained that she is hourly staff, but that she "is basically a manager." Her usual role is as bartender. She is the leader for the "front of house" team (that is, staff who are separate from the kitchen) and ensures that policy is followed. In response to a question, the Licensee said that the shift leader did not have input into the "last line of defence" policy, but that she was the Restaurant's leader in terms of ensuring everyone was ID'd. He said that just ID'ing those who looked under 25 was no longer enough once MAP was implemented.

In response to a question as to why no ID was requested when the Minor Agent was served, the Licensee responded that a staff member was sick that day so the shift leader was doing double duty to help out. She got too busy and didn't do what she was supposed to do. The shift leader is normally one of the biggest enforcers of ID checks, and leads by example. That's why she was not dismissed after the alleged contravention occurred.

Also in response to a question, the Licensee said that employees are not tested on the contents of the Licensee's orientation package. He said that they have a 100% ID check system in place and that they have stickers to that effect on every work station, as shown in the photos in Exhibit 6. He also said they have a notice board in the kitchen line which contains the statement "You are 19 if your birthday is before \*date\*", with the date being updated every shift. Exhibit 6 includes a photo of a notice board with the notation "Servers: You must ID ALL guests that look younger than your parents!"

### **The Shift Leader**

The shift leader testified that there was a shortage of staff on the evening of the alleged contravention, and that it was a busy night. As the shift leader was walking to the kitchen, she saw the Minor Agent sitting with her back facing her and two menus open in front of her. The shift leader asked if she wanted a drink and the Minor Agent replied "Smirnoff Ice." The shift leader went to the bar and prepared the drink, and as she was

reaching to place the drink on the table, a table beside her asked a question. As the shift leader was talking to the other table, she turned back but the Minor Agent was gone. The shift leader said she didn't have a proper chance to do an assessment, and that she would have ID'd the Minor Agent if she hadn't been interrupted, and would have taken the drink away from her.

According to the shift leader, while in discussion with the two liquor inspectors one of them told her that she should ID everyone who looked younger than her parents. When the shift leader replied that her parents were in their fifties, the inspector said to ID anyone who looked under 40. The shift leader said that she had always used age 25 as the guideline, which is what she had learned with a previous employer.

Under cross-examination, the shift leader said that she started her job at the Restaurant in January 2012. She said that she is responsible for locking up the Restaurant at the end of day if the Licensee is not there. She attends both server meetings and manager meetings. She stated that the Restaurant has the General Manager's letter of October, 2012, introducing the MAP, posted on the wall in the kitchen and that the cash stations have stickers reminding servers to ID everyone who appears to be under age 25.

When asked her understanding of a lounge, the shift leader said that minors can be present in the Restaurant lounge. When asked if she was aware that it is a term of the License that minors in the Restaurant lounge must be accompanied by an adult, she replied with uncertainty. The shift leader stated that she does not have a role in creating policy for the Licensee, but she does have input into the dress code.

**SUBMISSIONS – THE BRANCH**

The Branch submitted that Licensees have a responsibility to ensure that selling to minors does not occur. In this case, the transaction took mere seconds. Asking for ID is a quick, simple process, and the expectation is that Licensees and staff will take the time to ensure that a customer is the proper age.

The Branch said that the Licensee has not demonstrated due diligence. The status of minors sitting in the lounge was unclear to the shift leader and the shift leader was unclear as to the Restaurant policy regarding ID checks. The shift leader said that she used a guideline of 25, while the Licensee said the policy is to check everyone.

The Branch submitted that the material in the Licensee's orientation package is scant with respect to minors, containing no instruction in how to assess age, and no rationale for the social dangers of serving alcohol to minors. No written tests are given to accompany the orientation package.

The Branch said that it's apparent that the shift leader wasn't adequately trained or supervised. She had thought the Minor Agent was close to her own age (32), when the Minor Agent was only 17.

The Branch recommends a minimum monetary penalty of \$7,500. The Licensee has no prior record of serving a minor, but the Licensee also had never undergone a MAP inspection before. The Branch says that when the Licensee was tested on February 7, 2013 the Licensee failed.

