

00/125312 2000-12-22 1405

ESTABLISHMENT NAME AND ADDRESS			
MICAGE 15330- 102A Ave Senev			
ROUTINE	DATE 2000 M 12 D 22 H 02 M 45		
1 ENTERTAINMENT TYPE DJ	2 SEATING CAPACITY 380 ACTUAL 380		
3 NAME OF PERSON IN CHARGE HEATH PERGUSON			
4 No. WAITERS 5	5 No. DOORMEN 5		
6 STAFF IDENTIFIABLE YES			
7 PATRON ATTITUDE GOOD FAIR POOR	8 CO OP MNGR GOOD FAIR POOR		
9 No. DRUNKS 6	10 OVERSERVICE ✓	11 No. SLEEPER	
12 No. EJECTED	13 No. SIPP	14 CRIM CHARGES	
15 TYPE CRIMINAL CHARGES			
16 DOOR CONTROL GOOD FAIR POOR	17 FLOOR CONTROL GOOD FAIR POOR		
18 OUTSIDE CONTROL GOOD FAIR POOR	19 LIGHTING GOOD FAIR POOR		
20 BAR OPENING AND CLOSING GOOD FAIR POOR	21 BUILDING REPAIR GOOD FAIR POOR		
22 BAR CLEANLINESS GOOD FAIR POOR	23 WASHROOM CLEANLINESS GOOD FAIR POOR		
24 ILLICIT DRUGS PRESENT N/A			
25 MINORS N/A			
No.	AGE	APPR. AGE	CHARGES
26 NAME OF WAITER SERVING MINOR			
27 SERVICE QUALITY			

SECTION No. AND COMMENT

LCMA Overstuck

- 3 female patrons intoxicated, one transported to Senev Hosp for treatment - unconscious
- 2 female patrons intoxicated and argumentative requiring escort from property
- 1 male patron reported wandering in lot 152/108 intoxicated - stated he had twenty (20) drinks
- A/A females all arrived sober and were in at 2300 - found intoxicated at 0145Hr. MGR reports insufficient staff XCHDAP DRINK NIGHT!

POLICE AGENCY Rcmp Senev	
SUBMITTED BY T. E. NORTON Cpl 38321	DATE 2000.12.22
MANAGEMENT ACKNOWLEDGEMENT Heath	



Liquor control and  
Licensing Branch

## MEMORANDUM

January 9, 2001

FILE: 71050-19/DM27/MIR  
OCC: 01-0045

FOR HAND DELIVERY BY LIQUOR INSPECTOR JOHN KIM

Delivery information for the following:

**\*\* WARNING LETTER DATE, JANUARY 9, 2001**

DATE SENT FOR DELIVERY: JANUARY 10, 2001

LICENSED PREMISES/OR: THE OWNER/MANAGER  
MIRAGE CABARET  
ADDRESS: 15330-102A AVENUE  
CITY: SURREY, BC  
POSTAL CODE: V3R 2R6

\*\*\*\*\*

HAND DELIVERED BY:

DATE DELIVERED:

TIME DELIVERED:

SIGNED AS RECEIVED BY:

*This warning letter didn't go out  
because M. Jasper was holding it  
until March 9, 2001, and gave me  
back. Too late to send.*

If delivery has not been completed, please advise attempted delivery date and status below:

Upon completion please date and sign as follows:

RETURN TO: LIQUOR CONTROL & LICENSING  
ATTN: SENIOR INSPECTOR M. Jasper

DATE:

CONFIRMATION BY:

(Print Name & Signature of person confirming delivery)



## MINISTRY OF ATTORNEY GENERAL

January 9, 2001

File: 71050-19/DM27/MIR<sup>o</sup>

Occ: 01-0045

The Owner/Manager  
**MIRAGE CABARET**  
15330-102A Avenue  
Surrey, BC, V3R 2R6

**- HAND DELIVERED -**

Dear Sir/Madam:

**Re:   Mirage Cabaret – 15330-102A Avenue, Surrey, BC**  
**Class "C" (Cabaret) Liquor Licence #176354**  
**WARNING LETTER**

Further to a Licensed Premise Check report submitted to this office by Cpl. Tom Norton of the (District 2) RCMP, this letter will confirm our conversation on January 2, 2001, concerning over-service.

On December 22, 2000, the Surrey RCMP attended your cabaret at about 02:30 a.m., due to several intoxicated patrons.

B.C. Ambulance Service was also called to attend a passed out female patron.

**Section 43(2)** of the Liquor Control and Licensing Act states:

"A licensee or the licensee's employee must not permit

- a)     a person to become intoxicated, or
- b)     an intoxicated person to remain in that part of a licensed establishment where liquor is sold, served or otherwise supplied."

It is a licensee's responsibility to ensure that sufficient trained staff are employed at all times to ensure that adequate control is maintained within the establishment. You may not sell or give liquor to an intoxicated person. Also, you may not let an intoxicated person remain in your establishment. It is your responsibility to have them removed.

---

**Liquor Control & Licensing Branch   Lower Mainland & Region**

#101 - 9180 King George Highway, Surrey, BC V3V 5V9

Telephone: (604) 586-2641   Fax: (604) 586-2640

The purpose of this letter is to serve as a warning that should this office continue to receive reports of violations, you could be requested to attend an enforcement hearing.

Should you have any questions concerning the contents of this letter, please do not hesitate to contact me.

Yours truly,



John Kim, Liquor Inspector  
LCLB – Lower Mainland & Region

cc: DGM - Regional Operations - LCLB – Victoria (FOR MASTER RECORD PURPOSES)  
OIC Surrey Detachment, RCMP, Attn: District 2/Guildford Commander – 14355-57<sup>th</sup> Ave., Surrey, BC, V3X 1A9  
City of Surrey, Legal Services Division, By-Law & Licensing Section –14245-56<sup>th</sup> Ave., Surrey, BC, V3X 3A2

Encl. RCMP • LPC

<sup>P</sup> X-Ref: 73500-20/MIRAGE CABARET – JK/pl





Royal Canadian  
Mounted Police

Gendarmerie royale  
du Canada

**FACSIMILE / MESSAGE TRANSMITTAL**  
**ENVOI D'UN MESSAGE PAR**  
**TÉLÉCOPIEUR**

Security Classification/Designation - Classification/désignation sécuritaire

UNCLASSIFIED/NON CLASS.

Precedence - Priorité

Date

2001-01-05

Our File - Notre n° de dossier

2000-125312

Your File - Votre n° de dossier

Reference No. - N° de référence

TO A MR. JOHN KIM LIQUOR LICENSING

INFO. RE: MIRAGE NIGHT CLUB, GUILDFORD SURREY BC  
RENS.

FROM DE OIG SURREY DETACHMENT

**SENDER - EXPÉDITEUR**

Fax, No. - N° de télécopieur

502-6524

Telephone No. - N° de téléphone

599-0502

**RECIPIENT - DESTINATAIRE**

Fax, No. - N° de télécopieur

586-2640

Telephone No. - N° de téléphone

586-2641

COMMENTS  
COMMENTAIRES  
MR. KIM,

Total number of pages including this one  
Nombre total de pages, y compris celle-ci

5

OUR FILE REFERS 2000-1207405  
MIRAGE NIGHT CLUB LIQUOR INFRACTIONS  
15330 102A AVE., SURREY BC.  
2000.12.22 0245HRS.

I HAVE ATTACHED A COPY OF OUR OCCURRENCE REPORT AND THE ACTIONS WE WERE REQUIRED TO TAKE.

ON A SECOND ATTENDANCE, 2000.12.29 THE MANAGEMENT HAD TAKEN STEPS TO RECTIFY THE SITUATION, NAMELY: NO "CHEAP DRINK" NIGHTS TO BE ADVERTISED, VALET PARKING, MARKED "NO PARKING" ZONES AND SUFFICIENT STAFF AT THE DOOR.

THE MANAGEMENT WAS VERY RESPONSIVE AND INDICATED THAT THEY HAD NOT HAD AN EVENING LIKE THIS BEFORE.

I WOULD LIKE TO DISCUSS THIS ESTABLISHMENT WITH YOU FURTHER AND YOUR ATTENDANCE FOR A FUTURE INSPECTION.

THANK YOU

T.E. (TOM) NORTON, CPL. 38321 C WATCH DISTRICT 2 VOICE MAIL 599-7777 MAIL BOX 3373

This message is intended for the use of the addressee. Disclosure of message content may breach one or more laws. If you have received this communication in error, notify the sender immediately by telephone.

Cette communication est exclusivement destinée à la personne à qui elle est adressée. La divulgation de son contenu peut constituer une infraction à une ou plusieurs lois. Si vous avez reçu cette communication par erreur, veuillez en aviser immédiatement l'expéditeur par téléphone.

Operator - Opérateur NORTON		Telephone No. - N° de téléphone 599-0502	Daily No. - N° quotidien
TO BE DELIVERED BY À LIVRER D'ICI LE	Date	Authorizing Signature Signature de l'approbateur	Date 2001-01-05
REPLY REQUIRED BY RÉPONDRE D'ICI LE			Time - Heure 13:51

Page 6 redacted for the following reason:

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s16

Report Attachment (1/1), by 3021, on f103, at 05:11, 2000/12/22

Page: 1

## CONTINUATION REPORT

EVENT NO= 001207405  
COMPLAINANT NOTIFIED= 20001222  
SUI=

PIRS OCCNO= 20000125312  
CONCLUDED= Y

SUBJECT:

ACTION TAKEN:

MIRAGE NIGHT CLUB 151 102  
C/O INTOXICATED FEMALE.

0230HRS.

Attended to assist Cst's. Toor, Lewis, Thompson after a bar walk at 0145hrs. An EL female passed out on the walk in the parking lot and required medical attention. BCAS attended. The intox female arrived sober at approx 2300 with a friend and had at least 5+ drinks. She had spent some time with an u/k white male.

An earlier call attended to by Cst. Toor of an intox male walking in traffic on 152 at 108 found a male left the Mirage and admitted he had at least 20 drinks during the evening x ref 00-.

While assisting outside several other intox patrons were exiting the bar and were causing a commotion, namely, an unidentified group of 10 males known to be employed by s.22 there for a Christmas party. They left in a hired mini bus and were obviously intoxicated and belligerent.

A female s.22 (indexed) stumbled out of the bar being held up by friends. She was being driven home by them and was obviously very intoxicated. She too was uncooperative as were several of her friends. She told me s.22 She said she had only 5 drinks and arrived at approx 2300hrs.

Three other females leaving, intoxicated, needed help standing, argumentative and verbally abusive to members stumbled out of the bar. They too arrived approx 2300 and left in a cab.

NB \*\*At approx 2330 I conducted a bar walk with Cst. Metcalfe and Brar. The bar was at capacity and there was no signs of intox patrons, staff were helpful and appeared vigilant.

I prepared a Liquor report and discussed it with the manager FERGUSON. He apologised profusely and stated they had just met with staff to rectify the overservice and lack of vigilance in the crowded bar - capacity 350.

FERGUSON admitted they did not have enough door staff and did not anticipate a full house so close to xmas. That of course is no excuse for service staff overserving;

-5 doormen  
-5 wait staff  
-no valet or parking patrol.

I also reinforced that their parking situation must improve. NO parking contrary to signs since this impeded the BCAS arrival on this occasion. They have been warned before by Cst. Toor and Fire dept.

Report Attachment (1/1), by 38321, on f103, at 05:11, 2000/12/22

Page: 2

Manager FERGUSON assured me of the following:

- adequate door staff
- security and/or parking patrol outside
- adequate wait staff to be vigilant at tables and on floor for overservice
- floor #'s must not exceed capacity.

Copy of liquor report acknowledged and received by FERGUSON

Copy of liquor report faxed to Liquor Insp.

Cleared 0430hrs.

T.E. (TOM) NORTON, CPL. 38321 C WATCH DISTRICT 2



August 1, 2001

73500-20/DM27/MIR  
Occ: 01-124

Royal Canadian Mounted Police  
Surrey Detachment  
Attention: Cst. D.S. Warren, District 2  
14355 - 57<sup>th</sup> Avenue  
Surrey, B.C. V3X 1A9

Dear Cst. Warren

**Re: Licensed Premises Check issued to Mirage cabaret, June 24, 2001, RCMP file 01-63250**

On June 24, 2001 at 0220 Hr you issued a Police Licensed Premises Check form (LPC) #A022852 to Peter Bromley the Operations Manager of the Mirage cabaret/nightclub. The LPC alleges contravention of **Section 43** of the Liquor Control and Licensing Act relating to intoxicated persons.

The LPC detachment file 01-63250 also refers to "drunks fighting at closing time". Can you please clarify where the "drunks" were fighting and how many persons your LPC refers to? Were the individuals in the parking lot or inside the licensed premises?

If this matter is to proceed to an enforcement hearing I will have to prepare the Hearing Brief outlining the evidence that will be presented. Can you please provide me with the physical and behavioral indicators of intoxication such as staggering walk, slurred speech, loud shouting swearing etc. that you would present in evidence to support the allegation?

Thank you for your assistance.

Yours truly,

*SEPT 10/01*  
*Voice Mail Message - Drunks fighting in parking lot, knife fight involved.*  
*BLK Scott - spoke with Mr. R. O'Sullivan*  
*- stumbling, swearing, bloody eyed.*  
Kane Scott - Liquor Inspector  
Surrey Regional Office  
\*tkd

Ministry of Public  
Safety and  
Solicitor General

Liquor Control and  
Licensing Branch

Mailing Address:  
Suite 101  
9180 King George Highway  
Surrey, BC V3V 5V9

Telephone: 604 586-2641  
Facsimile: 604 586-2640

Location:  
Suite 101  
9180 King George Highway  
Surrey, BC

<http://www.ag.gov.bc.ca/lclb/>

No. A 022852



BRITISH  
COLUMBIA

Liquor Control and Licensing Act  
and Regulation 608/76

**POLICE LICENSED PREMISES CHECK (LPC)**

Establishment Name: MIRAGE  
Establishment Address: 153 ST + 102 A - SURREY  
Licence # 176354 Date: 01/06/2001 Time: 0220 HRS  
Licensee Name: MIRAGE / 644027BC LTD

On the date noted above, the following alleged contraventions of the *Liquor Control and Licensing Act* or regulations were identified:

**MINORS**

- ☐ Supplying to minors s. 33 ☐ Minors in premises s. 35

Number and age of minors: \_\_\_\_\_

I.D. type shown: \_\_\_\_\_

Details (e.g. no ID checked at door; inadequate lighting at door): \_\_\_\_\_

**OVERCROWDING**

- ☐ Overcrowding beyond Building Capacity Reg.  
Occupancy Load (BOL) Reg. s. 4(7)

BOL: \_\_\_\_\_ Actual: \_\_\_\_\_ Lic. Cap: \_\_\_\_\_

Details (e.g., how was count conducted; how many times was count done; did staff member verify count; number of door staff; door control; identify public safety issues): \_\_\_\_\_

**INTOXICATED PATRON**

- ☐ Selling to intoxicated person s. 43(1)  
☒ Permitting a person to become intoxicated s. 43(2)(a)  
☒ Permitting intoxicated person to remain s. 43(2)(b)

Details (e.g. evidence of intoxication): 01-63250

DRUNKS FIGHTING AT CLOSING TIME

- ☐ OTHER ALLEGED CONTRAVENTIONS (see flap):

Details: \_\_\_\_\_

Police Officer (please print): CST D.S. WARREN

Badge #: 37453 Dept./Detach.: SURREY 02 RCMP

Police Incident/File #: 01-63250

Management Acknowledgement (Name and Title)

X PETER BROMLEY OPERATIONS OFFICER

A copy of this LPC will be forwarded to the Liquor Control and Licensing Branch. The branch may proceed with enforcement action on the basis of this alleged contravention.

COPY 2: LCLB FIELD OFFICE COPY (forward to LCLB field office)

Establishment Name & Address <i>Mirage Cabaret</i>			
Licence No. <i>C-176354</i>			
Routine Call	Date <i>2000 7.14.21</i> Time <i>30</i>		
Entertainment Type	Seating Capacity Actual		
Name of Person in Charge <i>Mr. Heath Ferguson</i>			
No. Waiters	No. Doormen		
No. Drunks/Ejected	Co. op Manager Good Fair Poor		
Criminal Charges/type	Illicit Drugs Present		
Door Control Good Fair Poor	Floor Control Good Fair Poor		
Lighting Good Fair Poor	Washroom Cleanliness Good Fair Poor		
No.	Age	Minors Appr. Age	Charges
Comments			
<i>Male Stripper</i> <span style="color: red;">s.22</span> <i>was contacting female</i> <i>patrons.</i>			
<i>Mr. Ferguson paid me a</i> <i>visit on Tuesday July 18</i> <i>and assured me that</i> <i>same thing will not</i> <i>happen.</i>			
POLICE AGENCY <i>LCLD</i>			
Submitted by <i>JOHN KIM</i>		Date	
Management Acknowledgement <i>Heath</i>			

DUPLICATE TO LOCAL LIQUOR INSPECTOR

## COMPLIANCE MEETING

**Inspector's Name:** KANE SCOTT
**Date:** Aug 6/02
**Office Location:** Surrey

### ESTABLISHMENT INFORMATION:

**Establishment Name:** MIRAGE CABARET
**Establishment Address:** 15330 - 102A Ave Surrey V3R 2R6
**Licence No.:** 178354 **Licence Class:** C **Expiry date:** 30 April 03
**Licensee Name:** 500156 B.C. LTD

### MEETING DETAILS:

**Attendees at compliance meeting:**
**Name:** Wayne Ferguson **Association/Position:** \_\_\_\_\_ **Contact No:** s.22
**Name:** \_\_\_\_\_ **Association/Position:** \_\_\_\_\_ **Contact No:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Association/Position:** \_\_\_\_\_ **Contact No:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Association/Position:** \_\_\_\_\_ **Contact No:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Association/Position:** \_\_\_\_\_ **Contact No:** \_\_\_\_\_

**Name:** \_\_\_\_\_ **Association/Position:** \_\_\_\_\_ **Contact No:** \_\_\_\_\_

**Reason compliance meeting was convened (cite CN # if relevant):** OVERSIGHT
Complaint 02-0104
**Information reviewed at the meeting:**

- ☐ Relevant section(s) of the *Liquor Control and Licensing Act* S12 (copy provided)
- ☐ Relevant section(s) of the *Liquor Control and Licensing Regulations* 317(3)(g) (copy provided)
- ☐ Relevant section(s) of the *Compliance and Enforcement Program, Policy and Procedures Manual* S 4.8-1
- ☐ Relevant section(s) of the *Guide to Liquor Licensees* P10 (copy provided)
- ☐ Other \_\_\_\_\_

**Commitments made by licensee:** greater vigilance
**Other** \_\_\_\_\_

**Inspector Name:** KANE SCOTT
**Inspector Signature:** [Signature]
**Licensee Name:** Wayne Ferguson
**Licensee Signature:** [Signature]



September 27, 2001

**NOTE TO FILE**

**Re: Police LPC #A022852 issued June 24, 2001**

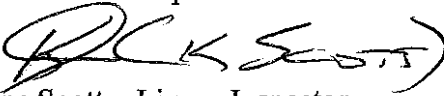
Efforts by telephone to contact Cst. D.S. Warren who issued the noted LPC to Peter Bromley, the Operations Manager of the Mirage night club were unsuccessful.

Correspondence was directed to Cst. Warren on August 1, 2001 seeking clarification and more information.

On September 10, 2001 I retrieved a voice-mail message on my telephone from Cst. Warren. He stated "drunks fighting in the parking lot" and indicated a "knife fight involved". He also described the intoxicated persons as "stumbling, swearing, and bleary-eyed". Cst. Warren stated he spoke with the manager regarding overservice.

No evidence the intoxicated persons were on the licensed premise although it can be assumed they were.

No further action at this time. More frequent routine inspections will be carried out at this premise as time permits.



Kane Scott – Liquor Inspector  
Surrey Regional Office

Cc: Pamela Rose / Shirley Martin  
C & E – LCLB Victoria

Establishment Name: MIRAGE CABARET  
 \*Current Establishment Name: MIRAGE CABARET  
 \* Address: 15330-102A AVE

City: SURREY  
 Establishment No: 54519

No	Received	Status	No	Class
21997	25-JUL-1996	L	176354	CC

Count: 1 v



BRITISH COLUMBIA

MIRAGE CABARET

No. A002395

Liquor Control and Licensing Act  
and Regulation 608/76

## CONTRAVENTION NOTICE

Liquor Control and Licensing Branch, Ministry of Attorney General

Establishment Name: Mirage Cabaret  
 Establishment Address: 15330 102A AVE  
Surrey BC V3R 2R6  
 Licence #: 176354 Date: MAR 12 1998 Time: 0005  
 Licensee Name: SURBLO BC LTD.

On the date noted above, the following alleged contraventions of the Liquor Control and Licensing Act or regulations were identified:

## Minors

- ☐ Supplying to minors s. 33  
☐ Minors in premises s. 35

## Criminal or riotous conduct

- ☐ Drunkenness, violent, quarrelsome, disorderly conduct s. 36(2)(a)  
☐ Permitting unlawful activities/conduct s. 36(2)(b)

## Weapons

- ☐ Permit to enter or remain while in possession of a weapon s. 47

## Overcrowding

- ☐ Overcrowding beyond BOL Reg. s. 4(7)  
☐ Licence capacity - Reg.

## Service

- ☐ Serve while under suspension s. 20  
☐ Operating outside class s. 20(1)(d), s. 16  
☐ Service without food Reg. s. 17(2)  
☐ Fail to clear 1/2 hour beyond closing Reg. s. 8(1)  
☐ Allowing to consume 1/2 hour beyond closing - Reg. s. 8(2)  
☐ Liquor removed from establishment Reg. s. 11(3)  
☐ Liquor not purchased in establishment Reg. s. 11(2)  
☐ Fail to comply with RBS Reg. s. 7.1(3)  
☐ Licensee or employee consume liquor in premises Reg. s. 10  
☐ Free liquor Reg. s. 12(1)  
☐ Reduced pricing Reg. s. 12(1)

## Entertainment

- ☐ Prohibited entertainment s. 50  
☐ Dancer prohibited acts s. 50

## Other

Details: Area 1 Capacity is 251. Documented  
 Count of 334 info. Inse. will result of 334  
 Area of 01

Inspector's Name (please print): Roy GillInspector #: 1041 Telephone: (604) 586-2658 Area: SurreyManagement Acknowledgement (Name and Title): (Ryan Gill)

The general manager may proceed with enforcement action on the basis of this contravention notice. The licensee will generally be notified within 45 days if enforcement action is proposed.

COPY 3: LCLB HEAD QUARTERS COPY (establishment file)

## No Enforcement Action Recommended

Re: Contravention notice number: A002395

Inspector's Name: Rupi Gill

Date: March 5, 2002

Office Location: Surrey

Submitted To: Mike Clarke

### Establishment Information:

Establishment Name: Mirage Nightclub

Establishment Address: 15330 102a Avenue

Licence No: 176354

Licence Class: C

Cabaret

Expiry Date: April 30, 2002

Licensee Name: 500166 BC Ltd, C/O Ryan Cyr

### Terms and Conditions noted on licence face:

1. Maximum Capacity, Area 1, 251
- 2.
- 3.
- 4.
- 5.

### Contravention Information:

Date Identified: Thursday, February 21, 2002

Time Identified: 0005

Contravention Name (e.g. supplying to minors)

Act or regulation section (e.g. LCLA s.33)

1. Overcrowding license capacity
- 2.
- 3.
- 4.
- 5.

- 1.
- 2.
- 3.
- 4.
- 5.

### Review and Analysis:

I have reviewed:

Facts and circumstances of the contravention

☐ Yes ☐ No

Establishment compliance history

☒ Yes ☐ No

▪ Number of contravention notices on file: 0

▪ Number of contravention notices in past 12 months: 0

▪ Name, date(s) of any proved contravention(s) and the enforcement action taken: 0

Licensee compliance history

☐ Yes ☒ No

▪ If no, please explain: not available in field office

Other file information

☒ Yes ☐ No



**Reasons no enforcement action recommended:** Routine inspection completed on February 21, 2002 by myself, Rupi Gill along with members of Surrey RCMP, and City of Surrey Bylaw Inspectors. Upon arrival at the premise at 2342 the doorperson, s.22 showed clicker counts of 349 individuals in and 15 out. Upon looking at the liquor license, noted that the maximum licensed capacity for area 1 of the premise is 251 and for area 2 upstairs it was 99. Upon going upstairs, I noted that area 2 was closed with no patrons there. Based on the count given by the doorperson earlier which indicated a total of 334 patrons in the premise I decided to conduct a count of the premise. The result was 337 person counted by myself all in area 1. I spoke to manager Ryan Cyr about his licensed capacity in area 1 only being 251 patrons and he had between 334-337 person in that area. He said they had closed down area 2 upstairs as the premise was not busy enough. I advised him that he was overcrowded beyond licensed capacity in area 1 and had to reduce the numbers there. He agreed to do this by opening up area 2 and using the capacity up there. Based on the willingness of manager to voluntarily comply and no other contraventions being noted at the time of the inspection, recommend that no further enforcement action be taken. Follow up inspections will be required.

# Attorney General and Treasury Negotiations - Public Safety and Solicitor General

LCLB-Surrey&North

Nov 25, 2002

Action: **Investigation**

Due:

Id No: **194749**

s.22

Type: Telephone Call

Written: 5/16/2002

Office: LCLB-Surrey&North

Received: 9/6/2002

Entry By: cjamieso

Acknowledge

Sign By:

Date on reply.

Batch:

Closed: 11/22/2002

Confidential

Phone: 604-586-2656

FAX:

Email:

File No:

Subject: Mirage Cabaret - Surrey - overcrowding

Subject2:

Copied to:

Addressed T

Issue: LCLB-Complaint

Drafted By:

MLA:

Log X-Ref.:

Elect Dist:

## Referrals

From: LCLB-Surrey&North

Action: Investigation

Due:

To: LCLB-Surrey&North

Status: Completed

Received:

Completed: 9/25/2002

From comments: 2002/9/6 cjamieso (LCLB-Surrey&North) lh2-082(Watkins)filelh2-097(Scott)referred to Inspector Scott by Inspector Hoy.

2002/9/25 tederkse (LCLB-Surrey&North) concluded -compliance meeting Aug 6 2002.

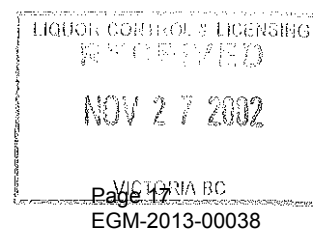
To comments: 2002/11/25 cjamieso (LCLB-Surrey&North) Concluded 22-Nov-02 - lh

## Notes

s.22 advised that some of his staff and himself were bar hopping this past week. One of the establishments they attended was the Mirage Cabaret. This establishment has two areas, Area 01, with a recently approved capacity of 351 and Area 02 with a capacity of 99 for a total capacity of 450. When IRO code: 056 -MULTIPLE AREA CAPACITY (A,B,C,D,E,F,& D)

WHERE A LICENCE HAS MORE THAN ONE LICENSED AREA, MAXIMUM LICENSED PATRON CAPACITY IN ANY ONE AREA MAY BE EXCEEDED UP TO THE FIRE OCCUPANT LOAD LIMIT FOR THAT AREA PROVIDED THE TOTAL NUMBER OF PATRONS IN ALL AREAS DOES NOT EXCEED THE TOTAL CAPACITY SHOWN ON THE FACE OF THE LICENCE. -is applied, I have advised s.22 that he is required to have both areas open for this to be in effect. As this establishment did not have the mezzanine area open he would like to know why they are permitted to use capacity for both areas. He stated they were a total capacity in the Area 01 of 450 patrons. He would like to know why they are permitted to operate in this fashion when he has to follow the rules.

Concluded 2002 Nov 22 - lh



# COMPLAINT FOR 1

17/05/021:44 PM

02-2104

DATE	2001 MAY 16	NOTES/MISCELLANEOUS
TIME	1400 HOURS	
NAME OF CALLER	s.22	
CONTACT INFORMATION	s.22	
CALL TAKEN BY	LINDA HOY/604 586-2656	
ESTABLISHMENT	MIRAGE	
ADDRESS:	15330 102A AVENUE	
CITY	SURREY	
LICENSED LOCATION	C CABARET	
	MANIN FLOOR	
REFERRED TO	KANE SCOTT	VIA EMAIL
<p>s.22 advised that some of his staff AND himself were 'BAR hopping' this past week. One of the establishments they attended was the Mirage Cabaret. This establishment has two areas, Area 01 with a recently approved capacity of 351 and Area 02 with a capacity of 99 for a total capacity of 450. When IRO code: 056</p> <p>MULTIPLE AREA CAPACITY (A,B,C,D,E,F &amp;I)</p> <p>WHERE A LICENCE HAS MORE THAN ONE LICENSED AREA, MAXIMUM LICENSED PATRON CAPACITY IN ANY ONE AREA MAY BE EXCEEDED UP TO THE FIRE OCCUPANT LOAD LIMIT FOR THAT AREA PROVIDED THE TOTAL NUMBER OF PATRONS IN ALL AREAS DOES NOT EXCEED THE TOTAL CAPACITY SHOWN ON THE FACE OF THE LICENCE. - is applied, I have advised s.22 that he is required to have both areas open for this to be in effect. As this establishment did not have the mezzanine area open he would like to know why they are permitted to use capacity for both areas. He stated they were at total capacity in the Area 01 of 450 patrons.</p> <p>He would like to know why they are permitted to operate in this fashion when he has to follow the rules.</p>		
ADDITIONAL NOTES OR COMMENTS		
<p><b>ACTION TAKEN:</b> CAG 02</p> <p>COMPLIANCE MEETING</p>		
CONCLUDED:		

**Scott, Kane AG:EX**

02-0137

**From:** Kim Deighton (SMTP:kdelighton@city.new-westminster.bc.ca)  
**Sent:** June 25, 2002 3:51 PM  
**To:** Scott, Kane AG:EX  
**Cc:** Keith Coueffin  
**Subject:** overcrowding complaint

Received info this date that Mirage **Not Responsive** in Surrey **Not Responsive** regularly overcrowd. The complainant is a licensee who is concerned that LCLB is not applying the Act/Regs consistently throughout the lower mainland. Can you pass these concerns onto the appropriate inspectors?

Thanks Kane

C2 02-0046

03-0094

02-0104

02-0113  
IR to  
02-0104

**Scott, Kane AG:EX**

**From:** Clark, Michael J. AG:EX  
**Sent:** May 27, 2002 3:09 PM  
**To:** Scott, Kane AG:EX  
**Subject:** FW: Complaint

Kane,

F.Y.I. If you need some help putting anything together, let me know.

Mike

-----Original Message-----

**From:** Martin, Shirley AG:EX  
**Sent:** Friday, May 24, 2002 2:51 PM  
**To:** Clark, Michael J. AG:EX; Derksen, Teresa AG:EX  
**Cc:** Hiscock, Barry AG:EX  
**Subject:** RE: Complaint

Libby received a anonymous call regarding this as well at 2:35 today. Teresa, Libby asked me to let you know she would like you to Cliff this too.

Thanks,  
Sam

-----Original Message-----

**From:** Martin, Shirley AG:EX  
**Sent:** Friday, May 24, 2002 1:25 PM  
**To:** Clark, Michael J. AG:EX; Derksen, Teresa AG:EX  
**Cc:** Hiscock, Barry AG:EX  
**Subject:** Complaint

I received a call from an anonymous caller at 1:10 pm today. He commented that everyone is aware of the clamp down on estabs these days. He feels that turn about is fair play and wants to let us know the Mirage Cabaret (Licence #176354) in Surrey is almost always overcrowded. Also, they are celebrating their anniversary this week and we should have an inspector there because he knows it will be packed.

Thanks,  
Sam



Martin, Shirley AG:EX

7/10/04

Not Responsive

MIRAGE

NABARE 7

# 176354  
"C"

Not Responsive

**MESSAGE**  
Date May 24/2002 Time 2:35  
To .....

**WHILE YOU WERE OUT**

From Mirage Mikeleeb  
TELEPHONE .....

Telephoned	Please call
Called to see you	Will call again
Wants to see you	Returned your call

**MESSAGE**  
Giving service  
8:00 - 12:00  
Anniversary  
Party  
Sunday, May 26

Operator ☐ URGENT ☐  
46501 pink  
46502 yellow

EGM-2013-00038

## Enforcement Action Recommended

**Re: Contravention Notice Number:** B002599

**Job No:** 000709261-017

**Inspector:** Rupi Gill

**Date:** Jan 20, 2004

**Office Location:** Surrey

**Submitted To:** Michael Clark

---

### Establishment Information:

**Establishment Name:** MIRAGE CABARET

**Establishment Address:** 15330-102A AVE  
SURREY, BC V3R 2R6

**Licence No:** 176354      **Licence Class:** Liquor Primary      **Expiry Date:** Apr 30, 2004

**Licensee Name:** Private Corporation: 500166 B.C. Ltd. c/o Ferguson, Wayne

---

### Terms and Conditions noted on licence face:

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### Contravention Information:

**Date Identified:** Jan 1, 2004

**Time Identified:** 01:35 hrs

**Contravention Name (e.g. supplying to minors)**

**Act or regulation section (e.g. LCLA s.33)**

1. Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b)

1. s. 12(2), Reg s. 71(2)(b)
-

---

**Review and Analysis:**

I have reviewed:

Facts and circumstances of the contravention

☒ Yes

☐ No

Establishment compliance history

☒ Yes

☐ No

- Number of contravention notices on file: 1
- Number of contravention notices in past 12 months: 0
- Name, date(s) of any proved contravention(s) and the enforcement action taken:

Licensee compliance history

☐ Yes

☒ No

- If no, please explain:

Other file information

☒ Yes

☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes

☐ No

---

**Reasons no enforcement action recommended:**

A review of the file shows no contravention notices/police LPCs or complaints in over 12 months. Further to the inspection, I contacted building inspector, Mike Barclay at the City of Surrey to confirm the building occupant load and was advised that since there was never a final inspection completed on the person capacity increase, it has not yet been established if the premise has completed requirements to actually be issued an occupant load of 450 for the building.

