



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: C&J Enterprises Ltd.  
dba Generator Cabaret  
1232 3<sup>rd</sup> Avenue  
Prince George, BC V2L 3E7

Case: EH15-017

For the Licensee: David E.M. Jenkins Jr  
Heather Sadler Jenkins LLP

For the Branch: Cristal Scheer

Enforcement Hearing Adjudicator: Dianne Flood

Date of Hearing: October 5 & 6, 2015

Date of Decision: November 6, 2015

---

**Liquor Control and  
Licensing Branch**

Mailing Address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8  
Telephone: 250 952-5787  
Facsimile: 250 952-7066

Location:  
Fourth Floor, 3350 Douglas Street  
Victoria BC  
<http://www.pssg.gov.bc.ca/lclb/>

## INTRODUCTION

C & J Enterprises Ltd. (the "Licensee") owns and operates the Generator Cabaret at 1232 3<sup>rd</sup> Avenue, Prince George, BC. The Licensee holds Liquor Primary Licence number 004885 (the "licence"). According to the terms of its licence, the Licensee may sell liquor from 9:00 a.m. to 3:00 a.m., Monday through Sunday.

Mrs. Helen Van Oord is a principal and owner of the Licensee and appeared as the Licensee's representative at the hearing.

The licence is, as are all liquor licenses issued in the Province, subject to the terms and conditions contained in the publication "A Guide for Liquor Licensees in British Columbia" (the "Guide").

The Licensee is alleged to have contravened those terms and conditions on January 18 (business day of Saturday January 17, 2015), by failing to cooperate fully with police and by the actions of the Licensee's staff putting police at risk or preventing the police from carrying out their duties.

## ALLEGED CONTRAVENTION AND PROPOSED PENALTY

The Liquor Control and Licensing Branch's (the "Branch") allegations and proposed penalty are set out in the Notice of Enforcement Action dated April 14, 2015 (the "NOEA") (tab 1, Exhibit 1).

The Branch alleges that on January 18, 2015 (business day of January 17, 2015), the Licensee contravened section 12 of the Liquor Control and Licensing Act, which permits the General Manager to set license terms and conditions. The range of penalties for a first contravention of this type is a one to three day licence suspension and/or a \$1,000 to \$3,000 monetary penalty (item 46, Schedule 4 of the Regulation). The Branch proposes a three-day suspension.

Additionally, the Branch proposes an additional term and condition that:

[Name of bar manager] is to have no financial interest in, no further influence in the management of, and may not be employed in the operation of the licensed establishment. Nor may [Name of bar manager] undertake any volunteer positions or work that would place him in the establishment as a person in authority in any manner; either implied or explicit.

## **RELEVANT STATUTORY PROVISIONS**

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

#### Licences

12 (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).

#### ***A Guide for Liquor Licensees in British Columbia***

The terms and conditions of the Guide are imposed under section 12.

At page 11, the Guide states:

You and your staff must fully cooperate with liquor inspectors and police, and ensure the actions of you and your staff do not put liquor inspectors, minor agents contracted to the branch, or police at risk or prevent them from carrying out their duties.

## **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:** Branch's book of documents, tabs 1 to 8

**Exhibit 2:** DVD of video surveillance

The Branch called six witnesses: five police officers and the liquor inspector. The Licensee called four witnesses: the licensee's representative and three staff members.

## **EVIDENCE – BRANCH**

### **Police officer 1**

Police officer 1 was on personal leave and, with the agreement of the licensee's counsel, testified by Skype.

Police officer 1 testified that he had seven years' experience with the RCMP.

On January 18, 2015, Police officer 1 was on duty and in uniform. He said he was outside the premises with a number of other officers, getting ready for bar closing. He saw the Licensee's bar manager talk to other members and then go back inside. He said Police officer 4 asked Police officer 2 to go inside the premises and take a statement from the bar manager. Police officer 1 said he did not know why a statement was being required. He saw Police officer 2 come back out and overheard him say that the bar manager would not give a statement.

Police officer 1 testified that Police officer 4 asked him to go inside the premises with him. The bar was closed and the music was off. The lights were on and staff were trying to get the patrons out. He said he and Police officer 4 proceeded to the back of the premises. Police officer 4 was looking for the bar manager.

He said the bar manager was "bouncing all over" and not answering questions. He also said that staff and some patrons were lingering around the bar. He said the bartender was walking in and out from behind the bar, swearing at the officers, saying his boss had been assaulted and they (the police) needed to do their job.

Police officer 1 testified that Police officer 4 told the bartender to mind his own business, but the bartender did not stop. He said Police officer 4 then approached the bar and again told the bartender to mind his own business.

Police officer 1 said that he stayed back to watch, as back up for Police officer 4. He saw Police officer 4 talking to the bar manager and overheard the bar manager agree to give a statement. The bar manager and Police officer 4 started walking to the main entrance to the premises.

Police officer 1 testified he then saw the bartender raise his hands and bring them down quickly and he heard a smash. Police officer 1 said he assumed it was glass breaking. He said he went behind the bar and confronted the bartender. He said he asked the bartender to step out from behind the bar because, in his reasoning, the bar was a tight spot and he did not know if there were any weapons. He said he wanted the bartender to move to a safer area.

He said the bartender refused to move out from behind the bar. In the officer's opinion, the bartender was acting erratically. The officer said he then told the bartender he was under arrest. He said he asked the bartender again to step out from behind the bar. The officer testified that the bartender refused to do so. He said the bartender kept repeating "You can't arrest me, I'm the head bartender."

Police officer 1 said he then grabbed the bartender and pushed him out to a safer area between the bar and the men's bathroom. He again said the bartender kept screaming "You can't arrest me, I'm the head bartender".

Police officer 1 said that he asked the bartender to give him his hands and he refused.

Police officer 1 said that the bartender's screaming and yelling and antics attracted a crowd, mostly of staff. He said a bouncer stepped in and he told the bouncer what was going on and that he needed to get the bartender outside as he was under arrest. He said the bouncer and female staff both tried to negotiate with the bartender to get him to go outside. Police officer 1 said he even said no cuffs but he needed to get him (the

bartender) out of the bar. The police officer was the only officer in the premises at the time.

Police officer 1 said the bartender refused and crossed his arms. The police officer said that with no access to his hands, and his refusal to leave, and other staff not being able to convince him to leave, the bartender made a movement to go back behind the bar. At that point the officer said, he grabbed the bartender's arms, spun him around and took him to the ground. The officer said he took a position on the bartender's back, so that he could not flay around and run away.

Police officer 1 said he could hear staff behind him telling people to get away and leave the police alone. The bartender continued to resist, tucking his hands under his body so that he could not be handcuffed.

Police officer 1 said that while doing that, he heard a voice swearing and almost immediately felt someone hit him hard enough on the back to almost lose his balance. He said he turned to look and saw the bar manager on the ground and Police officer 2 on top of him.

He testified he then turned his attention back to the bartender. With some assistance, the bartender was handcuffed. The bartender was escorted out and continued to resist, screaming and yelling. He was placed in a police car.

Police officer 1 returned to the inside of the premises to ensure other members were ok. He said they seemed to be in control.

After speaking to Police officer 4 he returned to the police car and the bartender had calmed down and apologized. The bartender was allowed to leave the police car, return to the premises and turned over to Police officer 4.

Police officer 1 said that after that he had nothing else to do with anyone inside the premises.

On cross-examination, Police officer 1 admitted that until he heard what he thought was smashing glass, he had no intent to arrest the bartender. Police officer 1 agreed the bartender did not throw a glass. Police officer 1 said the sound appeared to come from behind the bar. He said that there was a single sound, and it was because of that sound that he engaged with the bartender. Police officer 1 did not recall the bartender calling him a rookie.

Police officer 1 said he asked the bartender to come out from behind the bar a number of times – more than twice but less than ten times. Police officer 1 said his own demeanour started off fairly calm but he got to the point where he was louder because the bartender refused to come out from behind the bar.

Police officer 1 did not agree that he asked only once for the bartender to come out from behind the bar and that he did not give the bartender time to comply with the request.

A clip from the videotape from the surveillance cameras that look down the bar and the entrance of the bar was shown to Police officer 1. He did not change his earlier oral evidence.

Police officer 1 agreed that the time he spent behind the bar was about five seconds or so and that he immediately stood about two inches away from the bartender. He said he remained calm until the bartender continued to scream at him, in his face. Police officer 1 said that he and the bartender were both talking.

Police officer 1 said that he could not tell from the video whether the bartender, instead of smashing a glass, was slapping his legs. He reiterated that he heard what sounded to him was glass smashing behind the bar. He said three people were behind the bar. He was not sure if the bartender was responsible for the glass smashing. The bartender had been the person shouting at the officers. His screaming and yelling was, in his opinion, causing a disturbance.

Police officer 1 agreed he was in close proximity when he arrested the bartender. He agreed he was definitely in the bartender's face, but testified he was calm when doing that.

Police officer 1 testified that he did not know who hit him on the back. He did not see anyone jumping on his back, but he did not think a police officer would have jumped on his back. He said it all happened very quickly. He was on his knees. Something hit him from behind that put him off balance. It was not enough force to cause him to fall over.