**SUBMISSIONS – THE LICENSEE**

The Licensee submitted that he understands the importance of checking everyone's ID. He said that the inspector telling staff to check ID for those appearing to be "under 40" causes confusion. The Licensee's system has been tested by inspectors doing walk-throughs in the past. He submitted that though the ID requirements are not detailed in

the orientation package, the Licensee does instruct its staff as to what is proper ID, such as driver's licence, passport, or BCID.

The Licensee said that the shift leader is one of their best. They trust her to do the right thing, as she has always done in the past. On the day in question, however, she didn't take the time to assess properly.

With respect to the proposed penalty, the Licensee said that he doesn't need a \$7,500 penalty to realize the importance of the issue of selling to minors. Managers talk with their staff about it throughout the week.

## **REASONS AND DECISION**

### **Contravention**

The Licensee has not challenged the evidence that the contravention occurred. The Minor Agent is under the age of 19. She was able to order and to be served an alcoholic beverage, and the alcoholic beverage was sold to the Minor Agent by the Licensee's shift leader, an employee of the Licensee. Having considered all of the evidence and the submissions filed in these proceedings, I find that on February 7, 2013, the Licensee contravened section 33(1)(a) of the Act by selling liquor to a minor.

### **Due Diligence**

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

## The law

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

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.

The BC Supreme Court, in *Beverly Corners Liquor Store Ltd. v. British Columbia (Liquor Control and Licensing Branch)*, 2012 BCSC 1851, recently considered and clarified the application of the defence of due diligence in the context of the sale of liquor to a minor contrary to the *Liquor Control and Licensing Act* (see paragraphs 41 to 44).

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

1. Whether the employee who made the sale was a directing mind of the licensee—if so, the defence of due diligence is not available and the inquiry stops there.
2. If the employee who made the sale was not a directing mind of the licensee (and there is no requirement that a “directing mind” must be on the premises when the sale is made), then the questions to be considered and answered are whether the licensee had:

- a. implemented adequate training and other systems to prevent the contravention (the sale of liquor to minors); and,
- b. taken reasonable steps to ensure the effective application of that education and the operation of those systems.

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

#### Findings of facts and applying the law to the facts

The evidence is that Mr. Jagpal was not in the Restaurant at the time of the contravention. The shift leader, while being hourly staff, is “basically a manager”: she attends both management and staff meetings; she is in charge of all the non-kitchen staff while on shift; and she has significant duties with respect to closing the Restaurant in the Licensee’s absence. However, the evidence indicates that the shift leader does not have the degree of express or implied authority to “design and supervise the implementation of corporate policy” with respect to ID checks to constitute her being a directing mind, as described in *Beverly Corners*. Accordingly, I find that the shift leader who sold the liquor to the Minor Agent was not a directing mind of the Licensee.

Since there was no directing mind on site at the time of the contravention (and the law does not require that there must be a directing mind on site) I must consider the second stage of the due diligence analysis. That is, had the Licensee:

- a. implemented adequate training and other systems to prevent the contravention (the sale of liquor to minors); and,
- b. taken reasonable steps to ensure the effective application of that education and the operation of those systems.

The analysis of what is adequate or reasonable must take place in the context of the significant public policy considerations underlying the prohibition against selling liquor to minors, including:

- the effects of alcohol on growing bodies and developing minds
- the effects on individuals and society of irresponsible drinking behaviour learned at an early age
- a minor's lack of capacity to metabolize alcohol in the same manner as an adult, so that liquor has a more intoxicating effect on minors, and
- liquor is a significant factor in many crimes committed by youth, including serious driving offences, assault, sexual assault and theft

Regarding the adequacy of employee training and other systems, the Licensee has provided evidence that each employee, on being hired, must review the Licensee's orientation package with a manager and must sign a statement that he or she understands that selling liquor to a minor is grounds for possible dismissal. The Licensee acknowledged that it does not test its staff on the contents of the orientation package or their ability to assess age, but said that ID checks are the subject of every staff meeting and that managers discuss the issue with staff on every shift. The Licensee placed great emphasis on its "last line of defence" policy, which was implemented months before the contravention occurred and which as described requires 100% ID checks of all patrons.