Given this issue, will hold a compliance meeting with the establishment to ensure further understanding of this contravention and to seek voluntary compliance.

---

29 DEC 2005 13:20



No. B001990

Liquor Control and Licensing Act  
and Regulation 244/2002**CONTRAVENTION NOTICE**Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: House Cabaret  
 Establishment address: 15330-100<sup>th</sup> Ave Surrey  
 Licensee name: 500166 B.C. Ltd  
 Licence #: 176354 Date CN issued: MM/DD/YY  
 Date and time of alleged contravention(s): MM/DD/YY 00:00

On the date noted above, the following alleged contravention(s) of the  
 Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	Permit intoxicated person	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2	to remain	<input type="checkbox"/> Act <input type="checkbox"/> Reg
3	ENTERED IN POSSE	<input type="checkbox"/> Act <input type="checkbox"/> Reg
4		<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Male patron standing  
next to what is referred to as  
"B" Bar - male was swaying, having  
difficulty keeping his balance, holding  
onto bar to steady himself was  
permitted to remain in licensed area

Inspector name: Ryan Gille Badge #: 58Telephone: (604) 586-2658 LPC #: \_\_\_\_\_

Management acknowledgement (name and title): \_\_\_\_\_

The general manager may proceed with enforcement action on the basis of this  
 contravention notice. The licensee will generally be notified within 45 days if  
 enforcement action is proposed.

COPY 3: LCLB HEADQUARTERS COPY (forward to headquarters)



BRITISH  
COLUMBIA

No. B001996

Liquor Control and Licensing Act  
and Regulation 244/2002

**CONTRAVENTION NOTICE**

Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: Mirage Cabaret  
Establishment address: 15330-102<sup>A</sup> Ave, Surrey, B.C.  
Licensee name: 500166 BC Ltd.  
Licence #: 76354 Date CN issued: MM/DD/YY  
Date and time of alleged contravention(s): MM/DD/YY 0000

On the date noted above, the following alleged contravention(s) of the  
*Liquor Control and Licensing Act* or regulation were identified:

	Contravention	Section
1	Minor in premises	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2	ENTERED IN POSSE	<input type="checkbox"/> Act <input type="checkbox"/> Reg
3		<input type="checkbox"/> Act <input type="checkbox"/> Reg
4		<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Follow up to LPC #A157157 issued  
by Surrey RCMP Cst. Scott Williams  
for 2 female minors in the  
premise, both aged 18.

Inspector name: Rhonda Gilic Badge #: 58  
Telephone: (604) 586-2658 LPC #: \_\_\_\_\_  
Management acknowledgement (name and title): \_\_\_\_\_  
Cory Ferguson Manager

The general manager may proceed with enforcement action on the basis of this  
contravention notice. The licensee will generally be notified within 45 days if  
enforcement action is proposed.

COPY 3: LCLB HEADQUARTERS COPY (forward to headquarters)



## COMPLIANCE MEETING

Inspector's Name: Rep. Gille

Date: Sept 22/05

Office Location: Surrey Regional Office

### ESTABLISHMENT INFORMATION:

Establishment Name: Plaza Cabaret

Establishment Address: 15330-102nd Ave Surrey BC

Licence No.: 176354

Licence Class: LP

Expiry date: Apr 30, 2006

Licensee Name: 500166 BC Ltd

### MEETING DETAILS:

Attendees at compliance meeting:

Name: Heath Thompson Association/Position: General Manager Contact No: \_\_\_\_\_

Name: s.22 Association/Position: Observer Contact No: s.22

Name: Corey Ferguson Association/Position: General Manager Contact No: \_\_\_\_\_

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Reason compliance meeting was convened (cite CN # if relevant): Bon 490

Information reviewed at the meeting:

☒ Relevant section(s) of the Liquor Control and Licensing Act s.43(2)(B)

☐ Relevant section(s) of the Liquor Control and Licensing Regulations

☐ Relevant section(s) of the Compliance and Enforcement Program,  
Policy and Procedures Manual

☒ Relevant section(s) of the Guide to Liquor Licensees LP - pg 13

☒ Other Locally Schedule - item 11 - Intoxicated persons

Commitments made by licensee:

Will be having a meeting with staff to provide further training on issues of intoxication, all bartending staff will have their serving the right certification upgraded to licensee level. The manager James took disciplinary action against the staff involved in the incident. The premise has a staff manual used in staff training which deals with intoxication & signs of intoxication.

Inspector Name: Rep. Gille

Inspector Signature: [Signature]

Licensee Name: Mirage

Licensee Signature: [Signature]

## COMPLIANCE MEETING

Inspector's Name: Rupr. Gill

Date: Nov 23/05

Office Location: SRO
**ESTABLISHMENT INFORMATION:**

Establishment Name: M. J. J. Cabaret

Establishment Address: 15330 - 102nd Ave Surrey BC

Licence No.: A6354

Licence Class: LP

Expiry date: \_\_\_\_\_

Licensee Name: 5001616 BC LTD
**MEETING DETAILS:**

Attendees at compliance meeting:

Name: <u>Cory Ferguson</u>	Association/Position: <u>General Mgr.</u>	Contact No: _____	s.22
Name: <u>Heath Ferguson</u>	Association/Position: <u>General Mgr.</u>	Contact No: _____	
Name: _____	Association/Position: _____	Contact No: _____	
Name: _____	Association/Position: _____	Contact No: _____	
Name: _____	Association/Position: _____	Contact No: _____	
Name: _____	Association/Position: _____	Contact No: _____	

Reason compliance meeting was convened (cite CN # if relevant):

RE: 8601996

Information reviewed at the meeting:

- 553-535
- ☒ Relevant section(s) of the *Liquor Control and Licensing Act*
  - ☐ Relevant section(s) of the *Liquor Control and Licensing Regulations*
  - ☐ Relevant section(s) of the *Compliance and Enforcement Program, Policy and Procedures Manual*
  - ☐ Relevant section(s) of the *Guide to Liquor Licensees*
  - ☐ Other \_\_\_\_\_

ENTERED IN POSSE

Commitments made by licensee: see attached

Other \_\_\_\_\_

LIQUOR CONTROL & LICENSING  
**RECEIVED**  
DEC 16 2005  
AM VICTORIA BC

Inspector Name: Rupr. Gill

Inspector Signature: [Signature]

Licensee Name: Cory Ferguson

Licensee Signature: [Signature]



No. A 157157



BRITISH COLUMBIA

Liquor Control and Licensing Act  
and Regulation 608/76

**POLICE LICENSED PREMISES CHECK (LPC)**

Establishment Name: Mirage Night Club Cabaret  
Establishment Address: 15330 102nd Ave  
Licence #: 176354 Date: 05/11/05 Time: diog  
Licensee Name: Mirage Cabaret

On the date noted above, the following alleged contraventions of the Liquor Control and Licensing Act or regulations were identified:

**MINORS**

- ☐ Supplying to minors s. 33 ☒ Minors in premises s. 35

Number and age of minors: 2 (14 + 18)

I.D. type shown: None - ID verified w/ CPC

Details (e.g. no ID checked at door; inadequate lighting at door): \_\_\_\_\_

**OVERCROWDING**

- ☐ Overcrowding beyond Building Occupancy Load (BOL) Reg. s. 4(7) ☐ Overcrowding beyond Licence Capacity Reg.

BOL: \_\_\_\_\_ Actual: \_\_\_\_\_ Lic. Cap.: \_\_\_\_\_

Details (e.g., how was count conducted; how many times was count verify count; number of door staff; door control; identify public safety issues): \_\_\_\_\_

**INTOXICATED PATRON**

- ☐ Selling to intoxicated person s. 43(1)  
☐ Permitting a person to become intoxicated s 43(2)(a)  
☐ Permitting intoxicated person to remain s. 43(2)(b)

Details (e.g. evidence of intoxication): \_\_\_\_\_



☐ **OTHER ALLEGED CONTRAVENTIONS (see flap):**

Details: \_\_\_\_\_

Police Officer (please print): Det. Scott Williams

Badge #: 49777 Dept./Detach.: Surrey Detachment

Police Incident/File #: 05-136786

Management Acknowledgement (Name and Title)

Colin FERGUSON - Bar Manager

A copy of this LPC will be forwarded to the Liquor Control and Licensing Branch. The branch may proceed with enforcement action on the basis of this alleged contravention.

COPY 2: LCLB FIELD OFFICE COPY (forward to LCLB field office)



LIQUOR CONTROL & LICENSING  
RECEIVED

JAN 23 2004

No. B 002599



BRITISH COLUMBIA

Liquor Control and Licensing Act  
and Regulation 244/2002

### CONTRAVENTION NOTICE

Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: MIRAGE CABARET  
Establishment address: 15330 102A Ave. Surrey BC  
Licensee name: 500166 B.C. LTD  
Licence #: 176354 Date CN issued: 01/10/04  
Date and time of alleged contravention(s): 01/01/04 00:00:35

On the date noted above, the following alleged contravention(s) of the  
Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	Overcrowding beyond	5(1) <input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg
2	license capacity	<input type="checkbox"/> Act <input type="checkbox"/> Reg
3		<input type="checkbox"/> Act <input type="checkbox"/> Reg
4	ENTERED IN POSSE	<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Inspector did 2 counts -  
Total #1 - 520; Total #2 - 520  
539

Staff count Total = 477:  
License capacity = Patron 01 = 351 Patron 02 = 99

Inspector name: Rudi Gilić Badge #: 58  
Telephone: (604) 586-2658 LPC #: \_\_\_\_\_  
Management acknowledgement (name and title): \_\_\_\_\_

The general manager may proceed with enforcement action on the basis of this  
contravention notice. The licensee will generally be notified within 45 days if  
enforcement action is proposed.



## COMPLIANCE MEETING

Inspector's Name: Ropi Gille Date: May 6/04  
Office Location: Surrey

### ESTABLISHMENT INFORMATION:

Establishment Name: MIRAGE CABARET  
Establishment Address: 15330 102<sup>nd</sup> AVE Surrey, B.C.  
Licence No.: 176354 Licence Class: LP Expiry date: April 30<sup>th</sup> 2005  
Licensee Name: 500166 B.C. Ltd.

### MEETING DETAILS:

Attendees at compliance meeting:

Name: <u>Heath Ferguson</u>	Association/Position: <u>Manager</u>	Contact No: <u>s.22</u>
Name: _____	Association/Position: _____	Contact No: _____
Name: _____	Association/Position: _____	Contact No: _____
Name: _____	Association/Position: _____	Contact No: _____
Name: _____	Association/Position: _____	Contact No: _____
Name: _____	Association/Position: _____	Contact No: _____

- Reason compliance meeting was convened (cite CN # if relevant): CN# B002599 - overcrowding

ISSUES OF OVERSERVICE

Information reviewed at the meeting:

- ☒ Relevant section(s) of the Liquor Control and Licensing Act 543
- ☒ Relevant section(s) of the Liquor Control and Licensing Regulations 56(4)
- ☐ Relevant section(s) of the Compliance and Enforcement Program, Policy and Procedures Manual
- ☒ Relevant section(s) of the Guide to Liquor Licensees 12 & 13 of LP GUIDE
- ☒ Other APPENDIX 1 - PENALTY SCHEDULE

Commitments made by licensee: Staff has ensured new clickers are in place and will ensure input count is kept. Meeting was held with staff on May 4/04 regarding the issue overservice/alcoholization. Memos have been posted to ensure that staff are more aware/informed of their responsibilities on these issues.  
There are videos & alarms on all exits/entrances.

Inspector Name: Ropi Gille Inspector Signature: [Signature]  
Licensee Name: Heath Ferguson Licensee Signature: [Signature]

Licensee Name: 500166 B.C. Ltd.  
Establishment Name: MIRAGE CABARET  
Licence Number: 176354

September 22, 2005

In addition you or your representative should return this letter to the session, with answers to the following questions:

1. Is your establishment being operated within all terms and conditions stated on the licence? Yes ☒ No ☐
2. Has there been a change in ownership, since your last administrative inspection? Yes ☒ No ☒
3. If licensed as an individual or partnership, are there any new or deleted partners, since your last administrative inspection? Yes ☐ No ☒
4. If licensed as a company, have there been any internal or external transfers of shares of capital stock, or capital stock of any holding company, since your last administrative inspection? Yes ☐ No ☒
5. Is there a third party use agreement in place? Yes ☐ No ☒
6. Is there a valid lease/title document to the property? Yes ☒ No ☐
7. Has the name of the establishment changed? Yes ☐ No ☒
8. Do you maintain a record of liquor purchases for your establishment? (Namely the Liquor Register you have been required to bring with you to this session.) Yes ☒ No ☐

The General Manager expects all licensees to fully cooperate with its inspection program, including attending the Branch's information sessions. In addition, you will be provided with important information aimed at assisting you in complying with all of the requirements of the Liquor Control and Licensing Act.

If you have any questions or are unable to attend on the requested date, contact Rupi Gill at (604) 586-2658.

Rupi Gill  
Surrey

**N.B. Please hand this completed page to the Inspector at the presentation.**

**I certify the above information to be correct as of this date.**

Signature: [Signature] Print Name: Heath Ferguson  
Position: Manager Date: Sept. 22/05

**PLEASE NOTE:**

The requirement that you or your manager attend a meeting with the documents listed in this letter is made under Section 73(1) of the Liquor Control and Licensing Act:

- 73 (1) To obtain information respecting the administration of enforcement of this Act or the regulations, the general manager or a person designated by the general manager may
- a) require the licensee to produce any prescribed document relating to the operation of the business licensed under the Act.

**Failure to comply with this request is a contravention of the Act and you may be subject to a licence suspension (10-60 days) and/or monetary penalties.**

## Gill, Rupi K. SG:EX

---

**From:** Scott Williams [scott.williams@rcmp-grc.gc.ca]  
**Sent:** Wednesday, November 16, 2005 1:36 PM  
**To:** Gill, Rupi K. SG:EX  
**Subject:** Re: File #2005-136784, LPC for Mirage Nightclub

For the fax that I sent you, the file number on the LPC check and fax cover sheet is incorrect. The correct file number is on the violation tickets(2005-136786). The answers to your questions:

1. They had no identification on them and had no false ID.
2. They advised that they brought a glass from home and walked into the bar with them in hand as if they were previously in the bar and left with a drink. They stated that they were told by a doorman not to take drinks outside.
3. They did not say how long they were in the premise. Cst. WALBERG and I entered the bar, checked the washrooms and went towards the rear of the bar when we noticed the girls. It was about 5 minutes. We noticed the two girls because they appeared underage. We requested ID.
4. The minors were in the north end of the bar. They were walking away from the serving bar area. No staff were located in the immediate area except for the staff person shadowing us as we walked through the bar. They were not noted talking to any staff.
5. They were not witnessed consuming alcohol although there were mildly intoxicated. They did not have any drinks in hand when they were stopped.
6. I have the contact phone number for s.22 It is s.22 I will speak to Cst. WALBERG and advised of the other girls phone number.

Do you have a cheat sheet or any reference material for law enforcement members that would assist us in conducting our premise checks. I am familiar with some of rules but a complete list would really help. The provincial fines booklet that I have now only lists a few violations and the fines.

Thanks,

Cst. Scott WILLIAMS  
Royal Canadian Mounted Police  
Surrey Detachment - General Duty  
10395 148th Street  
Surrey, BC  
604-599-7777 (Mail Box # 3294)  
604-502-6524 (Fax)  
Scott.Williams@rcmp-grc.gc.ca

>>> "Gill, Rupi K. SG:EX" <Rupi.Gill@gov.bc.ca> 11/16/05 1:10 PM >>>

Hello, Cst. Williams, I first wanted to acknowledge receiving your fax of the above LPC and also the original by mail. My delay in getting back to you is a result of being away at a conference for the past two weeks and only just getting back in the office yesterday. Anyways, I just had a couple of quick questions that I was hoping you may be able to answer so that I can proceed with enforcement action. My questions are as follows:

- 1) You mentioned that the two minors produced no identification. Do you know if they actually had any identification (even false id) on them.
- 2) Did they indicate if they were asked for identification by staff at any time?
- 3) Did the minors say how long they were in the premise. Also could you let me know how long you had been in the establishment before you noted them. Also, what brought the minors to your attention (ie: was it just a random check or did you approach them because they looked very young, were they known to you as being minors, etc.)

4) Can you please advise where in the establishment you noted the minors and approached them. Further to that, were there any staff members in proximity to the minors (ie: were they at the bar, did you note them talking to any bartender or serving staff?)

5) Did they have anything to consume in the premise? Did you note if they had any drinks in hand or if they said they had had anything to drink inside the establishment?

6) Do you have a contact phone number for the minors?

I know that I have asked for a lot of additional information here and that you may not have all the information I am requesting but any help you can provide is appreciated. Please contact me either by email or by phone (604 586-2658). Thanks again and I will keep you updated on where things go with this.

## No Enforcement Action Recommended

**Re: Contravention Notice Number:** B001990

**Contravention Notice Date:** Sep 9, 2005

**Job No:** 000709261-023

**Inspector:** Rupi Gill

**Date**

**Prepared:** Sep 14, 2005

**Office Location:** Surrey

**Submitted To:** Michael Clark

---

### Establishment Information:

**Establishment Name:** MIRAGE CABARET

**Establishment Address:** 15330-102A AVE  
SURREY, BC V3R 2R6

**Licence No:** 176354

**Licence Class:** Liquor Primary

**Expiry Date:** Apr 30, 2006

**Licensee Name:** Private Corporation: 500166 B.C. Ltd. c/o Ferguson, Wayne

---

### Terms and Conditions noted on licence face:

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### Contravention Information:

**Contravention Name (e.g. supplying to minors)**

**Date and Time identified**

1. Permit intoxicated person to remain, s.  
43(2)(b)

1. Sep 10, 2005 1:45 AM
-

---

## Review and Analysis

I have reviewed:

Facts and circumstances of the contravention

☒ Yes

☐ No

Establishment compliance history

☒ Yes

☐ No

- Number of contravention notices on file: 2
- Number of contravention notices in past 12 months: 0
- Name, date(s) of any proved contravention(s) and the enforcement action taken:

Licensee compliance history

☐ Yes

☒ No

- If no, please explain: Not available

Other file information

☒ Yes

☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes

☐ No

---

### Reasons no enforcement action recommended:

A review of the file shows that there is no recent history with respect to this contravention. Last contravention notice issued was in Jan 2004 with respect to overcrowding. Further, there was only the one intoxicated patron identified in the premise during the course of the inspection and staff was cooperative in removing him when he was pointed out. Recommend no enforcement action at this time and will instead follow up with licensee and conduct a compliance meeting.

---

Nov 18/05 - 10:00 AM - left msg. for Corey Ferguson  
@ <sup>s.22</sup> re: contact me about the  
LPC. I would be issuing a CN -  
perhaps best to set up appt & meet.

ID equipment was being used that evening.

Treo scope - ID scanning equipment.  
- used by Barwatch.

<sup>s.22</sup>

1:15-1:20

0100 - the miners were in  
the bar prior to entering  
the establishment.

Apr 6-17 not available





**NOTICE OF ENFORCEMENT ACTION**  
***Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267***

File No: EH05-160  
Job No: 000709261-025

December 20, 2005

500166 B.C. Ltd.  
c/o Wayne Ferguson  
15330-102A AVE.  
Surrey, BC V3R 7R6  
Canada  
Telephone: (604) 460-7651

Fax: (604) 460-7651

Dear Wayne Ferguson:

**Re: License Number: 176354**  
License Type: Liquor Primary  
License Expiry Date: April 30, 2006  
Establishment: MIRAGE CABARET  
15330-102A AVE  
SURREY, BC V3R 2R6

The purpose of this notice is to inform you that the General Manager is taking enforcement action for the alleged contravention(s) of the *Liquor Control and Licensing Act*, the *Regulations*, and/or the terms and conditions of your license as set out in this notice.

The General Manager will consider the information contained in this notice at the enforcement hearing.

**THE ALLEGED CONTRAVENTION(S)**

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and Time of Contravention(s)	Proposed Penalty
1.	Minors in premises, s. 35	s. 35	Oct 28, 2005 1:00 AM	1 day suspension

Ministry of  
Public Safety and  
Solicitor General

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[www.pssg.gov.bc.ca/lclt](http://www.pssg.gov.bc.ca/lclt)

## **SUMMARY OF EVIDENCE**

Mirage Nightclub is a liquor primary establishment operating as a nightclub in the city of Surrey. The hours of business are 11 am-1 am Monday through Wednesday and 11 am-2 am on Thursday to Sunday.

On Oct 28, 2005, two members of the Surrey RCMP, Constables Williams and Walberg, conducted a walk through of the establishment from approximately 12:50 to 1:05 am. Both constables entered the establishment and checked the washrooms. After being in the establishment approximately five minutes, they proceeded towards the back of the establishment where they noticed two females who came to their attention because they appeared very young, possibly underage, to the officers. These two females, later identified as s.22

s.22 were observed walking away from the north side of the bar service area. They were not noted speaking to any staff person nor was there any staff observed in the nearby vicinity. s.22 were not observed consuming any alcohol and they did not have any drinks in hand when they were stopped by the police officers. The police asked for identification but both minors advised they had no identification with them. Their identities were verified by the police officers by doing a check on CPIC. s.22 advised that they entered the establishment by carrying glasses they had brought from home and walking into the establishment as if they had already been in and were now returning. They advised that one of the doormen told them not to take drinks outside. They were not asked to produce any identification by any staff person. The police officers note that there were seven doorstaff on duty that evening.

The constables issued violation tickets to the minors citing LCLA s. 34 (2), minor in liquor establishment. In addition, the contravention was made known to staff by way of an LPC (#A157157) which was issued for minors in premise and signed for by manager, Corey Ferguson. I met with Corey Ferguson and Heath Ferguson at Surrey Regional office on Nov 23, 2005 to discuss the contravention. They indicated that they have practices in place with respect to the issue of minors. They have a written policy outlining staff responsibility to ask for two pieces of id. They also make use of the Treoscope identification verification equipment. The manager reviews the policy with the staff but staff are not tested on their understanding of the policy. In this situation however, the two minors were not asked to produce any identification even though they did have contact with one of the doorstaff. Both managers acknowledged that there had been a mistake made on the part of the doorman in not asking for identification of the two females. They have since provided a written warning letter to the staff person involved in the incident. Contravention notice #B001996 was issued as a follow up to the police licensed premise check.

## **ALLEGED CONTRAVENTION(S)**

**Contravention Number** B001996 : C Minors in premises, s. 35

### **Reasons for Recommending Enforcement Action**

Alcohol has a negative effect on growing bodies and developing minds. Minors lack the capacity to metabolize alcohol in the same manner as adults and therefore liquor has a more intoxicating effect on minors and liquor is a significant factor in many crimes committed by youth including serious driving offenses, assault, sexual assault and theft. There is a significant public safety interest in limiting access that minors may have to alcohol which is why minors are prohibited from entering into liquor primary establishments. In this instance, there were two minors who were able to gain entry despite the fact that there were several doorstaff posted at the entrance.

The alleged contravention is defined in Schedule 4 of the Liquor Control and Licensing Regulations under item 3.

### **Reasons for the Proposed Penalty**

The range of penalties for permitting a minor in the premises is a 1-3 day license suspension and/or a \$1000-\$3000 monetary penalty.

A review of the file shows no previous contravention with respect to this issue so the suspension penalty is considered appropriate to gaining future compliance.

Therefore;

For the alleged contravention of Minors in premises, s. 35 (Contravention Notice Number B001996) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 1 day is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a first contravention.

The suspension will be served starting on a Thursday and will continue on successive business days until completed.

## **THE PROCEDURES**

An enforcement hearing may be scheduled to determine whether the alleged contravention(s) occurred and the appropriate penalty, if any, that should be imposed. You can contest the contravention(s) and/or the proposed penalty at the enforcement hearing.

**Please Note:** If a penalty is warranted, the General Manager may;

- Impose a suspension of the liquor license for a period of time;
- Cancel a liquor license;
- Impose terms and conditions to a license or rescind or amend existing terms and conditions;
- Impose a monetary penalty; or
- Order a licensee to transfer a license.

An enforcement hearing can be time consuming and costly for all participants. If you sign a waiver, there will be no need for an enforcement hearing for the alleged contravention(s) or the lesser but included contravention(s). By signing the waiver, you expressly and irrevocably:

- Agree that the contravention(s) occurred,
- Accept the proposed penalty in this letter,
- Waive the enforcement hearing, and
- Agree that the finding(s) of contravention(s) and the penalty will form part of your compliance history as a licensee.

Generally, the waiver must be signed within 14 days of the date of this letter. If you decide you want to sign a waiver, please contact me as soon as possible to arrange an appointment.

## **CONTACTS**

(1) If you do not sign a waiver, the case management administrator will contact you with details of the enforcement hearing process. The case management administrator contact information is:

Shirley Martin; (250) 356-0010; Shirley.Martin@gov.bc.ca

(2) Please contact me at (604) 586-2658 if you want to sign a waiver notice or if you have any questions regarding this notice.

Yours truly,

Rupi Gill  
Surrey

Attachments:  
Appendices A & B  
Copy of Enforcement Hearing Rules  
Copy of Liquor Licence  
Copy of Contravention Notice  
Copy of Red line Floor Plan

## APPENDIX A

### License Information

License number: 176354  
License type: Liquor Primary  
License expiry date: April 30, 2006

At an enforcement hearing, the branch may present the following information related to allegations of non-compliance for which the branch did not pursue enforcement action. If there is a finding that the contravention(s) alleged which are the subject of this Notice of Enforcement Action did occur, the following information may be considered by the General Manager, for the purpose of determining what penalty, if any, is appropriate. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions:

Date of Incident	Alleged Contravention	Identifying Document(s)
October 28, 2005	Minors in premises, s. 35	CN # B001996
September 10, 2005	Permit intoxicated person to remain, s. 43(2)(b)	CN # B001990
January 01, 2004	Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b)	CN # B002599
February 21, 2002	LICENCE CAPACITY - REG.	CN # A002395

### Compliance Meetings:

Date	Topic
August 06, 2002	
September 22, 2005	Permit intoxicated person to remain, s. 43(2)(b)

## **APPENDIX B**

### **License Information**

License Number: 176354  
License Type: Liquor Primary  
License Expiry Date: April 30, 2006

At an enforcement hearing, the General Manager will consider compliance history when determining the appropriate penalty for each contravention.

### **LICENSEE'S COMPLIANCE HISTORY**

The licensee's compliance history consists of any prior findings of contraventions and penalties that relate to the licensee in question. A finding of contravention results when the licensee signs a waiver or the General Manager makes a decision that a contravention did occur. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions.

*- No compliance history found*

### **ESTABLISHMENT'S COMPLIANCE HISTORY**

The establishment's compliance history consists of any prior findings of contraventions and penalties that relate to the establishment in question. A finding of contravention results when the licensee responsible for the establishment signs a waiver or the General Manager makes a decision that a contravention did occur.

*- No compliance history found*

Royal Canadian Gendarmerie royale  
Mounted Police du CanadaFACSIMILE /MESSAGE  
TRANSMITTALENVOI D'UN MESSAGE  
PAR TÉLÉCOPIEURSecurity Classification/Designation  
Classification/désignation

Protected A

Précédence - Priorité

ROUTINE

TO À  
Rupl GILL  
Compliance and Enforcement Officer  
Liquor Control and Licensing Branch - Surrey Regional Office

Date

2005-11-01

Reference No. - N° de référence

Your File - Votre n° de dossier

FOR YOUR  
INFO.  
POUR VOTRE  
INFORM.FROM DE  
Name - Nom  
Cst. Scott WILLIAMS

Our File - Notre n° de dossier

2005-136784

Div. Sub-Div. - S.-div.

Branch - Service

E

Surrey Detachment

PIRS ORI  
IND SRRJCPIC ORI  
IND CIPC

OSR - RSO

Section  
General DutyUnit - Unité  
District 2

Unit Coll. - Code d'interclass. de serv.

SENDER - EXPÉDITEUR

RECIPIENT - DESTINATAIRE

Fax No. - N° de téléc. Tel. No. - N° de tél.

604-502-6524

604-599-0502

Fax No. - N° de téléc.

604-586-2640

Bus. Tel. No. - N° de tél. bur. Res. Tel. No. - N° de tél. rés.

604-586-2658

SUBJECT Mirage Cabaret - Minor in Licensed Establishment  
OBJET

Total number of pages including this one:

Nombre total de pages, y compris celle-ci : 4

COMMENTS  
COMMENTAIRES

Ms. GILL,

I have attached the Police Licensed Premise Check and the two violation tickets with respect to two minors being inside the Mirage Cabaret located at 15330 102A Avenue, Surrey, BC on 2005-10-28. The two minors produced no identification, however their identities were verified using CPIC. Also, both of the minors stated that they entered the bar by bringing glasses from home and walking into the bar as if they had left with their drinks and returned. There were seven doorman on duty that evening.

If you have any further questions please contacted me.

Cst. Scott WILLIAMS  
Royal Canadian Mounted Police  
Surrey Detachment

This message is intended for the use of the addressee. Disclosure of message content may breach one or more laws. If you have received this communication in error, notify the sender immediately by telephone.

Cette communication est exclusivement destinée à qui elle est adressée. La divulgation de son contenu peut constituer une infraction à une ou plusieurs lois. Si vous avez reçu cette communication par erreur, veuillez en aviser immédiatement l'expéditeur par téléphone.

Operator - Opérateur

Telephone No. - N° de téléphone

Daily No. - N° quotidien

TO BE DELIVERED BY  
À LIVRER D'ICI LE

Date

Time - Heure

Authorizing Signature - Signature de l'approbateur

Date

2005-11-01

Time - Heure

REPLY REQUIRED BY  
RÉPONSE D'ICI LE

RCMP GRC 2875 (2003-06) ICS

Canada

No. A 157157

BRITISH  
COLUMBIALiquor Control and Licensing Act  
and Regulation 608/76**POLICE LICENSED PREMISES CHECK (LPC)**Establishment Name: Michael's Pub & GrillEstablishment Address: 15330 102nd AveLicence #: 176354 Date: 05-11-08 Time: 01:00Licensee Name: Michael's Pub & Grill

On the date noted above, the following alleged contraventions of the Liquor Control and Licensing Act or regulations were identified:

**MINORS**☐ Supplying to minors s. 33 ☒ Minors in premises s. 35Number and age of minors: 2 (14 & 19)I.D. type shown: None ID verified w/ police

Details (e.g. no ID checked at door; inadequate lighting at door):

**OVERCROWDING**☐ Overcrowding beyond Building Occupancy Load (BOL) Reg. s. 4(7) ☒ Overcrowding beyond Licence Capacity Reg.BOL:            Actual:            Lic. Cap.:            Actual:           

Details (e.g. how was count conducted; how many times was count done; did staff member verify count; number of door staff; door control; identify public safety issues):

**INTOXICATED PATRON**☐ Selling to intoxicated person s. 43(1)  
☐ Permitting a person to become intoxicated s. 43(2)(a)  
☐ Permitting intoxicated person to remain s. 43(2)(b)

Details (e.g. evidence of intoxication):

☒ **OTHER ALLEGED CONTRAVENTIONS (see flap):**

Details:

Police Officer (please print): Det. Scott WilliamsBadge #: 49777 Dept./Detachment: Surrey DetachmentPolice Incident/File #: 05-136784Management Acknowledgement (Name and Title): Cory FERGUSON - Bar Manager

A copy of this LPC will be forwarded to the Liquor Control and Licensing Branch. The branch may proceed with enforcement action on the basis of this alleged contravention.

COPY 2: LCLB FIELD OFFICE COPY (forward to LCLB field office)





**BRITISH COLUMBIA**  
Office Act

**VIOLATION**  
**TICKET** 05-136786  
**AH02626177**

ISSUED TO:

SURNAME OR CORPORATE NAME

s.22

GIVEN NAME (OR CORPORATE NAME CONTINUED)

s.22

☐ YOUNG PERSON

s.22

THE ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT

THE ABOVE NAMED AS: ☐ DRIVER ☐ CYCLIST ☐ OWNER (Per Section 83(2) of the Motor Vehicle Act)

☒ PEDESTRIAN ☐ PASSENGER ☐ OTHER

VIOLATION DATE

MM

DD

(24hr Clock)

ON OR ABOUT

AT THE TIME OF

ON

AT OR NEAR

102A Ave, SURREY

IN THE PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE(S) INDICATED, UNDER THE FOLLOWING ACT OR ITS REGULATIONS:

☐ (MVA) MOTOR VEHICLE ACT ☐ (WLA) WILDLIFE ACT ☒ (LCA) LIQUOR CONTROL & LICENSING ACT  
☐ (MCA) MOTOR CARRIER ACT ☐ (FAA) FIREARM ACT ☐ (TCP) TRANSIT CONDUCT & SAFETY REGS.  
☐ (CTA) COMMERCIAL TRANSPORT ACT ☐ OTHER (SPECIFY)

DESCRIPTION OF OFFENCE(S)	ACT / REGS	SECTION	* TICKETED AMOUNT
Motor in liquor LCLA est 6/10/04	<input checked="" type="checkbox"/> ACT <input type="checkbox"/> REGS	34(2)	\$115
	<input type="checkbox"/> ACT <input type="checkbox"/> REGS		\$
	<input type="checkbox"/> ACT <input type="checkbox"/> REGS		\$

\* THIS TICKETED AMOUNT CONSISTS OF THE FINE FOR THE ALLEGED OFFENCE AND A 15% VICTIM SURCHARGE LEVY.