## **Police officer 2**

Police officer 2 testified he had been a peace officer since 2010. He had been an RCMP officer for about 11 months by the date of the hearing and was a new recruit on the night in question. Prior to that, he had been a deputy sheriff for two and a half years and an auxiliary constable with the RCMP for two years.

He testified that on January 18, 2015, he was on duty and in uniform and at work at the Licensee's premises. He said he arrived at about 3:00 am for bar closing. His role was to work with Police officer 4 as part of his recruit training.

He said he was outside the premises with police officer 1 when there was a disturbance at the main entrance. He saw a group of males around the door and recognized the bar manager. He saw the bar manager point and heard him say that is the guy that assaulted him. That male was arrested by Police officer 4.

Police officer 2 said Police officer 4 directed him to get a statement from the bar manager, who had gone back inside. Police officer 2 entered the premises and asked the bar manager for a statement. Police officer 2 said he could not remember the bar manager's exact words but that he said the police needed to do their job and he did not want to give a statement.

Police officer 2 exited the premises. He advised Police officer 4 that the bar manager did not want to give a statement. He left the area and returned to his police vehicle. A few minutes later Police officer 4 exited the premises with the bar manager and advised him that the bar manager wanted to give a statement.



Police officer 2 testified that he then started to gather his audio recorder and fresh batteries to take the statement. He unlocked the vehicle's back door so that he could take the statement in it.

Police officer 2 said he then saw the Licensee's representative, Helen Van Oord, run across the street to where he was standing with the bar manager. She called the bar manager by name and then said "they are trying to arrest [name of the bartender]".

Police officer 2 said that the bar manager then bolted across the street. At the same time, he said he could hear scuffling sounds through his police radio earpiece.

He said he followed the bar manager across the street. The bar manager had the keys to the door and unlocked it. They went in through the door and across the dance floor toward the area by the men's washroom.

Police officer 2 said he saw a large group of people in a semi-circle. The lights were on but the area was dimly lit. He ran to the area. He said that at the time he knew the police were trying to arrest someone, but he did not know the bartender by name so did not know it was the bartender. He could see an RCMP member in a struggle on the ground. He said he identified the person as an RCMP member by the yellow stripe on his pants. He radioed that there was a fight inside.

Police officer 2 testified that the bar manager, who taken a slightly different route, was there. He said he heard the bar manager yell the bartender's name and saw him lunge toward the RCMP member who was in the scuffle. He said the bar manager ended up on the RCMP member's back. He testified that when he saw the bar manager jump on the member, he formed the opinion that a criminal code offense had taken place and needed to be stopped. He intervened and, using the training he had had in use of force, he removed the bar manager from the other member's back. He said he took the bar manager to the ground and pinned him there with his own body. He said the bar manager had dropped his keys and so he moved them out of the way.

Police officer 2 testified that other officers then entered the premises. Another officer assisted him in placing the bar manager in handcuffs. The bar manager was stood up

and advised he was under arrest for assaulting a police officer. Police officer 2 said the bar manager asked why he was being arrested and asked if it was because he was gay. Police officer 2 said he assured him that was not the reason. He said the bar manager then calmed down and the handcuffs were removed. Police officer 4 came over and Police officer 2's involvement ended.

Police officer 2 reviewed and commented on certain of the surveillance video clips.

Police officer 2 said that another officer, he believed to be Police officer 4, called in a "10-33", which is the code for an emergency that directs the units involved to give priority to a situation.

On cross-examination, Police officer 2 gave his height as 6"3", almost 6"4" and his weight as 215 lbs. He agreed the bar manager is not big and could be safely characterized as small.

He also agreed the events happened very quickly. He agreed that when he entered the premises he had no intent to arrest the bar manager and had no idea what was going on inside when he heard the Licensee say they are arresting [the bartender].

When it was suggested to him that he did not actually see the bar manager make contact with the police officer involved with the bartender, he disagreed. He was asked to refresh his memory from his notes. The Branch advocate objected to his notes being put to him as they had not been disclosed in advance as required by the hearing rules. She also noted the limitations put on the Branch's access to and use of police notes by the RCMP and Crown counsel. I permitted Police Officer 2 to review his notes to refresh his memory.

Police officer 2 agreed that in his notes he had written he did not actually see the bar manager make contact with the other officer, but that he believed the bar manager was trying to make contact. He said that was his belief at the time. He thought that seeing the video had cleared things up for him.

He agreed the video did not actually show Police officer 1 and the bartender after the bartender was taken to the ground. He also agreed the video did not show any contact between the bar manager and Police officer 1. He said the video showed him running in behind the bar manager and then bending over the bar manager. He said he had to reach down and bend over to make contact with the bar manager.

Police officer 2 agreed there would have been forward momentum from running in and that he did not know for certain if he, Police officer 2, had touched Police officer 1. On re-direct, he testified he had no doubt it was the bar manager who had touched Police officer 1. He viewed the bar manager's behaviour as assaultive. He said he did not just grab the bar manager "from out of the air".

He testified that he knew from what Helen Van Oord said – "they are trying to arrest [the bartender]" - that an officer was trying to arrest someone. He said he could see a scuffle and an officer on top of someone. He believed the officer was trying to arrest someone. He could see the bar manager lunge or jump toward the scuffle. His perception was that the bar manager was trying to interfere with the arrest. He believed there were six or seven people in the group standing around the scuffle. He could not recall the noise level. After he had the bar manager pinned, he realized most of the people in the group were bar staff.

He described his first interaction with the bar manager as the bar manager being angry, agitated and frustrated. He is not sure who the bar manager was directing that anger at.

He described the second interaction with the bar manager outside as a 180-degree change. He said he felt comfortable enough with the bar manager to be willing to put him in the front seat of the car, whereas earlier he would not have. To the best of his recollection the time lapse between the two interactions was only about two to three minutes.

### **Police officer 3**

Police officer 3 testified that he had 14 years as a police officer.

On the night in question, he was on patrol for bar closing. There was a 10-33 call from the licensed premises. He said he pulled up outside with another officer and took custody of a male under arrest.

Police officer 3 had been in the licensed premises prior to this incident and knew the bar manager and Mrs. Van Oord.

Police officer 3 said that after the incident, Police officer 5 reviewed the file and got a warrant for the video surveillance tapes. Police officer 3 reviewed the tapes and the other officers' reports and prepared a narrative report for Crown counsel. Police officer 3 identified that narrative report at tab 4, Exhibit 1.

Police officer 3 also said that in the narrative report he identified the most important video sequence. He said that file, DVR 1CH08, shows most of the incident. He also said another video clip showed another view of the incident, but not as clearly or as much. He testified that the narrative report was based on his review of all of the video but that this clip, DVR 1CH08, was the most relevant.

Police officer 3 testified that a 10-33 call was an emergency call that an officer needs assistance.

In his opinion, from reviewing the video and the police statements, the bar manager jumped onto Police officer 1 while that officer was on the ground.

On cross-examination, Police officer 3 agreed that he was outside the time of the incident and he did not see it personally. He said the video definitely shows the bar manager jumping onto the back of Police officer 1.

On being shown the video clip, Police officer 3 agreed that it did not show a jump or leap by the bar manager. He agreed that at that point in time, the video did not show Police officer 1. He said that the video did show where Police officer 1 went down, it showed the bar manager run in to the same spot, and Police officer 1's head come back up in the same position as it went down. He said he based his opinion of the bar manager jumping onto Police officer 1 on that. He agreed the video did not show the

bar manager actually touching Police officer 1, but he said that from the video it was reasonable to assume that had occurred.

He agreed Police officer 4 later said to release the bar manager from custody, but gave no reason. He was aware that the bar manager had said he had been assaulted earlier that night, but did not take a statement from him about that.

#### **Police officer 4**

Police officer 4 testified he has been a member of the RCMP for 18 years. In total, eight of those years were served in Prince George. He said he was familiar with the licensed premises.

On January 18, 2015 he was on duty and in uniform outside the premises. Shortly after 3:00 a.m., he noted an altercation. He was on foot, outside his vehicle and wanted to defuse a potential fight.

He testified that the bar manager came out the main entrance. He said the bar manager was talking fast and pointed to another male, saying the other male had assaulted him. Police officer 4 said the bar manager said "That guy assaulted me. He punched me and I want him arrested. I have video."

Police officer 4 said that he then turned to the male whom had been pointed out and told him he was under arrest for assault. He then handcuffed the male and turned him over to another officer.

Police officer 4 said that in the one or two minutes that took, the bar manager has gone. He assumed that the bar manager had gone back into the premises. As the supervising member at the time, he directed Police officer 2 to go in and take the bar manager's statement.

Police officer 4 said that Police officer 2 came back out fairly quickly and said that the bar manager said he was too busy to give a statement.

Police officer 4 then went into the premises, to the bar at the back by the men's washroom. The bar manager was at the till at the bar. Police officer 4 said he asked the bar manager why he would not give a statement. Police officer 4 said the bar manager was talking rapidly and said he had a business to run and was too busy to deal with it.