I find that, in the circumstances, the employee training system with respect to ID checks and the prohibition against selling alcohol to minors was deficient. The initial training, contained in the Licensee's orientation package, is very brief and contains no detail with respect to the public policy concerns, the types of acceptable ID, how to verify ID, or how to assess a patron's age. There also appears to have been little or no training with respect to the terms and conditions of the Licence, since the shift leader was not aware that minors were not to be in the lounge area unaccompanied by an adult. The training

system lacked a testing component, which is important in determining whether new employees understand the information they have learned. The ongoing oral reminders from management and the shift leader are an important element in staff training, but having a written policy, or training material, with respect to identification of minors would serve as a useful resource for employees.

The inadequacy of the Licensee's training is clear from the evidence that the shift leader—described by the Licensee as one of its “biggest enforcers of ID checks”, and “one of [its] best”—did not know that the “last line of defence” policy required ID'ing 100% of its patrons. She was using a guideline of ID'ing anyone who appeared to be under age 25, a guideline which she had learned from a previous employer. The amount of training or discussion the Licensee was providing to its employees was insufficient to inform the shift leader - who was responsible for ensuring that other employees were following the Licensee's policies and procedures - that the Restaurant policy was different from that of her previous employer of more than a year previous. It also was insufficient to instill in the shift leader the need to take sufficient time to do a reasonable assessment of the age of a patron.

Regarding the reasonableness of the steps taken to ensure the consistent and effective implementation of the Licensee's policies, the evidence indicates that the Licensee did not have a consistent approach to ID checks in place at the time of the contravention, and had conflicting signage in place for staff.

The Licensee says that the “last line of defence” policy requires 100% ID checks, as evidenced by the stickers at the work stations. However, the shift leader was using a guideline of ID'ing anyone who appeared to be under the age of 25, while the photo of the notice board in Exhibit 6 indicates servers are to ID anyone who appears to be younger than their parents. The Licensee submitted that the liquor inspector's comment about asking for ID from any customers appearing to be under age 40 has caused confusion, but that comment wasn't made until after the contravention had occurred. In

the result, there is no evidence that any system was in place to provide a clear, consistent message to staff as to what the Licensee's policy actually was.

I have considered the inadequacy of the Licensee's employee training and inconsistent communications to staff with respect to Licensee policy, and viewed this circumstance within the context of the serious harms that can arise from consumption of alcohol by minors. As a result, I find the evidence is insufficient to prove that the Licensee exercised due diligence to ensure that contraventions such as this do not occur.

## **PENALTY**

Pursuant to section 20(2) of the Act, 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:

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

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

The Branch's primary goal in bringing enforcement action and imposing penalties is achieving voluntary compliance with the Act, the Regulation, and with the terms and condition of the Licence. The factors that I am to consider in determining the appropriate penalty include whether there is a proven compliance history, a past history of warnings by the Branch and/or the police, the seriousness of the contravention, the threat to the public safety and the well being of the community.

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

The Branch has recommended a penalty of \$7,500, which is the minimum monetary penalty applicable in the circumstances. The Licensee has said that it does not need a monetary penalty in order to drive home the lesson about the importance of not selling liquor to minors.

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

I note that while this is the Licensee's first contravention, the Licensee failed in its obligation to exercise due diligence to ensure that a contravention of this nature would not occur. Considering all of the evidence in this case, I am satisfied that a monetary penalty of \$7,500 is appropriate and necessary in order to bring the Licensee into compliance.

**ORDER**

Pursuant to section 20(2) of the Act, I order that the Licensee pay a monetary penalty in the sum of \$7,500 (Seven Thousand Five Hundred Dollars) to the general manager of the Branch on or before September 7, 2013.

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

*Original signed by*

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Daniel M. Graham  
Enforcement Hearing Adjudicator

Date: August 9, 2013

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

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