



**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: Byng Hotel (1987) Ltd.,
dba Byng Hotel
21 Cranbrook Street North
Cranbrook, BC V1C 3P7

Case: EH15-055

For the Licensee: Pete Durning and Emily Walker

For the Branch: Jay Blackwell

General Manager's Delegate: R. John Rogers

Date of Hearing: January 26, 2016

Date of Decision: March 2, 2016

REVISED MARCH 2, 2016

**Liquor Control and
Licensing Branch**

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INTRODUCTION

Byng Hotel (1987) Ltd. holds Liquor Primary Licence number 010841 with a Licence Name of "Chadwick's Pub" (the "Licence"), pursuant to which The Legendary Byng Roadhouse, as third party operator (the "Operator"), operates the Byng Hotel at 21 Cranbrook Street, Cranbrook, BC (the "Establishment"). For ease of reference, the Operator's principal, Mr. Durning, is referred to as the "Operator's Representative".

According to the terms of the Licence, the Licensee may sell liquor from 11:00 a.m. to 1:00 a.m. Monday through Thursday, from noon to 2:00 a.m. on Friday and Saturday, and from 11:00 a.m. to Midnight on Sunday.

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

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 June 23, 2015 (the "NOEA") (Ex 1 tab 1).

The Branch alleges that on May 7, 2015, the Licensee contravened section 33(1)(a) of the *Liquor Control and Licensing Act* (the "Act") by selling, giving or otherwise supplying liquor to a female minor ("Agent #74"). Item 2, Schedule 4 of the *Liquor Control and Licensing Regulation* (the "Regulation") sets out the range of penalties for a first contravention of this type to be a 10 to 15 day licence suspension and/or a \$7,500 to \$10,000 monetary penalty. The Branch proposes a 15 day licence suspension.

The Licensee disputes that a contravention of the Act occurred.

For the purposes of this hearing, and in accordance with section 6.1 of the Act, the General Manager has delegated to me the powers, duties and functions provided to the General Manager by section 20 of the Act and sections 65-69 of the Regulation.

RELEVANT STATUTORY PROVISIONS***Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267*****Supplying liquor to minors**

33 (1) A person must not

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

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

**Schedule 4
Enforcement Actions**

Minors

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

ISSUES

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

EXHIBITS

Exhibit 1: Branch book of documents, tabs 1 to 15, excluding the material behind tab 12 which the parties agreed should be excluded.

Exhibit 2: Photocopies of:

1. Pictures of Agent #74 taken on May 7, 2015;
2. Pictures of two pieces of Agent #74's identification establishing that on May 7, 2015 she was 17 years of age;
3. The Minor Agent Statement prepared by Agent #74 on May 7, 2015 and initialed by her; and

4. The Minor Agent Observation Form completed by Agent #74 and signed by her on May 7, 2015;
all of which documents are to be sealed at the conclusion of the hearing as below set out.

Exhibit 3: A copy of notes of a compliance meeting held among a representative of the Licensee, the Operator's Representative and a Branch Liquor Inspector on April 15, 2015.

WITNESSES

The Branch called two witnesses:

1. Liquor Inspector A who together with Agent #74 attended at the Establishment on May 7, 2015 ("Inspector A"); and
2. Liquor Inspector B ("Inspector B").

The Licensee called no witnesses, but the Operator's Representative during the hearing made submissions on behalf of the Licensee.

PROTECTING THE IDENTITY OF THE MINOR AGENT

To protect the identity of Agent #74, and with the agreement of the parties, at the conclusion of the hearing the documents included as Exhibit 2 were placed in an envelope, the envelope was marked as Exhibit 2, and the envelope was sealed with a notation on the envelope that it was not to be unsealed or its contents disclosed without a court order.

EVIDENCE—BRANCH

The Licensee confirmed that it accepted most of the facts as they are set out in the NOEA as to what occurred in the Establishment on May 7, 2015 with respect to the alleged contravention.

The NOEA

The facts in the NOEA might be summarized as follows:

- On May 7, 2015 Inspector A and Agent #74 constituted an inspection team pursuant to the Branch's Minors as Agents Program (MAP) to test compliance with the Act and the Regulation at several licensed establishments in Cranbrook;
- At the start of the shift on this date, Agent #74 was photographed (copies of which are included in Exhibit 2), her identification viewed and photocopied (copies of which are included in Exhibit 2), and her age was confirmed to be 17 years old;
- The License does not permit minors, other than professional entertainers, to be in the licensed area of the Establishment;
- At approximately 5:41 p.m. on Thursday, May 7, 2015, Agent #74 together with Inspector A entered the licensed area of the Establishment and, as none of the Licensee's staff were visible, seated themselves at the second table from the entrance;
- After a moment's wait, a female employee of the Operator (the "Server") approached their table and indicated that they should have yelled at her when they entered the Establishment as she had been playing pool in the back;
- A glass of water and a bottle of Molsons Canadian beer was ordered by Inspector A and Agent #74;
- The Server delivered the water and the beer to the table where Inspector A and Agent #74 were sitting and returned to her game of pool;
- At no time did the Server request identification from Agent #74 to verify her age, nor did the Server question the age of Agent #74;
- After the Server's departure, Agent #74 left the Establishment and Inspector A took a picture of the Molsons Canadian beer served by the Server (Ex 1 tab 6);
- Inspector A then went to the pool table area, spoke to the Server who was playing pool with 2 males, and paid for the beer;
- On May 8, 2015, the day after the inspection of the Establishment, Inspector B went to the Establishment and attempted to contact the representative of the Licensee named on the License. As this party was not

present, Inspector B left him a voicemail detailing the incident of the previous day and advising this party that Contravention Notice #B012762 (Ex 1 tab 7) (the "Contravention Notice") had been issued and would be forwarded to him by registered mail.

Inspector A

In his testimony, Inspector A:

- Stated that he has been a liquor inspector with the Branch for approximately 5 1/2 years and that his area of responsibility was currently the Okanagan Region, including Boundary/Shuswap and North Okanagan;
- Described MAP as a program that permits the Branch to hire people under the age of 19 to test for compliance by licensees to ensure that there is no sale of alcohol to minors;
- Confirmed that when the law was changed authorizing MAP that all licensees in British Columbia were made aware of the program by way of a letter describing the program (Ex 1 tab 13) sent to them by the Branch. In addition, there was media attention given to the program when it first came out in 2011;
- Stated that on an ongoing basis, liquor inspectors discuss MAP with licensees to ensure that they are aware of the program and the Branch publishes the *Liquor Line* on a quarterly basis in which the MAP program has, on occasion, been featured (Ex 1 tab 13);
- Identified a copy of the Licence (Ex 1 tab 8) and testified that the Licence was in effect on May 7, 2015;
- Identified a copy of pages of the Guide (Ex 1 tab 10) and noted:
 - on page 11 reference to the requirement that a licensee is responsible for ensuring that its employees follow the liquor laws of British Columbia and the terms and conditions of the Licence, and
 - on pages 35 and 37 reference to:
 - the prohibition against permitting minors to enter a licensed establishment without the approval of the General Manager;
 - the prohibition against selling, serving or supplying liquor to a minor with the accompanying requirement that the licensee have in place effective house policies to meet this obligation, and

- the requirement to do an initial assessment of every patron before allowing them to enter a licensed premise and to verify a patron's age by asking him or her to produce two pieces of identification in format as described on page 37 ;
- Testified that on May 7, 2015 at the start of their shift, Agent #74 was reminded of her training to the effect that she was not to lie or attempt to deceive any staff member of the Operator and that if she was asked her age she was to tell the questioner that she was 17 years old;
- Identified the documents in Exhibit 2 as copies of documents generated at the start of the shift on May 7, 2015, and confirmed that at no time during her shift did Agent #74 change her clothes from those she was wearing in the copies of the pictures in Exhibit 2;
- Identified the NOEA (Ex 1 tab 1) and confirmed that the facts stated in this document were correct;
- Testified that the Licensee was selected to test for compliance on May 7, 2015 as it had previously been tested under MAP for compliance and that it had failed this previous test;
- Identified the notes that he had made at the time of the inspection of the Licensee on May 7, 2015 (Ex 1 tab 2);
- Confirmed that during the inspection of the Establishment on May 7, 2015:
 - When he and Agent #74 entered the Establishment, there was no one in the front portion of the Establishment and there was no one behind the bar;
 - The Establishment was well lit;
 - When the Server came to the table at which he and Agent #74 were sitting, the Server asked if she could take a drink order, Inspector A ordered a glass of water stating that he was still deciding what else he wished to order, and that Agent #74 ordered a bottle of Molson Canadian beer;
 - A short time later the Server returned, put the glass of water in front of Inspector A and the bottle of Molson Canadian beer in front of Agent #74; and
 - After Agent #74 had left the Establishment, Inspector A went to the Server, told her that he had to leave, paid for the Molson Canadian beer and left the Establishment.

- Identified the copy of the Minor Agent Observation Form (Ex 1 tab 3) and the copy of the Minor Agent Statement (Ex 1 tab 4) as copies of documents that Agent #74 had prepared on May 7, 2015 immediately after she had exited the Establishment;
- Confirmed that the Minor Agent Statement contained the following sentences "She asked what we would like. I ordered a Canadian and Kevin ordered a water".