Police officer 4 said he engaged in conversation with the bar manager and told him he had just arrested someone and the bar manager had to deal with it. Police officer 4 said he also told the bar manager that he could not wait for the bar manager to co-operate.

Police officer 4 said that the bartender then "started in", saying that the police were not doing their job. Police officer 4 said he was trying to manage the conversation with the bar manager and to keep the bartender out of it. Police officer 4 said that he needed to deal with the manager at that time, not later.

Police officer 4 said they had a bit more conversation. He said that the bar manager was speaking rapidly. The bar manager then "changed gears" and agreed to give the statement.

At that point, Police officer 4 said he thought the bar manager thought they would go to the bar manager's office. Police officer 4 said he told him no, that the first officer who requested the statement was going to take it and he, the first officer, was outside.

Police officer 4 said that he and the bar manager went outside. He directed the bar manager to Police officer 2 who was parked in front and a bit further down the street.

Police officer 4 testified that the bar manager went over and spoke to Police officer 2. He then saw the bar manager and Police officer 2 go into the premises, so Police officer 4 went back into the premises.

He testified that he could see Police officer 1 was in a fight. He said he ran from the entrance to where the fight was occurring. He said the bar manager ran in and Police officer 2 was "on his heels". He said that the bar manager jumped into the mix, onto Police officer 1. He said that Police officer 2 was immediately behind the bar manager and pulled him off and took him down.

Police officer 4 called an emergency code "10-33", officer needs assistance. Police officer 4 said that a lot of people were in close proximity. He thought they were mostly staff and they were trying to help out, but they did not have the ability to calm the situation because it was one of their own staff. One of the female bartenders was yelling for everyone to get back. He said Mrs. Van Oord was running around, trying to put out fires.

He testified that as a police officer he didn't know what might happen. He said he was concerned because the staff might turn on the police or a staff member or patron might jump into the fight. He was trying to calm things down and telling the crowd to get back.

Police officer 4 said this was the first time he had to call a 10-33 code to deal with the staff of a bar. Multiple other officers came running into the bar.

He said the bar manager was not co-operating. Police officer 4 said he told the bar manager he was being charged with assault. Police officer 4 said that both the bartender and the bar manager were put in handcuffs. They were separated and moved to different locations within the premises.

Police officer 4 said that when he had been talking with the bar manager at the bar, the bartender had been asking questions, like "why aren't you doing your job?" It was this bartender whom Police officer 1 was dealing with.

When asked for his opinion of the behaviour of the bar manager, Police officer 4 said that the bar manager does have a tendency to speak fast, but that here he thought things were different. He thought the bar manager might be under the influence of a stimulant, perhaps cocaine.

Police officer 4 also said that the demeanour of the bartender went from heightened, where he was swearing at the police officers, to apologetic after the incident.

Police officer 4 reviewed the video clips and identified the bartender as the person arrested initially. He said the bartender was later released without process and no statement was made by the bar manager about the earlier fight.

On cross-examination, Police officer 4 said that after the incident, he spoke to the bartender and the bartender was very apologetic. Police officer 4 agreed that, from his notes, the bartender was labouring under a misapprehension about what was being required of the bar manager. Police officer 4 said the bartender was under a misapprehension that Police officer 4 was saying he would not deal with the earlier assault, when Police officer 4 was saying he could not deal with the assault without the bar manager's co-operation, that he had arrested someone and he needed a statement.

Police officer 4 said he was now aware that the bartender and the bar manager were in a personal relationship.

Police officer 4 confirmed that when he entered the premises the first time, he was trying to get a statement because the bar manager had been assaulted.

Police officer 4 said that he did not hear any glass breaking. He was aware that Police officer 1 said there had been the sound of glass breaking. Police officer 4 was about six feet away at the time when Police officer 1 said he heard the glass breaking.

Police officer 4 said he did not see the bar manager jump on Police officer 1. He said he did see Police officer 2 pulling the bar manager off. He acknowledged that there were people in between him and the other officers. He reiterated that he saw Police officer 2 pull the bar manager off of Police officer 1.

Police officer 4 testified that he had met the bar manager prior to this incident. He agreed that the bar manager was a fast talker and might be characterized, as Legal counsel suggested, as an "energizer bunny". Police officer 4 described the bar manager's behaviour that night as hostile and erratic. This was a marked departure from his usual behaviour, which was very gregarious. Police officer 4 was aware that the bar manager had been assaulted that evening. He had never seen the bar manager after an assault before that evening.



Police officer 4 said that a statement was never taken from the bar manager about the assault. The person who had been arrested for the assault was released.

Police officer 4 testified that the bartender raised concerns with him about how he was arrested. He said he told the bartender he would talk to Police officer 1.

### **Police officer 5**

Police officer 5 testified that he had been a member of the RCMP for 15 years. He had just arrived in Prince George a few weeks before this incident.

He said that he was on duty on January 18, 2015. Just after bar closing he was outside the licensed premises with Police officer 4. He said a fair number of people were milling about. He said the bar manager approached him and said he had been assaulted and wanted an individual charged. He took the person into custody and the bar manager went back into the bar, walking quickly. He said Police officer 2 was walking quickly behind him, trying to get the bar manager's attention.

Police officer 5 said about five minutes later he got a code 10-33, officer needed assistance. He said a code 10-33 was not often heard. He gave custody of the person he had arrested to Police officer 3 and entered the premises. It was the first time he had been inside the premises.

Police officer 5 testified that staff and police officers were milling about at the back of the premises. It was dark. He saw Police officers 1 and 4 with a person in custody and Police officer 2 on the floor with a person, advising that person he was under arrest for assaulting a police officer.

Police officer 5 described the situation as tense. He said he wanted to be cautious. He had Police officer 1 remove the person from the scene. He said Police officer 4 then laid out for him what had happened, which was that Police officer 1 had witnessed the bartender become more agitated, heard glass being smashed and arrested the bartender for breach of the peace, a scuffle ensued and the bar manager had appeared and had jumped on Police officer 1's back, with Police officer 2 removing him and arresting him.

Police officer 5 said that Police officer 1 was then asked and he said the same thing.

Police officer 5 said he confirmed no members or anyone else was hurt. He said that both the bar manager and the bartender were apologetic and civil. He asked Police officer 1 about his perception and at the time he was comfortable with a warning being given to the bar manager and the bartender.

Police officer 5 testified that he later reviewed the other officers' documents. He had a meeting with the inspector and got some of the history from the establishment. He said he had concerns about the safety of the police and determined the potential for full charges to be laid.

In Police officer 5's experience he had never had a code 10-33 call about bar staff engaging with a police officer. He thought it would be rare for such a call to happen.

Police officer 5 said that while the bar manager was co-operative later, in his opinion at the time he failed to maintain a safe environment. He said that the failure was for the bar manager to jump into the fray without stopping to ask what was happening. In his opinion a reasonable person would have stopped to ask that question. He said it was unreasonable for the bar manager to come in and place his hands on Police officer 1 without asking what had happened. The bar manager's behaviour was, in his opinion, not acceptable and put the safety of an officer at risk.

Police officer 5 said that while Mrs. Van Oord was extremely co-operative after the fact, she was responsible for her staff not putting police at risk, at all times.

On cross-examination, Police officer 5 agreed he was outside when the incident took place. He agreed he did not see the incident occur. He also agreed that what he learned about the incident was second-hand.

Police officer 5 agreed that there was a change in how to proceed. At first he was going to let it go. Later, he spoke to the police operations inspector who filled him in on the history of the premises and the safety concerns. For this reason, he seized the video surveillance tapes and forwarded the matter to the Crown counsel.

## **The Liquor Inspector**

The liquor inspector testified that she had been employed in that capacity for nine years, eight and one-half of which had been in Prince George.

The liquor inspector said she became involved in this matter when contacted by the Prince George RCMP. A contravention notice had been issued and she later amended the notice (tab 2, Exhibit 1) after getting more information from the RCMP.

The Liquor inspector testified that on April 14, 2015 she issued the NOEA (tab 1, Exhibit 1). She confirmed her reasons for pursuing the enforcement action, as set out on page 3 of the NOEA. She said the actions of the bar manager gravely endangered Police officer 1 and compromised his ability to perform his duties.

The Liquor inspector said that the licence (tab 3, Exhibit 1) sets out, under bullet one, that the licence is subject to the terms and conditions contained in A Guide for Liquor Licensees in British Columbia ("the Guide"). She confirmed that the Guide is that document set out at tab 6, Exhibit 1.

The Liquor Inspector testified that the Guide is written in plain language and is accessible on-line. She also said it was her practise to give a copy of the Guide to licensees when meeting with them.

The Liquor inspector reviewed various portions of the Guide, including:

- Page 11, Your Role as a Licensee, at paragraphs 2, 3 and 4
- Page 12, the Role of the Police
- Page 33, Providing Safe and Responsible Service, Controlling Your Establishment
- Page 34, Steps to be taken to ensure responsible service

Among the portions reviewed, at page 11 was the requirement:

You and your staff must fully cooperate with liquor inspectors and police, and ensure the actions of you and your staff do not put liquor inspectors, minor agents contracted to the branch, or police at risk or prevent them from carrying out their duties."

The Liquor inspector testified that she had been given a copy of the police narrative report (tab 4, Exhibit 1).