INVOLVING THE VEHICLE: PROV. STATE: PLATE NUMBER: NSC/PD: INSC NUMBER:

BEARING LICENSE PLATE:

REGISTERED OWNER NAME:

VEHICLE MAKE: TYPE: COLOUR: YEAR: ACCIDENT: Y/N

IF YOU WANT TO DISPUTE ANY ALLEGATIONS OR FINE AMOUNT ON THIS VIOLATION TICKET, YOU MAY DELIVER A NOTICE OF DISPUTE TO:

13428 78 AVENUE, SURREY, BRITISH COLUMBIA

OR MAIL OR DELIVER A NOTICE OF DISPUTE AS DESCRIBED ON THE REVERSE

PROVINCIAL COURT HEARING LOCATION: DATE OF SERVICE: COURT:

RICHMOND, B.C. 01/19/05

ENF. OFFICER: ORGANIZATION / DETACHMENT / LOCATION: SURREY RCMP

SHADED AREAS OF THIS TICKET ARE NOT PART OF THE OFFENCE CHARGED

ENFORCEMENT OFFICER'S SIGNATURE:

IF THE ALLEGATIONS OR FINES ARE NOT DISPUTED (SEE REVERSE) WITHIN 30 DAYS, THIS TICKET WILL BE TREATED AS NOT DISPUTED, YOU WILL BE DEEMED TO HAVE PLEADED GUILTY TO THE ALLEGED OFFENCE(S) AND TO OWE THE CROWN THE TICKETED AMOUNTS. YOUR SIGNATURE INDICATES YOU HAVE RECEIVED THIS TICKET AND IS NOT AN ADMISSION OF GUILT.

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS VIOLATION TICKET

ALLEGED OFFENDER'S SIGNATURE

SERVED

VT ADMIN



**BRITISH COLUMBIA**  
Offences Act

**VIOLATION  
TICKET**

**AN16367329**

ISSUED TO:

2005-136786

SURNAME OR CORPORATE NAME	
GIVEN NAME	CONTINUE
s.22	
s.22	
<input checked="" type="checkbox"/> YOUNG PERSON	

s.22

THE ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED, ARE: ☐ DRIVER ☐ CYCLIST ☐ OWNER ☐ PASSENGER ☒ OTHER

ON OR ABOUT 2005 10 28 AT THE TIME OF 01:00

ON 15330 102a Ave

AT OR NEAR SURREY IN THE PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE(S) INDICATED, UNDER THE FOLLOWING ACT OR ITS REGULATIONS:  
☐ (MVA) MOTOR VEHICLE ACT ☐ (WLA) WILDLIFE ACT ☒ (CLA) LIQUOR CONTROL & LICENSING ACT  
☐ (MCA) MOTOR CARRIER ACT ☐ (FPA) FIREARM ACT ☐ (TCR) TRAVEL CONDUCT & SAFETY REGS.  
☐ (CTA) COMMERCIAL TRANSPORT ACT ☐ OTHER (SPECIFY)

DESCRIPTION OF OFFENCE(S)	ACT/REGS.	SECTION	TICKETED AMOUNT
Minor in Liquor Establishment	LCAL <input checked="" type="checkbox"/> ACT <input type="checkbox"/> REGS	34(2)	\$115.00
	<input type="checkbox"/> ACT <input type="checkbox"/> REGS		\$
	<input type="checkbox"/> ACT <input type="checkbox"/> REGS		\$

\* THIS TICKETED AMOUNT CONSISTS OF THE FINE FOR THE ALLEGED OFFENCE AND A 15% VICTIM SURCHARGE LEVY.

INVOLVING THE VEHICLE	PROV. STATE	PLATE NUMBER	REG. NO.	REG. NUMBER
VEHICLE MAKE	TYPE	COLOR	YEAR	ACCIDENT
IF YOU WISH TO DISPUTE ANY ALLEGATIONS OR FINE AMOUNT ON THIS VIOLATION TICKET, YOU MAY DELIVER A NOTICE OF DISPUTE TO:				
10420 78 AVENUE, SURREY, BRITISH COLUMBIA				
PROVINCIAL COURT HEARING LOCATION				
RICHMOND, B.C.				
DATE OF SERVICE				
SURREY RCMP				

SHADED AREAS OF THIS TICKET ARE NOT PART OF THE OFFENCE CHARGED

ENFORCEMENT OFFICER'S SIGNATURE

IF THE ALLEGATIONS OR FINES ARE NOT DISPUTED (SIC REVERSED) WITHIN 30 DAYS, THIS TICKET WILL BE TREATED AS NOT DISPUTED, YOU WILL BE DEEMED TO HAVE PULSED GUILTY TO THIS ALLEGED OFFENCE(S) AND TO OWE THE CREDITS INDICATED YOU HAVE RECEIVED THIS TICKET AND IT THEREBY ACKNOWLEDGES RECEIPT OF A COPY

ALLEGED OFFENDER'S SIGNATURE

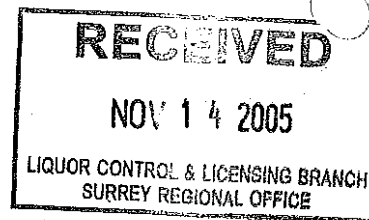
s.22

VT ADMIN



Royal  
Canadian  
Mounted  
Police

Gendarmerie  
royale  
du  
Canada



Security Classification / Designation  
Classification / Désignation sécuritaire

Your file

Votre référence

Our file

Notre référence

Date: 05 NOV 08

05.136786

Liquor Control and Licensing Branch,  
# 101 - 9180 King George Highway,  
SURREY, B.C.  
V3V 5V9

ATTENTION: Regional Manager

Dear Sir / Madam:

Re: Licensed Premises Sheets

I have enclosed for your information, copies of Licensed Premises Inspection Tickets for liquor establishments in Surrey, B.C.

Our files at this time are concluded pending any assistance required by your office.

Yours truly,

K.C. GATES, Superintendent  
Operations Officer,  
Surrey Detachment,  
14355 - 57<sup>th</sup> Avenue,  
Surrey, B.C.  
V3X 1A9

/attach

Canada

## No Enforcement Action Recommended

**Re: Contravention Notice Number:** B001990

**Contravention Notice Date:** Sep 9, 2005

**Job No:** 000709261-023

**Inspector:** Rupi Gill

**Date**

**Prepared:** Sep 14, 2005

**Office Location:** Surrey

**Submitted To:** Michael Clark

---

### Establishment Information:

**Establishment Name:** MIRAGE CABARET

**Establishment Address:** 15330-102A AVE  
SURREY, BC V3R 2R6

**Licence No:** 176354

**Licence Class:** Liquor Primary

**Expiry Date:** Apr 30, 2006

**Licensee Name:** Private Corporation: 500166 B.C. Ltd. c/o Ferguson, Wayne

**Terms and Conditions noted on licence face:**

---

### Contravention Information:

**Contravention Name (e.g. supplying to minors)**

**Date and Time identified**

1. Permit intoxicated person to remain, s. 43(2)(b)

1. Sep 10, 2005 1:45 AM
-

---

**Review and Analysis:**

I have reviewed:

Facts and circumstances of the contravention

☒ Yes☐ No

Establishment compliance history

☒ Yes☐ No

- Number of contravention notices on file: 2
- Number of contravention notices in past 12 months: 0
- Name, date(s) of any proved contravention(s) and the enforcement action taken:

Licensee compliance history

☐ Yes☒ No

- If no, please explain: Not available

Other file information

☒ Yes☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes☐ No

---

**Reasons no enforcement action recommended:**

A review of the file shows that there is no recent history with respect to this contravention. Last contravention notice issued was in Jan 2004 with respect to overcrowding. Further, there was only the one intoxicated patron identified in the premise during the course of the inspection and staff was cooperative in removing him when he was pointed out. Recommend no enforcement action at this time and will instead follow up with licensee and conduct a compliance meeting.

---



BRITISH  
COLUMBIA

No. B001365

Liquor Control and Licensing Act  
and Regulation 244/2002

**CONTRAVENTION NOTICE**

Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: Mirage Cabaret  
Establishment address: 15330 102<sup>nd</sup> Ave. Surrey  
Licensee name: 500166 B.C. Ltd.  
Licence #: 176354 Date CN issued: 07/05/06  
Date and time of alleged contravention(s): 07/07/06 0000

On the date noted above, the following alleged contravention(s) of the  
Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	Permit intoxicated	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2	person to remain	(b) <input type="checkbox"/> Act <input type="checkbox"/> Reg
3		<input type="checkbox"/> Act <input type="checkbox"/> Reg
4	ENTERED IN POSSE	<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Intoxicated female observed  
in premises

Inspector name: Ryan Gill Badge #: 58  
Telephone: (604) 586-2658 LPC #: \_\_\_\_\_  
Management acknowledgement (name and title): \_\_\_\_\_

The general manager may proceed with enforcement action on the basis of this  
contravention notice. The licensee will generally be notified within 45 days if  
enforcement action is proposed.



BRITISH  
COLUMBIA

No. B001364

Liquor Control and Licensing Act  
and Regulation 244/2002

**CONTRAVENTION NOTICE**

Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: Mirage Cabaret

Establishment address: 15330-102<sup>nd</sup> Ave, Surrey B.C.

Licensee name: 500166 B.C. Ltd.

Licence #: 176354 Date CN issued: MM/DD/YY

Date and time of alleged contravention(s): MM/DD/YY 00:00

On the date noted above, the following alleged contravention(s) of the  
*Liquor Control and Licensing Act* or regulation were identified:

	Contravention	Section
1	<u>overcrowding</u>	<input type="checkbox"/> Act <input type="checkbox"/> Reg
2	<b>ENTERED IN POSSE</b>	<input type="checkbox"/> Act <input type="checkbox"/> Reg
3	<u>[redacted]</u>	<input type="checkbox"/> Act <input type="checkbox"/> Reg
4	<u>[redacted]</u>	<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Follow up to Police CPC #

A097286 issued April 14/06

re overcrowding

Inspector name: [signature] Badge #: 58

Telephone: [signature] LPC #: [signature]

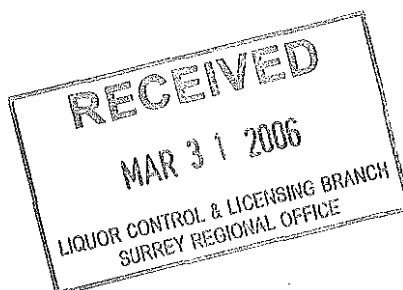
Management acknowledgement (name and title): [signature]

The general manager may proceed with enforcement action on the basis of this  
contravention notice. The licensee will generally be notified within 45 days if  
enforcement action is proposed.

**COPY 3: LCLB HEADQUARTERS COPY** (forward to headquarters)



March 27, 2006



File No: EH05-160  
Job No: 000709261-025

Wayne V. Ferguson  
500166 B.C. Ltd.  
c/o Mirage Cabaret  
15330 - 102A Avenue  
Surrey, BC V3R 7R6

Telephone: (604) 649-8884

Fax: (604) 542-6018

Dear Licensee:

**Re: Licence Number 176354**

MIRAGE CABARET  
15330 - 102A Avenue  
Surrey, BC V3R 2R6

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence by an enforcement decision dated March 27, 2006.

It is important to note that you are responsible for the actions of your employees. You will want to ensure that managers and staff are familiar with the terms of the enforcement action and their responsibilities.

#### **Enforcement Action**

##### **Monetary penalty**

A monetary penalty of \$1000 (One Thousand Dollars) must be paid to the general manager by April 18, 2006.

The payment should be made to Liquor Control and Licensing Branch headquarters at the address indicated in Appendix A. It is important to attach the accompanying Appendix A so that the payment can be correctly recorded on your file.

**Ministry of Public  
Safety  
and Solicitor  
General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria, BC V8W 9J8  
Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor  
1019 Wharf Street  
Victoria BC

<http://www.pssg.gov.bc.ca/lclb>

Page 1 of 3



### **Consequences of non-payment**

There are serious consequences for non-payment of the full amount of a monetary penalty.

1. The general manager may refuse to renew or transfer a licence if a monetary penalty has not been fully paid by the due date.
2. The general manager will consider imposing a suspension penalty for failure to pay a monetary penalty by the due date. The suspension penalty for this contravention is described in item 44 of schedule 4 to the Liquor Control and Licensing Regulations. However, the general manager has the authority to impose a suspension penalty greater than the one set out in the schedule when it is in the public interest to do so.

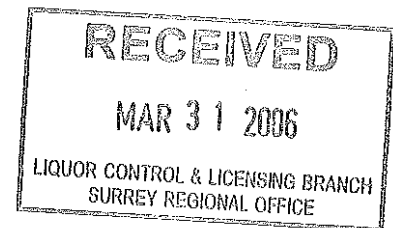
### **Contact Number**

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2658.

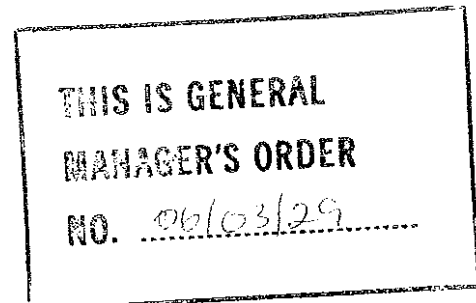
Yours truly,



Mark Tatchell  
Deputy General Manager  
Compliance and Enforcement



CC: R.C.M. Police Surrey Detachment  
Clerk/Secretary City of Surrey  
Brewers Distributors Ltd.  
Guildford GLS #240  
Surrey GLS #172  
A/Manager of Licensing Gary Barker  
Regional Manager Michael Clark  
Manager, Financial Services Wendy Jelinic  
C&E Officer Rupi Gill  
Kirsten Tonge, Mair Jensen Blair



Encl: Appendix A



August 3, 2006

Dennis Coates, Q.C.  
Mair Jensen Blair  
700 – 275 Lansdowne Street  
Kamloop, BC V2C 6H6

Phone: (250) 374-3161  
Fax: (250) 374-6992

Dear Mr. Coates:

**Re: Mirage Cabaret, 15330 – 102A Avenue, Surrey, BC V3R 2R6**  
**Liquor Primary Licence No. 176354 Case: EH06-086**

The General Manager of the Liquor Control and Licensing Branch must determine whether to conduct an enforcement hearing regarding the contravention(s) set out in the attached Notice of Enforcement Action. An enforcement hearing is required if the licensee disputes that the contravention(s) took place and/or disputes the proposed penalty.

#### **Pre-hearing Conference**

A pre-hearing telephone conference will be held in order to:

- Determine if an enforcement hearing is required;
- Explain the enforcement hearing process and answer the licensee's questions;
- Identify the issues that will be addressed at the enforcement hearing;
- Identify and discuss the evidence that the licensee and the Branch will present at the enforcement hearing. This includes providing the names of any witnesses that will testify;
- Arrange for the licensee and the Branch to provide each other with copies of documents or other evidence that will be introduced at the enforcement hearing;
- Set a date for the enforcement hearing.

Elizabeth Barker, the Branch's Registrar of Enforcement Hearings, will conduct the pre-hearing conference by way of a telephone conference call. Shahid Noorani, the Branch Advocate, will represent the Branch. The pre-hearing conference will take place on:

**Tuesday, August 22, 2006, at 1:00 p.m.** To participate in the pre-hearing conference please call **s.15, s.17** at the scheduled time and when prompted to do so enter the **conference ID No. s.15, s.17**

During the pre-hearing conference, you should be prepared to provide dates when you and your witnesses are available to attend an enforcement hearing.

### **Licensee Representative**

If you wish to have someone else represent you at the pre-hearing conference, we require your prior written consent for this person to speak on your behalf. Please choose a representative who is available for the date of the pre-hearing conference. In general, the unavailability of your representative on the date of the pre-hearing conference is not considered justification for rescheduling.

### **Language Interpreter**

If you need a language interpreter to help you, please arrange this in advance of the pre-hearing conference and let us know who this person will be. Unless you and your interpreter are going to use the same telephone line, we need to know what number to call in order to connect your interpreter into the pre-hearing conference.

### **Rescheduling**

The pre-hearing conference will only be adjourned if there are special circumstances that justify rescheduling. To obtain an adjournment please provide the Branch's Case Management Administrator with a written request explaining your reasons and proposing alternative dates. A request for adjournment must be received at least two full business days prior to the scheduled pre-hearing conference. The Branch's Registrar of Enforcement Hearings will consider your request, obtain further information if necessary, and make a decision on whether to adjourn the pre-hearing conference to a later date.

### **Failure to Attend Pre-Hearing Conference**

Should you fail to attend the pre-hearing conference, the Branch's General Manager may make a decision without conducting an enforcement hearing. Such decisions are based on the Notice of Enforcement Action and any written material that you submit in response.

### **Waiver**

You may sign a waiver and accept the proposed penalty if you agree that the alleged contraventions took place. To do so, promptly contact the compliance & enforcement officer whose name and number appears in the Notice of Enforcement Action to arrange an appointment to sign a waiver form. The pre-hearing conference and an enforcement hearing will not be required if a waiver is signed.

### **Additional Background**

A fact sheet briefly outlining the Branch's enforcement process is enclosed. Please refer to our Enforcement Hearing Rules for more detail. Recent Branch enforcement decisions can also be reviewed at [www.pssg.gov.bc.ca/lclb/decisions/index.htm](http://www.pssg.gov.bc.ca/lclb/decisions/index.htm).

If you have any questions or concerns regarding this matter, please feel free to contact me by phone (250) 356-0010 or facsimile (250) 387-9184. Thank you.

Yours truly,

Shirley A. Martin  
Case Management Administrator

cc: Elizabeth M. Barker, Registrar, Enforcement Hearings  
Shahid Noorani, Branch Advocate

#### **Attachments:**

- Notice of Enforcement Action
- Enforcement Hearing Fact Sheet

### **Consequences of non-payment**

There are serious consequences for non-payment of the full amount of a monetary penalty.

1. The general manager may refuse to renew or transfer a licence if a monetary penalty has not been fully paid by the due date.
2. The general manager will consider imposing a suspension penalty for failure to pay a monetary penalty by the due date. The suspension penalty for this contravention is described in item 44 of schedule 4 to the Liquor Control and Licensing Regulations. However, the general manager has the authority to impose a suspension penalty greater than the one set out in the schedule when it is in the public interest to do so.

### **Contact Number**

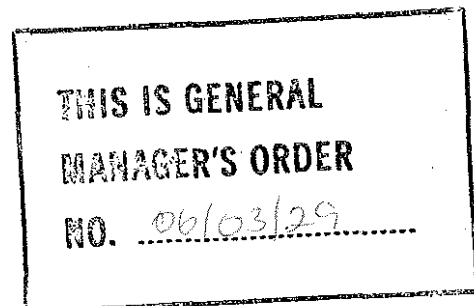
If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2658.

Yours truly,



Mark Tatchell  
Deputy General Manager  
Compliance and Enforcement

CC: R.C.M. Police Surrey Detachment  
Clerk/Secretary City of Surrey  
Brewers Distributors Ltd.  
Guildford GLS #240  
Surrey GLS #172  
A/Manager of Licensing Gary Barker  
Regional Manager Michael Clark  
Manager, Financial Services Wendy Jelinic  
C&E Officer Rupi Gill  
Kirsten Tonge, Mair Jensen Blair



Encl: Appendix A

## Appendix A

### Monetary Penalty Payment Tracking Form

To ensure your payment is promptly credited against your monetary penalty, please include this form with your monetary penalty payment.

Please forward a cheque or money order payable to the Minister of Finance and Corporate Relations to:

**Liquor Control and Licensing Branch  
PO BOX 9292 STN PROV GOVT  
Victoria, BC  
V8W 9J8**

**Name:** 500166 B.C. Ltd. c/o Ferguson, Wayne

**Address:** 15330-102A AVE.  
Surrey, BC V3R 7R6  
Canada

**Licence number:** 176354

**Establishment name:** MIRAGE CABARET

The enclosed monetary penalty payment is for enforcement action pursuant to:

An enforcement decision dated March 27, 2006, in which the general manager decided that a payment of \$1000 (One Thousand Dollars) will be paid by April 18, 2006.

For office use only:

Date Payment Received: \_\_\_\_\_

Amount of payment received: \_\_\_\_\_



**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:	500166 B.C. Ltd. dba Mirage Cabaret 15330 - 102A Avenue Surrey, BC V3R 2R6
Case:	EH05-160
For the Licensee:	Kirsten Tonge
For the Branch:	Shahid Noorani
Enforcement Hearing Adjudicator:	Sheldon M. Seigel
Date of Hearing:	March 20, 2006
Place of Hearing:	Victoria
Date of Decision:	March 27, 2006

## INTRODUCTION

The licensee operates an establishment with Liquor Primary Licence No. 176354 in Surrey, British Columbia.

On October 28, 2005, two members of the Surrey R.C.M. Police Detachment conducted a walk through of the establishment from approximately 12:50 to 1:05 a.m.

The Liquor Control and Licensing Branch (the branch) issued a Notice of Enforcement Action as a result.

The licensee admitted to having minors in the establishment but sought a finding of an appropriate penalty less than that proposed by the branch.

## ALLEGED CONTRAVENTIONS

The branch alleged that on October 28, 2005, at 1:00 a.m. the licensee contravened Section 35 of the *Act* by allowing minors in the premises.

## RELEVANT STATUTORY PROVISIONS

35 A person who holds a licence under this Act or who sells liquor under the *Liquor Distribution Act*, or the person's employee, must not authorize or permit a minor to enter on or to be on premises where liquor is sold or kept for sale except

- (a) if the minor is accompanied by a parent or guardian on premises where liquor is sold exclusively for consumption off the premises,
- (b) with lawful excuse, or
- (c) in prescribed circumstances.

**ISSUE**

1. Is a penalty warranted and if so, what is the appropriate penalty to be imposed?

**EXHIBITS**

Exhibit No. 1: Book of Documents (the branch)

Exhibit No. 2: Employee Discipline Letters (2), dated October 28, 2005

**EVIDENCE**

The branch called a compliance and enforcement officer (C&E officer). She testified as follows:

- She has been an inspector for the branch responsible for establishments in Surrey for five years.
- She is very familiar with the licensee and its operation.
- The Mirage is one of the busier nightclubs in the area. It has been in operation continuously since 1997.
- She is the author of the relevant Contravention Notice.
- Before making a recommendation of penalty, she considered the history of the establishment and the relationship of the licensee to the branch.
- She recommended a \$1,000 monetary penalty for this contravention and submitted her recommendation to her regional manager in due course.
- Her regional manager approved her recommendation and forwarded it on to the deputy general manager of compliance and enforcement.
- The deputy general manager disagreed with the recommended penalty and required that the C&E officer amend the recommended penalty to reflect a one-day suspension.



- In her experience, it is rare for the deputy general manager to require a recommended penalty different from that recommended by the C&E officer and regional manager.

The C&E officer identified all of the relevant documents in the branch's Book of Documents.

The licensee called the *defacto* owner/operator of the establishment. He testified as follows:

- 
- 
- 
- At the time of the contravention, the establishment had a smoking area outside of the front door.
- The door staff was supposed to monitor those going out to smoke and returning.
- Patrons regularly attempted to walk out with drinks but were advised that it was not permitted.
- On the occasion in question, the door staff saw two girls in the smoking area with drinks and thought they had stopped outside to smoke.
- The door staff advised the girls that they had to get back in with their drinks.
- On video examination, it was clear that the door staff were not watching the smoking area as required. It was also apparent that the two girls had not been inside the establishment, nor had they purchased their drinks there.
- The girls were not asked for identification as is required of the door staff.
- He disciplined both attending doormen and demoted them for lack of diligence.

- He changed the location of the smoking area as a result of the contravention.
- There has been no similar problem since the changes were effected.
- The minors were 18 years of age.
- The policy of the establishment is that everyone is supposed to produce identification and have it "swiped" into the system upon entering the establishment. This is to occur regardless of age or appearance.

## **SUBMISSIONS**

**The branch submitted** that a one-day suspension is appropriate. There were two minors involved and accordingly, there could have been two Contravention Notices issued. Accordingly, some leniency has already been shown. The licensee has had previous contraventions for other public safety issues in the past.

Two minor females were permitted entry by carrying drinks inside, drinks, which apparently they had brought from home. That action may have duped the doormen, but should not exonerate the licensee from responsibility for failing to diligently monitor entrance to the establishment.

The establishment is a large and busy one. Imposing only a small monetary penalty would be insufficient to establish the importance of compliance with the licensee's obligations to protect the public.

**The licensee submitted** that it has been in business for ten years, and s.22

The establishment has no history of problems with minors. No warnings or Contravention Notices have been issued to it in the past five years. There has been no enforcement history in past ten years for related issues. The licensee has a policy of cooperation with C&E officers. The branch knows that the

licensee takes branch issues very seriously. It is a proactive licensee. As a result of the Contravention Notice, the licensee took disciplinary action against the employees involved and attended the recommended branch Compliance Meeting. The licensee acknowledged its mistake and immediately made changes to prevent a further occurrence and to ensure voluntary compliance in the future.

## **ANALYSIS AND DECISION**

This contravention occurred as the result of a sophisticated and premeditated plan by two minors to gain access to the establishment. While the licensee has an obligation to deny entry to minors, the extraordinary efforts used in this case to thwart such designs should be considered in determining the penalty to be assessed.

I note that there was no indication that the minors were ever served liquor in the establishment, nor as to how long they had been in the establishment before being discovered. I note also that the minors were 18 years of age.

The licensee took full responsibility for the contravention, mounted no defence of due diligence, and did not ask for a finding that no penalty be imposed. Rather, the licensee accepted accountability, made changes to the environment to address the flaw in its system, and sought the penalty originally recommended by the C&E officer and confirmed by the regional manager.

The C&E officer, the Branch employee most familiar with the licensed premises and its operation recommended a \$1,000 fine. The regional manager approved the recommendation.

The licensee's counsel argued that the deputy general manager has no authority specified in the *Compliance and Enforcement Policy and Procedures Manual* to

replace a penalty recommended in accordance with branch policy. I disagree. The general manager and her delegates are empowered by legislation with the enforcement of the relevant statute and regulation, and imposition of penalties (in her discretion) for contraventions. The deputy general manager is her delegate. The deputy general manager therefore has authority to recommend a penalty

It is not the authority of so doing, but the administrative propriety of the action- if indeed that action is contrary to established policy that may be questioned. I find that an examination of the administrative propriety of the recommendation is not required in order to adjudicate this matter.

Whether the inspiration for the recommended penalty originated with the C&E officer, or an executive member of the branch, it is a penalty recommended by the branch. As adjudicator, I have authority to assess a penalty if I believe it is warranted. Further, I am obligated to determine what penalty is appropriate in the circumstances. The *Regulation* contains minimum penalties for contraventions that are found to have occurred, and my discretion in accordance with the *Regulation* is not fettered by the internal source of the recommendation.

I find that a contravention of Section 35 of the *Act* has been proven, as agreed by the licensee.

## **PENALTY**

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

- impose a suspension of the liquor licence for a period of time;
- cancel a liquor licence;

- impose terms and conditions to a licence or rescind or amend existing terms and conditions;
- impose a monetary penalty;
- order a licensee to transfer a licence.

Imposing any penalty is discretionary. However, if I find that either a licence suspension or monetary penalty is warranted, I am bound to follow the minimums set out in Schedule 4 of the *Regulation*.

The branch recommended a one-day suspension for the contravention relating to this enforcement action.

The C&E officer testified for the branch that the establishment has no history of contravention for minors in the premises, and has historically been cooperative and proactive in complying with the wishes of the branch.

I find that the licensee has accepted accountability for the contravention and has taken all actions of the branch seriously. The evidence discloses a proactive approach to compliance. I find that this licensee does not require anything more than a minimum penalty to be assessed in order to obtain voluntary compliance with the *Act* and the *Regulation*.

The licensee expressed its preference for a monetary penalty. It indicated that the Contravention Notice itself was enough to inspire a wholesale change in the establishment's smoking area in order to prevent similar events from occurring in the future. The changes were effected and the employees were sanctioned.

The licensee also submitted that its history and reputation in the industry is positive and well known. I have no evidence to dispute the licensee's history as submitted. I also accept the branch's submissions that allowing minors to be in a

licensed establishment is a serious offence, which potentially involves significant public safety issues.

The range of penalty for a first contravention of Section 35 of the *Act* in accordance with Schedule 4 of the *Regulation* is one (1) to three (3) days suspension and/or a monetary penalty of \$1,000-\$3,000.

I find that a monetary penalty of \$1,000 is appropriate.

### ORDER

Pursuant to Section 20(2) of the *Liquor Control and Licensing Act*, I order the licensee to pay a monetary penalty in the amount of one thousand dollars (\$1,000) relating to Liquor Primary Licence No. 176354 relating to Notice of Enforcement Action EH05-160. The monetary penalty must be paid no later than the close of business on Tuesday, April 18, 2006.



Sheldon M. Seigel  
Enforcement Hearing Adjudicator

Date: March 27, 2006

cc: R.C.M. Police Surrey Detachment

Liquor Control and Licensing Branch, Surrey Regional office  
Attn: Mike Clark, Regional Manager

Liquor Control and Licensing Branch, Surrey Regional office  
Attn: Shahid Noorani, Branch Advocate



March 15, 2006

**VIA COURIER**

Sheldon Seigel, Hearing Adjudicator  
Island Arbitration and Mediation  
3540 Plymouth Road  
Victoria, B.C. V8P 4X4

Dear Sheldon Seigel:

**Re: Mirage Cabaret, Surrey, BC**  
**"Liquor Primary" Licence No. 176354**

**Case # EH05-160**

Please find enclosed two copies of the Branch Book of Documents.

I have spoken with Kirsten Tonge, counsel for the licensee, and received her agreement to provide you with the material.

Yours truly,

**Shahid Noorani**

Encl.

c.c. Elizabeth Barker, Registrar (via email - without enclosures)

---

**Ministry of Public  
Safety and Solicitor  
General**

Liquor Control and  
Licensing Branch

Mailing Address:  
Suite 101  
9180 King George Highway  
Surrey, BC V3V 5V9

Telephone: 604 586-2641  
Facsimile: 604 586-2640

Location:  
Suite 101  
9180 King George Highway  
Surrey, BC

<http://www.ag.gov.bc.ca/lclb/>



March 15, 2006

**VIA FACSIMILE (250) 374-6992**

Kirsten Tonge  
Mair Jensen Blair  
700 - 275 Lansdowne Street  
Kamloops, BC V2C 6H6  
Phone: (250) 374-3161  
Fax: (250) 374-6992

Dear Kirsten Tonge:

**Re: Mirage Cabaret, Surrey, BC  
"Liquor Primary" Licence No. 176354**

**Case # EH05-160**

Further to my letter dated March 8, 2006 enclosing the Branch's documents, please find enclosed an index to the Branch's Book of Documents. I have also enclosed copies of the documents, numbered on the upper right corner of the page to correspond with the index.

As agreed to in our telephone conversation this morning, I have forwarded the documents listed on the enclosed index to the hearing adjudicator.

Yours truly,

**Shahid Noorani**

Encl.

c.c. Elizabeth Barker, Registrar (via email - without enclosures)

**Ministry of Public  
Safety and Solicitor  
General**

Liquor Control and  
Licensing Branch

Mailing Address:  
Suite 101  
9180 King George Highway  
Surrey, BC V3V 5V9

Telephone: 604 586-2641  
Facsimile: 604 586-2640

Location:  
Suite 101  
9180 King George Highway  
Surrey, BC

<http://www.ag.gov.bc.ca/lclb/>





March 6, 2006

Kirsten Tonge  
Mair Jensen Blair  
700 – 275 Lansdowne Street  
Kamloops, BC V2C 6H6

Phone: (250) 372-4920  
Facsimile (250) 374-6992

Dear Mr. Coates:

**Re: Mirage Cabaret, Surrey, BC**  
**"Liquor Primary" Licence No. 176354**

**Case # EH05-160**

As agreed last week, a teleconference call for a hearing scheduled for **March 20, 2006**, to commence at **9:30 a.m.** to speak to penalty only has been arranged for the above case and the details are as follows:

To participate in the hearing teleconference, please call **s.15, s.17** at the scheduled time and when prompted to do so enter the **password No. s.15, s.17**.

Please advise your client(s).

If you have any questions or concerns regarding this matter, please feel free to contact me by phone (250) 356-0010 or facsimile (250) 387-9184. Thank you.

Yours truly,

Shirley A. Martin  
Case Management Administrator

cc: Adjudicator – To be determined  
Shahid Noorani, Advocate



January 17, 2006

Dennis P. Coates, Q.C.  
Mair Jensen Blair  
700 – 275 Lansdowne Street  
Kamloops, BC V2C 6H6

Phone: (250) 372-4920  
Facsimile: (250) 374-6992

Dear Mr. Coates:

**Re: Mirage Cabaret, Surrey, BC**  
**"Liquor Primary" Licence No. 176354**

**Case # EH05-160**

As discussed earlier today with Shahid Noorani, Branch Advocate, your request to have this licensee's pre-hearing conference cancelled has been agreed to by Elizabeth Barker, Registrar, Enforcement Hearings. Please advise your client.

If you have any questions or concerns regarding this matter, please feel free to contact me by phone (250) 356-0010 or facsimile (250) 387-9184. Thank you.