On Cross-examination, Inspector A:

- Confirmed that he had paid for the Molson Canadian beer, but that he had not obtained a receipt for this payment;
- Confirmed that on the Minor Agent's Statement (Ex 1 tab 4) the statement "No ID was required" had the word "required" crossed out and replaced with the word "requested" and that this change was not initialed; and
- Testified that he had not ordered the Molson Canadian beer for Agent #74, but that Agent #74 had ordered the liquor for herself.

Inspector B

In his testimony, Inspector B:

- Testified that he has been a liquor inspector for 5 years and that he is currently the liquor inspector responsible for the East Kootney Region;
- Confirmed that the Establishment is within his area of responsibility;
- Identified the Contravention Notice (Ex tab 7) and noted that this document stated that the Licensee was notified by telephone of the issuance of the Contravention Notice and that a copy of the Contravention Notice was served by registered mail to the address of the Licensee on file;
- Identified the NOEA (Ex 1 tab 1) as a document he had prepared;
- Testified that the NOEA recommended a 15 day suspension as the Licensee had previously served a 10 day suspension as a result of having been found to have served liquor to a minor on January 11, 2014;
- Testified that prior to the advent of the Operator, the Establishment had struggled and that the Operator had succeeded in bringing it back to life and converting it into a vibrant and engaging environment;

- Testified that a financial penalty he felt would have been too onerous on the Licensee and that the recommended suspension would serve as impacting the Operator and the staff directly to encourage compliance with the rules against serving liquor to minors;
- Identified the Waiver Summary (Ex 1 tab 14) summarizing the agreement by the Licensee to accept a 10 day suspension of the License from August 16, 2014 to August 25, 2014 as a result of selling liquor to a minor on January 11, 2014;
- Identified the Compliance Meeting document (Ex 3) summarizing a compliance meeting held on April 15, 2015 among Inspector B, a representative of the Licensee, and the Operator's Representative, at which meeting Inspector B notified the representative of the Licensee and the Operator's Representative that as the Licensee had failed the compliance test under MAP on January 11, 2014, that they should expect a re-test of their compliance regime within the near future;
- Testified that at the Compliance Meeting on April 15, 2015, the representative of the Licensee and the Operator's Representative made the commitment, as evidenced by the signatures of these parties on the Compliance Meeting document (Ex 3), that:
 - there would be additional staff training with respect to the requirement to assess patrons to ensure that they were not minors and the need to require two pieces of identification to verify age, and
 - each time this training was done, the event would be recorded;
- Identified the copy of a letter dated November 26, 2013 (Ex 1 tab 11) addressed to the attention of the Licensee's representative with a copy to the Operator's Representative notifying the parties that to complete the application of the Operator to becoming a third party operator under the Licence that an inspector's review was required and that they were to contact Inspector B to arrange this review;
- Noted that this letter of November 26, 2013 as well as notifying the parties of the requirement for the inspector's review, confirmed to the parties that the responsibility for compliance with the terms and conditions of the Licence remained with the Licensee and that all future correspondence would be sent to the mailing address of the Establishment;

- Identified the copy of the inspection review sheet (Ex 1 tab 11) dated December 5, 2013 completed concurrently with the inspector's review outlined in the letter of November 26, 2013 and noted that this review sheet had been signed by both the representative of the Licensee and the Operator's Representative; and
- Testified that some of the topics discussed at the education session forming part of the inspector's review on December 5, 2013 referenced in the inspection review sheet included public safety issues which issues deal mainly with:
 - over-crowding;
 - over-service; and
 - the prohibition against the service of liquor to minorsas these are the contraventions which carry the heaviest penalties and are the first infractions that inspectors will look for;
- Testified that prior to the inspector's review occurring on December 5, 2013, there had been a complaint lodged against the Licensee concerning the service of liquor to minors. For this reason, during the inspector's review MAP was discussed, and the representative of the Licensee and the Operator's representative were advised that because of the outstanding complaint, it was quite likely that there would be an inspection carried out under MAP in the near future to test compliance;
- Approximately a month after the education session, on January 11, 2014, the Establishment was tested for compliance under MAP and as liquor was served to a minor, a 10 day suspension of the License was assessed;
- In subsequent discussions with the representative of the Licensee and the Operator's Representative following the January 11, 2014 infraction, Inspector B made it quite clear to both parties that there would be an additional test of compliance under MAP to test compliance and that was put on record (Ex. 3) on April 15, 2015.