The Liquor inspector also testified about past enforcement actions and the documents comprising tab 8, Exhibit 1. They included the following:

- Decision EH15-016 that resulted in a six day suspension for permitting an intoxicated person to remain in the premises.
- Waiver EH12-244 that resulted in a six day suspension for permitting the sale of liquor to an intoxicated person.
- Waiver EH08-038 that resulted in a 10 day suspension for permitting the sale of liquor to a minor.
- Decision EH06-170 that resulted in a three day suspension for allowing a minor in the premises.
- Decision EH03-099 that resulted in a one day suspension for permitting liquor to be removed from the establishment

The Liquor inspector reviewed the three-page compliance history (tab 8, Exhibit 1).

She also gave evidence about compliance meetings, also at tab 8, Exhibit 1. She said sometimes the meetings were with Helen Van Oord and sometimes with the bar manager. She referred to some of the compliance meetings:

- April, 2014 as a result of an RCMP complaint of a minor being seen exiting the premises.
- April, 2014 as a result of a number of issues identified by the RCMP
- September 2, 2002.
- February 2010 (with the then third party operator).

The Liquor inspector recommended a three day suspension as a penalty due to the severity of the bar manager's actions. She said the penalty would ensure the conduct is not repeated and also would deter other licensees from similar behaviour.

The Liquor inspector also said that to ensure the immediate goal of ensuring the safety of police officers and liquor inspectors when conducting their duties, she recommended the unusual condition of a prohibition on any future involvement of the bar manager in

the operations of the licensed premises. She said she was not satisfied that anything less than this would rectify the problem.

On cross-examination, the Liquor inspector agreed that the reason for pursuing the contravention was the allegation that the bar manager had jumped onto the police officer's back. She agreed that prior to this incident she had never had anything like it with the Licensee. She agreed the Licensee and its staff had never put any other officer or inspector or minor agent in danger.

The Liquor inspector acknowledged she had never made a similar recommendation for prohibiting involvement by a person in the operations of a licensee, but said that other inspectors had.

The Liquor inspector testified that at the compliance meetings the bar manager often expressed a willingness to do what was required of him, but said that he did not follow through. She said his general demeanour is that he is willing, but that in actual fact he is not serious. She gave as an example the police raising an issue of blocking of exits, to which the bar manager simply claimed that the police were mad because they could not see the "hot girls" inside the premises. She said she tried to clarify with him the seriousness of it, but that he was simply not getting it.

On another occasion, she said police complained about the lack of outside security after closing and the licensee's obligation to control the line-up. She said she saw the person then hired by the bar manager to maintain security picking up cigarette butts when he should have been controlling the line. She said she spoke to the bar manager about it and he said the person was hired off welfare. She found out the person was not licensed security. She did acknowledge that incident was some years ago and over the years the security had improved.

On yet another occasion, she said, the bar manager did not know the last name of an employee who had been complained about. She said these kinds of behaviour go to his suitability as a general manager.

The liquor inspector said that in her dealing with other licensees those other licensees implemented needed reforms more quickly, and without as much involvement from the liquor inspectors or the police.

## **EVIDENCE – LICENSEE**

### **The Licensee**

Mrs. Helen Van Oord gave evidence as the Licensee's representative.

Mrs. Van Oord is a one-half owner and the part-time manager. She testified that she has been involved in the bar industry for about 38 years. She said the bar manager is her son and the bartender is her son's long-term partner.

On January 18, 2015 she was present at the licensed premises. At closing, she was working security outside. At one point, she went inside and heard the bartender yelling "I did nothing wrong, you can't arrest me." She said he kept repeating that. She said his voice was getting distraught and she said he sounded scared. She testified she did not see any of the interaction between the bartender and Police officer 1 prior to seeing them struggle.

She said that at the time of the incident there were about 30 people in the premises, of which about 17 to 20 were staff.

She said she saw the RCMP were arresting the bartender and described the situation as chaotic. She said she tried to intervene by telling the officer she owned the building, and asked everyone to settle down but no one was listening to her. She said the bartender was very distraught and the police officer did not listen to her.

Mrs. Van Oord testified that she thought if she got the bar manager, they would listen to him. She said she went outside and was yelling to the bar manager "[name of the bartender] is being arrested". She said the bar manager went inside, with the RCMP officer after him, and she was right behind them.

She testified that she went outside to get the bar manager, thinking like a mother, not a bar owner. She did not think the RCMP had control and she was worried about potential for the use of a taser. She viewed the bartender as her son-in-law and was fearful for him.

Mrs. Van Oord said that when she went outside to get the bar manager she did not know that he would rush inside. She thought he would de-escalate the situation. She said that had always worked before.

She said she arrived at the area by the bar about 30 seconds behind the RCMP officer. She said she did not see her son jump on the police officer. She said it was dark and she is very short. She said there was a pile of bodies. She said she could hear the bar manager calling the bartender by name. Mrs. Van Oord testified that the bartender was at the bottom of the pile and he was crying by then.

She said that when she got to the back by the bar, the bar manager was down on the ground and an officer had his knee in the back of his neck. A lot of people, mostly staff, were milling around. She said that one patron was the biggest problem because she would not shut up. She was frightened because it escalated so fast. She did not think the situation should have got that far.

She testified that her son told her that he did not jump on the officer. Her understanding was that he was going into the building to find out what was happening.

Mrs. Van Oord said she spoke to Police officer 1 after the incident. She said Police officer 1 said he arrested the bartender because the bartender was smashing glass and destroying property. She said they only have plastic glasses, not glass. Mrs. Van Oord did not see the bartender throw anything. She was outside when it all started.

She said a lot of gays are afraid of the police. She said the bartender was frightened. She said that both Police officers 4 and 5 assured her the arrest was not a homophobic attack. They assured her if Police officer 1 was out of line they would take care of it. She said nothing was raised about the bar manager hitting an officer.

She said it went from a small thing to a big thing fast. She said the police then said that officer 1 felt something through his jacket. She thought it might have been the bar manager's key ring, which he probably had in his hand. She picked the key ring up off the floor after the scuffle.

She said she has respect for the RCMP and recognized they have a hard job. Mrs. Van Oord said staff is always told to treat the RCMP with respect. Staff is directed to accompany the RCMP when walking through the premises and if any patrons are rude to the officers, the staff are to remove the patrons from the premises. She said the staff accompanies the police for the officers' safety. She said the RCMP are welcome in the premises anytime.

Mrs. Van Oord reviewed the Guide (tab 6, Exhibit 1), specifically the steps to ensure responsible service at page 34. She said that the licensee holds regular staff meetings, every Saturday evening after closing. She said that they discussed what went wrong and other things. She said notes are not taken. She testified that official staff meetings are held once a month.

Mrs. Van Oord said that security has been implemented. Staff is outside until 3:30 a.m. She said their insurance company does not want them to have staff outside but the police and city have said it is the Licensee's responsibility. She said the problem is street people who come to panhandle the young patrons in line. She said it is the panhandlers who cause fights.

Mrs. Van Oord said the RCMP were offended that the licensee did not deal with the security issue. She said that the licensee only had so many resources and they need to take care of the inside. It took them some time to get resources. Now, she said, there is a sea of orange vests on the street that are the licensee's security staff. That is what she was doing the evening in question.

On cross-examination, Mrs. Van Oord said they have three licensed security staff, which is all they are required to have with the occupancy level of their licence. They are trying to get the other five staff into the course to get their security licence. She acknowledged that any new security staff are now required to have their licence. She



was not sure what the security licensing course covered. She knew that only licensed security staff could touch people. The other staff were there as “porters”.

On January 18, 2015, she said emotions were high. She testified that it is usually at bar closing when fights happen, so everyone was on edge. She described it as “the nature of the beast”.

Mrs. Van Oord said that when she went outside to get the bar manager she was upset. She was now concerned that instead she had escalated the situation. She said that the bar manager was upset and worried about his partner, the bartender. She thought the bar manager would have listened to her, but she was way behind him entering the premises.

Mrs. Van Oord said that the Licensee had stood up the gangs and the premises were much less rowdy than it used to be.

Mrs. Van Oord said the bar manager took direction from her, and the bartender took directions from the bar manager.

Mrs. Van Oord testified she had a number of interactions with the bar manager that night and that he was not acting oddly. She said he is always like the energizer bunny. She said he talks rapidly, especially when excited, and his mannerisms include fidgeting. She understood he had taken a punch in an altercation with a large man earlier that evening.

The RCMP asked her if the bar manager had taken coke. She replied that no, but maybe a Redbull.

### **The Bar Manager**

The bar manager testified that he had worked in the bar industry off and on for about 21 years. He said the bar industry was the only thing he knew.

He gave his height at 5'4" and his weight at 125 lbs. The bar manager said he did not do drugs or drink while on shift. He said he drinks a lot of Redbull and is a fast talker. He also said he "spins around a lot".

The bar manager testified that at about 3:00 a.m. on January 18, 2015, the lights were on in the premises. He said that service had stopped and about 10 to 15 patrons remained and all the staff, about 10-15 staff, were still on duty. He said the remaining patrons were straggling out.