Yours truly,

  
Shirley A. Martin  
Case Management Administrator

cc: Elizabeth M. Barker, Registrar, Enforcement Hearings  
Shahid Noorani, Advocate



January 10, 2006

Via Facsimile (604) 460-7691

Wayne V. Ferguson  
500166 B.C. Ltd.  
c/o Mirage Cabaret  
15330 – 102A Avenue  
Surrey, BC V3R 2R6

Phone: (604) 460-7651

Dear Licensee:

**Re: Mirage Cabaret, Surrey, BC  
"Liquor Primary" Licence No. 176354**

**Case # EH05-160**

The General Manager of the Liquor Control and Licensing Branch (the "Branch") plans to hold an enforcement hearing within the next 60 days. The hearing is to determine if the contravention(s) set out in the attached Notice of Enforcement Action took place and, if so, what enforcement action or penalty, if any, will be imposed.

**Pre-hearing Conference**

Before choosing a hearing date, a pre-hearing telephone conference will be held to:

- Explain the enforcement hearing process and answer any questions;
- Make sure that everyone understands the issues that will be addressed at the enforcement hearing;
- Identify and discuss the evidence that you and the Branch will present at the enforcement hearing. This includes providing the names of any witnesses that you will bring to testify, explaining briefly what they will say at the hearing, and discussing their availability to attend the hearing;
- Arrange for you and the Branch to provide each other with copies of any outstanding documents or other evidence that you will use at the enforcement hearing;
- Set a date for the enforcement hearing.

Elizabeth Barker, the Branch Registrar, will conduct the pre-hearing conference by way of a telephone conference call and Shahid Noorani, the Branch Advocate, will represent the Branch. The pre-hearing conference will take place on:

**Thursday, January 19, 2006, at 9:30 a.m.** at that time, the Registrar will contact you at **(604) 460-7651** unless you provide another number where you prefer to be reached.

s.22

During the pre-hearing conference, you should be prepared to provide dates when you and your witnesses are available to attend an enforcement hearing.

### **Lawyer or Representative**

If you wish to have someone else represent you at the pre-hearing conference, we require your prior written consent for this person to speak on your behalf. Please choose a representative who is available for the date of the pre-hearing conference. In general, the unavailability of your representative on the date of the pre-hearing conference is not considered justification for rescheduling.

### **Language Interpreter**

If you need a language interpreter to help you, please arrange this in advance of the pre-hearing conference and let us know who this person will be. Unless you and your interpreter are going to use the same telephone line, we need to know what number to call in order to connect your interpreter into the pre-hearing conference.

### **Rescheduling**

The pre-hearing conference will only be postponed if there are special circumstances that justify rescheduling. To obtain a postponement please provide the case management administrator with a written request explaining your reasons and proposing alternative dates. A request for postponement must be received at least two full business days prior to the scheduled pre-hearing conference. The registrar will consider your request, obtain further information if necessary, and make a decision on whether to postpone the pre-hearing conference to a later date.

### **Failure to Attend Pre-Hearing Conference**

Should you fail to attend the pre-hearing conference, the General Manager may make a decision without conducting an enforcement hearing. Such decisions are based on the Notice of Enforcement Action and any written material that you submit in response.

### **Waiver**

You may sign a waiver and accept the recommended enforcement action or penalty if you agree that the alleged contraventions took place. To do so, you must promptly contact the liquor inspector whose name and number appears in the Notice of Enforcement Action to arrange an appointment to sign a waiver form. The pre-hearing conference and enforcement hearing will not be required if a waiver is signed.

### **Additional Background**

A fact sheet briefly outlining the Branch's enforcement process is enclosed. Please refer to our Enforcement Hearing Rules for more detail. Recent Branch enforcement decisions can also be reviewed at [www.pssg.gov.bc.ca/lclb/decision/index.htm](http://www.pssg.gov.bc.ca/lclb/decision/index.htm). They are a useful reference for the sorts of evidence presented at enforcement hearings and the types of penalties that may be impose.

If you have any questions or concerns regarding this matter, please feel free to contact me by phone (250) 356-0010 or facsimile (250) 387-9184. Thank you.

Yours truly,

A handwritten signature in cursive script, appearing to read "Shirley A. Martin".

Shirley A. Martin  
Case Management Administrator

cc: Elizabeth M. Barker, Registrar, Enforcement Hearings  
Shahid Noorani, Advocate

Attachments:

- Notice of Enforcement Action
- Fact Sheet



**NOTICE OF ENFORCEMENT ACTION**  
***Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267***

File No: EH05-160  
Job No: 000709261-025

January 03, 2006

500166 B.C. Ltd.  
c/o Wayne Ferguson  
15330-102A AVE.  
Surrey, BC V3R 7R6  
Canada  
Telephone: (604) 460-7651

Fax: (604) 460-7651

Dear Wayne Ferguson:

**Re: License Number: 176354**  
License Type: Liquor Primary  
License Expiry Date: April 30, 2006  
Establishment: MIRAGE CABARET  
15330-102A AVE  
SURREY, BC V3R 2R6

The purpose of this notice is to inform you that the General Manager is taking enforcement action for the alleged contravention(s) of the *Liquor Control and Licensing Act*, the *Regulations*, and/or the terms and conditions of your license as set out in this notice.

The General Manager will consider the information contained in this notice at the enforcement hearing.

**THE ALLEGED CONTRAVENTION(S)**

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and Time of Contravention(s)	Proposed Penalty
1.	Minors in premises, s. 35	s. 35	Oct 28, 2005 1:00 AM	1 day suspension

**Ministry of  
Public Safety and  
Solicitor General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[www.pssg.gov.bc.ca/lclt](http://www.pssg.gov.bc.ca/lclt)

## SUMMARY OF EVIDENCE

Mirage Nightclub is a liquor primary establishment operating as a nightclub in the city of Surrey. The hours of business are 11 am-1 am Monday through Wednesday and 11 am-2 am on Thursday to Sunday.

On Oct 28, 2005, two members of the Surrey RCMP, Constables Williams and Walberg, conducted a walk through of the establishment from approximately 12:50 to 1:05 am. Both constables entered the establishment and checked the washrooms. After being in the establishment approximately five minutes, they proceeded towards the back of the establishment where they noticed two females who came to their attention because they appeared very young, possibly underage, to the officers. These two females, later identified as s.22

s.22 were observed walking away from the north side of the bar service area. They were not noted speaking to any staff person nor was there any staff observed in the nearby vicinity. s.22 were not observed consuming any alcohol and they did not have any drinks in hand when they were stopped by the police officers. The police asked for identification but both minors advised they had no identification with them. Their identities were verified by the police officers by doing a check on CPIC. s.22 advised that they entered the establishment by carrying glasses they had brought from home and walking into the establishment as if they had already been in and were now returning. They advised that one of the doormen told them not to take drinks outside. They were not asked to produce any identification by any staff person. The police officers note that there were seven doorstaff on duty that evening.

The constables issued violation tickets to the minors citing LCLA s. 34 (2), minor in liquor establishment. In addition, the contravention was made known to staff by way of an LPC (#A157157) which was issued for minors in premise and signed for by manager, Corey Ferguson. I met with Corey Ferguson and Heath Ferguson at Surrey Regional office on Nov 23, 2005 to discuss the contravention. They indicated that they have practices in place with respect to the issue of minors. They have a written policy outlining staff responsibility to ask for two pieces of id. They also make use of the Treoscope identification verification equipment. The manager reviews the policy with the staff but staff are not tested on their understanding of the policy. In this situation however, the two minors were not asked to produce any identification even though they did have contact with one of the doorstaff. Both managers acknowledged that there had been a mistake made on the part of the doorman in not asking for identification of the two females. They have since provided a written warning letter to the staff person involved in the incident. Contravention notice #B001996 was issued as a follow up to the police licensed premise check.

## **ALLEGED CONTRAVENTION(S)**

**Contravention Number** B001996 : C Minors in premises, s. 35

### **Reasons for Recommending Enforcement Action**

Alcohol has a negative effect on growing bodies and developing minds. Minors lack the capacity to metabolize alcohol in the same manner as adults and therefore liquor has a more intoxicating effect on minors and liquor is a significant factor in many crimes committed by youth including serious driving offenses, assault, sexual assault and theft. There is a significant public safety interest in limiting access that minors may have to alcohol which is why minors are prohibited from entering into liquor primary establishments. In this instance, there were two minors who were able to gain entry despite the fact that there were several doorstaff posted at the entrance.

The alleged contravention is defined in Schedule 4 of the Liquor Control and Licensing Regulations under item 3.

### **Reasons for the Proposed Penalty**

The range of penalties for permitting a minor in the premises is a 1-3 day license suspension and/or a \$1000-\$3000 monetary penalty.

A review of the file shows no previous contravention with respect to this issue so the minimum suspension penalty is considered appropriate to gaining future compliance.

Therefore;

For the alleged contravention of Minors in premises, s. 35 (Contravention Notice Number B001996) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 1 day is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a first contravention.

The suspension will be served starting on a Thursday and will continue on successive business days until completed.



## **THE PROCEDURES**

An enforcement hearing may be scheduled to determine whether the alleged contravention(s) occurred and the appropriate penalty, if any, that should be imposed. You can contest the contravention(s) and/or the proposed penalty at the enforcement hearing.

**Please Note:** If a penalty is warranted, the General Manager may;

- Impose a suspension of the liquor license for a period of time;
- Cancel a liquor license;
- Impose terms and conditions to a license or rescind or amend existing terms and conditions;
- Impose a monetary penalty; or
- Order a licensee to transfer a license.

An enforcement hearing can be time consuming and costly for all participants. If you sign a waiver, there will be no need for an enforcement hearing for the alleged contravention(s) or the lesser but included contravention(s). By signing the waiver, you expressly and irrevocably:

- Agree that the contravention(s) occurred,
- Accept the proposed penalty in this letter,
- Waive the enforcement hearing, and
- Agree that the finding(s) of contravention(s) and the penalty will form part of your compliance history as a licensee.

Generally, the waiver must be signed within 14 days of the date of this letter. If you decide you want to sign a waiver, please contact me as soon as possible to arrange an appointment.

## **CONTACTS**

(1) If you do not sign a waiver, the case management administrator will contact you with details of the enforcement hearing process. The case management administrator contact information is:

Shirley Martin; (250) 356-0010; Shirley.Martin@gov.bc.ca

(2) Please contact me at (604) 586-2658 if you want to sign a waiver notice or if you have any questions regarding this notice.

Yours truly,

Rupi Gill  
Surrey

Attachments:  
Appendices A & B  
Copy of Enforcement Hearing Rules  
Copy of Liquor Licence  
Copy of Contravention Notice  
Copy of Red line Floor Plan

## **APPENDIX A**

### **License Information**

License number: 176354  
License type: Liquor Primary  
License expiry date: April 30, 2006

At an enforcement hearing, the branch may present the following information related to allegations of non-compliance for which the branch did not pursue enforcement action. If there is a finding that the contravention(s) alleged which are the subject of this Notice of Enforcement Action did occur, the following information may be considered by the General Manager, for the purpose of determining what penalty, if any, is appropriate. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions:

<b>Date of Incident</b>	<b>Alleged Contravention</b>	<b>Identifying Document(s)</b>
October 28, 2005	Minors in premises, s. 35	CN # B001996
September 10, 2005	Permit intoxicated person to remain, s. 43(2)(b)	CN # B001990
January 01, 2004	Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b)	CN # B002599
February 21, 2002	LICENCE CAPACITY - REG.	CN # A002395

### **Compliance Meetings:**

<b>Date</b>	<b>Topic</b>
August 06, 2002	
September 22, 2005	Permit intoxicated person to remain, s. 43(2)(b)

## **APPENDIX B**

### **License Information**

License Number: 176354  
License Type: Liquor Primary  
License Expiry Date: April 30, 2006

At an enforcement hearing, the General Manager will consider compliance history when determining the appropriate penalty for each contravention.

### **LICENSEE'S COMPLIANCE HISTORY**

The licensee's compliance history consists of any prior findings of contraventions and penalties that relate to the licensee in question. A finding of contravention results when the licensee signs a waiver or the General Manager makes a decision that a contravention did occur. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions.

*- No compliance history found*

### **ESTABLISHMENT'S COMPLIANCE HISTORY**

The establishment's compliance history consists of any prior findings of contraventions and penalties that relate to the establishment in question. A finding of contravention results when the licensee responsible for the establishment signs a waiver or the General Manager makes a decision that a contravention did occur.

*- No compliance history found*

**—Establishment Compliance History:—**  
**Licensee Compliance History:**

**Other File Information:**

Complaints:		
	Date	Document Description
1	<No Date Entered>	LPC #A097286 - Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b), Contravention Identified
2	<No Date Entered>	LPC #A097286 - Permit a person to become intoxicated, s. 43(2)(a), Contravention Identified
3	November 14, 2005	LPC #A157157 - Minors in premises, s. 35, CN #B001996
4	March 24, 2004	After Hours Service Inspection Complete

Contraventions:		
	Date	Document Description
1	May 28, 2006	CN #B001354 - Selling liquor to intoxicated person, s. 43(1)
2	September 09, 2005	CN #B001990 - Permit intoxicated person to remain, s. 43(2)(b)
3	January 01, 2004	CN #B002599 - Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b)
4	February 21, 2002	CN #A002395 - LICENCE CAPACITY - REG.

Compliance Meetings:		
	Date	Topic
2	September 22, 2005	Permit intoxicated person to remain, s. 43(2)(b)
1	August 06, 2002	

**Contravention #1 - Permit intoxicated person to remain, s. 43(2)(b) - Recommended Enforcement Action:**

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Suspend all or any part of the licensee's licence [s. 20(2)(d)]<br>4 Days. | <input type="checkbox"/> Impose terms and conditions or rescind or amend existing terms and conditions on licence [s. 20(2)(b)] |
| <input type="checkbox"/> Impose a monetary penalty [s. 20(2)(c)]   | <input type="checkbox"/> Cancel all or any part of the licensee's licence [s. 20(2)(e)]   |

**Relevant Liquor Control and Licensing Branch policy names and reference numbers:**

s.14.3 Permitting an Intoxicated Person to Remain

"A licensee or the licensee's employee must not permit an intoxicated person to remain in that part of an establishment where liquor is sold, served or otherwise supplied."

s.14.3.2 Elements of the contravention of permitting an intoxicated person to remain

**Reasons for Recommended Enforcement Action:**

The contravention falls under Item 11 of Schedule 4 of the Regulations.

In order to avoid the possibility of further liquor consumption and avoid any harm to other patrons or staff, a licensee must not permit a person who is intoxicated to remain in the part of the establishment where liquor is served.

The licensee is responsible for supervising the operation of their establishment and the conduct of their

The licensee is responsible for supervising the operation of their establishment and the conduct of their employees. Intoxication is a serious public safety issue. Intoxicated patrons may be a danger to themselves or members of the public and associated with behaviour that has a negative impact on communities, including late night noise.

The establishment has a history with respect to the issue of intoxicated patrons. The area inspector held a compliance meeting with both Corey and Heath Ferguson in September 2005 on this issue. The licensees were advised of their responsibilities with respect to the issue of over service and dealing with intoxicated patrons. The licensees made a commitment to putting in practices to prevent a recurrence of this issue. No enforcement action was taken at that time to allow licensees an opportunity to voluntarily comply.

As voluntary compliance was not achieved, enforcement action is being recommended to ensure that these issues will be considered more seriously by the licensee.

**Reasons for Proposed Penalty:**

This penalty falls within the guidelines as set out in the Liquor Control and Licensing Act Regulations, Schedule 4.

I feel it is necessary to impose a suspension of the licence to ensure the licensee takes the initiative to put some operating procedures in place and establish control practices to ensure that these procedures and practises remain in place and are adhered to at all times.

A recommendation of a suspension as opposed to a monetary penalty reflects the establishment's record of non-compliance and ongoing compliance issues. The minimum suspension penalty is considered appropriate to achieving future compliance.

---

**Regional Manager's comments - Contravention #1:**

Proceed with recommended enforcement action for alleged contravention #1?

☐ Yes

☐ No

Proceed with recommended penalty for alleged contravention #1?

☐ Yes

☐ No

☐ N/A

**If recommended enforcement action or recommended penalty for alleged contravention #1 are changed by regional manager, please explain:**

**If recommendation for enforcement action for alleged contravention #1 is declined by regional manager, please explain:**

---

---

**Regional Manager's name:** Michael Clark

**Date:** Jun 23, 2006

---



ENTERED IN POSSE

No. B001354



BRITISH  
COLUMBIA  
**FILE COPY**

Liquor Control and Licensing Act  
and Regulation 244/2002

**CONTRAVENTION NOTICE**

Liquor Control and Licensing Branch  
Ministry of Public Safety and Solicitor General

Establishment name: MIRAGE REST  
Establishment address: 15330 102 AVE SAIN  
Licensee name: 500166 B.C. LTD.  
Licence #: 176354 Date CN issued: 07/25/06  
Date and time of alleged contravention(s): 07/28/06 0025

On the date noted above, the following alleged contravention(s) of the  
Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	Sell liquor by box	42(1) <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2	Form in box to Room	43(26) <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
3	taken as evidence	<input type="checkbox"/> Act <input type="checkbox"/> Reg
4	ROC 580583677-558-009	<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details

s.22

006981 Oct 21  
IN box stood at bar in front  
of bartender. Several minutes  
No effort to have to move

Inspector name: Linda Lee Badge #: 61  
Telephone: 604 5862656 LRC #:   
Management acknowledgement (name and title):  
Carol Ferguson

The general manager may proceed with enforcement action on the basis of this  
contravention notice. The licensee will generally be notified within 45 days if  
enforcement action is proposed.

Bar Location 'B' Bar

COPY 4: LCLB FIELD OFFICE COPY (place on field establishment file)

COPY

THE MIRAGE NIGHT CLUB  
15330 102-A AVENUE  
SURREY BC

CARTE/CARD	s.22
COMPTE/ACCOUNT	CHEQUE/CHEQUING 8728
DATE-HEURE/TIME	2006/05/28 01:59:51
RECU/RECEIPT	880533677-558-009
ACHAT	
PURCHASE	
TOTAL	\$125.00

00 APPROUVEE 001  
00 APPROVED 001  
MERCI/THANK YOU

NO. AUTOR. 000350  
AUTH. # 000350

*SM* *May 28 2006*



PETER BROMLEY  
ASSISTANT MANAGER  
604.999.8379

MIRAGE  
15330 - 102 A AVE. SURREY BC V3R 7R6 TEL 604.583.8828 FAX 604.583.8028  
email mirageniteclub@shaw.ca www.miragesocialclub.com

THURSDAY, FRIDAY, SUNDAY FREE COVER & VIP ACCESS BEFORE 10 PM  
SATURDAY FREE COVER BEFORE 9 PM



Royal Canadian  
Mounted Police

Gendarmerie royale  
du Canada

**FACSIMILE / MESSAGE TRANSMITTAL  
ENVOI D'UN MESSAGE PAR TÉLÉCOPIEUR**

Security Classification/Designation Classification/désignation sécuritaire		Date
		2006-05-12
Precedence - Priorité		Ref. No. - N° de réf.
Our File - Notre n° de dossier		Your File - Votre n° de dossier
2006-44522		
ORI - IND	OSR Code - Code RSO	Unit Collator Code Code d'intercl. du service

TO À	Liquor Control Licencing Branch Attention: Rupee GILL
INFO. RENS	LPC# - A-097286
FROM DE	Surrey RCMP - Fraser Surrey Docks Liaison Unit Constable Ivan SABO # 49046

SENDER - EXPÉDITEUR		RECIPIENT - DESTINATAIRE	
Fax. No. - N° de télécopieur	Telephone No. - N° de téléphone	Fax. No. - N° de télécopieur	Telephone No. - N° de téléphone
604-599-8894	604-502-6396	604-586-2640	604-586-2658
COMMENTS COMMENTAIRES		Total number of pages including this one Nombre total de pages, y compris celle-ci	

Ms. GILL,

Please find attached a copy of a LPC Ticket that was issued to the Mirage Cabaret on 2006-04-14.  
There is also a copy of our report on the matter. The original will be forwarded through the regular mail  
but I hope this will afford you an opportunity to be aware of the situation

Thank you for your assistance in this matter.

If there are any questions or concerns please contact me.

Thank you in advance

(I. SABO) Constable  
Surrey RCMP  
Fraser Surrey Docks Liaison Unit

This message is intended for the use of the addressee.  
Disclosure of message content may breach one or more laws.  
If you have received this communication in error, notify the  
sender immediately by telephone.

Cette communication est exclusivement destinée à la personne à qui elle  
est adressée. La divulgation de son contenu peut constituer une infraction  
à une ou plusieurs lois. Si vous avez reçu cette communication par erreur,  
veuillez en aviser immédiatement l'expéditeur par téléphone.

Operator - Opérateur		Telephone No. - N° de téléphone		Daily No. - N° quotidien	
TO BE DELIVERED BY À LIVRER D'ICI LE	Date	Time - Heure	Authorizing Signature Signature de l'approbateur	Date	
REPLY REQUIRED BY RÉPONDRE D'ICI LE				Time - Heure	

2875 (2001-06) (WPT)



No. A 097286

Liquor Control and Licensing Act  
and Regulation 608/76

## POLICE LICENSED PREMISES CHECK (LPC)

Establishment Name: Mirage Cabaret  
Establishment Address: 15330 102A Ave Surrey  
Licence #: 176354 Date: 06/04/01 Time: 0135  
Licensor Name: Mirage Cabaret

On the cards noted above, the following alleged contraventions of the Liquor Control and Licensing Act or regulations were identified:

## MINORS

- ☐ Supplying to minors s. 39 ☐ Minors in premises s. 35

Number and age of minors: \_\_\_\_\_

I.D. type shown: \_\_\_\_\_

Details (e.g. no ID checked at door; inadequate lighting at door): \_\_\_\_\_

## OVERCROWDING

- ☐ Overcrowding beyond Building  
Occupancy Load (BOL) Reg. s. 4(7) ☒ Overcrowding beyond Licence  
Capacity Reg.

BOL: \_\_\_\_\_ Actual: \_\_\_\_\_ Lic. Cap.: 451 Actual: \_\_\_\_\_

Details (e.g. how was count conducted; how many times was count done; did staff member verify count; number of door staff; door control; identify public safety issues):

unable to count due to overcrowding

INTOXICATED PATRON Estimate @ 700.

- ☐ Selling to intoxicated person s. 43(1)  
☒ Permitting a person to become intoxicated s. 43(2)(a)  
☐ Permitting intoxicated person to remain s. 43(2)(b)

Details (e.g. evidence of intoxication): Female patron left  
bar had to be held up by friend

☐ OTHER ALLEGED CONTRAVENTIONS (see flap):

Details: \_\_\_\_\_

Police Officer (please print): Cst. Ivan SABO

Badge #: 49046 Dept./Detach.: Surrey RCMP

Police Incident/File #: 06-44522

Management Acknowledgement (Name and Title)

[Signature] [Name]

A copy of this LPC will be forwarded to the Liquor Control and Licensing Branch. The branch may proceed with enforcement action on the basis of this alleged contravention.

COPY 2: LCLB FIELD OFFICE COPY (forward to LCLB field office)

## Continuation Report

Page 1 of 2

## CONTINUATION REPORT: 1

EVNT: 060405945 / h

OCCUR: 20060044522

ID: 49046

NAME: sabo, Ivan

CREATED: 2006/04/14 011455

COMPLAINANT NOTIFIED:

CONCLUDED:

DIARY DATE:

## SUBJECT:

Mirage Night club LCLA Violation Surrey File org 2006-04-14

## ACTION TAKEN:

49046

2006-04-14

0048 hours

Constable SABO was dispatched to a complaint of over crowding that was taking place at the Mirage Night club located at 15330 102A Avenue. The original complaint had come from Fire base who informed that they had received a phone call from an anonymous person stating that the Mirage was over capacity.

Constable SABO attended scene with Constable BISSONNETTE. Upon attending scene, Constable SABO observed that there was a significant amount of people in front of the bar and that quite a few people were leaving. Constable SABO was approached by a male who did not identify himself. The male stated that he had come from the Mirage and that the club was dangerously full of people. Constable SABO and Constable BISSONNETTE attended the front door and spoke with the door man and the manager, Corey FERGUSON. Constable SABO asked to check the door counters. One door counter showed a number close to 700 entries into the club while FERGUSON's counter showed 533 persons. There was a very large discrepancy between the two counters.

Constable SABO observed from the front door of the premises that the Mirage was completely full to the point where it did not appear that people could move about comfortably. Constables SABO and BISSONNETTE conducted a bar walk of the premises. Upon entering the Mirage and conducting a walk through, Constable SABO was of the belief that there was close, if not more than 700 people in the club. Due to the overwhelming amount of people in the bar, it was not possible or practicable to attempt to conduct a count. It was noted that the upper level was completely full as was the ground floor. Constables SABO and BISSONNETTE had to force their way through the mass of people. During previous bar walks through the Mirage it was usually not overly difficult to navigate through the crowd.

Prior to commencing the bar walk, Constable SABO had asked FERGUSON what the total count of people in the bar was. FERGUSON replied that he thought that it was 445, which automatically made them 4 people over the limit. Constable SABO explained to FERGUSON that a reserved estimation of the number of people in the bar was about 700. Constable SABO also explained that in the event of a fire in the premises, a large number of people would not be able to get out in a timely fashion due to the large crowd.

Upon completing the bar walk, Corporal SAGGIR had attended scene with Constable KAJAN. Members stood by the front doors to monitor the situation.

## Continuation Report

Page 2 of 2

0140 hours

Constable SABO, while standing outside of the Mirage observed a young Asian female stumbling from the front of the bar. The female, later identified as s.22 was grossly intoxicated and was being held up by her boyfriend s.22 and s.22 were asked where they were coming from. It was stated that they had just left the Mirage. Constable SABO asked s.22 if she had been drinking. s.22 stated that she had drank alot and that she had come to the Mirage sober. s.22 at one pointed said "I'm fucking hammered".(Original Completed: 2006-04-14 05:17 PUID: 5b10 REG: 49046)

## Continuation Report

Page 1 of 1

## CONTINUATION REPORT: 2

EVNT: 060405945 / h

OCCUR: 20060044522

ID: 49046

NAME: sabo, ivan

CREATED: 2006/04/14 051001

COMPLAINANT NOTIFIED:

CONCLUDED:Y

DIARY DATE:

## SUBJECT:

Mirage Night club LCLA Violation Surrey File org 2006-04-14

## ACTION TAKEN:

49046 Continued page 2

Constable SABO had asked s.22 for her identification, however s.22 attempted to hand Constable SABO some money. When Constable SABO stated that what s.22 was handing over was money, she looked at the money and said "no it's not". s.22 was not able to stand up on her own, and at one point managed to fall heavily to the ground. Due to her level of drunkenness, Constable SABO suggested that s.22 and her friend take her to the hospital.

Just prior to 0200 hours, the bar was starting to empty and it appeared that the staff may have shut it down early. Due to the large number of people it took close to 30 minutes to empty the bar. It is noted that there was a continuous stream of people leaving the bar the whole time.

It was noted that during the time members were there, members were approached by random people who stated that the bar was too full and over crowded. One person placed the number of people in the bar at over 600.

0225 hours

Once all of the patrons were out of the bar, Constable SABO explained the LPC ticket to FERGUSON. FERGUSON signed the ticket and was given his copy.

It is noted that FERGUSON was cooperative with members during this and most previous interactions.

The LPC was faxed to the LCLA and the hard copies were forwarded via mail. (Original Completed: 2006-04-14 05:17 PUID: 5b10 REG: 49046)

s.22

It took well over  
30 minutes to empty  
the bar. Continuous  
stream of people  
leaving.

6225 FERGUSON was  
served with his  
copy of the LAC  
FERGUSON was  
very cooperative  
with members

s.22

asked what the  
number of patrons  
in the Bar was  
and he said 455.  
While members  
had been waiting  
to start walk, large  
# people had been  
leaving. Even so  
bar was packed.  
A small # of people  
in line up.

0440 Male and female  
seen at front door  
Female grossly intoxicated  
Stated had been  
in the Mirage

Fem asked how much  
she had to drink.  
Fem replied "A lot"  
Fem had to be  
held up by friend  
who had to use both  
arms - When asked  
for ID fem pulled  
out money instead.

s.22

Stated she had  
come to the Mirage  
sober. Fem mumbled  
"I'm feeling  
hammered" 76

06-04-13: Thursday  
Shift: 1400-2300  
Weather: Cloudy  
drizzle, wet  
Ca: 5810 Pa: 59010

0900: Count

0045: Attended Mirage for  
complaint from  
Fire of severe  
over crowding at  
Mirage, and people  
fighting.  
Attended with Cst.  
BISSENGETIG.  
Spoke to door men  
at front door. ~~Feeling~~

severe discrepancy  
between front door  
counters. One showed  
533 other showed  
close to 700.

limit was 450.

Walt conducted  
Main area/dance  
floor was completely  
full. No room to  
move about.

Upstairs was equally  
full.

Estimation of close  
to 700 people  
inside.

Door man had 75



The Best Place on Earth

November 14, 2006

Dennis Coates, Q.C.  
Mair Jensen Blair  
700 – 275 Lansdown Street  
Kamloops, BC V2C 6H6

Dear Mr. Coates:

**Re: 500166 B.C. Ltd. dba Mirage Cabaret, 15330 – Avenue, Surrey, BC V3R 2R6**  
**Liquor Primary Licence No. 176354 Case: EH06-086**

After several discussions with your office, I am scheduling this hearing as follows:

**Status**

Enforcement Hearing Date: **December 6, 2006**, commencing at **9:30 am**.  
(Please note that the hearing date will only be postponed in exceptional circumstances).

Hearing Location: Liquor Control and Licensing Branch Office  
Surrey Regional Office  
101-9180 King George Hwy  
Surrey, BC  
(604) 586-2641

Final Date for Disclosure of Documents and Witness names: **November 21, 2006**

If you have any questions, please feel free to contact me at (250) 387-0747 or toll free 1-866-209-2111. You may also call Mandy Fisher, case management administrator, at (250) 356-0010. Thank you.

Sincerely,

Elizabeth M. Barker  
Registrar, Enforcement Hearings

cc: Adjudicator  
Liquor inspector Ruphi Gill

**Ministry of Public Safety  
and Solicitor General**

Liquor Control and  
Licensing Branch

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

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[http:// www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb)



## No Enforcement Action Recommended

**Re: Contravention Notice Number:** B001354

**Contravention Notice Date:** May 28, 2006

**Job No:** 000709261-029

**Inspector:** Linda Hoy

**Date**

**Prepared:** Jun 23, 2006

**Office Location:** Surrey

**Submitted To:** Michael Clark

---

### Establishment Information:

**FILE COPY**

**Establishment Name:** MIRAGE CABARET

**Establishment Address:** 15330-102A AVE  
SURREY, BC V3R 2R6

**Licence No:** 176354

**Licence Class:** Liquor Primary

**Expiry Date:** Apr 30, 2007

**Licensee Name:** Private Corporation: 500166 B.C. Ltd. c/o Ferguson, Wayne

**Terms and Conditions noted on licence face:**

---

---

### Contravention Information:

**Contravention Name (e.g. supplying to minors)**

**Date and Time identified**

1. Selling liquor to intoxicated person, s.  
43(1)

1. May 28, 2006 2:25 PM
-

---

## Review and Analysis

I have reviewed:

Facts and circumstances of the contravention

☒ Yes

☐ No

Establishment compliance history

☒ Yes

☐ No

- Number of contravention notices on file: 5
- Number of contravention notices in past 12 months: 3
- Name, date(s) of any proved contravention(s) and the enforcement action taken:
  - Minors in premises, s. 35, October 28, 2005, \$1000 fine

Licensee compliance history

☐ Yes

☒ No

- If no, please explain:

Other file information

☒ Yes

☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes

☐ No

---

### Reasons no enforcement action recommended:

There is evidence of sell to intoxicated, however I did not observe the sale and the evidence definitely supports permitting intoxicated to remain. That contravention is proceeding to enforcement action.

---



**NOTICE OF ENFORCEMENT ACTION**  
***Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267***

File No: EH06-086  
Job No: 000709261-028

July 18, 2006

500166 B.C. Ltd.  
c/o Ferguson, Wayne  
15330-102A AVE.  
Surrey, BC V3R 7R6  
Canada  
Telephone: (604) 460-7651

Fax: (604) 460-7651

Dear Wayne Ferguson:

**Re: License Number: 176354**

License Type: Liquor Primary  
License Expiry Date: April 30, 2007  
Establishment: MIRAGE CABARET  
15330-102A AVE  
SURREY, BC V3R 2R6

The purpose of this notice is to inform you that the General Manager is taking enforcement action for the alleged contravention(s) of the *Liquor Control and Licensing Act*, the *Regulations*, and/or the terms and conditions of your license as set out in this notice.

The General Manager will consider the information contained in this notice at the enforcement hearing.

**THE ALLEGED CONTRAVENTION(S)**

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and Time of Contravention(s)	Proposed Penalty
1.	Overcrowding beyond person capacity greater than occupant load, Reg. s. 6(4)	Reg. s. 6(4)	Apr 14, 2006 1:35 AM	4 day suspension

**Ministry of  
Public Safety and  
Solicitor General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[www.pssg.gov.bc.ca/clt](http://www.pssg.gov.bc.ca/clt)

## **SUMMARY OF EVIDENCE**

The Mirage Nightclub holds a liquor primary license #176354. It is located in a mixed industrial/residential area of Surrey and has an occupant load capacity of 450. The liquor license shows a person capacity of 275 for area 01 and person capacity of 175 for area 02. Its hours of operation are Monday-Wednesday from 11 am-1 am and Thursday-Sunday hours are from 11 am-2 am.