On Cross-examination, Inspector B:

- Confirmed that although Inspector B had primary responsibility for the East Kootney area, that Inspector A had jurisdiction in this area, as well; and
- Confirmed that both a copy of the Confirmation Notice (Ex 1 tab 7) and of the NOEA (Ex 1 tab 1) were sent to the attention of the representative of the Licensee at the address of record for the Licensee, being the address of the Establishment.

EVIDENCE—LICENSEE

The Licensee elected not to call any witnesses.

SUBMISSIONS – BRANCH

The Branch submitted that the fact that Inspector A had paid for the liquor supplied to Agent #74 did not vitiate the fact that the evidence clearly showed that liquor was supplied to Agent #74 by the Server. Therefore, the Branch submitted, it had established that on May 7, 2015 liquor was sold, given or otherwise supplied by the Server, an employee of the Operator, to Agent #74 who at the time of the occurrence was a minor contrary to Section 33 (1)(a) of the Act.

SUBMISSIONS – LICENSEE

The Operator's Representative made submissions on behalf of the Licensee.

The Operator's Representative submitted that:

- The Operator, as the operator of the Establishment, had not received notice of the time and place of the hearing notwithstanding the letter from Mr. Peter Mior, A/Registrar Enforcement Hearings of the Branch, addressed to the Operator's Representative at the Establishment and dated October 16, 2015 confirming the communications among the parties and to the agreement among the Operator's Representative, the representative of the Licensee, and the Branch as to the time, place and date of this hearing;
- The registered letter from the Branch containing the Contravention Notice went to the Establishment, the Operator's Representative was out of town when it arrived, it got transferred into his pile of mail, and he was not aware of its arrival until two weeks after it was delivered. Although it was acknowledged that the Branch's obligation is to communicate with the Licensee, the Operator's Representative submitted that as the Contravention Notice directly affected the Operator as the operator of the Establishment, this registered letter should have gone directly to the Operator. Because it is the Operator which is running the business at the Establishment, it is the Operator which should be notified by the

Branch directly and the Operator should not be required to receive notification through the Licensee by having a registered letter “dropped on the bar and getting caught up in a pile of mail”;

- As it was two weeks after May 7, 2015 before the Operator’s Representative became aware of the Contravention Notice, it meant that the Operator’s Representative had to review employment records to determine which employee was working on that date. Once that employee was ascertained, she was fired;
- Under the Operator’s watch during the last two and one half years, the Establishment has been completely refurbished and had won best of business awards during 2015 for the best place to dance, best place for billiards, and the best place for live music making the Establishment a good, fun, safe, legitimate place for people to go out and to have a drink and where no one would bother them at any time;
- The Establishment has endeavored to actively contribute to the local community by both employing local folks and paying taxes and as well has received an endorsement from the Cranbrook and District Arts Council for being supporters of “Summer Sounds”;
- There have been 5 major bars which have shut down in Cranbrook over the last three years as the hospitality business is struggling. The Establishment has been able to survive with the assistance of a lot of good people who brought a “crusty old bar” into a functioning establishment where everything works;
- There are now two bouncers with stamps at the front and back doors and guides have been ordered to assist staff to determine the validity of the identification presented by patrons;
- Now any patron who attempts to enter the Establishment who is found to be underage is blocked from coming into the Establishment for 3 months after they turn 19 as a deterrent to patrons attempting to enter while they are a minor;
- For the last 6 months the Operator’s staff is sharing among other bar owners in Cranbrook the identity of any patron who is a minor who has tried to enter the Establishment;
- The Operator is working on a regular basis to improve the compliance of its staff with proper operating procedures;

- A 15 day suspension would mean that employees will lose wages during that time period and that patrons would change their habits to go to other establishments in Cranbrook;
- Although the Operator's Representative acknowledged that from the picture of Agent #74 in Ex 2 he believed that when Agent #74 entered the Establishment she should have been asked for identification, he submitted that the Server had merely made a mistake. Previous to being employed by the Operator, the Server had been employed in the hospitality industry for 5 years and upon the commencement of her employment with the Operator she was trained extensively;
- That the offence was not proven by the Branch because:
 - The Server had served the beer to the table at which Inspector A and Agent #74 were sitting;
 - As the beer was served to the table and not to the individuals, the beer could have been for Inspector A and the water for Agent #74;
 - Minor Agent Statement (Ex 1 tab 4) had been changed without the change being initialed by Agent #74 reinforcing the argument that the Server had served the beer to the table at which Agent #74 and Inspector A were sitting and not to Agent #74 personally;
 - Similarly, as Inspector A did not obtain a receipt for the beer purchased, there is no proof that it was not him who purchased the liquor rather than Agent #74; and
 - As there was no proof that Agent #74 had any contact with the beer there is no proof that it was served to her.