He said two giant guys started a fight on the dance floor. He tried to stop it and a third man hit him. As a result he said he was "freaked out". He whistled really loudly as a signal to staff, who came running. They took the two men outside through different doors.

The bar manager said he then went outside and told a police officer that he had been assaulted. He said he went back inside to close off the bar tabs, which he had to do right away so that he didn't lose money. He said he told the police officer (Police officer 2) that he didn't have time to make a statement. He thought that if he didn't make a statement and the guy did not get charged, it was not the end of the world.

The bar manager said that in the past he never had to give a statement right away. He thought he could do it later. He said he was concerned about getting the cash from staff and getting them to bring it upstairs. He said he was worried that a customer might rob the Licensee.

The bar manager testified that he was at the bar with the bartender, closing off tabs and trying to figure out whose was whose, when the second officer came into take his statement. He said he also told the second police officer (Police officer 4) that he was too busy. He said the officer and the bartender were talking over each other and did not hear each other. The bartender was saying "[name of bar manager] was punched." He said the officer was getting angry and staff was "getting into it", so he said that he would give a statement. The bar manager wanted to give his statement inside, but the officer said no.

The bar manager said he went outside to give his statement and crossed the street to the police vehicle as the officer taking the statement (Police officer 2) was getting out his equipment. The bar manager said Mrs. Van Oord then came outside and yelled something about the bartender. He said they all went running back into the premises.

He said he did not know what was happening inside. There had been the earlier fight and the bar area was dark. He said he saw black staff shirts and a crowd. He said he got through the crowd and saw a police officer (Police officer 1) and the bartender. He said he leaned over and he had his hand on his own knee. He said he then yelled the bartender's name. The bar manager said he was then thrown to the ground by another police officer (Police officer 2).

The bar manager testified that he did not jump on or strike Police officer 1. He said he leaned down close to the officer but did not touch the officer. He thought the person who touched Police officer 1 was Police officer 2.

He said he ran into the premises because he was responsible for the premises and, like the situation of the earlier fight, he wanted to fix it. He said he was worried about the bartender because he is small and gay. The bar manager said being from Prince George and gay himself, he had been bullied at school. He said the police were like the bullies at school. The bartender was his employee and his partner and so he was worried about him.

The bar manager described the Licensee's policy to work with the police. He said that one of the Licensee's employees follows the police while in the premises. The staff are to treat the police with respect. The RCMP are recognized as "the boss", when they come into the premises.

The bar manager testified that the Licensee uses plastic glasses, not glass. Beer was served in bottles but coolers were not. The bar manager described the Licensee's staff as underdogs, who are loyal to the Licensee and honest.

When asked about the Licensee's compliance history set out at page 11 of tab 8, Exhibit 1, the bar manager said some were from before his time at the premises. He also said there was a period of time when these premises were operated by a third party operator. He said others were for the nightclub at Burns Lake, operated by the same Licensee but under a different licence.

On cross-examination, the bar manager agreed that when viewing the video clip that the incident was serious, but he said it didn't need to be. He also said as far as incidents went at the premises, things happen all the time.

He said when he ran into the premises, he knew that something was happening with respect to the bartender, but he did not know what. He knew it was a problem and he was concerned. He said there had been fights earlier. He said he thought all the police officers were outside.

The bar manager said he knew that the bartender had been engaged with Police officer 4 who had gone outside with the bar manager. He again described the bartender and the Police officer 4 as talking over each other. He testified that he did not know if the bartender was swearing. He said he did know that the bartender said he (the bar manager) had been hurt or pushed in a fight. In his view, the bartender was trying to stick up for him (the bar manager) and he, the bartender, was upset.

The bar manager said that neither he nor the bartender did anything wrong with respect to the police.

The bar manager agreed that as manager he set the tone for the staff. He said he was not rude to the police officer. He said he asked the officer to go upstairs to take the statement, instead of in the crowded area downstairs. The bar manager said the police officer wanted to take the statement outside and when the police officer got angry, the bar manager agreed to go outside to calm him down. The bar manager said he didn't know the police officer had arrested a person from the earlier fight and the person in handcuffs.

The bar manager said he had viewed the Guide, tab 6, Exhibit 1. He thought the staff had reviewed the Guide, but he had not distributed a copy to them.

### **The Bartender**

The bartender testified that he had worked at the licensed premises for seven and a half years. He said he does not use drugs and he does not consume alcohol while working.

He said that on January 18, 2015 the RCMP arrested him. He said that there was a fight in the premises between two men, during which the bar manager was hit. He said the police officers were chasing the bar manager asking him for his statement. He said the bar manager was trying to run a business and asked the police to come back in half an hour. The bar manager went outside with the one officer.

He said another officer flew behind the bar and before he knew anything, he was arrested. He said there was no conversation with the officer until after the officer was behind the bar. He said the officer was in his face. The bartender said he did not have any conversation with any other officer. The officer said to put his hands behind his back and he had no idea why and the officer would not say. The bartender said the officer "completely assaulted me".

The bartender said that the officer said that he was causing a disturbance and resisting arrest and obstructing justice. The bartender said that only plastic glasses are used behind the bar. He said he did not smash any glass.

The bartender said that when he was outside the bar area a customer had her arms around his waist. The officer said he was resisting arrest. A co-worker grabbed his arm. He said the officer then threw him to the ground.

He testified that the officer took him outside and put him into a police car. He said people were laughing and the bartender felt humiliated before them and the other staff members. The bartender said he was not charged, and never heard anything further about the incident from the police.

The bartender viewed the video clip of the incident. He said the officer had no right to go behind his bar. He said the police officer did not tell him what he had done to be arrested for. He said he was absolutely terrified. He said that others were yelling at him to calm down.

The bartender said the police officer did not ask him to come out from behind the bar and speak with him or go with him. He said the police officer was very angry. The bartender thought he was going to do serious harm to him. He said he had every right to feel scared. The bartender testified that he would have gone outside peacefully if he had been asked and had been told why he was being arrested.

The bartender testified that he was lying on the ground, with his head sideways. He said he could see the bar manager running toward him. He said the bar manager bent over to see if he was ok. He said moments later, the bar manager was taken to the ground by a much bigger man.

The bartender said that Police officer 5 later apologized and said he had nothing against the gay community. He said Police officer 5 talked about writing up Police officer 1, but the bartender asked him not to. He said that days later, the story was built against the bar manager.

On cross-examination, the bartender agreed the video clips had no audio. He denied he was "mouthing off" to the officers. He said he may have stuck up for the bar manager but they needed to get everyone out of the premises by 3:30. In the bartender's opinion, the police did not need a statement immediately. The matter was not life threatening and in his opinion, the police could wait. He said that the bar manager asked the police to come back later.

The bartender agreed he had heard that the police had arrested someone and they had him in a police car. He said that when fights break out in the premises they could use the police to help, and in those situations the police would not ask for statements.

As a bartender his first priority at the end of the night is the cash. It was the bar manager's responsibility to deal with problems.

The bartender said that he had no problem with dealing with police officers before. He said that it was common sense to treat the police and liquor inspectors with respect.

The bartender said the officer who asked the bar manager for a statement asked him if he saw the fight. He said when the officer was leaving with the bar manager, he stopped and had about a 20 second conversation with the bartender, during which the bartender was telling him to let the bar manager do his job.

The bartender admitted he called a police officer a "rookie" but said he did not swear at the police. He admitted that he swore often, but not at the officer. He said he was upset and angry and had every right to be.

The bartender said a customer and other staff both tried to calm him down. He said he was yelling until he was thrown to the ground. He said the officer was so angry he was afraid he was going to take him in and beat him up. He knew two other officers had been on the premises, and he later learned other officers were outside.

The bartender said Police officer 1 never asked him to come out from behind the bar. He said the officer came in behind the bar and told him to put his hands behind his back and that he was under arrest. The bartender admitted it took a while for the arrest to be made. He said the officer could not say why he was being arrested or why he, the officer, could come behind the bar. The bartender said there was no reason for the officer to treat him as he did. The bartender said there was no smashing of bottles. He said emptying the ice buckets do not sound like smashing glass. He re-iterated that there as no reason for the officer to say there was smashing glass.

### **The Head of Security**

The head of security testified that she had worked at the premises for four and a half years.

The head of security said she was present at the premises on January 18, 2015. She said a fight had broken out on the dance floor. The police had been outside patrolling so were asked to come in.

The head of security said she did not see the fight but that it was between two ex-doormen. The current doorman broke it up. She said the bar manager went to assist the doorman and got hit. She said the bar manager asked the police to press charges.

She said that after the fight, she was all over the premises. In her view, it was hectic and chaotic because of the fight. She said she was trying to help the doormen get everyone out and to secure the premises.

She said she was at the bar when Police officer 4 asked the bar manager to go outside to give a statement. She said the bar manager kept asking over and over for time and the officer was getting upset and wanted him to give the statement right then. She said she could not hear the conversation but it was clear the officer wanted a statement. She said the officer was yelling at the bartender and told him to shut his mouth. She said she heard this because it was said loudly and angrily. She had no understanding of why the officer would tell the bartender to shut up.