On April 14, 2006 (the business day commencing April 13, 2006), the Surrey RCMP attended the premises in response to information relayed by the fire department that the premises were overcrowded. Constables Sabo and Bissonnette arrived at approximately 1 am and noted that there was a large number of people in front of the premises and many were leaving. One patron approached Cst. Sabo and said that the club was "dangerously full" of people.

Sabo and Bissonnette went to the front door where they spoke with the manager Corey Ferguson and one other doorman. Upon being requested, both showed door counters to the officers. Ferguson's counter showed 533 persons and the counter of the doorman showed a number close to 700. Sabo asked Ferguson how many people were inside the establishment, to which Ferguson replied that he thought it was 445.

Cst Sabo then went to the front door of the premises and observed it was so full that it appeared people were not able to move about freely and could only see a "sea of heads". Cst Sabo proceeded inside and attempted to conduct a count. Upstairs he counted approximately 200 people. He also tried to conduct a count of the main floor by looking down from upstairs but due to the crowded conditions, he was unable to do so. He states that normally, he would just tap someone on the shoulder to ask them to move out of the way but that night, there was no space for people to move aside. People were standing shoulder to shoulder and he was having to push people aside in order to move around. He describes the dance floor as looking like a "mosh pit" similar to that which one would see at a music concert. The movement on the dance floor could be described as up and down as opposed to side to side which is common to people dancing in a normal setting. Several patrons came up to Cst Sabo and complained how ridiculous the situation was.

Cst Sabo has visited the premises approximately 20 times in the past 5 years and can not recall even one situation where the premises were this crowded. Cst Sabo visited the premises approximately two weeks prior to this date and while the premises appeared full, they did not appear overcrowded as there was still room to move around people. On the night in question, Cst Sabo states he conservatively estimates that there were approximately 700 people in the nightclub. He was unable to conduct a count and in fact had to abandon any attempts to do so out of concerns for officer safety.

He exited the premises and reported back to manager, Ferguson. He recalls advising him that if there was a fire, people would not be able to safely exit the building. Ferguson's response was that

s.22 Constable Sabo issued licensed premise check form #A097286 which was signed for by manager, Corey Ferguson.

I met with licensee and owner, Mr Wayne Ferguson on July 5, 2006 at Surrey Regional office to issue contravention notice #B001364 as a follow up to the LPC already issued by the police. Mr. Ferguson advises that the premise now has a policy of conducting counts at regular intervals to ensure that an accurate count of persons inside the premise is maintained at all times. He states that there is a policy in place with respect to proper management and operation of the establishment.

## **ALLEGED CONTRAVENTION(S)**

**Contravention Number** B001364 : C Overcrowding beyond person capacity greater than occupant load, Reg. s. 6(4)

### **Reasons for Recommending Enforcement Action**

Overcrowding is serious public safety contravention and overcrowding that exceeds the occupant load presents a greater risk to public safety. Individuals face many challenges in exiting a building safely where liquor is served, loud music is playing and lighting may be dim. This risk is increased when the building is overcrowded. The capacity for an establishment also impacts the surrounding community and is designed to reduce the risk of negative impacts on neighbors.

In this particular situation, the overcrowding conditions were so severe that police officers were unable to conduct a count due to concerns for their own safety.

The alleged contravention is defined in Schedule 4 of the Liquor Control and Licensing Regulations under item 15.

### **Reasons for the Proposed Penalty**

The range of penalties for the issue of overcrowding beyond person capacity greater than occupant load is 4-7 days suspension of the license and/or \$5000-\$7000 monetary penalty. There is no prior history of this issue in the past 12 months so the minimum suspension penalty is deemed appropriate for gaining future compliance.

Therefore;

For the alleged contravention of Overcrowding beyond person capacity greater than occupant load, Reg. s. 6(4) (Contravention Notice Number B001364) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 4 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a first contravention.

The suspension will be served starting on a Thursday and will continue on successive business days until completed.

## **THE PROCEDURES**

An enforcement hearing may be scheduled to determine whether the alleged contravention(s) occurred and the appropriate penalty, if any, that should be imposed. You can contest the contravention(s) and/or the proposed penalty at the enforcement hearing.

**Please Note:** If a penalty is warranted, the General Manager may;

- Impose a suspension of the liquor license for a period of time;
- Cancel a liquor license;
- Impose terms and conditions to a license or rescind or amend existing terms and conditions;
- Impose a monetary penalty; or
- Order a licensee to transfer a license.

An enforcement hearing can be time consuming and costly for all participants. If you sign a waiver, there will be no need for an enforcement hearing for the alleged contravention(s) or the lesser but included contravention(s). By signing the waiver, you expressly and irrevocably:

- Agree that the contravention(s) occurred,
- Accept the proposed penalty in this letter,
- Waive the enforcement hearing, and
- Agree that the finding(s) of contravention(s) and the penalty will form part of your compliance history as a licensee.

Generally, the waiver must be signed within 14 days of the date of this letter. If you decide you want to sign a waiver, please contact me as soon as possible to arrange an appointment.

## **CONTACTS**

(1) If you do not sign a waiver, the case management administrator will contact you with details of the enforcement hearing process. The case management administrator contact information is:

Shirley Martin; (250) 356-0010; Shirley.Martin@gov.bc.ca

(2) Please contact me at (604) 586-2658 if you want to sign a waiver notice or if you have any questions regarding this notice.

Yours truly,

Rupi Gill  
Surrey

Attachments:

Appendices A & B  
Copy of Enforcement Hearing Rules  
Copy of Liquor Licence  
Copy of Contravention Notice  
Copy of Red line Floor Plan

## **APPENDIX A**

### **License Information**

License number: 176354  
License type: Liquor Primary  
License expiry date: April 30, 2007

At an enforcement hearing, the branch may present the following information related to allegations of non-compliance for which the branch did not pursue enforcement action. If there is a finding that the contravention(s) alleged which are the subject of this Notice of Enforcement Action did occur, the following information may be considered by the General Manager, for the purpose of determining what penalty, if any, is appropriate. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions:

<b>Date of Incident</b>	<b>Alleged Contravention</b>	<b>Identifying Document(s)</b>
April 14, 2006	Overcrowding beyond person capacity greater than occupant load, Reg. s. 6(4)	CN # B001364
September 10, 2005	Permit intoxicated person to remain, s. 43(2)(b)	CN # B001990
January 01, 2004	Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b)	CN # B002599
February 21, 2002	LICENCE CAPACITY - REG.	CN # A002395

### **Compliance Meetings:**

<b>Date</b>	<b>Topic</b>
August 06, 2002	
September 22, 2005	Permit intoxicated person to remain, s. 43(2)(b)
July 05, 2006	Permit intoxicated person to remain, s. 43(2)(b)

## **APPENDIX B**

### **License Information**

License Number: 176354  
License Type: Liquor Primary  
License Expiry Date: April 30, 2007

At an enforcement hearing, the General Manager will consider compliance history when determining the appropriate penalty for each contravention.

### **LICENSEE'S COMPLIANCE HISTORY**

The licensee's compliance history consists of any prior findings of contraventions and penalties that relate to the licensee in question. A finding of contravention results when the licensee signs a waiver or the General Manager makes a decision that a contravention did occur. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions.

<b>No.</b>	<b>Date</b>	<b>Contravention Notice Number</b>	<b>Findings of Contravention</b>	<b>Penalty Imposed</b>
1.	October 28, 2005	B001996; EH05-160	Minors in premises, s. 35	\$1000 monetary penalty

### **ESTABLISHMENT'S COMPLIANCE HISTORY**

The establishment's compliance history consists of any prior findings of contraventions and penalties that relate to the establishment in question. A finding of contravention results when the licensee responsible for the establishment signs a waiver or the General Manager makes a decision that a contravention did occur.

	<b>Date</b>	<b>Contravention Notice Number</b>	<b>Findings of Contravention</b>	<b>Enforcement Action</b>
1.	October 28, 2005	B001996; EH05-160	Minors in premises, s. 35	\$1000 monetary penalty



## Enforcement Action Recommended

**Re: Contravention Notice Number:** B001354

**Contravention Notice Date:** May 28, 2006

**Job No:** 000709261-029

**Inspector:** Linda Hoy

**Date Prepared:** Jun 23, 2006

**Office Location:** Surrey

**Submitted To:** Michael Clark

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### Establishment Information:

**Establishment Name:** MIRAGE CABARET

**Establishment Address:** 15330-102A AVE  
SURREY, BC V3R 2R6

**FILE COPY**

**Licence No:** 176354

**Licence Class:** Liquor Primary

**Expiry Date:** Apr 30, 2007

**Licensee Name:** 500166 B.C. Ltd. c/o Ferguson, Wayne

**Terms and Conditions noted on licence face:**

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### Contravention Information:

**Contravention Name (e.g. supplying to minors)**

**Date and Time identified**

1. Permit intoxicated person to remain, s. 43(2)(b)

1. May 28, 2006 2:25 AM

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### Witness Information:

**Witness Name and Position**

**Summary of Evidence**

1. Linda Hoy (C&E Officer)

Noted signs of intoxication; staff interaction; issued CN

2. John Laseur (S/Sgt, Coquitlam RCMP)

Noted signs of intoxication; staff interaction with male

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### Details of Contravention:

This is a liquor primary establishment with hours of 7:00 PM to 02:00 AM Monday through Sunday with a person capacity of 400 persons.

On Saturday, May 27, 2006 as part of the Delta Pd Anti Violence Bar Initiative, led by Supt. Brad Parker, joint inspections were conducted of establishments by members from various Police Departments and RCMP Detachments.

At approximately 0150 hrs, I entered this establishment for a routine walk through with S/Sgt. John LASEUR of Coquitlam RCMP. The door person, s.22 stated he had a count in /out indicating 467 patrons were in the establishment plus staff. Various officers were checking the establishment.

During the inspection, I noted a male, later identified as s.22 in an area identified as the 'B' Bar, who showed signs of intoxication. The male was stumbling; acting up; spitting on the floor; leaning over the bar for support. I continued to observe the male and his actions in front of the bar to determine what staff were doing about him.

This male was located at the center, service area, approximately two feet in front of a bartender later identified as s.22 I, and various officers observed this male for a short time, then I proceeded to the far left side of the bar (when facing the bar) and continued to observe from this location. There was another bartender located at this point, approximately 8 feet from the centre, later identified as s.22

The male had two full bottles of Heineken beer in front of him and one glass containing a brown liquid. While I was observing, the male drank all the liquid in this glass. I spoke to s.22 the bartender and pointed this male out. I asked what the liquid was in the glass the patron has just finished consuming. The time was now approximately 0210 hours. The bartender, s.22 realized the male was intoxicated and went over and took the two beer and poured them down the sink; the male said 'hey my beer'. s.22 returned and said he didn't know what the other drink was; the male also had a bottle of water in his hand.

I then spoke to the bartender s.22 ) who was right in front of this male and asked him who had served the intoxicated male the beer. s.22 said he didn't know but he didn't think he did; they were just sitting on the counter.

I asked s.22 how the male paid for his drinks and s.22 said he ran a tab; I asked if I could get a copy and s.22 said he had paid by Interact and he could give me a copy of that. The bill was \$125. s.22 stated that included a \$40.00 tip. The time on the tab was 1:59:51.

S/Sgt. John LASEUR was also making observations and at this time, he took the male outside for questioning. S/Sgt Laseur will give evidence that his attention was brought to an intoxicated male who was heading toward the bar, by Cst. A. Manual, of the Richmond RCMP. Laseur, stood behind the male as he placed two open beer from his hands onto the bar top, then engaged the bartender in conversation. Laseur observed the male consume a drink from the bar and observed the bartender s.22 , serve the male a bottle of water.

Laseur will give evidence of physical signs of intoxication in that the male was slow to react, had droopy, tired looking eyes and was unsteady on his feet.

S/Sgt. Laseur will give evidence that he identified the male as s.22 and that as he escorted the male outside the male insisted on using the washroom. While he waited for the male, he observed the male was not steady on his feet, had trouble keeping his balance, bumped into the urinal several times and took considerable time dealing with his functions. Laseur stated the males' level of intoxication should have placed him as a person of concern to employees/staff of the establishment.

The male was identified to the host/manager of the Mirage, Corey Ferguson, at the front door to confirm management acknowledgement of this persons level of intoxication. Hoy issued CN b001354

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### **Establishment Compliance History:**

- Minors in premises, s. 35, October 28, 2005, \$1000 monetary penalty

**Establishment Compliance History:**  
**Licensee Compliance History:**

**Other File Information:**

**Complaints:**

	Date	Document Description
1	<No Date Entered>	LPC #A097286 - Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b), Contravention Identified
2	<No Date Entered>	LPC #A097286 - Permit a person to become intoxicated, s. 43(2)(a), Contravention Identified
3	November 14, 2005	LPC #A157157 - Minors in premises, s. 35, CN #B001996
4	March 24, 2004	After Hours Service Inspection Complete

**Contraventions:**

	Date	Document Description
1	May 28, 2006	CN #B001354 - Selling liquor to intoxicated person, s. 43(1)
2	September 09, 2005	CN #B001990 - Permit intoxicated person to remain, s. 43(2)(b)
3	January 01, 2004	CN #B002599 - Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b)
4	February 21, 2002	CN #A002395 - LICENCE CAPACITY - REG.

**Compliance Meetings:**

	Date	Topic
2	September 22, 2005	Permit intoxicated person to remain, s. 43(2)(b)
1	August 06, 2002	

**Contravention #1 - Permit intoxicated person to remain, s. 43(2)(b) - Recommended Enforcement Action:**

- ☒ Suspend all or any part of the licensee's licence [s. 20(2)(d)]  
4 Days.
- ☐ Impose a monetary penalty [s. 20(2)(c)]
- ☐ Impose terms and conditions or rescind or amend existing terms and conditions on licence [s. 20(2)(b)]
- ☐ Cancel all or any part of the licensee's licence [s. 20(2)(e)]

**Relevant Liquor Control and Licensing Branch policy names and reference numbers:**

s.14.3 Permitting an Intoxicated Person to Remain

"A licensee or the licensee's employee must not permit an intoxicated person to remain in that part of an establishment where liquor is sold, served or otherwise supplied."

s.14.3.2 Elements of the contravention of permitting an intoxicated person to remain

**Reasons for Recommended Enforcement Action:**

The contravention falls under Item 11 of Schedule 4 of the Regulations.

In order to avoid the possibility of further liquor consumption and avoid any harm to other patrons or staff, a licensee must not permit a person who is intoxicated to remain in the part of the establishment where liquor is served.

The licensee is responsible for supervising the operation of their establishment and the conduct of their

The licensee is responsible for supervising the operation of their establishment and the conduct of their employees. Intoxication is a serious public safety issue. Intoxicated patrons may be a danger to themselves or members of the public and associated with behaviour that has a negative impact on communities, including late night noise.

The establishment has a history with respect to the issue of intoxicated patrons. The area inspector held a compliance meeting with both Corey and Heath Ferguson in September 2005 on this issue. The licensees were advised of their responsibilities with respect to the issue of over service and dealing with intoxicated patrons. The licensees made a commitment to putting in practices to prevent a recurrence of this issue. No enforcement action was taken at that time to allow licensees an opportunity to voluntarily comply.

As voluntary compliance was not achieved, enforcement action is being recommended to ensure that these issues will be considered more seriously by the licensee.

**Reasons for Proposed Penalty:**

This penalty falls within the guidelines as set out in the Liquor Control and Licensing Act Regulations, Schedule 4.

I feel it is necessary to impose a suspension of the licence to ensure the licensee takes the initiative to put some operating procedures in place and establish control practices to ensure that these procedures and practises remain in place and are adhered to at all times.

A recommendation of a suspension as opposed to a monetary penalty reflects the establishment's record of non-compliance and ongoing compliance issues. The minimum suspension penalty is considered appropriate to achieving future compliance.

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**Regional Manager's comments - Contravention #1:**

Proceed with recommended enforcement action for alleged contravention #1?

☐ Yes

☐ No

Proceed with recommended penalty for alleged contravention #1?

☐ Yes

☐ No

☐ N/A

**If recommended enforcement action or recommended penalty for alleged contravention #1 are changed by regional manager, please explain:**

**If recommendation for enforcement action for alleged contravention #1 is declined by regional manager, please explain:**

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**Regional Manager's name:** Michael Clark

**Date:** Jun 23, 2006

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## No Enforcement Action Recommended

**Re: Contravention Notice Number:** B001365

**Contravention Notice Date:** Jul 5, 2006

**Job No:** 000709261-030

**Inspector:** Rupi Gill

**Date**

**Prepared:** Jul 04, 2006

**Office Location:** Surrey

**Submitted To:** Michael Clark

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### Establishment Information:

**Establishment Name:** MIRAGE CABARET

**Establishment Address:** 15330-102A AVE  
SURREY, BC V3R 2R6

**Licence No:** 176354

**Licence Class:** Liquor Primary

**Expiry Date:** Apr 30, 2007

**Licensee Name:** Private Corporation: 500166 B.C. Ltd. c/o Ferguson, Wayne

**Terms and Conditions noted on licence face:**

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### Contravention Information:

**Contravention Name (e.g. supplying to minors)**

**Date and Time identified**

1. Permit intoxicated person to remain, s.  
43(2)(b)

1. Jul 01, 2006 1:00 AM
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## Review and Analysis:

I have reviewed:

Facts and circumstances of the contravention

☒ Yes

☐ No

Establishment compliance history

☒ Yes

☐ No

- Number of contravention notices on file: 6
- Number of contravention notices in past 12 months: 4
- Name, date(s) of any proved contravention(s) and the enforcement action taken:
  - Minors in premises, s. 35, October 28, 2005, \$1000 fine

Licensee compliance history

☐ Yes

☒ No

- If no, please explain: Not available.

Other file information

☒ Yes

☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes

☐ No

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### Reasons no enforcement action recommended:

In this instance it took a significant amount of time before the intoxicated female was asked to leave the premises even though the premise was not very busy and staff member was standing next to me and was able to view the female quite clearly. A review of the circumstances of the contravention indicate that there is insufficient information to support a determination that the intoxicated person was permitted to remain because eventually she was approached by staff and asked to leave. A compliance meeting was held with licensee, Mr Wayne Ferguson and the situation was brought to his attention. He advises that they have instituted a new policy with respect to how intoxicated patrons are dealt with and this new system puts more accountability on staff. No enforcement action recommended at this time as will seek further voluntary compliance.

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No. B001376



BRITISH  
COLUMBIA

Liquor Control and Licensing Act  
and Regulation 244/2002

**CONTRAVENTION NOTICE**

Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: Mirage Cabaret

Establishment address: 15336 102<sup>nd</sup> Ave Surrey

Licensee name: Saxillo BC Ltd

License #: 176 354 Date CN issued: 09/03/06

Date and time of alleged contravention(s): 09/03/06 10:00 PM

On the date noted above, the following alleged contravention(s) of the  
Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	OVERCROWDING BEYOND 6(4)	<input type="checkbox"/> Act <input type="checkbox"/> Reg
2	OCCUPANT LOAD	<input type="checkbox"/> Act <input type="checkbox"/> Reg
3		<input type="checkbox"/> Act <input type="checkbox"/> Reg
4		<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Count 1 = 560, Count 2 =  
538, Count #3 = 506  
by CEO

Count by Mirage staff member  
approximately 429

Inspector name: Ruth Gile Badge #: 58

Telephone: 604 586 2658 LPC #: \_\_\_\_\_

Management acknowledgement (name and title): \_\_\_\_\_

The general manager may proceed with enforcement action on the basis of this  
contravention notice. The licensee will generally be notified within 45 days if  
enforcement action is proposed.

**COPY 4: LCLB FIELD OFFICE COPY** (place on field establishment file)

On Thursday August 24<sup>th</sup>, 2006 we had a scuffle inside the club. Club policy is to remove both parties, the more troublesome group first. Once we escorted the first party out, they left the premises in a Ford Expedition. The other group was brought out and were standing on the sidewalk on 102a ave. Out of nowhere two of the guys who had left in the Expedition came running up and one of them punched one of the members of the group whom we had just escorted out onto the sidewalk. We split the two parties up on either side of 102a ave. Within a minute the party who had left in the Expedition left again and never returned. Not at anytime was the situation out of control.

The guy who had been punched was standing on the sidewalk with who appeared to be his girlfriend. She called for the police and an ambulance on her cell phone. When the police arrived with the ambulance the scene was calm and the other party involved had already been removed. We fully cooperated with police by giving the names of the patrons involved who had already been removed, which I had found on our Bar Watch system. I found them by searching all the photos on the system for that night and because I recognized the guys. The ambulance was there for approximately 3-5 minutes and left.

Both groups involved were not intoxicated, not known to police, but they were known to us because of their regular visits to the Mirage. During both groups visits over the past couple of years neither group has ever shown signs of aggressive behavior or bad attitude to customers or staff or ever been asked to leave for any reason.

Corey Ferguson

Mirage Nightclub



Date: Friday August 25<sup>th</sup>, 2006

Re: Incident Report

Who: Corey Ferguson (manager)

On Friday August 25<sup>th</sup>, 2006 there was an incident where a customer was hit with a bottle on the dance floor. It started with one guy trying to dance with another patron's girlfriend and when the boyfriend said something to the gentlemen trying to dance with his girl a scuffle ensued and the boyfriend was hit. Hosts approached the situation and dispersed the groups. The incident did not last more than 5-8 seconds and not at any point was it out of control. The group which had the gentlemen who was attempting to dance with the girlfriend left right away when asked to leave. We know this group because they work at s.22 they were only inside for approximately 20 minutes and were not intoxicated. They come to the Mirage frequently and s.22 are usually good people. These customers never have caused a problem before.

Once the other group was outside the guy who was struck his girlfriend called the police and an ambulance. We spoke to the group and they were not intoxicated or a rowdy bunch. This group as well as the other group frequented the Mirage often and have never been a problem before.

When the police and ambulance arrived, the situation was under control and not at any point was it out of control. The ambulance checked out the injured patron. I was speaking to a female officer who told me he was fine but the ambulance was going to take him as a precaution.

Corey Ferguson

Mirage Nightclub



## WAIVER NOTICE

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

File No: EH06-145  
Job No: 000709261-031

**BETWEEN:** 500166 B.C. Ltd.

c/o Ferguson, Wayne

15330-102A AVE.

Surrey, BC V3R 7R6

Canada

Telephone: (604) 460-7651 542-6017 JS

Fax: (604) 460-7651 542-6018 JS

(the "Licensee")

Licensee of: **Mirage Cabaret**

located at: 15330 102A Ave  
SURREY, BC V3R 2R6

(the "Establishment")

**AND:** General Manager  
Liquor Control and Licensing Branch  
Ministry of Public Safety and Solicitor General

(the "General Manager")

**RE:** Liquor Licence Number 176354

(the "Licence")

### **The Licensee:**

1. (a) agrees the Licensee committed the contravention of Overcrowding beyond person capacity less than or equal to occupant load, Reg. s. 6(4), (CN B001376) as is set out in the attached Notice of Enforcement Action letter dated September 21, 2006 and its appendix(ces) (the "Notice of Enforcement Action letter") and that the information in the Notice of Enforcement Action letter with respect to this contravention is accurate,

(b) accepts and agrees to the enforcement action specified in the Notice of Enforcement Action

letter for the contravention referenced in paragraph 1 of this Waiver Notice and agrees that the licence will be suspended for 1 business day. The suspension will start and be served at the Establishment from the close of business on Wednesday, January 10, 2007, to the opening of business on Friday, January 12, 2007,

2. waives the opportunity to an enforcement hearing in respect of the contraventions and the enforcement action(s) previously referenced in the Waiver Notice and set out in the Notice of Enforcement Action letter,
3. agrees that the contraventions and enforcement action(s) previously referenced in the Waiver notice and set out in the Notice of Enforcement Action letter will form part of the compliance history of the Licensee,
4. understands and agrees that signs, satisfactory to the general manager, showing that the Licence of the Establishment is suspended, will be placed in prominent locations that are satisfactory to the general manager by the Liquor Control and Licensing Branch inspector or a police officer, and will remain in place during the period of suspension,

The Licensee understands and agrees that this Waiver Notice is irrevocable.

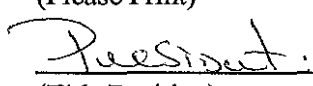
DATE: 20 day of December, 2006.

SIGNATURE OF LICENSEE:

  
(Licensee/Authorized Agent)

NAME OF LICENSEE:

WAYNE FERGUSON  
(Please Print)

  
(Title/Position)

SIGNATURE OF WITNESS:



NAME OF WITNESS:

Rupi Gill  
(Please print)

Attachments:

Notice of Enforcement Action letter, dated October 02, 2006



**NOTICE OF ENFORCEMENT ACTION**  
***Liquor Control and Licensing Act* R.S.B.C. 1996, c. 267**

File No: EH06-145  
Job No: 000709261-031

October 02, 2006

500166 B.C. Ltd.  
c/o Wayne Ferguson,  
15330-102A AVE.  
Surrey, BC V3R 7R6  
Canada  
Telephone: (604) 460-7651

Fax: (604) 460-7651

Dear Wayne Ferguson:

**Re: License Number: 176354**  
License Type: Liquor Primary  
License Expiry Date: April 30, 2007  
Establishment: MIRAGE CABARET  
15330-102A AVE  
SURREY, BC V3R 2R6

The purpose of this notice is to inform you that the General Manager is taking enforcement action for the alleged contravention(s) of the *Liquor Control and Licensing Act*, the *Regulations*, and/or the terms and conditions of your license as set out in this notice.

The General Manager will consider the information contained in this notice at the enforcement hearing.

**THE ALLEGED CONTRAVENTION(S)**

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and Time of Contravention(s)	Proposed Penalty
1.	Overcrowding beyond person capacity greater than occupant load, Reg. s. 6(4)	Reg. s. 6(4)	Sep 01, 2006 12:50 AM	10 day suspension

**Ministry of  
Public Safety and  
Solicitor General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[www.pssg.gov.bc.ca/clt](http://www.pssg.gov.bc.ca/clt)

## **SUMMARY OF EVIDENCE**

Mirage Nightclub holds a liquor primary license # 176354. It is located in a mixed industrial/residential area of Surrey and has an occupant load capacity of 450 persons. The liquor license shows a person capacity of 275 for area 01 and person capacity of 175 for area 02.

On September 1, 2006 (business day of Thursday, August 31, 2006) a routine inspection was conducted from approximately 12:50 am to 1:35 am. As I drove up to the establishment, I noted that the parking lot was full and overflow vehicles were parked on the streets as well. On arriving at the establishment, I noted two lineups of people outside the front doors. Each lineup had approximately 17-20 people waiting. I approached two doorstaff posted at the front entrance one of whom was Corey Ferguson. On my request, he showed two mechanical counters, indicating an in count of 534 persons and an out count of 100 people which gave a total of 434 persons inside the establishment.

I then entered inside the premises and noted that there appeared to be more people than I had experienced on other recent visits. The dance floor appeared very congested with people standing shoulder to shoulder and very little room for movement. I advised the manager, Peter who was accompanying me, that I intended to do a count of the premises, using a mechanical counter. I started my count on the upstairs level by the service bar and conducted the count in a counter clockwise direction. In making my way through the premise, I found myself having to twist and squeeze to get by people. The results of the count showed there to be 169 persons between the upstairs level and sushi bar area. I then went to the main level where I started my count to the right side of the front entrance where A bar is located, and proceeded to count around the room, in a counterclockwise direction, towards "B" bar, washrooms and back towards the front entrance. From there, I went onto the stairs leading upstairs and proceeded to count the dance floor. The count of the main floor indicated 391 persons for a total count of 560 persons. I reported this information back to Peter and then proceeded to conduct a second count. I started by counting the dance floor first on the main level, and then counted the upstairs level and then the main level again in the same direction as the first count. The results of the second count were 487 on main floor, and 151 on upper floor for a total of 538 persons. This information was also relayed back to Corey Ferguson who was advised that he may also wish to complete his own count of the premises. While he was doing this count, I also proceeded to do a third count. This count yielded the following results, 131 persons upstairs, 395 on main floor, for a total of 526 persons. Corey Ferguson related to me the results of his count as follows: He said there were approximately 100 persons upstairs, 176 on the dance floor, 25 in front of "A" bar, and 40 in front of "B" bar, and about '100ish" in the filler area for a total of 429. He proceeded to show me a sheet of paper where the staff keep an ongoing count of the establishment capacity every half hour. It showed that last count was conducted at 12:20 pm and there were 434 persons in the premise.

Corey was advised of the results of all my counts and the overcrowding.

I subsequently met with licensee, Wayne Ferguson and Corey Ferguson. s.22 on September 13, 2006 when contravention notice # B001376 was issued for overcrowding beyond person capacity greater than occ load. He also advised me that they have instituted a policy of keeping ongoing counts over the course of the night to ensure that they do not fall into a situation where the premise is overcrowded.

## **ALLEGED CONTRAVENTION(S)**

**Contravention Number** B001376 : C Overcrowding beyond person capacity greater than occupant load, Reg. s. 6(4)

### **Reasons for Recommending Enforcement Action**

Overcrowding is serious public safety contravention and overcrowding that exceeds the occupant load presents a greater risk to public safety. Individuals face many challenges in exiting a building safely where liquor is served, loud music is playing and lighting may be dim. This risk is increased when the building is overcrowded. The capacity for an establishment also impacts the surrounding community and is designed to reduce the risk of negative impacts on neighbors.

In this particular situation, there were doorstaff on duty who had a responsibility to ensure that the premise is not overcrowded. There is also a prior situation of overcrowding as well which is pending resolution, therefore the licensee is aware of the seriousness of the contravention. The alleged contravention is defined in Schedule 4 of the Liquor Control and Licensing Regulations under item 15.

### **Reasons for the Proposed Penalty**

There is currently one other alleged contravention of overcrowding beyond person capacity greater than occupant load, within the past 12 months. The range of penalties for a second contravention is 10-14 day. The minimum penalty of 10 days is considered appropriate in this circumstance to ensure future voluntary compliance.

Therefore;

For the alleged contravention of Overcrowding beyond person capacity greater than occupant load, Reg. s. 6(4) (Contravention Notice Number B001376) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 10 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a second contravention.

The suspension will be served starting on a Thursday and will continue on successive business days until completed.

## **THE PROCEDURES**

An enforcement hearing may be scheduled to determine whether the alleged contravention(s) occurred and the appropriate penalty, if any, that should be imposed. You can contest the contravention(s) and/or the proposed penalty at the enforcement hearing.

**Please Note:** If a penalty is warranted, the General Manager may;

- Impose a suspension of the liquor license for a period of time;
- Cancel a liquor license;
- Impose terms and conditions to a license or rescind or amend existing terms and conditions;
- Impose a monetary penalty; or
- Order a licensee to transfer a license.

An enforcement hearing can be time consuming and costly for all participants. If you sign a waiver, there will be no need for an enforcement hearing for the alleged contravention(s) or the lesser but included contravention(s). By signing the waiver, you expressly and irrevocably:

- Agree that the contravention(s) occurred,
- Accept the proposed penalty in this letter,
- Waive the enforcement hearing, and
- Agree that the finding(s) of contravention(s) and the penalty will form part of your compliance history as a licensee.

Generally, the waiver must be signed within 14 days of the date of this letter. If you decide you want to sign a waiver, please contact me as soon as possible to arrange an appointment.

## **CONTACTS**

(1) If you do not sign a waiver, the case management administrator will contact you with details of the enforcement hearing process. The case management administrator contact information is:

Shirley Martin; (250) 356-0010; Shirley.Martin@gov.bc.ca

(2) Please contact me at (604) 586-2658 if you want to sign a waiver notice or if you have any questions regarding this notice.

Yours truly,

Rupi Gill  
Surrey

Attachments:  
Appendices A & B  
Copy of Enforcement Hearing Rules  
Copy of Liquor Licence  
Copy of Contravention Notice  
Copy of Red line Floor Plan

## **APPENDIX A**

### **License Information**

License number: 176354  
License type: Liquor Primary  
License expiry date: April 30, 2007

At an enforcement hearing, the branch may present the following information related to allegations of non-compliance for which the branch did not pursue enforcement action. If there is a finding that the contravention(s) alleged which are the subject of this Notice of Enforcement Action did occur, the following information may be considered by the General Manager, for the purpose of determining what penalty, if any, is appropriate. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions:

<b>Date of Incident</b>	<b>Alleged Contravention</b>	<b>Identifying Document(s)</b>
September 01, 2006	Overcrowding beyond person capacity greater than occupant load, Reg. s. 6(4)	CN # B001376
July 01, 2006	Permit intoxicated person to remain, s. 43(2)(b)	CN # B001365
May 28, 2006	Permit intoxicated person to remain, s. 43(2)(b)	CN # B001354
May 28, 2006	Selling liquor to intoxicated person, s. 43(1)	CN # B001354
April 14, 2006	Overcrowding beyond person capacity greater than occupant load, Reg. s. 6(4)	CN # B001364
September 10, 2005	Permit intoxicated person to remain, s. 43(2)(b)	CN # B001990
January 01, 2004	Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b)	CN # B002599
February 21, 2002	LICENCE CAPACITY - REG.	CN # A002395

### **Compliance Meetings:**

<b>Date</b>	<b>Topic</b>
August 06, 2002	
September 22, 2005	Permit intoxicated person to remain, s. 43(2)(b)
July 05, 2006	Permit intoxicated person to remain, s. 43(2)(b)



## **APPENDIX B**

### **License Information**

License Number: 176354  
License Type: Liquor Primary  
License Expiry Date: April 30, 2007

At an enforcement hearing, the General Manager will consider compliance history when determining the appropriate penalty for each contravention.