Due Diligence

The Licensee offered no defence of due diligence.

REASONS AND DECISION

Contravention

Through the Operator's Representative, the Licensee submits that no offence has been proven by the Branch as the Server "served" the table at which Agent #74 was sitting with Inspector A rather than serving the beer directly to Agent #74. To this end, the Server could be said to be serving the beer to Inspector A. If such were the case, there is no contravention, as Inspector A is clearly not a minor.

Unfortunately for the Licensee, the evidence before me does not support such a conclusion. The evidence of Inspector A is clear that he ordered water and that Agent #74 ordered the Molsons Canadian beer. This position is supported by the Minor Agent Statement (Ex 1 tab 4) which, although not conclusive of the fact, certainly supports the evidence of Inspector A.

In the absence of the Server providing testimony to the contrary, I find that on May 7, 2015 liquor was sold, given or otherwise supplied by the Server, an employee of the Operator, to Agent #74 who at the time of the occurrence was a minor contrary to Section 33 (1)(a) of the Act.

In his submissions, the Operator's Representative was quite outspoken in blaming the Branch for his failure to receive communication concerning the Contravention Notice, the NOEA and the details of this hearing. The evidence before me is quite convincing that the Branch clearly followed the procedures agreed to and acknowledged by the Operator's Representative as to how the Branch would effect such communications. Although I am sympathetic that the copy of the communication from the Branch took two weeks to come to the attention of the Operator's Representative, I would suggest that this is a matter that he should take up with the staff of the Operator and the representative of the Licensee to ensure that in the future such communication is brought to his attention in a more timely manner.

PENALTY

Pursuant to section 20(2) of the Act, having found that the Licensee has contravened the Act, the Regulation and/or the terms and conditions of the Licence, I may do one or more of the following:

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

I am not bound to order the penalty proposed in the NOEA. 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.

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.

Specifically, I have considered the following evidence:

- That in the inspector's review meeting on December 5, 2013 at which Inspector B, the representative of the Licensee and the Operator's Representative were present, the prohibition against the service of liquor to minors and MAP were specifically discussed as at that time there had been a previous complaint lodged against the Licensee concerning the service of liquor to minors;

- That at this meeting on December 5, 2013, the Licensee and the Operator's Representative were specifically warned that because of this previous complaint, it was quite likely that there would be an inspection carried out under MAP in the near future to test compliance;
- That approximately a month after the December 5, 2013 education session, on January 11, 2014, the Establishment was tested for compliance under MAP and as liquor was served to a minor, a 10 days suspension of the License was agreed to by the parties; and
- In subsequent discussions with the representative of the Licensee and the Operator's Representative following the January 11, 2014 infraction, Inspector B made it quite clear to both parties that there would be an additional test for compliance under MAP and that the inevitability of this test for compliance was put on record (Ex. 3) on April 15, 2015.

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

I acknowledge both from the evidence of Inspector B and from the submissions of the Operator's Representative that the ambience of the Establishment has improved markedly during the Operator's tenure. I also acknowledge that as submitted by the Operator's Representative a 15 day suspension would severely impact both the Operator and its employees. However, there is no excuse for the compliance record of the Licensee during the Operator's tenure. Indeed, given this compliance record, the Licensee is fortunate that the MAP inspection occurred on May 7, 2015 and not within a 12 month period from its previous contravention on January 11, 2014 as the penalty would, in such an instance, have been much more severe.

As there is no record of a proven contravention of the same type for the Licensee within the preceding 12 months of this incident, I find this to be a first contravention for the purposes of Schedule 4 of the Regulation and the calculation of a penalty.

Item 2 in Schedule 4 of the Regulation sets out the range of penalties for a first contravention of this type to be a 10 to 15 day licence suspension and/or a \$7,500 to \$10,000 monetary penalty

I accept the recommendation of the Branch in the NOEA and find that a 15 day suspension of the Licence to be a necessary, appropriate and reasonable penalty and one, I expect, will encourage the Operator to improve its compliance record in the same manner and with the same vigour that it has improved the operation of the Establishment since its tenure.

ORDER

Pursuant to section 20(2) of the Act, I order a suspension of Liquor Primary Licence Number 010841 for a period of fifteen (15) days to commence at the close of business on Wednesday, April 6, 2016 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 RCMP Cranbrook Detachment from the close of business on Wednesday, April 6, 2016 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.

Original signed by

R. John Rogers
General Manager's Delegate

Date: March 2, 2016

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

Liquor Control and Licensing Branch, Victoria Office
Attention: Jay Blackwell, Branch Advocate