She said the bar manager then went outside with Police officer 4. She said as they were walking away another officer, Police officer 1, came in and intervened. She said she didn't know how things escalated, but they did. She did not know why Police officer 1 was talking to the bartender. She said she was not sure. She did not know what was said because she left to go to the front. She did not view anything untoward when she left the bar area.

She said she walked back and the bartender and Police officer 1 were in an argument. She said the officer went behind the bar and was nose to nose with the bartender. She said she could not hear what was being said, but she did know that their voices were raised.

She said the officer went to walk out and then went back in behind the bar and tried to move the bartender from behind the bar. She testified that she saw a struggle. She was not sure why it happened. In her opinion, the officer was extremely aggressive. They were in close quarters.



The head of security said a female patron grabbed the bartender and she went over to get her off. She said Police officer 1 said to let go or she would be arrested too. The head of security said in her opinion the police officer did not need to act the way he did toward her. She said she was trying to help. In her view, the officer was aggressive. She went and told the doormen to get everyone out.

She said she heard raised voices and turned to see the bartender get slammed to the ground, hard. She said the officer then arrested the bartender. She said she could clearly tell that the officer was a police officer. She said it was not brightly lit but was not dark.

She said she saw Helen Van Oord go outside to get the bar manager. She and two others were trying to calm the bartender down. She said the bar manager came running in, panicked and worried. She said she didn't think he knew what was going on.

The head of security said she was behind the bartender and still trying to get him calmed down. She testified that the bar manager did not touch anyone. She described him as panicked. She said the bar manager yelled what is going on and he then bent down but did not touch the officer. Then, she said, Police officer 2 came and grabbed the bar manager and slammed him onto the ground.

On cross-examination, the head of security said that the bartender's tone of voice in speaking with the Police officer 4 was calm. She said he was trying to explain we have jobs to do. And from his voice she thought he was confused about what was going on. She said he was not sarcastic or swearing. She said she could not recall what the bartender said when he was told to shut his mouth.

She said both the bartender and Police officer 1 had their voices raised when they were nose to nose.

The head of security testified that in her role, she has a relationship with the police and liquor inspectors. She said she lets them in for walk-arounds and does not get in their way. She says there is no interference and the staff respect them and they respect the security staff.

She said the protocol for when a fight breaks out is for the security and doormen to deal with it. Other staff might be involved if they are outnumbered. The object is to break up fights, so other customers are not alarmed. She said they try to call the police as soon as they can, but often by the time the police get there, the fight is over and the persons involved are gone.

She testified that the fight that evening involved two former doormen. She said they are both very big. She knew them and knew they would swing (come to blows). She said there were so many bodies, she did not see what happened. She thinks friends jumped in. She tried to deal with it but did not know if the police had been called. They were able to disburse the fighters and had them exit by separate doors.

She said she did not see the bar manager's involvement in the altercation, but she was told he went into assist and got punched in the face. She said the bar manager did not have any bruising or a bloody nose.

As head of security she has a lot going on at that time of night. She only became aware that the police were outside when the first officer followed the bar manager inside. She said the bar manager told the officer he was too busy and needed 30 minutes. She then saw the second officer come in about one minute later.

The head of security testified that she only knew there were other officers outside when they came running in. She said it was not typical to have so many officers outside. She did not know why there were so many there that night.

The head of security testified she was watching the floor. There were about seven doormen/security staff, three bartenders, two servers, the DJ and about seven patrons left in the premises. Two more doormen were outside.

## **SUBMISSIONS – BRANCH**

The Branch advocate submitted that terms and conditions of the licence include complying with the Guide. The Guide requires licensees to fully co-operate with the police and liquor inspectors and not to put them at risk. She said that the evidence

established that the Licensee had failed to comply with the terms and conditions of the licence by failing to fully co-operate with the police and by putting the police at risk.

The Branch advocate submitted that the criminal proceedings in relation to this incident are separate from these regulatory proceedings. She noted that the standard of proof in these proceedings is a balance of probabilities. She suggested the test is what the General Manager can and should expect of a reasonable and prudent licensee.

The Branch advocate said the evidence established four instances of non-co-operation between the Licensee's staff and the police that evening. She said each of those instances would support a finding of a contravention. Those instances of non-co-operation are:

- The refusal by the bar manager to give a statement about the assault.
- The refusal by the bartender to come out from behind the bar when requested to do so.
- The bartender resisting arrest and not co-operating with police, putting the police officer in a dangerous situation.
- By the bar manager running up to and jumping on the police officer.

She said that notice of these actions constituting a contravention was given in the narrative portion of the NOEA, at tab 1, Exhibit 1.

She submitted that Police officer 2 heard the Licensee say that an arrest was in progress. He entered right after the bar manager and saw the bar manager on top of an RCMP member. Police officer 1 reported feeling something hit him.

She submitted that while the video clip did not directly show the bar manager jumping onto the back of Police officer 1, it did corroborate the police officers' evidence on a number of critical points and supports the police officers' version as being reasonable.

The Branch advocate noted that the Liquor inspector knew the Licensee and the establishment well. After reviewing the police narrative report, the Liquor inspector was of the opinion a contravention had taken place.

Given the Licensee's compliance history, the Liquor inspector made the unusual recommendation to remove the bar manager from involvement in the premises. The Branch advocate noted the numerous compliance meetings and the Liquor inspector's evidence that the Licensee's commitments were not always followed through. The Liquor inspector expressed the opinion that the bar manager lacked appreciation for the seriousness of the need to comply with the inspector's requests for things to be done. The Branch advocate also noted the inspector's evidence of that the lack of co-operation has made oversight of this premise very labour intensive for the Branch.

The Branch advocate suggested that the Licensee's evidence is coloured by family and employment ties. The Branch advocate noted that since this incident the bar manager had not taken any courses or taken any other steps to enhance compliance.

The Branch advocate submitted that a liquor licence is a privilege, not a right. A licensee's role is to prevent risk, not to cause risk. Page 33 of the Guide requires safe and responsible service and to control the establishment. There is a need to consider the cumulative history with the bar manager acting in that capacity. There was evidence of lots of fights in the premises.

The advocate said the Licensee seems unable to meet its obligations with the bar manager in a position of responsibility, and that as long as the bar manager remains in such a position, the licensee will continue to be unable to do that.

The advocate noted the serious of the incident, the potential serious outcomes, the continuing failure to understand the Licensee's obligations and the use of Branch and police resources to ensure compliance. The advocate said the unusual term and condition is one that the Branch can enforce. Resources are not available to monitor other alternative measures suggested by the Licensee, such as anger management courses.

## SUBMISSIONS – LICENSEE

The Licensee's Legal counsel submitted that there was no assault by the bar manager and so there can be no contravention of section 12 of the Act. He said no notice was given of any other alleged breaches and so any such allegations can and should not be relied on.

Legal counsel submitted that the evidence showed the Licensee's bar manager did not fail to co-operate with police. He said that in fact the police actions were not forthright and the arrest of the bartender was not lawful, and for that reason there can be no finding of contravention.

Legal counsel says on the civil standard of proof the allegation of assault has not been proven.

In response to the suggestion there was evidence of four instances of non-compliance that evening, Legal counsel said that the Licensee was responding to the allegations in the NOEA which was that the bar manager jumped on the police officer, not any other allegations. He says that to rely on any other allegations without notice of the intent to do that is contrary to the principles of fairness.

In response to those other allegations, Legal counsel did say:

- The bar manager did give a statement, he just didn't give it immediately.
- The bartender did not have a chance to come out from behind the bar before Police officer 1 went behind it.
- The purported arrest of the bartender was without any reason and unlawful. The bartender was entitled to resist.
- No one gave any evidence they saw the bar manager jump onto the back of Police officer 1.

Counsel noted that the police are not pursuing any charges against the Licensee personally or the bartender.

Legal counsel submitted that the video did not support Police officer 1's version of the events in relation to the bartender. He says the video supports finding that no glass was smashed by the bartender and that the officer did not make two to 10 requests for him to come out from behind the bar before going "nose to nose" with the bartender. Legal counsel submitted that Police officer 1 was clearly angry and aggressive in his actions. He said Police officer 1 did not have lawful grounds to arrest the bartender. He says as the arrest was unlawful, then it was an assault and it was lawful to defend against an assault.

Legal counsel said that in his evidence Police officer 2 first said he saw the bar manager lunge forward onto Police officer 1's back, but Police officer 2 later admitted he could not say if the bar manager made contact with Police officer 1. Police officer 2 said it all happened very quickly. Legal counsel submitted it may have been Police officer 2 who hit Police officer 1 in the back, when he moved to take the bar manager to the ground. Legal counsel submits that Police officer 1 could not be sure if the hit he felt was from the actions of the bar manager or Police officer 2.

Legal counsel submitted that Police officer 3's evidence is based on the video. The angle of the video does not show any physical contact between the bar manager and Police officer 1.

Legal Counsel said Police officer 4 claimed the bar manager was acting strangely but that could have been due to the involvement in the fight earlier that evening or due to drinking Redbull.

Legal counsel says the evidence of Police officer 5 is based on conversations he had with Police officer 4. Police officer 5 only entered the premises after the incident. He did not see anything.