### **LICENSEE'S COMPLIANCE HISTORY**

The licensee's compliance history consists of any prior findings of contraventions and penalties that relate to the licensee in question. A finding of contravention results when the licensee signs a waiver or the General Manager makes a decision that a contravention did occur. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions.

No.	Date	Contravention Notice Number	Findings of Contravention	Penalty Imposed
1.	October 28, 2005	B001996; EH05-160	Minors in premises, s. 35	\$1000 monetary penalty

### **ESTABLISHMENT'S COMPLIANCE HISTORY**

The establishment's compliance history consists of any prior findings of contraventions and penalties that relate to the establishment in question. A finding of contravention results when the licensee responsible for the establishment signs a waiver or the General Manager makes a decision that a contravention did occur.

	Date	Contravention Notice Number	Findings of Contravention	Enforcement Action
1.	October 28, 2005	B001996; EH05-160	Minors in premises, s. 35	\$1000 monetary penalty



October 6, 2006

Dennis P. Coates, Q.C.  
Mair Jensen Blair  
700 – 275 Lansdowne Street  
Kamloops, BC V2C 6H6

Phone: (250) 374-3161  
Fax: (250) 374-6992

Dear Dennis Coates:

**Re: Mirage Cabaret 15330 – 102A Avenue, Surrey, BC V3R 2R6**  
**Liquor Primary Licence No. 176354** **Case: EH06-145**

The General Manager of the Liquor Control and Licensing Branch must determine whether to conduct an enforcement hearing regarding the contravention(s) set out in the attached Notice of Enforcement Action. An enforcement hearing is required if the licensee disputes that the contravention(s) took place and/or disputes the proposed penalty.

### **Pre-hearing Conference**

A pre-hearing telephone conference will be held in order to:

- Determine if an enforcement hearing is required;
- Explain the enforcement hearing process and answer the licensee's questions;
- Identify the issues that will be addressed at the enforcement hearing;
- Identify and discuss the evidence that the licensee and the Branch will present at the enforcement hearing. This includes providing the names of any witnesses that will testify;
- Arrange for the licensee and the Branch to provide each other with copies of documents or other evidence that will be introduced at the enforcement hearing;
- Set a date for the enforcement hearing.

Elizabeth Barker, the Branch's Registrar of Enforcement Hearings, will conduct the pre-hearing conference by way of a telephone conference call. Shahid Noorani, the Branch Advocate, will represent the Branch. The pre-hearing conference will take place on:

**Monday, October 16, 2006, at 1:00 p.m.** To participate in the pre-hearing conference please call **s.15, s.17** at the scheduled time and when prompted to do so enter the **conference ID No. s.15, s.17**

During the pre-hearing conference, you should be prepared to provide dates when you and your witnesses are available to attend an enforcement hearing.

### **Licensee Representative**

If you wish to have someone else represent you at the pre-hearing conference, we require your prior written consent for this person to speak on your behalf. Please choose a representative who is available for the date of the pre-hearing conference. In general, the unavailability of your representative on the date of the pre-hearing conference is not considered justification for rescheduling.

### **Language Interpreter**

If you need a language interpreter to help you, please arrange this in advance of the pre-hearing conference and let us know who this person will be. Unless you and your interpreter are going to use the same telephone line, we need to know what number to call in order to connect your interpreter into the pre-hearing conference.

### **Rescheduling**

The pre-hearing conference will only be adjourned if there are special circumstances that justify rescheduling. To obtain an adjournment please provide the Branch's Case Management Administrator with a written request explaining your reasons and proposing alternative dates. A request for adjournment must be received at least two full business days prior to the scheduled pre-hearing conference. The Branch's Registrar of Enforcement Hearings will consider your request, obtain further information if necessary, and make a decision on whether to adjourn the pre-hearing conference to a later date.

### **Failure to Attend Pre-Hearing Conference**

Should you fail to attend the pre-hearing conference, the Branch's General Manager may make a decision without conducting an enforcement hearing. Such decisions are based on the Notice of Enforcement Action and any written material that you submit in response.

### **Waiver**

You may sign a waiver and accept the proposed penalty if you agree that the alleged contraventions took place. To do so, promptly contact the compliance & enforcement officer whose name and number appears in the Notice of Enforcement Action to arrange an appointment to sign a waiver form. The pre-hearing conference and an enforcement hearing will not be required if a waiver is signed.

### **Additional Background**

A fact sheet briefly outlining the Branch's enforcement process is enclosed. Please refer to our Enforcement Hearing Rules for more detail. Recent Branch enforcement decisions can also be reviewed at [www.pssg.gov.bc.ca/lclb/decisions/index.htm](http://www.pssg.gov.bc.ca/lclb/decisions/index.htm).

If you have any questions or concerns regarding this matter, please feel free to contact me by phone (250) 356-0010 or facsimile (250) 387-9184. Thank you.

Yours truly,



Shirley A. Martin  
Case Management Administrator

cc: Elizabeth M. Barker, Registrar, Enforcement Hearings  
Shahid Noorani, Branch Advocate

Attachments:

- Notice of Enforcement Action
- Enforcement Hearing Fact Sheet



November 15, 2006

Dennis Coates, QC Mair Jensen Blair 700 -275 Lansdowne Street Kamloops, BC V2C 6H6 Phone:(250) 374-3161 Fax (250) 374-6992	Shahid Noorani, branch advocate Liquor Control and Licensing Branch Surrey Regional Office 101-9180 King George Hwy Surrey, BC V3V 5V9 Phone: (604) 586-2646; Fax (604) 586-2640 Shahid.noorani@gov.bc.ca
---	---

Dear Sirs:

**Re: 500166 B.C. Ltd. dba Mirage Cabaret, Surrey, BC**  
**Liquor Primary Licence No. 176354**

**Case: EH06-145**

This letter records the results of a telephone pre-hearing conference held on October 16, 2006, which was attended by

Dennis Coates, licensee's solicitor  
Kim Hillard, Mr. Coates' assistant  
Shahid Noorani, branch advocate

**Status**

Enforcement Hearing Date:

**December 7, 2006**, commencing at **9:30am**.  
(Please note that the hearing date will only be postponed in exceptional circumstances).

Hearing Location:

Liquor Control and Licensing Branch Office  
Surrey Regional Office  
101-9180 King George Hwy  
Surrey, BC  
(604) 586-2641

Final Date for Production of  
Documents and Witness names:

**November 21, 2006**

Ministry of Public Safety  
and Solicitor General

Liquor Control and  
Licensing Branch

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

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[http:// www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb)

### **Allegation**

The branch's allegations and recommended enforcement action are set out in the Notice of Enforcement Action (the "NOEA") dated October 2, 2006, which the licensee acknowledges having received.

The branch alleges that on September 1, 2006, the licensee contravened section 6 (4) of the *Liquor Control and Licensing Regulations* by permitting more persons in the licensed establishment than the person capacity set by the general manager and the number of persons in the licensed establishment was more than the occupant load. The proposed penalty is a ten (10) day suspension of the liquor license (item 15 of Schedule 4, *Liquor Control and Licensing Regulation*).

The licensee disputes the allegation, in particular the way that the count was conducted by the liquor inspector.

### **Witnesses**

The branch will call Rupī Gill, liquor inspector, to testify at the hearing.

The licensee will call:

- Wayne Ferguson
- Cory Ferguson
- The front door person for the evening

### **Disclosure of Evidence**

I direct that copies of any documents that will be produced at the hearing must be exchanged by no later than November 21, 2006. This is also the final date for confirmation of any changes to the list of witnesses who will be called to testify at the hearing. Failure to disclose documents or identify witnesses within the timeframe set may result in the evidence being ruled inadmissible by the adjudicator.

Please bring to the hearing a copy of all documents for the adjudicator to use as the official exhibit copy.

If you disagree with the above summary of the prehearing conference, or if you have any questions, feel free to contact me at (250) 387-0747. You may also call Mandy Fisher, case management administrator, at (250) 356-0010. Thank you.

Sincerely,



Elizabeth M. Barker  
Registrar, Enforcement Hearings

cc: Adjudicator  
Liquor inspector Rupī Gill



August 22, 2006

Dennis Coates, Q.C. Mair Jensen Blair 700 – 275 Lansdown Street Kamloops, BC V2C 6H6 Phone : (250) 374-3161 Fax : (250) 374-6992	Shahid Noorani, Branch Advocate Liquor Control and Licensing Branch Surrey Regional Office 101 - 9180 King George Hwy. Surrey, BC V3V 5V9 Phone: (604) 586-2646 Fax: (604) 586-2640 Shahid.noorani@gov.bc.ca
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**Re: 500166 B.C. Ltd. dba Mirage Cabaret, 15330 – Avenue, Surrey, BC V3R 2R6**  
**Liquor Primary Licence No. 176354 Case: EH06-086**

This letter records the results of a telephone pre-hearing conference held on Tuesday, August 22, 2006, which was attended by

Wayne Ferguson	Licensee
Dennis Coates	Licensee's Solicitor
Kim Hillard	Mr. Coates' Assistant
James Macdonnell	for Shahid Noorani, Branch Advocate

### **Allegation**

The Liquor Control and Licensing Branch's (the branch) allegations and recommended enforcement action are set out in the Notice of Enforcement Action (the "NOEA") dated July 18, 2006, which the licensee acknowledges having received.

The branch alleges that on April 14, 2006, the licensee contravened Section 6 (4) of the *Liquor Control and Licensing Regulation* by permitting more persons in the licensed establishment than the person capacity set by the general manager and the number of persons in the licensed establishment was more than the occupant load. The proposed penalty is a four (4) day suspension of the liquor licence (item 15 of Schedule 4, *Liquor Control and Licensing Regulation*).

The licensee disputes the allegation, in particular the accuracy of the counts made by Constable Sabo.

**Ministry of Public Safety  
and Solicitor General**

Liquor Control and  
Licensing Branch

Mailing Address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[http:// www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb)  
Page 123

EGM-2013-00038

## Witnesses

Mr. Macdonnell indicated that the branch will call the following people to testify:

1. Rupi Gill, compliance and enforcement officer, and
2. Constable Sabo.

Once the branch provides Mr. Coates with a copy of any police and compliance and enforcement officer's notes and reports regarding this allegation, Mr. Coates will be in a position to assess which witnesses the licensee will call to testify.

It was agreed that a hearing date would be set after Mr. Coates has received this disclosure.

If you have any questions, please feel free to contact me at (250) 387-0747 or toll free 1-866-209-2111. Thank you.

Sincerely,



Elizabeth M. Barker  
Registrar, Enforcement Hearings

cc: Adjudicator – To be determined  
Compliance and Enforcement Officer Rupi Gill





August 3, 2006

Dennis Coates, Q.C.  
Mair Jensen Blair  
700 – 275 Lansdowne Street  
Kamloop, BC V2C 6H6

Phone: (250) 374-3161  
Fax: (250) 374-6992

Dear Mr. Coates:

**Re: Mirage Cabaret, 15330 – 102A Avenue, Surrey, BC V3R 2R6**  
**Liquor Primary Licence No. 176354** **Case: EH06-086**

The General Manager of the Liquor Control and Licensing Branch must determine whether to conduct an enforcement hearing regarding the contravention(s) set out in the attached Notice of Enforcement Action. An enforcement hearing is required if the licensee disputes that the contravention(s) took place and/or disputes the proposed penalty.

### **Pre-hearing Conference**

A pre-hearing telephone conference will be held in order to:

- Determine if an enforcement hearing is required;
- Explain the enforcement hearing process and answer the licensee's questions;
- Identify the issues that will be addressed at the enforcement hearing;
- Identify and discuss the evidence that the licensee and the Branch will present at the enforcement hearing. This includes providing the names of any witnesses that will testify;
- Arrange for the licensee and the Branch to provide each other with copies of documents or other evidence that will be introduced at the enforcement hearing;
- Set a date for the enforcement hearing.

Elizabeth Barker, the Branch's Registrar of Enforcement Hearings, will conduct the pre-hearing conference by way of a telephone conference call. Shahid Noorani, the Branch Advocate, will represent the Branch. The pre-hearing conference will take place on:

**Tuesday, August 22, 2006, at 1:00 p.m.** To participate in the pre-hearing conference please call **s.15, s.17** at the scheduled time and when prompted to do so enter the **conference ID No. s.15, s.17**

During the pre-hearing conference, you should be prepared to provide dates when you and your witnesses are available to attend an enforcement hearing.

### **Licensee Representative**

If you wish to have someone else represent you at the pre-hearing conference, we require your prior written consent for this person to speak on your behalf. Please choose a representative who is available for the date of the pre-hearing conference. In general, the unavailability of your representative on the date of the pre-hearing conference is not considered justification for rescheduling.

### **Language Interpreter**

If you need a language interpreter to help you, please arrange this in advance of the pre-hearing conference and let us know who this person will be. Unless you and your interpreter are going to use the same telephone line, we need to know what number to call in order to connect your interpreter into the pre-hearing conference.

### **Rescheduling**

The pre-hearing conference will only be adjourned if there are special circumstances that justify rescheduling. To obtain an adjournment please provide the Branch's Case Management Administrator with a written request explaining your reasons and proposing alternative dates. A request for adjournment must be received at least two full business days prior to the scheduled pre-hearing conference. The Branch's Registrar of Enforcement Hearings will consider your request, obtain further information if necessary, and make a decision on whether to adjourn the pre-hearing conference to a later date.

### **Failure to Attend Pre-Hearing Conference**

Should you fail to attend the pre-hearing conference, the Branch's General Manager may make a decision without conducting an enforcement hearing. Such decisions are based on the Notice of Enforcement Action and any written material that you submit in response.

### **Waiver**

You may sign a waiver and accept the proposed penalty if you agree that the alleged contraventions took place. To do so, promptly contact the compliance & enforcement officer whose name and number appears in the Notice of Enforcement Action to arrange an appointment to sign a waiver form. The pre-hearing conference and an enforcement hearing will not be required if a waiver is signed.

### **Additional Background**

A fact sheet briefly outlining the Branch's enforcement process is enclosed. Please refer to our Enforcement Hearing Rules for more detail. Recent Branch enforcement decisions can also be reviewed at [www.pssg.gov.bc.ca/lclb/decisions/index.htm](http://www.pssg.gov.bc.ca/lclb/decisions/index.htm).

If you have any questions or concerns regarding this matter, please feel free to contact me by phone (250) 356-0010 or facsimile (250) 387-9184. Thank you.

Yours truly,

Shirley A. Martin  
Case Management Administrator

cc: Elizabeth M. Barker, Registrar, Enforcement Hearings  
Shahid Noorani, Branch Advocate

#### **Attachments:**

- Notice of Enforcement Action
- Enforcement Hearing Fact Sheet



July 25, 2006

Dennis Coates Q.C. Mair Jensen Blair 700 – 275 Lansdowne Street Kamloops, BC V2C 6H6  Phone (250) 374-3161 Fax : (250) 374-6992	Shahid Noorani, Branch Advocate Liquor Control and Licensing Branch Surrey Regional Office 101-9180 King George Hwy. Surrey, BC V3V 5V9 Phone: (604) 586-2646 Fax: (604) 586-2640 Shahid.noorani@gov.bc.ca
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**Re: 500166 B.C. Ltd. dba Mirage Cabaret, 15330 – 102A Avenue, Surrey, BC**  
**Liquor Primary Licence No. 176354 Case: EH06-081**

This letter records the results of a telephone pre-hearing conference held on Thursday, July 20, 2006, which was attended by

Dennis Coates	Licensee's Solicitor
Shahid Noorani	Branch Advocate

The branch's allegations and recommended enforcement action are set out in the Notice of Enforcement Action (the "NOEA") dated June 30, 2006, which the licensee acknowledges having received.

The branch alleges that on May 28, 2006, the licensee contravened Section 43(2)(b) of the *Liquor Control and Licensing Act* by permitting an intoxicated person to remain in that part of a licensed establishment where liquor is sold, served or otherwise supplied. The proposed penalty is a four (4) day suspension of the liquor licence (item 11 of Schedule 4, *Liquor Control and Licensing Regulation*).

Mr. Coates explained that the licensee has not decided how they will respond to the allegation. Once the branch provides him with a copy of any police and compliance officer notes and reports regarding this allegation he will discuss the matter with his clients. Mr. Noorani agreed to do his best to provide this information s.22

He also said that he would see if he can obtain and provide to Mr. Coates the contact information for the patrons identified in the NOEA.

**Ministry of Public Safety  
and Solicitor General**

Liquor Control and  
Licensing Branch

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

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[http:// www.pssg.gov.bc.ca/clb](http://www.pssg.gov.bc.ca/clb)

After Mr. Coates has received this disclosure and met with his client, he will let the branch know if the licensee will be disputing this allegation.

I will follow up on this matter after I return from my vacation on August 8, 2006. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Elizabeth M. Barker".

Elizabeth M. Barker  
Registrar, Enforcement Hearings

## COMPLIANCE MEETING

Inspector's Name: Roger Gille Date: Sept 26/07  
Office Location: Surrey

**ESTABLISHMENT INFORMATION:**

Establishment Name: House Cabaret  
Establishment Address: 15330 102<sup>nd</sup> Avenue, Surrey, BC V3R 2R6  
Licence No.: 176-354 Licence Class: LP Expiry date: \_\_\_\_\_  
Licensee Name: 5001166 BC LTD

**MEETING DETAILS:**

Attendees at compliance meeting:

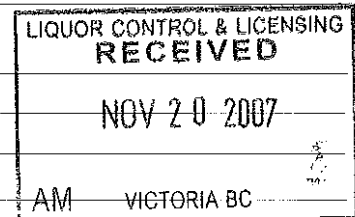
Name: <u>Heath Ferguson</u>	Association/Position: <u>Manager</u>	Contact No: <span style="color: red;">s.22</span>
Name: _____	Association/Position: _____	Contact No: _____
Name: _____	Association/Position: _____	Contact No: _____
Name: _____	Association/Position: _____	Contact No: _____
Name: _____	Association/Position: _____	Contact No: _____
Name: _____	Association/Position: _____	Contact No: _____

Reason compliance meeting was convened (cite CN # if relevant): \_\_\_\_\_

Information reviewed at the meeting: Dr. Cross inquired driving report & over service / handwriting

- ☐ Relevant section(s) of the *Liquor Control and Licensing Act*
- ☐ Relevant section(s) of the *Liquor Control and Licensing Regulations*
- ☐ Relevant section(s) of the *Compliance and Enforcement Program, Policy and Procedures Manual*
- ☐ Relevant section(s) of the *Guide to Liquor Licensees*
- ☐ Other \_\_\_\_\_

ENTERED IN POSSE



Commitments made by licensee: A meeting is scheduled on Sept 26/07 with

staff to discuss ways to identify, minimize police & prevent

further service to them.  
Also discussed means further to police LPC - individual used a  
Other fake id to get into the establishment.

Inspector Name: Roger Gille Inspector Signature: [Signature]  
Licensee Name: Heath Ferguson Licensee Signature: [Signature]

**Fisher, Mandy SG:EX**

---

**From:** Atchison, Trish A SG:EX  
**Sent:** Tue, March 6, 2007 2:36 PM  
**To:** Fisher, Mandy SG:EX  
**Subject:** FW: Mirage - Decision EH06-081  
**Attachments:** Mirage Cabaret EH06-081 - March 07 (2).pdf

for your records

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**From:** Atchison, Trish A SG:EX  
**Sent:** Tue, March 6, 2007 2:26 PM  
**To:** XT: Hillard, Kim, Q.C. SG:IN  
**Subject:** Mirage - Decision EH06-081

Released today is the decision on the above mentioned matter.

I attach a copy for your information as counsel of record.

**DECISION OF THE  
GENERAL MANAGER  
LIQUOR CONTROL AND LICENCING BRANCH  
IN THE MATTER OF  
A hearing pursuant to Section 20 of  
The Liquor Control and Licensing Act RSBC c. 267**

Licensee:	500166 BC Ltd, dba Mirage Cabaret
Case:	EH06-081
Appearances:	
For the Licensee	Barry Carter
For the Branch	Shahid Noorani
Enforcement Hearing Adjudicator	Sheldon M. Seigel
Date of Hearing	February 9, 2007
Place of Hearing	Surrey
Date of Decision	March 5, 2007

## INTRODUCTION

The Licensee operates a cabaret in Surrey. The cabaret holds liquor primary license #176354.

On the business day of May 27, 2006, a team of RCMP officers and a liquor inspector attended at the establishment as part of an anti-violence bar initiative to do a licensed premise check

As a result of the inspection, a contravention notice was issued to the Licensee relating to an individual who was alleged to be intoxicated and allowed to remain in the establishment.

## ALLEGED CONTRAVENTIONS

The Branch alleged that on May 28, 2006 (business day of May 27, 2006), the Licensee contravened s. 43(2)(b) of the *Liquor Control and Licensing Act* by permitting an intoxicated person to remain in the licensed premises.

## RELEVANT STATUTORY PROVISION

### ***Liquor Control and Licensing Act, [ RSBC 1996] Chapter 267***

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



**ISSUES(S)**

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

**EXHIBITS**

Exhibit #1: Branch's book of documents

**EVIDENCE**

The parties agreed to the inclusion of the content of exhibit #1 into evidence.

The Branch called a police sergeant. He testified as follows:

- s.22
- On May 27 and 28, he was operating as part of the anti-violence bar initiative.
- He has conducted approximately 100 bar checks in the past.
- He has seen all levels of intoxication and been qualified as a data-master and breathalyser operator s.22
- The team that attended at the Mirage Cabaret consisted of 20 or 30 members, mostly uniformed officers, and the liquor inspector.
- The establishment was not chosen because of any past history of problems.

- They entered through the main doors and got a general impression of the atmosphere in the club. It appeared to be "business as usual". Liquor was being served, and there was music and dancing.
- He made his way to the bar, had a casual conversation with a patron, and then stood where he could see the bar.
- Soon thereafter another officer pointed out a male near the bar, whom she indicated appeared intoxicated.
- He saw the patron standing with a couple of bottles of beer in his hands. He watched as the patron made his way to the bar. The patron used the bar for support and tried to engage the bartender in conversation- but the bartender did not talk to the patron.
- He observed the patron to be unsteady on his feet- swaying.
- "His head was drooping down like he was extremely tired or his eyes were closing. To me it was a sign that he had a full load of alcohol on him."
- When the patron finally got the bartender's attention, the bartender took the beers from the patron and poured them out. "The patron then grabbed a tumbler glass from the bar and consumed [the contents]. It was not his drink. It was just on the bar."
- He motioned for the liquor inspector to see the patron. She watched the patron for a minute and then engaged the bartender in conversation.
- "The beer was removed from the patron when the liquor inspector went over to the bar. I think she was talking to the bartender at the same time the beer was taken away."
- The bartender told the patron "You're out."
- "I got the patron's ID and walked him toward the door. He asked me if he could go to the washroom and I took him inside. He went to the first urinal and engaged in a long urinal break. He had trouble standing up and crashed against the wall behind the urinal- the men here know what I mean.... He washed his hands and went to the front door. His movement was slow. I had to guide him. I talked to him briefly and wrote down his

name...He was slurring his speech. He had trouble pronouncing words. He was happy-go-lucky and was overly friendly and talkative".

- He left in a taxi.
- In total the sergeant watched the patron for about three minutes before the bartender took the beers away.
- All of the signs he saw the patron exhibit at the bar were consistent with being tired at 2:00 in the morning.
- He did not ask how long the patron had been awake that day.
- Based on his observations, he thought the patron "had a full load on and was suffering because of his alcohol consumption.
- He identified his notes in exhibit #1.

The Branch called a liquor inspector. She testified as follows:

- s.22
- She has been formally trained in the identification of all levels of intoxication.
- She sees people with some level of intoxication on most evening shifts.
- On the night in question, she was part of the anti-violence bar initiative. They were looking for high profile establishments that were busy in the later hours, and checking for violence.
- There were doormen on duty when she arrived. She spoke with them and satisfied herself that capacity was not an issue.
- She walked through the cabaret and ended up at "B" bar.
- She saw a patron in front of the bar. He was staggering and spit on the floor. She observed him for thirty seconds to a minute.
- She went around to the far side of the bar- about eight feet from the patron- in order to observe the patron's face.

- "I observed the patron staggering a bit and jovial. He was moving about and he spit on the floor. He was unsteady. He was holding both beers in his hand at that time and going foot to foot. He was not standing at the bar, but then moved up to it.
- She did not see the bar staff dealing with the patron.
- She observed him lean on the bar and pick up a drink and drink it. She asked the bartender what the drink was and he said he did not know.
- The bartender then took the two Heinekens from the patron and poured them down the sink.
- She did not have any discussion with the bartender about the patron being intoxicated or "cut off".
- "The bartender said he did not know who served the patron, and that the two Heinekens might not have been his."
- She asked the bartender how the patron had paid for his drinks. The bartender indicated that the patron had a tab and paid with interact.
- She obtained a copy of the receipt. It was for more than a hundred dollars. Forty dollars of it was tip.
- She had no interaction with the patron after the police engaged him.
- She spoke to the bar manager and issued a contravention notice.
- She identified her notes in exhibit #1.
- "The police were dealing with the individual. If the police were not there I would have questioned the individual myself- but as the police were there, I decided to allow them to do the interrogation.
- "I made the notes because in my mind the person was intoxicated. I had determined he was intoxicated. That is why the notes don't say: intoxicated."
- She did not tell the bartender that she thought the patron was intoxicated.
- "I assumed that the bartender thought he was intoxicated when he dumped out the two beers."
- "Hanging on to the beers, is a level of intoxication indicator. He does not want to be without it. Whether they belong to someone else- if he picked

them up from the bar and they were just sitting there- is irrelevant because the bartender allowed him to take them."

The Licensee called the owner/principal shareholder. He testified as follows:

- 
- s.22
- 
- There were approximately 20 employees, including eight or nine door people and security working on May 27 and 28, 2006.
- The club has a very advanced electronic security system that identifies every patron who enters.
- He has had no complaints from his residential or commercial neighbours.
- The club has a sizeable policy manual, and management conducts meetings regularly to enforce rules and guidelines.
- He has arranged for police and the inspector to meet with him to discuss issues such as how to instruct staff on their obligations and how to deal with intoxicated patrons.
- He did not review the video surveillance of the patron in question because he believes in the police department and the liquor inspector.
- Based on the opinion of the police and the inspector, "we obviously let someone get more intoxicated than they should have."

The Licensee called the Manager. He testified as follows:

- He was the general manager on the relevant date.
- It was a busy night. He remembers the anti-violence bar initiative team showing up. They had been there before.
- There was 20 or 25 in the anti-violence bar initiative team- most in uniform.
- He did not see them talking to patrons or checking ID as they usually do.

- The assistant manager radioed him and told him that the police were talking to a patron.
- The patron was a regular. The manager knows that the patron spends lots of money and buys his friends lots of drinks. The patron had signed off of his tab so the manager thought the patron was leaving. He heard that the patron was intoxicated and left the situation to the police.
- For spitting on the floor, the patron was barred for a short time. Showing disrespect for the establishment is not tolerated.

## **SUBMISSIONS**

The Branch submitted that the patron was intoxicated and that the bartender knew this and that is why the bartender took the drinks away. The patron was in possession of two beers, and was put in a taxi and sent on his way. This implied knowledge of his intoxication. The establishment allowed the patron to remain until the police removed him. The testimony that the patron was allowed to remain was not contested.

The Licensee submitted that the sergeant did not notice the patron on his own. The patron was pointed out to him. There is no evidence that the patron drank any alcohol. The evidence is that the two beers that the patron got from the bar counter were not his. The bartender took away the beers, but the evidence does not disclose the reason. The liquor inspector left the determination of intoxication to the police. She did not reach that conclusion herself.

## **ANALYSIS AND DECISION**

In order to find that the contravention had occurred, I must be satisfied that the individual components of the contravention have been established. The burden of proof is the balance of probabilities.

The components of the contravention require that there be an intoxicated person, and that the person be permitted to remain in the establishment.

I agree with the Branch advocate that the patron was allowed to remain. The evidence is uncontroverted that the patron was in the establishment when the police arrived, had been there for some time, and had not been invited to leave.

The more significant issue in this case, is the characterization of the patron as intoxicated.

The police sergeant testified that he thought the patron had "a full load of alcohol on him." I find that this language falls short of a proclamation of intoxication.

If I were to determine that the sergeant thought the patron was intoxicated, I find that it would be insufficient to rely exclusively upon the experience of this witness in making my determination. The sergeant might be quite skilled, and competent to make a determination of intoxication for the purposes of his policing obligations. However, if I were to simply rely on the opinion of the officer, without consideration of the factual evidence of intoxication, there would be no purpose to the hearing process. Such reliance would stand for the proposition that the opinion of an experienced officer is conclusive. This is not my understanding of the intent of an enforcement hearing.

I am being asked to determine whether or not the patron was intoxicated. In order to do so, I require evidence relating to the patron's intoxication or otherwise.

If the opinion evidence of an expert were to be relied upon exclusively for this purpose, then it would be proper to tender the witness as an expert and seek the adjudicator's acceptance of his qualifications.

Alternatively, the Branch may seek to use the eyewitness evidence of the police officer to establish a pattern of behaviour that speaks to the patron's intoxication.

Finally, the evidence of the officer's opinion, without qualification as an expert, might provide some value if that opinion is based upon factual observations such that the officer's conclusions flow from the observations.

I find that the inspector deferred any personal evaluation of intoxication to the sergeant. She provided little independent evidence of the patron's intoxication in her testimony. Though she concluded that the patron was intoxicated, she failed to provide any evidence of indicia of intoxication and ultimately she relied on the sergeant's determination of intoxication.

In support of that conclusion, the inspector assumed that the bartender thought the patron was intoxicated because the bartender dumped out the beers that were in front of, or in the patron's hands. I note that there is sufficient evidence to conclude that it was a reasonable probability that the beers belonged to someone else.

The inspector sought further confirmation of intoxication with the aid of the patron's bar tab. I find she was looking for this evidence because she felt it necessary to bolster her supposition that the patron was intoxicated. The bar tab available was only a total on a debit receipt. It did not disclose any detail regarding the amount of alcohol that the patron purchased.

The inspector nevertheless, seems to have made the assumption that the patron drank heavily, in part because of the large tab.

The principle shareholder's testimony seems at first blush to admit that the patron was intoxicated. On careful consideration of his evidence, however, I find



that he had no direct or indirect knowledge of the patron's behaviour such that he would be able to come to any conclusions about intoxication. The principle shareholder simply relied on the opinion of the police sergeant and adopted that view as his own. Accordingly, I find that the principle shareholder's testimony regarding the patron's intoxication is without factual underpinnings and I disregard it.

The only evidence of the manager that the patron was intoxicated was that he had "heard" it to be so, and that the patron spat on the floor. This clearly is not significant in terms of concluding that the patron was intoxicated.

I find that the evidence does disclose some characteristics consistent with intoxication, but these signs are also consistent with other conditions, including extreme tiredness. The evidence is that the patron was leaning on the bar, had his head and eyes lowered, stepped from foot to foot, moved slowly, at one point slurred his speech and had some trouble pronouncing words. I note that the sergeant had conversations with the patron and made no observations of the patron's breath or alcohol smell or other typical indicators of intoxication.

I find there is little evidence of this patron drinking any significant amount of alcohol on the premises. Although actually consuming liquor at the establishment is not a component of the alleged contravention, such evidence is often valuable in establishing intoxication. Further, the fact that his bill for the night was sizeable is not evidence of the consumption of liquor. There was no indication of how much of that bill might be attributable to non-intoxicating purchases such as food and non-alcoholic substances, or if the purchases were all consumed by the patron.

Contrary to the evidence of the principle shareholder, I do not find it obvious that the Licensee "let someone get more intoxicated than they should have".

I find insufficient evidence to establish that the patron was intoxicated as alleged. Accordingly I find the contravention has not been proven.

Name Sheldon M. Seigel  
Hearing Adjudicator

Date: March 5, 2007

cc: Surrey RCMP

Mike Clark, Regional Manager  
Liquor Control and Licensing Branch

Shahid, Noorani, Branch Advocate  
Liquor Control and Licensing Branch

**Fisher, Mandy SG:EX**

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**From:** Barker, Elizabeth SG:EX  
**Sent:** Tue, January 16, 2007 2:53 PM  
**To:** 'Kim Hillard'  
**Cc:** Fisher, Mandy SG:EX; Noorani, Shahid SG:EX  
**Subject:** RE: EH06-081 - Mirage - Ferguson

Noted. Thanks.

---

**From:** Kim Hillard [mailto:KIM@mjbblaw.com]  
**Sent:** Mon, January 15, 2007 3:48 PM  
**To:** Barker, Elizabeth SG:EX  
**Subject:** re: EH06-081 - Mirage - Ferguson

Hello Elizabeth,

Barry Carter will be attending as counsel for the above-noted file.

Thank you,  
Kim Hillard  
Internet communication in the form of e-mail from our firm,  
or any of its employees, cannot be relied on as professional advice.  
Only correspondence signed by a lawyer of the firm is official  
correspondence representing professional advice from Mair Jensen Blair  
Lawyers.

This footnote confirms this email has been swept by InoculateIT,  
from Computer Associates, for the presence of computer viruses.