Legal counsel said that the Licensee ran to get the bar manager because she was afraid things were getting out of hand. Counsel says the bar manager simply got down on his knee near the scuffle and yelled his partner's name, before he was forcibly removed by Police officer 2.

Legal counsel said all the evidence supports a finding that the bar manager did not make contact with Police officer 1 before being removed by Police officer 2. He said had the bar manager “jumped” on the police officer’s back as alleged, the officer would have known that and testified to that.

Legal counsel submitted the evidence of the Licensee’s witnesses should not be discounted simply because they have an involvement in the business. The Licensee did not call any other witnesses because they did not have anything to add.

Legal counsel submitted that if the bar manager is found to have assaulted the police officer, then he was justified in doing that. Counsel said Police officer 1 was acting beyond the scope of his authority and the arrest of the bartender was unlawful. Legal counsel said Police officer 1 escalated the situation, and confronted the bartender with aggression and assaulted the bartender. He said the police do not always act lawfully and when they do, a licensee should not be required to do nothing or otherwise face a contravention. Standing up to an unlawful assault should not be considered a contravention.

Legal counsel further said that if a contravention is found, a two day suspension is sufficient. The incident was out of the ordinary. The bar manager’s fear for his partner at the hands of an aggressive police officer are not likely to happen again. He noted the small size of the bar manager and that it was unlikely he might have done any real harm to the officer.

Legal counsel said that if found, this would be the first contravention of this sort for this Licensee. He said the unusual term of restricting the bar manager’s involvement in the establishment is excessive and unreasonable and as bar management is all that the bar manager knows. He submitted that if anything needed to be done, something less onerous like taking an anger management course and reporting back to the General Manager.

## REASONS AND DECISION

This matter involves an allegation of a contravention of the Guide for Liquor Licensees in British Columbia. The Guide is incorporated into all BC liquor licenses by section 12 of the Liquor Control and Licensing and a breach of the Guide is a breach of the Act and the license.

The specific contravention alleged is the failure of the licensee and its staff to fulfil their obligation, set out at page 11 of the Guide, to fully co-operate with the police and to ensure their actions do not put the police at risk or prevent them from carrying out their duties. The specific event is an incident that occurred on January 18, 2015.

Both the Branch and the Licensee called several witnesses to support their respective versions of the incident. Much of that evidence conflicted. I will deal with the evidence below but I first need to address what aspects of the incident I considered as constituting a potential contravention.

*The actions to be considered as constituting the contravention:*

At the conclusion of the hearing, the Branch advocate suggested that the evidence supports four instances of failure by the Licensee to co-operate with the police:

- The refusal by the bar manager to give a statement about the assault that happened earlier that evening for which the police had arrested a man based on the bar manager's complaint.
- The refusal by the bartender to come out from behind the bar, when requested to do so.
- The bartender resisting arrest and not co-operating with police, putting the police officer in a dangerous situation.
- The bar manager running up to and jumping on the police officer, putting the officer at risk and preventing him from carrying out his duties.

She suggests that any one of these four instances is sufficient to support a finding of a failure to comply with the terms of the licence.



The Licensee says that the Contravention Notice and the NOEA only allege one instance of non-co-operation: that of the bar manager allegedly jumping on the back of the police officer. The Licensee submits that it is only that allegation that can be looked at to determine if there has been a contravention. The Licensee says that it did not have notice of any intent to proceed with any other alleged behaviour as constituting the basis for a contravention and to so proceed would be unfair to it.

On this point, I find the liquor licensing scheme is a scheme intended to regulate the safe and responsible sale of liquor. I find that under that scheme a Contravention Notice and a Notice of Enforcement Action are not intended to be strictly read like the pleadings in a civil action and thus limit the General Manager when making of findings on the evidence in a hearing. However, I also find that one of the key principles of natural justice is the right to notice of the case to be met. As such, the need to regulate the safe and responsible sale of liquor and the right to notice must be balanced. Where that balance falls will depend on the facts in the particular case, weighing the harm to the public if the regulatory scheme is not effectively enforced and the harm to the licensee if not able to properly defend itself against allegations.

In this case, I find that the balance falls on the right to notice but with some flexibility in terms of the specific allegation. On this basis, I will confine myself to determining whether the actions of the bar manager in relation to Police officer 1 while attempting to make an arrest constitute a breach of the terms and conditions of the licence.

I am mindful that in making my findings, the civil standard of proof applies: that is, on a balance of probabilities.

*Has the contravention been proven:*

The evidence that is not in dispute includes:

- Police officer 1 was trying to arrest the bartender.
- The bartender was unwilling to go with Police officer 1 and was actively resisting.
- In attempting to arrest the bartender, Police officer 1 took the bartender to the ground.

- The bartender was yelling and screaming.
- Several people, mostly staff, were milling around where Police officer 1 was trying to make the arrest.
- Helen Van Oord, the Licensee, ran outside to get the bar manager to deal with the situation. Her evidence was that she told the bar manager that the bartender was being arrested. Police officer 2's evidence confirmed that is what she said.
- The bar manager came running in to see what was going on.
- Police officer 1 was on top of the bartender, on the ground, trying to subdue the bartender.
- The bar manager immediately moved into the immediate vicinity of the attempted arrest.
- Police officer 2 removed the bar manager from the situation.

The evidence that is in dispute is:

- The reason for the arrest of the bartender – that is, whether the arrest was lawful.
- Whether the bar manager understood that Police officer 1 was trying to arrest the bartender.
- Whether the bar manager jumped on or touched Police officer 1.

*Whether the arrest was lawful*

The Licensee suggested that the lawfulness of the arrest may have eliminated or reduced the requirement for the Licensee to co-operate with the police or to not prevent the police from carrying out their duties. Legal counsel noted citizens have no positive obligation to assist police officers.

I want to be clear in addressing that. The privilege of holding a liquor licence imposes a different, higher obligation on licensees than that of an ordinary citizen. The Guide is clear: a licensee *does* have a positive obligation not only to not interfere with police, but to fully co-operate with the police. In meeting that obligation the licensee does not get to assess whether, in their opinion, the officer is acting lawfully in carrying his or her duties and then decide if they are going to co-operate or not. To permit a licensee that kind of latitude would not support the overarching goals of the licensing system.

This does not mean, as the Licensee suggested, that a licensee is without recourse should an officer act unlawfully. In those cases, should they arise, a licensee would have the avenue, open to any citizen, to bring the matter to the attention of the superior officers, at the right time and place. But to second-guess a police officer, and interfere with him or her while in the course of actually trying to make an arrest, because a licensee thinks it is not lawful – especially a licensee who is not in full possession of all of the facts - is simply not on.

I find that for the purpose of this hearing, I do not need to determine the reason for the arrest or whether the arrest was lawful. The only thing I need to find is whether a police officer was trying to carry out his duties and whether, while doing that, the Licensee or its staff either attempted to prevent that or put the police at risk. On the evidence, I find a police officer was trying to carry out his duties. I will move onto the question of whether the Licensee or its staff either attempted to prevent that or put the police at risk below.

*Whether the bar manager understood that Police officer 1 was trying to arrest the bartender:*

Based on the evidence, I do not accept that the bar manager did not know an arrest was in progress. I find the uncontroverted evidence is that Helen Van Oord told the bar manager the bartender was being arrested. I find that Police officer 2 clearly heard her say that someone, whose name he did not know, was being arrested. I find the bar manager did not deny being told this – he simply said he did not know what was going on in relation to the employee who was also his partner.

I also find that the bar manager knew that this employee, his partner, had been engaged in a loud, verbal disagreement with Police officer 4 some moments earlier. I accept the evidence of the bar manager and of Police officer 4 and Police officer 1 that the bartender had been shouting at Police officer 4. I find the video clip supports that conclusion when it shows Police officer 4 going up to the bar and obviously engaging with someone behind the bar, when the bar manager is in front of the bar. I specifically reject the evidence of the Head of security on that the bartender was calmly discussing the incident with Police officer 4 as that is contrary to the evidence of the other three witnesses and to her evidence that it was loud and chaotic at the time.

From the action the bar manager took, running across the road and right into the premises, I find that the bar manager knew an arrest was in progress and that his partner was the subject of the arrest.

*Whether the bar manager jumped on or touched Police officer 1*

I find that for the purposes of determining whether a contravention occurred, I do not need to specifically find that the bar manager jumped on, or for that matter, even touched, the police officer. I find the obligations under the Guide and the allegation set out in the NOEA are worded broadly enough that I need only to consider whether the actions by the bartender in relation to Police officer 1 executing an arrest put the officer at risk or prevented the officer from carrying out his duties. Given that, I will now examine the evidence in relation to those actions.

I accept the uncontroverted evidence and find that the scene was dimly light, it was loud, hectic and chaotic, a number of people were milling about, and things happened fast. I accept that Police officer 2 entered at a run, knowing an arrest was in progress and saw an officer on the floor engaged in a scuffle, with the bar manager appearing to him to be on or over the other officer. I find it was reasonable for Police officer 2 to assume that the bar manager was interfering with the arrest and for Police officer 2 to remove the bar manager from the situation before it could escalate further.

I accept the evidence of Police officer 4, an experienced police officer, that when he entered the situation he did not know if the staff or patrons milling about were going to turn on the police and that it was a situation for which a code 10-33, officer needs assistance, was advisable. I accept the evidence from all the officers that a code 10-33 is a very serious matter. I find that the actions of the bar manager triggered the code 10-33, which is very serious.

I find that a reasonable and responsible bar manager, on entering the area, would have stopped and evaluated the situation. I find a reasonable and responsible bar manager would have allowed the police to carry out their duties. I find that he bar manager did not act as a reasonable and responsible bar manager. I find it was totally unreasonable for the bar manager to insert himself into the situation, knowing an arrest was in the

process of being made, especially when, having been outside, he did not have full knowledge of all of the facts.

I also find that the bar manager knew that there were a number of police officers present and he knew or should have known that they, or his security staff, were trained to deal with these kinds of situations and he should have left it to them.

I find based on the evidence that none of the other staff had been able to calm down the bartender and get him to co-operate with police. The bar manager should not have assumed, if that is what he did, that he could resolve the situation by inserting himself into it. I appreciate the bar manager was worried about his partner, but his intervention only exacerbated the situation, and in any case, his working and personal relationship with the bartender should not have clouded his judgement or his actions as the bar manager.

I find that in the close quarters, dim light, loud and chaotic crowded situation, it was unreasonable for the bar manager to enter into such close proximity to the situation as to raise reasonable concerns for risk to Police officer 1. I find it is reasonable to conclude that Police officer 1 was at risk of harm directly from the bar manager. I also find the risk of harm came not only from the bar manager's action, but also the risk of harm may have come, as Police officer 4 testified, from the situation escalating where others in the crowd may have become involved.

The differential in size between the bar manager and Police officer 2 was raised by the Licensee, suggesting that Police officer 2 did not need to take the action he did when removing the bar manager from the situation. I have these comments. Firstly, an officer was down and Police officer 2 had no idea if weapons were involved. Secondly, Police officer 2 was the first on the scene – the Licensee does not get to pick which officer will take action. I also note the bar manager did not hesitate to become involved in an earlier fight where the combatants were described as large and known to swing.

With respect to the suggestions that the police officers' conduct was homophobic or the reaction by the bar manager was driven by fears of the police due to previous homophobic conduct by police, I find there is no reliable evidence to support these

suggestions. Relating one anecdotal conversation by one unidentified off-duty officer some years ago is simply not enough to justify this serious allegation.

### **Contravention**

Based on the evidence that I find credible and acceptable, I find that on January 18, 2015, the actions of the bar manager put Police officer 1 at risk while carrying out his duties. I find the contravention has been proven and the Licensee breached the terms and conditions of its licence and section 12 of the Act.

### **Due Diligence**

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

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

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.

I find on the evidence that the bar manager is, in conjunction with the Licensee, responsible for the general management of the premises and the setting of the Licensee’s policies. He attended several of the compliance meetings with the Liquor inspector in that capacity. He was the person who, on behalf of the Licensee, undertook to implement changes when required by the Liquor inspector. The Licensee, Helen Van Oord, clearly relied on him and looked to him to resolve issues, not just on the evening in question, but on other occasions. As another example of the bar manager’s independence in acting as if the Licensee, the bar manager felt free to insert himself into a fight contrary to the established protocol for the doormen and security staff to handle it, and the head of security accepted that intervention without any question.

I find the bar manager was a directing mind of the Licensee and as such, the defence of due diligence is not available and the inquiry stops here.

However, should I be in error on that issue, I have also considered the evidence of whether the Licensee implemented adequate training and other systems to prevent the contravention and took reasonable steps to ensure the effective operation of that system.

The Licensee said that there is a policy of escorting police officers while in the premises with the intent to support and assist them and also a policy that persons who are rude to police officers are escorted from the premises. Neither of these policies was presented in writing to me. No evidence was presented on how these policies were communicated to staff or how or if staff was trained to implement them.

With respect to the effective application of the policies, no evidence was presented of how that was to be achieved. I heard no evidence that any staff member was assigned to accompany the police officers on the evening in question. And I also find that the bartender yelled at Police officer 4 while Police officer 4 was trying to carry out his duties, but was not admonished for doing so.

On this basis, I find the defence of due diligence is not available.

I find the contravention has been proven and the Licensee breached the terms and conditions of its licence and section 12 of the 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 may do one or more of the following:

- Take no enforcement action
- Impose terms and conditions on the licence or rescind or amend existing terms and conditions
- Impose a monetary penalty on the licensee



- Suspend all or any part of the licence
- Cancel all or any part of the licence
- Order the licensee to transfer the licence

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

The factors that are considered in determining the appropriate penalty in any particular circumstance include consideration of whether there is a proven compliance history, a past history of warnings by the branch and/or the police, the seriousness of the contravention, the threat to the public safety, and the well-being of the community.

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

I find that a penalty is warranted here. The factors that I have considered in determining the appropriate penalty in this case include: whether there is a proven compliance history, a past history of warnings by the branch and/or the police, the seriousness of the contravention, the threat to the public safety, and the well-being of the community.

There is no record of a proven contravention of the same type for this licensee at this establishment within the preceding 12 months of this incident. Therefore, I find this to be a first contravention for the purposes of Schedule 4 and calculating a penalty. Item #46 in Schedule 4 provides a range of penalties for a first contravention of this type: a 1-3 day licence suspension and/or a \$1,000 to 3,000 penalty.

In addition, the Liquor inspector has recommended the imposition of an additional term and condition that:

[Name of bar manager] is to have no financial interest in, no further influence in the management of, and may not be employed in the operation of the licensed establishment. Nor may [Name of bar manager] undertake any volunteer positions or work that would place him in the establishment as a person in authority in any manner; either implied or explicit.

I find this a very serious contravention. The officer could have been harmed in carrying out his duties. The bar manager did not know what had transpired and acted impulsively. Earlier, the bar manager was unable to control his employee and allowed the employee to interfere with the officer when requesting a statement.

The Licensee submitted that the bar manager is like the “energizer bunny”, to explain the bar manager’s behaviour. I agree the description may be apt. The bar manager seems to act without thinking. Earlier in the evening, he inserted himself into a bar fight, despite having trained security who were dealing with it. I also find that the bartender engaged in a shouting match with Police officer 4 in front of the bar manager, and that the bar manager was right there and unable or unwilling to control his employee. He also said that he didn’t care if the police released a man he had just requested them to arrest. I find this behaviour makes me question his suitability to manage these licensed premises.

While this is a first offence, the Licensee has many other contraventions for serious matters which calls into question how responsible this Licensee is, and whether, as the Liquor inspector has suggested it is all talk, no action on meeting the obligations in a meaningful way.

For example, I find that despite a professed policy of escorting police officers while in the premises with the intent to support and assist them, I heard no evidence of any staff member being assigned to accompany the police officers here. And despite a professed policy that persons who are rude to police officers are escorted from the premises, I find that the bartender was permitted to yell at Police officer 4 while Police officer 4 was trying to carry out his duties. It is unclear whether this was because the bartender was

in a personal relationship with the bar manager, or whether there is in fact no such policy.

I think that it is important to send a message to the Licensee and to the Licensee's staff how serious this contravention is. I am concerned by the lack of remorse shown by both the bar manager and the bartender and by the bartender's continued assertion that the police officer had no right to be behind the bar.

However, while I gave serious consideration to imposing the term restricting the participation of the bar manager in the operations of the Licensee, I am reluctant to place such a significant restriction on the bar manager's ability to earn a living. Additionally, I find that his personal relationship with the bartender may have constituted an extenuating circumstance in terms of the penalty to be imposed for his actions.

Having found that a penalty is warranted, I am required to impose at least the minimum for this contravention. For the reasons above, this contravention is very serious and I find it warrants more than the maximum. This Licensee, and all other licensees, need to know that they are not to interfere in any way with a police officer or liquor inspector carrying out their duties and especially not to put those persons responsible for the enforcement of the scheme at risk while doing that.

I find a penalty of \$6,000 and a four day suspension to be appropriate.

## **ORDER**

Pursuant to section 20(2) of the Act, I order a suspension of Liquor Primary Licence 004885 for a period of four (4) days to commence at the close of business on Friday, December 11, 2015, and to continue 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 Prince George RCMP from the close of business on Friday, December 11, 2015 until the licensee has demonstrated to the branch's satisfaction that the suspension has been served.

Signs satisfactory to the general manager notifying the public that the licence is suspended will be placed in a prominent location in the establishment by a branch inspector or a police officer, and must remain in place during the period of suspension.

Pursuant to section 20(2) of the Act, I order that the Licensee pay a monetary penalty in the sum of \$6,000 to the general manager of the Liquor Control and Licensing Branch on or before December 7, 2015.

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

*Original signed by*

\_\_\_\_\_  
Dianne Flood  
General Manager's Delegate

Date: November 6, 2015

cc: Liquor Control and Licensing Branch, Surrey Office  
Attention: Rupi Gill, Regional Manager

Liquor Control and Licensing Branch, Nanaimo Office  
Attention: Cristal Scheer, Branch Advocate