Mair Jensen Blair



Ministry of  
Public Safety and  
Solicitor General

Liquor Control and  
Licensing Branch

Mailing Address:  
PO Box 9292 Stn Prov Govt  
Victoria, BC V8W 9J8

Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor  
1019 Wharf Street  
Victoria, BC

[www.pssg.gov.bc.ca/lclb/index.htm](http://www.pssg.gov.bc.ca/lclb/index.htm)

## RECEIPT FOR PAYMENT

Applicant/Licensee Name: 500166 B.C. Ltd.  
Establishment Name: Mirage Cabaret  
Receipt Address: 15330 102A Ave  
Surrey, BC V3R 7R6

**Payment Receipt**  
**# 2007-056001**

Date Paid: Friday, January 05, 2007  
Location: Victoria  
Payment Method: Cheque: **s.22**

*Receipt Inquiries? Call LCLB Victoria Head Office toll free at 1-866-209-2111*

**1. Job No: 709261-1**

**Monetary Penalty (176354)**

**\$3,000.00**

**TOTAL \$3,000.00**

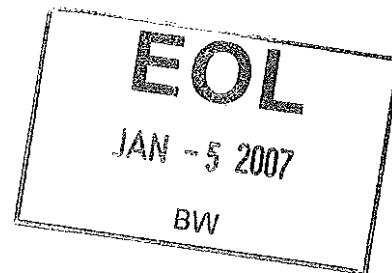
## Appendix A

### Monetary Penalty Payment Tracking Form

To ensure your payment is promptly credited against your monetary penalty, please include this form with your monetary penalty payment.

Please forward a cheque or money order payable to the Minister of Finance and Corporate Relations to:

**Liquor Control and Licensing Branch**  
**PO BOX 9292 STN PROV GOVT**  
**Victoria, BC**  
**V8W 9J8**



**Name:** 500166 B.C. Ltd. c/o Ferguson, Wayne

**Address:** 15330-102A AVE.  
Surrey, BC V3R 7R6  
Canada

**Licence number:** 176354

**Establishment name:** Mirage Cabaret

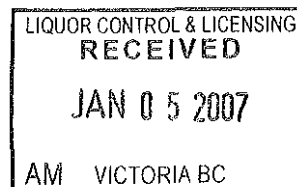
The enclosed monetary penalty payment is for enforcement action pursuant to:

A waiver notice dated December 20, 2006, in which the licensee agreed to pay the penalty of \$3000 (Three Thousand Dollars) by January 19, 2007.

For office use only:

Date Payment Received: \_\_\_\_\_

Amount of payment received: \_\_\_\_\_







## COMPLIANCE MEETING

Inspector's Name: Russ Gill

Date: July 5/06

Office Location: Surrey

### ESTABLISHMENT INFORMATION:

Establishment Name: Hiogo Cabaret

Establishment Address: 15333 65th Ave Surrey BC

Licence No: 176354

Licence Class: LP

Expiry date:

Licensee Name: Suolake Bc Ltd

### MEETING DETAILS:

Attendees at compliance meeting:

Name	Association/Position	Contact No.
<u>Wayne Ferguson</u>	<u>Owner</u>	<u></u>
Name	Association/Position	Contact No.
Name	Association/Position	Contact No.
Name	Association/Position	Contact No.
Name	Association/Position	Contact No.
Name	Association/Position	Contact No.

Reason compliance meeting was convened (cite CN # if relevant):

CN # 4 - Intoxication

Information reviewed at the meeting:

- ☒ Relevant section(s) of the Liquor Control and Licensing Act
- ☐ Relevant section(s) of the Liquor Control and Licensing Regulations
- ☐ Relevant section(s) of the Compliance and Enforcement Program, Policy and Procedures Manual
- ☐ Relevant section(s) of the Guide to Liquor Licensees
- ☐ Other

Commitments made by licensee:

Discussed issues related to intoxication. Licensee has policy practices in place to deal with intoxication. Licensee has also instilled an "Intoxicated persons" sheet which accounts for any instances of patrons who are intoxicated and how they are dealt with. This also allows for more staff accountability.

Inspector Name: Russ Gill

Inspector Signature: [Signature]

Licensee Name: WAYNE FERGUSON

Licensee Signature: [Signature]





**NOTICE OF ENFORCEMENT ACTION**  
*Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267*

File No: EH06-081  
Job No: 000709261-029

June 30, 2006

500166 B.C. Ltd.  
c/o Ferguson, Wayne  
15330-102A AVE.  
Surrey, BC V3R 7R6  
Canada  
Telephone: (604) 460-7651

Fax: (604) 460-7651

**FILE COPY**

Dear Wayne Ferguson,:

**Re: License Number:** 176354  
**License Type:** Liquor Primary  
**License Expiry Date:** April 30, 2007  
**Establishment:** MIRAGE CABARET  
15330-102A AVE  
SURREY, BC V3R 2R6

The purpose of this notice is to inform you that the General Manager is taking enforcement action for the alleged contravention(s) of the *Liquor Control and Licensing Act*, the *Regulations*, and/or the terms and conditions of your license as set out in this notice.

The General Manager will consider the information contained in this notice at the enforcement hearing.

**THE ALLEGED CONTRAVENTION(S)**

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and Time of Contravention(s)	Proposed Penalty
1.	Permit intoxicated person to remain, s. 43(2)(b)	s. 43(2)(b)	May 28, 2006 2:25 AM	4 day suspension

**Ministry of  
Public Safety and  
Solicitor General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[www.pssg.gov.bc.ca/clcb](http://www.pssg.gov.bc.ca/clcb)

## SUMMARY OF EVIDENCE

This is a liquor primary establishment with hours of 7:00 PM to 02:00 AM Monday through Sunday with a person capacity of 400 persons.

On Saturday, May 27, 2006 as part of the Delta Pd Anti Violence Bar Initiative, led by Supt. Brad Parker, joint inspections were conducted of establishments by members from various Police Departments and RCMP Detachments.

At approximately 0150 hrs, I entered this establishment for a routine walk through with S/Sgt. John LASEUR of Coquitlam RCMP. The door person, s.22, stated he had a count in /out indicating 467 patrons were in the establishment plus staff. Various officers were checking the establishment.

During the inspection, I noted a male, later identified as s.22, in an area identified as the 'B' Bar, who showed signs of intoxication. The male was stumbling; acting up; spitting on the floor; leaning over the bar for support. I continued to observe the male and his actions in front of the bar to determine what staff were doing about him.

This male was located at the center, service area, approximately two feet in front of a bartender later identified as s.22, and various officers observed this male for a short time, then I proceeded to the far left side of the bar (when facing the bar) and continued to observe from this location. There was another bartender located at this point, approximately 8 feet from the centre, later identified as s.22.

The male had two full bottles of Heineken beer in front of him and one glass containing a brown liquid. While I was observing, the male drank all the liquid in this glass. I spoke to s.22, the bartender and pointed this male out. I asked what the liquid was in the glass the patron has just finished consuming. The time was now approximately 0210 hours. The bartender, s.22 realized the male was intoxicated and went over and took the two beer and poured them down the sink; the male said 'hey my beer'. s.22 returned and said he didn't know what the other drink was; the male also had a bottle of water in his hand.

I then spoke to the bartender s.22 ) who was right in front of this male and asked him who had served the intoxicated male the beer. s.22 said he didn't know but he didn't think he did; they were just sitting on the counter.

I asked s.22 how the male paid for his drinks and s.22 said he ran a tab; I asked if I could get a copy and s.22 said he had paid by Interact and he could give me a copy of that. The bill was \$125. s.22 stated that included a \$40.00 tip. The time on the tab was 1:59:51.

S/Sgt. John LASEUR was also making observations and at this time, he took the male outside for questioning. S/Sgt Laseur will give evidence that his attention was brought to an intoxicated male who was heading toward the bar, by Cst. A. Manual, of the Richmond RCMP. Laseur, stood behind the male as he placed two open beer from his hands onto the bar top, then engaged the bartender in conversation. Laseur observed the male consume a drink from the bar and observed the bartender, s.22, serve the male a bottle of water.



Laseur will give evidence of physical signs of intoxication in that the male was slow to react, had droopy, tired looking eyes and was unsteady on his feet.

S/Sgt. Laseur will give evidence that he identified the male as s.22 and that as he escorted the male outside the male insisted on using the washroom. While he waited for the male, he observed the male was not steady on his feet, had trouble keeping his balance, bumped into the urinal several times and took considerable time dealing with his functions. Laseur stated the males' level of intoxication should have placed him as a person of concern to employees/staff of the establishment.

The male was identified to the host/manager of the Mirage, Corey Ferguson, at the front door to confirm management acknowledgement of this persons level of intoxication. Hoy issued CN b001354

## **ALLEGED CONTRAVENTION(S)**

**Contravention Number** B001354 : C Permit intoxicated person to remain, s. 43(2)(b)

### **Reasons for Recommending Enforcement Action**

The contravention falls under Item 11 of Schedule 4 of the Regulations.

In order to avoid the possibility of further liquor consumption and avoid any harm to other patrons or staff, a licensee must not permit a person who is intoxicated to remain in the part of the establishment where liquor is served.

The licensee is responsible for supervising the operation of their establishment and the conduct of their employees. Intoxication is a serious public safety issue. Intoxicated patrons may be a danger to themselves or members of the public and associated with behaviour that has a negative impact on communities, including late night noise.

The establishment has a history with respect to the issue of intoxicated patrons. The area inspector held a compliance meeting with both Corey and Heath Ferguson in September 2005 on this issue. The licensees were advised of their responsibilities with respect to the issue of over service and dealing with intoxicated patrons. The licensees made a commitment to putting in practices to prevent a recurrence of this issue. No enforcement action was taken at that time to allow licensees an opportunity to voluntarily comply.

As voluntary compliance was not achieved, enforcement action is being recommended to ensure that these issues will be considered more seriously by the licensee.

### **Reasons for the Proposed Penalty**

This penalty falls within the guidelines as set out in the Liquor Control and Licensing Act Regulations, Schedule 4.

I feel it is necessary to impose a suspension of the licence to ensure the licensee takes the initiative to put some operating procedures in place and establish control practices to ensure that these procedures and practises remain in place and are adhered to at all times.

A recommendation of a suspension as opposed to a monetary penalty reflects the establishment's record of non-compliance and ongoing compliance issues. The minimum suspension penalty is considered appropriate to achieving future compliance.

Therefore;

For the alleged contravention of Permit intoxicated person to remain, s. 43(2)(b) (Contravention Notice Number B001354) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 4 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a first contravention.

The suspension will be served starting on a Saturday and will continue on successive business days until completed.

## **THE PROCEDURES**

An enforcement hearing may be scheduled to determine whether the alleged contravention(s) occurred and the appropriate penalty, if any, that should be imposed. You can contest the contravention(s) and/or the proposed penalty at the enforcement hearing.

**Please Note:** If a penalty is warranted, the General Manager may;

- Impose a suspension of the liquor license for a period of time;
- Cancel a liquor license;
- Impose terms and conditions to a license or rescind or amend existing terms and conditions;
- Impose a monetary penalty; or
- Order a licensee to transfer a license.

An enforcement hearing can be time consuming and costly for all participants. If you sign a waiver, there will be no need for an enforcement hearing for the alleged contravention(s) or the lesser but included contravention(s). By signing the waiver, you expressly and irrevocably:

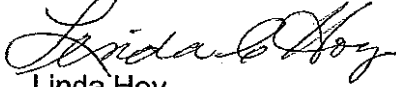
- Agree that the contravention(s) occurred,
- Accept the proposed penalty in this letter,
- Waive the enforcement hearing, and
- Agree that the finding(s) of contravention(s) and the penalty will form part of your compliance history as a licensee.

Generally, the waiver must be signed within 14 days of the date of this letter. If you decide you want to sign a waiver, please contact me as soon as possible to arrange an appointment.

## CONTACTS

- (1) If you do not sign a waiver, the case management administrator will contact you with details of the enforcement hearing process. The case management administrator contact information is:  
Shirley Martin; (250) 356-0010; Shirley.Martin@gov.bc.ca
- (2) Please contact me at (604) 586-2656 if you want to sign a waiver notice or if you have any questions regarding this notice.

Yours truly,



Linda Hoy  
Surrey

### Attachments:

Appendices A & B  
Copy of Enforcement Hearing Rules  
Copy of Liquor Licence  
Copy of Contravention Notice  
Copy of Red line Floor Plan

## APPENDIX A

### License Information

License number: 176354  
License type: Liquor Primary  
License expiry date: April 30, 2007

At an enforcement hearing, the branch may present the following information related to allegations of non-compliance for which the branch did not pursue enforcement action. If there is a finding that the contravention(s) alleged which are the subject of this Notice of Enforcement Action did occur, the following information may be considered by the General Manager, for the purpose of determining what penalty, if any, is appropriate. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions:

Date of Incident	Alleged Contravention	Identifying Document(s)
May 28, 2006	Permit intoxicated person to remain, s. 43(2)(b)	CN # B001354
May 28, 2006	Selling liquor to intoxicated person, s. 43(1)	CN # B001354
April 23, 2006	Permit a person to become intoxicated, s. 43(2)(a)	CN # B001364
April 14, 2006	Overcrowding beyond person capacity greater than occupant load, Reg. s. 6(4)	CN # B001364
September 10, 2005	Permit intoxicated person to remain, s. 43(2)(b)	CN # B001990
January 01, 2004	Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b)	CN # B002599
February 21, 2002	LICENCE CAPACITY - REG.	CN # A002395

### Compliance Meetings:

Date	Topic
August 06, 2002	
September 22, 2005	Permit intoxicated person to remain, s. 43(2)(b)

## **APPENDIX B**

### **License Information**

License Number: 176354  
License Type: Liquor Primary  
License Expiry Date: April 30, 2007

At an enforcement hearing, the General Manager will consider compliance history when determining the appropriate penalty for each contravention.

### **LICENSEE'S COMPLIANCE HISTORY**

The licensee's compliance history consists of any prior findings of contraventions and penalties that relate to the licensee in question. A finding of contravention results when the licensee signs a waiver or the General Manager makes a decision that a contravention did occur. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions.

<b>No.</b>	<b>Date</b>	<b>Contravention Notice Number</b>	<b>Findings of Contravention</b>	<b>Penalty Imposed</b>
1.	October 28, 2005	B001996; EH05-160	Minors in premises, s. 35	\$1000 monetary penalty

### **ESTABLISHMENT'S COMPLIANCE HISTORY**

The establishment's compliance history consists of any prior findings of contraventions and penalties that relate to the establishment in question. A finding of contravention results when the licensee responsible for the establishment signs a waiver or the General Manager makes a decision that a contravention did occur.

	<b>Date</b>	<b>Contravention Notice Number</b>	<b>Findings of Contravention</b>	<b>Enforcement Action</b>
1.	October 28, 2005	B001996; EH05-160	Minors in premises, s. 35	\$1000 monetary penalty

# CONTINUATION REPORT

# REPORT DE CONTINUATION

OCCURRENCE NO.-N° D'INCIDENT  
Y-A

2006-55161

RE - OBJET:

ASSAULT

(inj)

s.22

Surrey, BC (2006-05-08) Surrey Municipal Detachment Case (org)

BIN - FRP

DATE	TIME HEURE	ACTION TAKEN - MESURES PRISES
------	---------------	-------------------------------

Given the accounts provided by the differing individuals involved, the fight was deemed consensual. Of note, identified participants of the fight appeared intoxicated by liquor by varying degree, with s.22 being the most lucid and coherent of the group. Many of the bouncers employed by Mirage Night Club were attired in civilian dress, thus rendering their identity as bar security staff as ineffective. The writer had difficulty identifying bar staff while trying to interview individuals located in the club parking lot when all had settled. During an all out brawl identity of the participants including bar staff would have been near impossible.

s.22 vehicle sustained damage to the driver's door mirror as it was torn from its mount and a crease was observed in the driver's door sheet metal located at the upper rear area of the driver's door handle. Scratches were also noted on the left rear passenger door along with a crease in the upper mid door area. s.22 was escorted home by the writer to ensure his safety and the writer was thanked by s.22 and s.22 for his assistance. s.22 was repeatedly asked to attempt to identify his assailant and claimed that he was unable to do so. Given the apparent consensual nature of the event the file was concluded.

This was the second such recent incident at the Mirage Night Club. The writer reattended the bar and issued a violation ticket for overservice of liquor to patrons. Mirage Night Club was advised that police would be closely monitoring the premise to ensure that no further untoward incidents would occur.

CH

<input checked="" type="checkbox"/> Concluded Enquête terminée	Date Complainant Notified Date d'avis au plaignant	SUI ECE	DD - DA	<input type="checkbox"/> Consulted Consulté	<input type="checkbox"/> Attended Sur les lieux	<input type="checkbox"/> Advised Avisé
Investigator - Enquêteur Cst. K. MEGLIC	50455 Dist 2	D' Watch	Date 2006-05-12	SUPERVISOR SUPERVISEUR CPL. G. SAGGIR	Signature REG # 45282	Date 200512
Copies to - Copies à HQ - DG DIV. CIS - SFJ GIS - SEG			Other - Autre			Page 2 of/de 2

CONTINUATION  
REPORTRAPPORT DE  
CONTINUATION

OCCURRENCE NO.-N° D'INCIDENT Y-A	
2006-55161	
BIN - FRP	

RE - OBJET;  
ASSAULT (inj) s.22 (1980-10-03)  
Surrey, BC (2006-05-08) Surrey Municipal Detachment Case (org)

DATE	TIME HEURE	ACTION TAKEN - MESURES PRISES
2006-05-08		<p>Dispatched to the Mirage Night Club located at 15330 102A Avenue, Surrey, to investigate a report of a fight involving a large number of club patrons and on site security staff. Upon attending Members arriving on scene, the reported fight had already ceased and club patrons were clearing the area.</p> <p>Members questioned numerous people found in the club's west side parking lot to determine what had occurred, many of which claimed to have no knowledge of the incident. The writer spoke with injured individual, s.22 who advised that an unknown individual whom he stated he would not be able to identify, appeared in the parking lot, while s.22 was trying to drive home in his grey, 2005 Kia Spectra, bcl: s.22 explained that the lone male then suddenly kicked his driver's door mirror knocking it off its door mount. s.22 advised that he exited his vehicle, at which time the unknown male threw the mirror at him. s.22 stated that more unknown individuals became involved in the altercation, as well as s.22 friends who came to his aid. s.22 reported that a full out fight between the individuals occurred.</p> <p>s.22 who remained at scene, stepped forward and reported that he tried to assist Mirage bouncers intervene by breaking up the fight. s.22 stated that he, along with the bouncers became involved in the melee as the altercation became a free-for-all.</p> <p>Mirage bouncers, including s.22 advised that the incident actually began in the night club, in which a verbal altercation between two groups took place. s.22 stated that due to the verbal altercation, a Caucasian male patron was ejected from the bar in an effort to diffuse a potential incident from occurring. The two groups involved in the verbal altercation reportedly then exited the business and were observed to continue arguing in the parking lot.</p> <p>s.22 stated that a physical fight erupted, which numerous Mirage bouncers and patrons attempted to break up. s.22 advised that he was struck by s.22 (an associate of s.22 as he tried to intervene between s.22 and another unknown combatant. s.22 stated he was struck by s.22 below the left eye for his efforts, causing Mirage bouncer, s.22 to come to his aid. s.22 stated that fists were flying indiscriminately throughout the combative crowd. s.22 was observed to have a minor degree of swelling to his left cheekbone area. s.22 complained of having been struck in the mouth by an individual he believed to be a bouncer, who s.22 stated refused to identify himself. s.22 was observed to have suffered swelling to his lip.</p> <p>s.22 associate, s.22 stated he came to s.22 aid when s.22 was overwhelmed by a number of unknown combatants. Both s.22 and s.22 said that the other group of combatants had left the scene, prior to police arrival.</p> <p>EHS attended scene and provided care to s.22 and s.22 for injuries sustained in the incident. s.22 suffered a broken nose as assessed by EHS and declined further medical service. s.22 was treated at scene and did not require further aid.</p>

<input checked="" type="checkbox"/> Concluded Enquête terminée	Date Complainant Notified Date d'avis au plaignant	SUI ECE	DD - DA	<input type="checkbox"/> Consulted Consulté	<input checked="" type="checkbox"/> Attended Sur les lieux	<input type="checkbox"/> Advised Avisé
Investigator - Enquêteur Cst. K. MEGLIC 50455 Dist 2		Watch	Date 2006-05-12	SUPERVISOR SUPERVISEUR Signature: C. G. SAGGIR, REG # 45282		
Copies to - Copies à HQ - DG		DIV.	CIS - SFJ	GIS - SEC		

RCMP GRC 1624 (2006-06) ICS

Page 1 of de 2



Royal Canadian Gendarmerie royale  
Mounted Police du CanadaFACSIMILE / MESSAGE  
TRANSMITTALENVOI D'UN MESSAGE  
PAR TÉLÉCOPIEURSecurity Classification/Designation  
Classification/désignation

Protected B

Precedence - Priorité

ROUTINE

TO GILL, Rup  
A Liquor Control Licensing BranchDate  
2006-06-24

Reference No. - N° de référence

FOR YOUR  
INFO.  
POUR VOTRE  
INFORM.

RECEIVED

JUN 26 2006

Your File - Votre n° de dossier

FROM Name - Nom  
DE Cst. K. MEGLICLIQUOR CONTROL & LICENSING BRANCH  
SURREY REGIONAL OFFICEOur File - Notre n° de dossier  
2006-55161

Div. Sub-Div. - S.-div.

Branch - Service

E Pacific

Surrey

PIMS ORI  
IND SRRJCPIC ORI  
IND CIPC

OSR - RSO

Section  
District 2 / GDUnit - Unité  
D Watch

Unit Coll. - Code d'interclass. de serv.

SENDER - EXPÉDITEUR

RECIPIENT - DESTINATAIRE

Fax No. - N° de téléc. Tél. No. - N° de tél.  
604-502-6524 604-599-0502Fax No. - N° de téléc. Bus. Tél. No. - N° de tél. bur. Res. Tél. No. - N° de tél. rés.  
604-586-2640SUBJECT MIRAGE NIGHT CLUB - Patron Brawl et al  
OBJETTotal number of pages including this one: 8  
Nombre total de pages, y compris celle-ciCOMMENTS  
COMMENTAIRES

Rup,

Copy of file relating to a fight between club patrons and on site club security staff. Please note that no violation ticket was issued to the night club for over service to patrons, as when I attended during the day, the bar was closed. Subsequently, I was off duty for a family emergency for an extended period. Sgt. SAGGIR advised that this file would be of interest to you and could possibly assist the LCLB regarding regulatory action concerning Mirage Night Club.

Regards,

Kenn

This message is intended for the use of the addressee. Disclosure of message content may breach one or more laws. If you have received this communication in error, notify the sender immediately by telephone.

Cette communication est exclusivement destinée à qui elle est adressée. La divulgation de son contenu peut constituer une infraction à une ou plusieurs lois. Si vous avez reçu cette communication par erreur, veuillez en aviser immédiatement l'expéditeur par téléphone.

Operator - Opérateur

Telephone No. - N° de téléphone

Daily No. - N° quotidien

TO BE DELIVERED BY  
À LIVRER D'ICI LE

Date

Time - Heure

Authorizing Signature - Signature de l'approuvateur

Date  
2006-06-24REPLY REQUIRED BY  
RÉPONSE D'ICI LE

Time - Heure

RCMP GRC 2675 (2003-08) ICS

Canada

Pages 158 through 159 redacted for the following reasons:

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s.16, s.22

WebView - Occurrence Report

SUMMARY 5b24/o 5b36/o 5b32/o 5b74/o  
BACKUP 52871

TRAFFIC GIS ID DOG OTHER 50455

## Message Report

Page 1 of 1

**Internal Message: 1****EVNT:** 060503322 / r**OCCUR:** 20060055161**TYPE:** Internal**Message Body:**

From rc01, 20060508 02:21

now can hear fighting,,,lots of yelling,,,someone yelling "hold him down"..

now phone has been disconnected..

**CONTINUATION REPORT: 1**

**EVNT:** 060503322 / r

**OCCUR:** 20060055161.

**ID:** s.15

**NAME:** chris kajan

**CREATED:** 2006/05/08 061509

**COMPLAINANT NOTIFIED:**

**CONCLUDED:**

**DIARY DATE:**

**SUBJECT:**

c/o assault

**ACTION TAKEN;**

file reviewed

a/cpl kajan

s.15 Original Completed: 2006-05-08 06:15 WSID: f108 OPID: s.15

The Statement of

s.22

Please tell me ,in your own words, the events of the evening of April 13, 2006

I WENT TO MIRAGE had 3 doubles  
of vodka water and that was  
most that I could remember of.  
Last ~~na~~ memory I had was by  
the back door waiting & with  
my friends @ the bar for other  
people to get in

s.22

Q 1) What time did you arrive at the Mirage Nightclub?

A) Approximately midnight

Q2) Approximately, how long were you at the premises?

A) I guess that I was there till closing time.

Q3) Who accompanied you to the premises?

A) <sup>s.22</sup> and ~~my~~ my girlfriend  
<sup>s.22</sup> inside the Mirage. We then met other people once we got in.

Q4) Had you had anything to drink prior to arriving at the Mirage?

A) I had not had any other drinks with alcohol prior to arriving at the Mirage.  
I also had not had any other illicit drugs or medications

Q 5) What did you have to drink at the Mirage?

A) I had 3 doubles of vodka water which are the drinks that I recall. If I had any other drinks, I do not recall it.

Q6) How much did you have to drink at the Mirage?

A) 3 doubles of vodka water to the best of my recollection.

Q7) Do you have any receipts or credit card statements for purchases made at the establishment that evening?

A) No, Paid by cash.

Q8) Did you have any contact with staff? Eg. Did you purchase your drinks from the bartender or did you order from a server?

A) The drinks were purchased from the bar that is located to the left of the entrance, right by the bathrooms. The drinks were served by the bartender.



Q 9) Describe your behaviour that evening as you recall it?

I thought I was fine.

Q10) At any point, did you form the opinion that you were intoxicated?

A) No.

Q11) Was there any contact with staff or was there staff members in the vicinity who would have seen these behaviours?

A) None that I can recall.

Q12) Where in the establishment did you spend your time. Did you move around or did you stay primarily in one place?

A) I was upstairs in the beginning and then I think I was downstairs for the rest of the time.

June 15, 2006  
Pg. 6 of \_\_\_\_

Q16) Please provide your current contact information.

s.22

Signature: \_

June 15, 2006

Pg. 1 of \_\_\_\_

The Statement of

s.22

Please tell me ,in your own words, the events of the evening of April 13, 2006

s.22 had received 3 drinks all bought by either me or a friend of us both. They were monitored at all times to our memory. She was with a friend at all times as well. Our friends all saw her just before she started feeling sick and unable to stand. we all saw that she was fine and then about 30 minutes later we needed to hold her up and get her outside. She started puking outside and the bouncer told us we had to remove her from their property as they Police ~~were~~ were walking around. The officer came up to us and checked on her. He said the we should take her to the hospital or they would be taking her to the drunk tank. we then took her to Burnaby General Hospital.

s.22

Q 1) What time did you arrive at the Mirage Nightclub?

A) Approx between 10-11 pm - closer to 11 pm. It was a while ago.

Q2) Approximately, how long were you at the premises?

A) Approx 2 am - just before they closed.

Q3) Who accompanied you to the premises?

A) I was accompanied by s.22 and s.22 another friend.

Q4) Had you had anything to drink prior to arriving at the Mirage?

A) I had a single shot of Red Bull and Vodka.  
I had not ingested or consumed any illicit drugs or prescription medication.

Q 5) What did you have to drink at the Mirage?

A) I had a Rye and coke and then 2-3 Red Bull and Vodkas.  
<sup>s.22</sup> had vodka and water - 3 of those drinks.

Q6) How much did you have to drink at the Mirage?

A)

Q7) Do you have any receipts or credit card statements for purchases made at the establishment that evening?

A) No receipts or credit card receipts. Paid cash at the bar.

Q8) Did you have any contact with staff? Eg. Did you purchase your drinks from the bartender or did you order from a server?

A) The drinks were purchased from the bartender. <sup>s.22</sup> bought the first round of drinks when we got there and then either I or another friend bought the other rounds.

Q 9) Describe s.22 behaviour that evening as you recall it?

She was fine and then she started feeling sick. She started collapsing and could not stand straight, her speech was slurred, she could not stand and needed help standing. This happened at approximately 1:30. Our friend waited in the coat check for 1/2 hour.

Q10) At any point, did you form the opinion that s.22 was intoxicated?

A) ~~At~~ When s.22 started collapsing, I thought she was drunk and that is when we started to ~~make~~ take steps to leave.

Q11) Was there any contact with staff or was there staff members in the vicinity who would have seen these behaviours?

A) When we got outside, one of the bouncers saw us and told us to leave. Did not have contact with servers inside - it was very busy and there did not seem to be enough servers.

Q12) Where in the establishment did you spend your time. Did you move around or did you stay primarily in one place?

A) We were upstairs for the most part. We were downstairs and then went up and then came downstairs to the dance floor before leaving. We were by the stairs close to the dance floor.

Q13) How did you come to leave the Mirage. I.e: were you asked to leave by staff or were you leaving voluntarily?

A) We were leaving due to feeling well. s.22 not

Q14) Describe what happened upon exiting the Mirage?

A) We left the Mirage and standing outside and that is when s.22 started puking and the bouncer told us to leave before they got a fine. We moved a bit and s.22 puked again. This is where we met the police officer.

Q15) Where did you go after leaving the Mirage?

A) We went to Burnaby General Hospital. We went to emergency, they gave her a bed, s.22 started falling asleep so I left for home at 3 or 3:30am. I then picked up s.22 from the hospital at approximately 8am. I don't think she was actually examined - the hospital staff did not say anything when she was released.

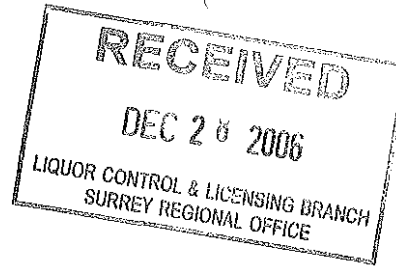
Q16) Please provide your current contact information.

s.22

Signature:

s.22





December 22, 2006

File No: EH06-145

Job No: 000709261-031

500166 B.C. Ltd.  
c/o Ferguson, Wayne  
15330 102A Ave  
Surrey, BC V3R 7R6

Telephone: (604) 542-6017

Fax: (604) 542-6018

Dear Licensee:

**Re: Licence Number 176354**

MIRAGE CABARET  
15330 102A Ave  
Surrey, BC V3R 7R6

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence. You agreed to and accepted the following enforcement actions by signing a waiver notice dated December 20, 2006.

It is important to note that you are responsible for the actions of your employees. You will want to ensure that managers and staff are familiar with the terms of the enforcement action and their responsibilities.

#### **Enforcement Action**

##### **Suspension of the licence**

The licence will be suspended for one (1) business day starting at the close of business on Wednesday, January 10, 2007, to the opening of business on Friday, January 12, 2007.

Signs satisfactory to the general manager, showing that the licence is suspended, must be placed in a prominent location in the establishment by a Liquor Control and Licensing Branch inspector or a police officer, and must remain in place during the period of suspension.

**Ministry of Public  
Safety  
and Solicitor  
General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria, BC V8W 9J8  
Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor  
1019 Wharf Street  
Victoria BC

<http://www.pssg.gov.bc.ca/lclb>

Page 1 of 3

### Suspension procedures

A Liquor Control and Licensing Branch inspector or police officer will attend at your establishment prior to opening time on the first day of the suspension to:

- remove the licence
- post the signs referenced above.

You should make arrangements with the Liquor Control and Licensing Branch inspector or police officer to obtain your licence at the end of the suspension period.

### Responsibility of licensee

You must allow the Liquor Control and Licensing Branch inspector or police officer to post the suspension signs. You must not remove those signs during the suspension. You must hand over the licence to the Liquor Control and Licensing Branch inspector or police officer when asked.

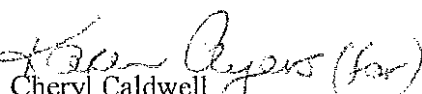
The establishment must remain closed during the period of suspension. You must not permit the sale, service or consumption of liquor in the establishment while the licence is suspended. There are serious consequences for the service of liquor while a licence is under suspension. If you serve liquor while a licence is suspended, the general manager will do one of the following:

- cancel the licence
- require that the licence be transferred within a specified time period and cancel the licence if it is not transferred within that time period
- impose a suspension of at least 15 days.

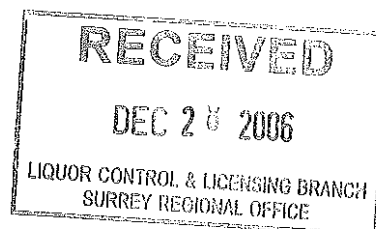
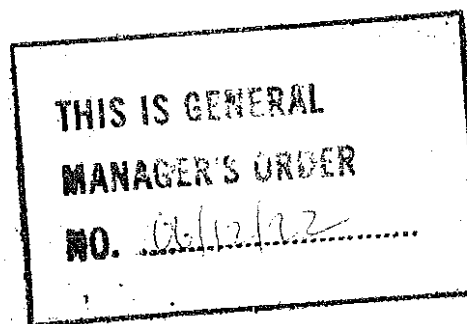
### **Contact Number**

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2658.

Yours truly,

  
Cheryl Caldwell  
Deputy General Manager  
Compliance and Enforcement

CC: Surrey R.C.M.P.  
Clerk/Secretary City of Surrey  
Brewers Distributors Ltd.  
Guildford GLS #240  
Surrey GLS #172  
Manager of Licensing Rebecca Villa-Arce  
Regional Manager Michael Clark  
Inspector Rupi Gill  
Dennis Coates, Barrister & Solicitor, Mair Jensen Blair



Page 2 of 3



December 22, 2006

File No: EH06-086

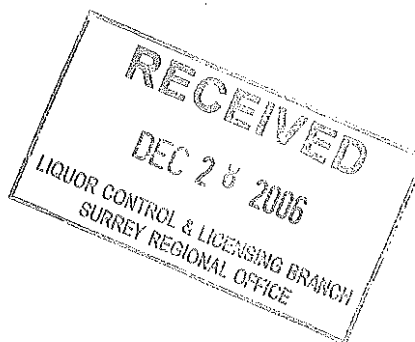
Job No: 000709261-028

500166 B.C. Ltd.  
c/o Ferguson, Wayne  
15330 102A Ave  
Surrey, BC V3R 7R6

Telephone: (604) 542-6017

Fax: (604) 542-6018

Dear Licensee:



**Re: Licence Number 176354**

MIRAGE CABARET  
15330 102A Ave  
Surrey, BC V3R 7R6

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence. You agreed to and accepted the following enforcement actions by signing a waiver notice dated December 20, 2006.

It is important to note that you are responsible for the actions of your employees. You will want to ensure that managers and staff are familiar with the terms of the enforcement action and their responsibilities.

#### **Enforcement Action**

##### **Monetary penalty**

A monetary penalty of \$3000 (Three Thousand Dollars) must be paid to the general manager by January 19, 2007.

The payment should be made to Liquor Control and Licensing Branch headquarters at the address indicated in Appendix A. It is important to attach the accompanying Appendix A so that the payment can be correctly recorded on your file.

**Ministry of Public  
Safety  
and Solicitor  
General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria, BC V8W 9J8  
Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor  
1019 Wharf Street  
Victoria BC

<http://www.pssg.gov.bc.ca/lclb>

Page 1 of 3

### Consequences of non-payment


There are serious consequences for non-payment of the full amount of a monetary penalty.

1. The general manager may refuse to renew or transfer a licence if a monetary penalty has not been fully paid by the due date.
2. The general manager will consider imposing a suspension penalty for failure to pay a monetary penalty by the due date. The suspension penalty for this contravention is described in item 44 of schedule 4 to the Liquor Control and Licensing Regulations. However, the general manager has the authority to impose a suspension penalty greater than the one set out in the schedule when it is in the public interest to do so.

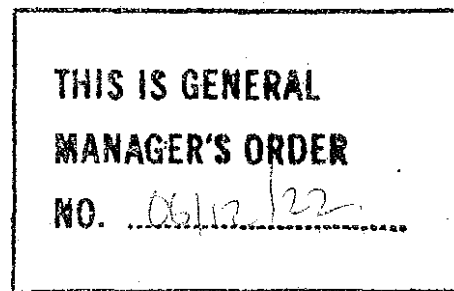
### **Contact Number**

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2658.

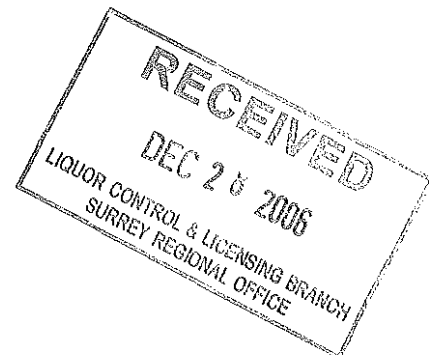
Yours truly,

  
Cheryl Caldwell  
Deputy General Manager  
Compliance and Enforcement

CC: Surrey R.C.M.P.  
Clerk/Secretary City of Surrey  
Brewers Distributors Ltd.  
Guildford GLS #240  
Surrey GLS #172  
Manager of Licensing Rebecca Villa-Arce  
A/Manager of Finance Scott McElroy  
Regional Manager Michael Clark  
Inspector Rupi Gill  
Dennis Coates, Barrister & Solicitor, Mair Jensen Blair



Encl: Appendix A





## WAIVER NOTICE

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

File No: EH06-086  
Job No: 000709261-028

**BETWEEN:** 500166 B.C. Ltd.  
c/o Ferguson, Wayne  
15330-102A AVE.  
Surrey, BC V3R 7R6  
Canada  
Telephone: (604) 460-7651

Fax: (604) 460-7651

(the "Licensee")

Licensee of: **Mirage Cabaret**

located at: 15330 102A Ave  
SURREY, BC V3R 2R6

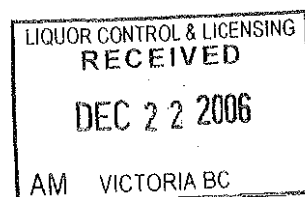
(the "Establishment")

**AND:** General Manager  
Liquor Control and Licensing Branch  
Ministry of Public Safety and Solicitor General

(the "General Manager")

**RE:** Liquor Licence Number 176354

(the "Licence")



### The Licensee:

1. (a) agrees the Licensee committed the contravention of Overcrowding beyond person capacity less than or equal to occupant load, Reg. s. 6(4), (CN B001364) as is set out in the attached Notice of Enforcement Action letter dated July 10, 2006 and its appendix(ces) (the "Notice of Enforcement Action letter") and that the information in the Notice of Enforcement Action letter with respect to this contravention is accurate,

(b) accepts and agrees to the enforcement action specified in the Notice of Enforcement Action

letter for the contravention referenced in paragraph 1 of this Waiver Notice and agrees that the penalty of \$3,000.00 ( Three Thousand Dollars ) will be paid by the Licensee to the General Manager within 30 days from the date of signing this waiver notice,

2. waives the opportunity to an enforcement hearing in respect of the contraventions and the enforcement action(s) previously referenced in the Waiver Notice and set out in the Notice of Enforcement Action letter,
3. agrees that the contraventions and enforcement action(s) previously referenced in the Waiver notice and set out in the Notice of Enforcement Action letter will form part of the compliance history of the Licensee,

The Licensee understands and agrees that this Waiver Notice is irrevocable.

DATE: 20 day of December, 2006

SIGNATURE OF LICENSEE: [Signature]  
(Licensee/Authorized Agent)

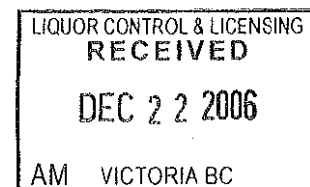
NAME OF LICENSEE: WAYNE FERGUSON  
(Please Print)

President  
(Title/Position)

SIGNATURE OF WITNESS: [Signature]

NAME OF WITNESS: Rupi Gill  
(Please print)

Attachments: Notice of Enforcement Action letter, dated July 18, 2006





December 22, 2006

File No: EH06-086

Job No: 000709261-028

500166 B.C. Ltd.  
c/o Ferguson, Wayne  
15330 102A Ave  
Surrey, BC V3R 7R6

Telephone: (604) 542-6017

Fax: (604) 542-6018

Dear Licensee:

**Re: Licence Number 176354**

MIRAGE CABARET  
15330 102A Ave  
Surrey, BC V3R 7R6

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence. You agreed to and accepted the following enforcement actions by signing a waiver notice dated December 20, 2006.

It is important to note that you are responsible for the actions of your employees. You will want to ensure that managers and staff are familiar with the terms of the enforcement action and their responsibilities.

**Enforcement Action**

**Monetary penalty**

A monetary penalty of \$3000 (Three Thousand Dollars) must be paid to the general manager by January 19, 2007.

The payment should be made to Liquor Control and Licensing Branch headquarters at the address indicated in Appendix A. It is important to attach the accompanying Appendix A so that the payment can be correctly recorded on your file.

**Ministry of Public  
Safety  
and Solicitor  
General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria, BC V8W 9J8  
Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor  
1019 Wharf Street  
Victoria BC

<http://www.pssg.gov.bc.ca/lclb>

Page 1 of 3

### Consequences of non-payment


There are serious consequences for non-payment of the full amount of a monetary penalty.

1. The general manager may refuse to renew or transfer a licence if a monetary penalty has not been fully paid by the due date.
2. The general manager will consider imposing a suspension penalty for failure to pay a monetary penalty by the due date. The suspension penalty for this contravention is described in item 44 of schedule 4 to the Liquor Control and Licensing Regulations. However, the general manager has the authority to impose a suspension penalty greater than the one set out in the schedule when it is in the public interest to do so.

### **Contact Number**

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2658.

Yours truly,

  
Cheryl Caldwell  
Deputy General Manager  
Compliance and Enforcement

CC: Surrey R.C.M.P.  
Clerk/Secretary City of Surrey  
Brewers Distributors Ltd.  
Guildford GLS #240  
Surrey GLS #172  
Manager of Licensing Rebecca Villa-Arce  
A/Manager of Finance Scott McElroy  
Regional Manager Michael Clark  
Inspector Rupi Gill  
Dennis Coates, Barrister & Solicitor, Mair Jensen Blair

**THIS IS GENERAL  
MANAGER'S ORDER**

NO. 06/12/22

Encl: Appendix A





December 22, 2006

File No: EH06-145

Job No: 000709261 -031

500166 B.C. Ltd.  
c/o Ferguson, Wayne  
15330 102A Ave  
Surrey, BC V3R 7R6

Telephone: (604) 542-6017

Fax: (604) 542-6018

Dear Licensee:

**Re: Licence Number 176354**

MIRAGE CABARET  
15330 102A Ave  
Surrey, BC V3R 7R6

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence. You agreed to and accepted the following enforcement actions by signing a waiver notice dated December 20, 2006.

It is important to note that you are responsible for the actions of your employees. You will want to ensure that managers and staff are familiar with the terms of the enforcement action and their responsibilities.

### **Enforcement Action**

#### **Suspension of the licence**

The licence will be suspended for one (1) business day starting at the close of business on Wednesday, January 10, 2007, to the opening of business on Friday, January 12, 2007.

Signs satisfactory to the general manager, showing that the licence is suspended, must be placed in a prominent location in the establishment by a Liquor Control and Licensing Branch inspector or a police officer, and must remain in place during the period of suspension.

**Ministry of Public  
Safety  
and Solicitor  
General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria, BC V8W 9J8  
Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor  
1015 Wharf Street  
Victoria BC

<http://www.pssg.gov.bc.ca/lclb>

Page 1 of 3

### Suspension procedures

A Liquor Control and Licensing Branch inspector or police officer will attend at your establishment prior to opening time on the first day of the suspension to:

- remove the licence
- post the signs referenced above.

You should make arrangements with the Liquor Control and Licensing Branch inspector or police officer to obtain your licence at the end of the suspension period.

### Responsibility of licensee

You must allow the Liquor Control and Licensing Branch inspector or police officer to post the suspension signs. You must not remove those signs during the suspension. You must hand over the licence to the Liquor Control and Licensing Branch inspector or police officer when asked.


The establishment must remain closed during the period of suspension. You must not permit the sale, service or consumption of liquor in the establishment while the licence is suspended. There are serious consequences for the service of liquor while a licence is under suspension. If you serve liquor while a licence is suspended, the general manager will do one of the following:

- cancel the licence
- require that the licence be transferred within a specified time period and cancel the licence if it is not transferred within that time period
- impose a suspension of at least 15 days.

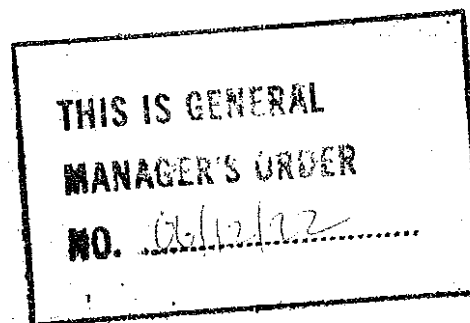
### **Contact Number**

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2658.

Yours truly,

  
Cheryl Caldwell  
Deputy General Manager  
Compliance and Enforcement

CC: Surrey R.C.M.P.  
Clerk/Secretary City of Surrey  
Brewers Distributors Ltd.  
Guildford GLS #240  
Surrey GLS #172  
Manager of Licensing Rebecca Villa-Arce  
Regional Manager Michael Clark  
Inspector Rupi Gill  
Dennis Coates, Barrister & Solicitor, Mair Jensen Blair





## WAIVER NOTICE

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

File No: EH06-145

Job No: 000709261-031

**BETWEEN:** 500166 B.C. Ltd.

c/o Ferguson, Wayne

15330-102A AVE.

Surrey, BC V3R 7R6

Canada

Telephone: (604) 460-7651 542-6017

Fax: (604) 460-7651 542-6018

(the "Licensee")

Licensee of: **Mirage Cabaret**

located at: 15330 102A Ave  
SURREY, BC V3R 2R6

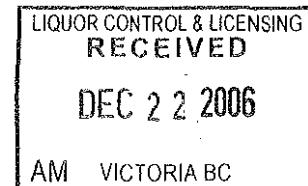
(the "Establishment")

**AND:** General Manager  
Liquor Control and Licensing Branch  
Ministry of Public Safety and Solicitor General

(the "General Manager")

**RE:** Liquor Licence Number 176354

(the "Licence")



### The Licensee:

1. (a) agrees the Licensee committed the contravention of Overcrowding beyond person capacity less than or equal to occupant load, Reg. s. 6(4), (CN B001376) as is set out in the attached Notice of Enforcement Action letter dated September 21, 2006 and its appendix(ces) (the "Notice of Enforcement Action letter") and that the information in the Notice of Enforcement Action letter with respect to this contravention is accurate,

(b) accepts and agrees to the enforcement action specified in the Notice of Enforcement Action

letter for the contravention referenced in paragraph 1 of this Waiver Notice and agrees that the licence will be suspended for 1 business day. The suspension will start and be served at the Establishment from the close of business on Wednesday, January 10, 2007, to the opening of business on Friday, January 12, 2007,

2. waives the opportunity to an enforcement hearing in respect of the contraventions and the enforcement action(s) previously referenced in the Waiver Notice and set out in the Notice of Enforcement Action letter,
3. agrees that the contraventions and enforcement action(s) previously referenced in the Waiver notice and set out in the Notice of Enforcement Action letter will form part of the compliance history of the Licensee,
4. understands and agrees that signs, satisfactory to the general manager, showing that the Licence of the Establishment is suspended, will be placed in prominent locations that are satisfactory to the general manager by the Liquor Control and Licensing Branch inspector or a police officer, and will remain in place during the period of suspension,

The Licensee understands and agrees that this Waiver Notice is irrevocable.

DATE: 20 day of December, 2006.

SIGNATURE OF LICENSEE: [Signature]  
(Licensee/Authorized Agent)

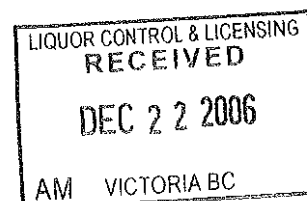
NAME OF LICENSEE: WAYNE FERGUSON  
(Please Print)

President  
(Title/Position)

SIGNATURE OF WITNESS: [Signature]

NAME OF WITNESS: Rupi Gill  
(Please print)

Attachments: Notice of Enforcement Action letter, dated October 02, 2006





November 15, 2006

Dennis Coates, QC Mair Jensen Blair 700 -275 Lansdowne Street Kamloops, BC V2C 6H6 Phone:(250) 374-3161 Fax (250) 374-6992	Shahid Noorani, branch advocate Liquor Control and Licensing Branch Surrey Regional Office 101-9180 King George Hwy Surrey, BC V3V 5V9 Phone: (604) 586-2646; Fax (604) 586-2640 Shahid.noorani@gov.bc.ca
---	---

Dear Sirs:

**Re: 500166 B.C. Ltd. dba Mirage Cabaret, Surrey, BC**  
**Liquor Primary Licence No. 176354**

**Case: EH06-145**

This letter records the results of a telephone pre-hearing conference held on October 16, 2006, which was attended by

Dennis Coates, licensee's solicitor  
Kim Hillard, Mr. Coates' assistant  
Shahid Noorani, branch advocate

**Status**

Enforcement Hearing Date:

**December 7, 2006**, commencing at **9:30am**.  
(Please note that the hearing date will only be postponed in exceptional circumstances).

Hearing Location:

Liquor Control and Licensing Branch Office  
Surrey Regional Office  
101-9180 King George Hwy  
Surrey, BC  
(604) 586-2641

Final Date for Production of  
Documents and Witness names:

**November 21, 2006**

Ministry of Public Safety  
and Solicitor General

Liquor Control and  
Licensing Branch

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

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[http:// www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb)

**Allegation**

The branch's allegations and recommended enforcement action are set out in the Notice of Enforcement Action (the "NOEA") dated October 2, 2006, which the licensee acknowledges having received.

The branch alleges that on September 1, 2006, the licensee contravened section 6 (4) of the *Liquor Control and Licensing Regulations* by permitting more persons in the licensed establishment than the person capacity set by the general manager and the number of persons in the licensed establishment was more than the occupant load. The proposed penalty is a ten (10) day suspension of the liquor license (item 15 of Schedule 4, *Liquor Control and Licensing Regulation*).

The licensee disputes the allegation, in particular the way that the count was conducted by the liquor inspector.

**Witnesses**

The branch will call Rupī Gill, liquor inspector, to testify at the hearing.

The licensee will call:

- Wayne Ferguson
- Cory Ferguson
- The front door person for the evening

**Disclosure of Evidence**

I direct that copies of any documents that will be produced at the hearing must be exchanged by no later than November 21, 2006. This is also the final date for confirmation of any changes to the list of witnesses who will be called to testify at the hearing. Failure to disclose documents or identify witnesses within the timeframe set may result in the evidence being ruled inadmissible by the adjudicator.

Please bring to the hearing a copy of all documents for the adjudicator to use as the official exhibit copy.

If you disagree with the above summary of the prehearing conference, or if you have any questions, feel free to contact me at (250) 387-0747. You may also call Mandy Fisher, case management administrator, at (250) 356-0010. Thank you.

Sincerely,



Elizabeth M. Barker  
Registrar, Enforcement Hearings

cc: Adjudicator  
Liquor inspector Rupī Gill



## WAIVER NOTICE

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

File No: EH06-086

Job No: 000709261-028

**BETWEEN:** 500166 B.C. Ltd.  
c/o Ferguson, Wayne  
15330-102A AVE.  
Surrey, BC V3R 7R6  
Canada  
Telephone: (604) 460-7651

Fax: (604) 460-7651

(the "Licensee")

Licensee of: **Mirage Cabaret**

located at: 15330 102A Ave  
SURREY, BC V3R 2R6

(the "Establishment")

**AND:** General Manager  
Liquor Control and Licensing Branch  
Ministry of Public Safety and Solicitor General

(the "General Manager")

**RE:** Liquor Licence Number 176354

(the "Licence")

### The Licensee:

1. (a) agrees the Licensee committed the contravention of Overcrowding beyond person capacity less than or equal to occupant load, Reg. s. 6(4), (CN B001364) as is set out in the attached Notice of Enforcement Action letter dated July 10, 2006 and its appendix(ces) (the "Notice of Enforcement Action letter") and that the information in the Notice of Enforcement Action letter with respect to this contravention is accurate,

(b) accepts and agrees to the enforcement action specified in the Notice of Enforcement Action

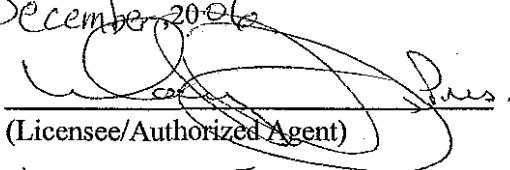
letter for the contravention referenced in paragraph 1 of this Waiver Notice and agrees that the penalty of \$3,000.00 ( Three Thousand Dollars ) will be paid by the Licensee to the General Manager within 30 days from the date of signing this waiver notice,

2. waives the opportunity to an enforcement hearing in respect of the contraventions and the enforcement action(s) previously referenced in the Waiver Notice and set out in the Notice of Enforcement Action letter,
3. agrees that the contraventions and enforcement action(s) previously referenced in the Waiver notice and set out in the Notice of Enforcement Action letter will form part of the compliance history of the Licensee,

The Licensee understands and agrees that this Waiver Notice is irrevocable.

DATE: 20 day of December 2006

SIGNATURE OF LICENSEE:

  
(Licensee/Authorized Agent)

NAME OF LICENSEE:

WAYNE FERGUSON  
(Please Print)

President  
(Title/Position)

SIGNATURE OF WITNESS:



NAME OF WITNESS:

Rupi Gill  
(Please print)

Attachments:

Notice of Enforcement Action letter, dated July 18, 2006





January 15, 2007

Dennis Coates Q.C. Mair Jensen Blair 700 – 275 Lansdowne Street Kamloops, BC V2C 6H6 Phone: (250) 374-3161 Fax: (250) 374-6992	Shahid Noorani, Branch Advocate Liquor Control and Licensing Branch Surrey Regional Office 101 - 9180 King George Hwy. Surrey, BC V3V 5V9 Phone: (604) 586-2646 Fax: (604) 586-2640
---	---

**Re: 500166 B.C. Ltd. dba Mirage Cabaret, 15330 – 102A Avenue, Surrey, BC**  
**Liquor Primary Licence No. 176354 Case: EH06-081**

This letter is to confirm that as agreed the hearing for the above licensee will take place as follows:

**Status**

Enforcement Hearing Date: **Friday, February 9, 2007, at 9:30 a.m.**  
Hearing Location: Liquor Control and Licensing Branch  
Surrey Regional Office  
101 - 9180 King George Hwy.  
Surrey, BC  
(604) 586-2641

Final Date for Disclosure of Documents and Witness names: February 2, 2007

If you have any questions, please contact me at (250) 387-0747 or toll free 1-866-209-2111.  
You may also call Mandy Fisher, A/Case Management Administrator, at (250) 356-0010.

Yours truly,

A handwritten signature in cursive script, appearing to read "Elizabeth Barker".

Elizabeth M. Barker  
Registrar, Enforcement Hearings

cc: Adjudicator  
Linda Hoy, Liquor Inspector

**Ministry of Public Safety  
and Solicitor General**

Liquor Control and  
Licensing Branch

Mailing Address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[http:// www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb)  
EGM-2013-00038



Ministry of Public Safety and Solicitor General  
Liquor Control and Licensing Act

## LIQUOR PRIMARY LICENCE

Establishment Name: MIRAGE CABARET  
Licence Name: MIRAGE CABARET  
Mailing Address: 15330-102A AVE  
SURREY, BC V3R 2R6

Licence Number  
**176354**  
Expiry Date  
**April 30, 2007**

Location Address: 15330-102A AVE  
SURREY, BC V3R 2R6

Issued to: 500166 B.C. Ltd.

Third Party Operator: N/A

### Hours of Sale:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM	11:00 AM
Close	1:00 AM	1:00 AM	1:00 AM	2:00 AM	2:00 AM	2:00 AM	2:00 AM

Capacity: Person01 275 Person02 175

### TERMS AND CONDITIONS

- The terms and conditions to which this licence is subject include the terms and conditions contained in the publication 'A Guide for Liquor Licensees in British Columbia' as that publication is amended from time to time.
- Liquor may only be sold, served and consumed within the areas outlined in red on the official plan, unless otherwise endorsed or approved by the LCLB.
- Subject to terms and conditions specified in the restriction or approval letter(s). A copy of restriction or approval letter(s) to be kept with current liquor licence.

Local Government: SURREY (CITY OF)  
LDB Addresses: SURREY GLS #172  
GUILDFORD GLS #240

April 10, 2006

Printed Date

  
General Manager



December 28, 2006

File No: EH06-145

Job No: 000709261-031

500166 B.C. Ltd.  
c/o Ferguson, Wayne  
15330 102A Ave  
Surrey, BC V3R 7R6

Telephone: (604) 542-6017

Fax: (604) 542-6018

Dear Licensee:

**Re: Licence Number 176354**

MIRAGE CABARET  
15330 102A Ave  
Surrey, BC V3R 7R6

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence. You agreed to and accepted the following enforcement actions by signing a waiver notice dated December 20, 2006.

It is important to note that you are responsible for the actions of your employees. You will want to ensure that managers and staff are familiar with the terms of the enforcement action and their responsibilities.

#### **Enforcement Action**

##### **Suspension of the licence**

The licence will be suspended for one (1) business day starting at the close of business on Wednesday, January 10, 2007, to the opening of business on Friday, January 12, 2007.

Signs satisfactory to the general manager, showing that the licence is suspended, must be placed in a prominent location in the establishment by a Liquor Control and Licensing Branch inspector or a police officer, and must remain in place during the period of suspension.

**Ministry of Public  
Safety  
and Solicitor  
General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria, BC V8W 9J8  
Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor  
1019 Wharf Street  
Victoria BC

<http://www.pssg.gov.bc.ca/clb>

Page 1 of 3

### **Suspension procedures**

A Liquor Control and Licensing Branch inspector or police officer will attend at your establishment prior to opening time on the first day of the suspension to

- remove the licence
- post the signs referenced above.

You should make arrangements with the Liquor Control and Licensing Branch inspector or police officer to obtain your licence at the end of the suspension period

### **Responsibility of licensee**

You must allow the Liquor Control and Licensing Branch inspector or police officer to post the suspension signs. You must not remove those signs during the suspension. You must hand over the licence to the Liquor Control and Licensing Branch inspector or police officer when asked.

The establishment must remain closed during the period of suspension. You must not permit the sale, service or consumption of liquor in the establishment while the licence is suspended. There are serious consequences for the service of liquor while a licence is under suspension. If you serve liquor while a licence is suspended, the general manager will do one of the following:

- cancel the licence
- require that the licence be transferred within a specified time period and cancel the licence if it is not transferred within that time period
- impose a suspension of at least 15 days.

### **Contact Number**

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2658.

Yours truly,

Cheryl Caldwell  
Deputy General Manager  
Compliance and Enforcement

CC: Surrey R.C.M.P.  
Clerk/Secretary City of Surrey  
Brewers Distributors Ltd.  
Guildford GLS #240  
Surrey GLS #172  
Manager of Licensing Rebecca Villa-Arce  
Regional Manager Michael Clark  
Inspector Rupi Gill  
Dennis Coates, Barrister & Solicitor, Mair Jensen Blair



December 28, 2006

File No: EH06-086

Job No: 000709261-028

500166 B.C. Ltd.  
c/o Ferguson, Wayne  
15330 102A Ave  
Surrey, BC V3R 7R6

Telephone: (604) 542-6017

Fax: (604) 542-6018

Dear Licensee:

**Re: Licence Number 176354**

MIRAGE CABARET  
15330 102A Ave  
Surrey, BC V3R 7R6

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence. You agreed to and accepted the following enforcement actions by signing a waiver notice dated December 20, 2006.

It is important to note that you are responsible for the actions of your employees. You will want to ensure that managers and staff are familiar with the terms of the enforcement action and their responsibilities.

#### **Enforcement Action**

##### **Monetary penalty**

A monetary penalty of \$3000 (Three Thousand Dollars) must be paid to the general manager by January 19, 2007.

The payment should be made to Liquor Control and Licensing Branch headquarters at the address indicated in Appendix A. It is important to attach the accompanying Appendix A so that the payment can be correctly recorded on your file.

**Ministry of Public  
Safety  
and Solicitor  
General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria, BC V8W 9J8  
Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor  
1019 Wharf Street  
Victoria BC

<http://www.pssg.gov.bc.ca/clb>

Page 1 of 3

### **Consequences of non-payment**

There are serious consequences for non-payment of the full amount of a monetary penalty.

1. The general manager may refuse to renew or transfer a licence if a monetary penalty has not been fully paid by the due date.
2. The general manager will consider imposing a suspension penalty for failure to pay a monetary penalty by the due date. The suspension penalty for this contravention is described in item 44 of schedule 4 to the Liquor Control and Licensing Regulations. However, the general manager has the authority to impose a suspension penalty greater than the one set out in the schedule when it is in the public interest to do so.

### **Contact Number**

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2658.

Yours truly,

Cheryl Caldwell  
Deputy General Manager  
Compliance and Enforcement

CC: Surrey R.C.M.P.  
Clerk/Secretary City of Surrey  
Brewers Distributors Ltd.  
Guildford GLS #240  
Surrey GLS #172  
Manager of Licensing Rebecca Villa-Arce  
A/Manager of Finance Scott McElroy  
Regional Manager Michael Clark  
Inspector Rupi Gill  
Dennis Coates, Barrister & Solicitor, Mair Jensen Blair

Encl: Appendix A

## Appendix A

### Monetary Penalty Payment Tracking Form

To ensure your payment is promptly credited against your monetary penalty, please include this form with your monetary penalty payment.

Please forward a cheque or money order payable to the Minister of Finance and Corporate Relations to:

**Liquor Control and Licensing Branch  
PO BOX 9292 STN PROV GOVT  
Victoria, BC  
V8W 9J8**

**Name:** 500166 B.C. Ltd. c/o Ferguson, Wayne

**Address:** 15330-102A AVE.  
Surrey, BC V3R 7R6  
Canada

**Licence number:** 176354

**Establishment name:** Mirage Cabaret

The enclosed monetary penalty payment is for enforcement action pursuant to:

A waiver notice dated December 20, 2006, in which the licensee agreed to pay the penalty of \$3000 (Three Thousand Dollars) by January 19, 2007.

For office use only:

Date Payment Received: \_\_\_\_\_

Amount of payment received: \_\_\_\_\_



April 21, 2010

Barry J. Carter  
Mair Jensen Blair  
700 -275 Lansdowne Street  
Kamloops, BC V2C 6H6

VIA EMAIL: [jbc@mjbblaw.com](mailto:jbc@mjbblaw.com)

Dear Mr. Carter:

**Re: 0715423 B.C. Ltd., Mirage Cabaret, 15330 102A Avenue, Surrey BC**  
**Liquor Primary Licence No. 176354** **Case: EH09-111**

The purpose of this letter is to inform you that the Liquor Control and Licensing Branch is no longer pursuing enforcement action against your client for the following contravention:

No	Contravention Name	Section of Act / regulation / term and condition of the licence	Date of alleged Contravention	Contravention Notice Number	Date of NOEA
1.	Minor – sell, give or otherwise supply liquor to minor	LCLA s. 33(1)(a)	July 9, 2009	B007553	October 22, 2009

Although the contraventions identified above will no longer be pursued, please be advised that contravention notice B007553 will remain on you clients file.

If you have any questions about the matters covered in this letter, please contact Ron Carriere, Investigator at (604) 586-2649.

Yours truly,

Bruce Edmundson  
Deputy General Manager  
Compliance and Enforcement

pc: Mike Clark, Regional Manager  
Shahid Noorani, Manager of Investigations  
Ron Carriere, Investigator  
Peter Mior, Branch Advocate

Ministry of Housing  
and Social  
Development

Liquor Control and  
Licensing Branch

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

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[http:// www.hsd.gov.bc.ca/lclb](http://www.hsd.gov.bc.ca/lclb)





December 22, 2009

**By Fax: 250 374-6992**

Mair Jensen Blair  
700 – 275 Landsdowne Street  
Kamloops, BC V2C 6H6

Attention Barry J. Carter

Dear Sir:

**Re: 0715423 BC Ltd. dba Mirage Cabaret, Surrey BC  
Liquor Primary Licence No. 176354  
EH09-111**

I write further to the prehearing conference held on November 13, 2009 and write to advise that the Branch has been unable to obtain a photograph of the minor, s.22 Further, we are unable to ascertain her identity on the surveillance video provided by your client.

Thank you.

Yours truly,

**Peter Mior**  
Branch Advocate  
Compliance and Enforcement

cc: Elizabeth Barker, Registrar

**From:** Noorani, Shahid HSD:EX  
**Sent:** Tuesday, April 20, 2010 11:12 AM  
**To:** Mior, Peter HSD:EX; Fisher, Mandy HSD:EX  
**Cc:** Clark, Michael J HSD:EX; Carriere, Ron M HSD:EX; Gill, Rupi K HSD:EX; Barker, Elizabeth HSD:EX  
**Subject:** Mirage Cabaret EH09-111

Peter - given the on-going challenges you are experiencing with the minor in having her attend an enforcement hearing, I see no value in spending any further time or resources on this file. We will withdraw the NOEA.

Mandy – would you please prepare the standard withdrawal letter for Bruce's signature.

Thanks

Shahid Noorani  
Manager of Investigations  
Liquor Control and Licensing Branch  
Tel: (604)586-2646  
Fax: (604)586-2640  
Email: [shahid.noorani@gov.bc.ca](mailto:shahid.noorani@gov.bc.ca)



November 26, 2009

Barry J. Carter Mair Jensen Blair 700 -275 Lansdowne Street Kamloops, BC V2C 6H6 Phone (604) 682-6299 Vancouver (250) 374-3161 Kamloops Fax (250) 374-6992 <a href="mailto:jbc@mjbblaw.com">jbc@mjbblaw.com</a>	Peter Mior, branch advocate Liquor Control and Licensing Branch 101 – 133 East 8 <sup>th</sup> Avenue Vancouver, BC V5T 1R8 Phone (604) 660-7723 Fax (604) 775-0044 <a href="mailto:peter.mior@gov.bc.ca">peter.mior@gov.bc.ca</a>
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Dear Gentlemen:

**Re: 0715423 B.C. Ltd., Mirage Cabaret, 15330 102A Avenue, Surrey BC**  
**Liquor Primary Licence No. 176354** **Case: EH09-111**

Further to our communication regarding availability, I am scheduling this hearing as follows:

**Status**

Enforcement Hearing Date: **January 27, 2010, commencing at 9:30 am.**  
(Please note that the hearing date will only be postponed in exceptional circumstances).

Hearing Location: Liquor Control and Licensing Branch Office  
Surrey Regional Office  
101-9180 King George Hwy  
Surrey, BC  
(604) 586-2641

Final Date for Disclosure of Documents and Witness names: **January 13, 2010**

Please note that the branch does not record its hearings. Further, it is the branch's practice to hold one hearing to address whether a contravention occurred and if so, what penalty, if any, is warranted (including when the penalty or suspension should be imposed). Please be prepared to deal with both matters on the date of the hearing.

**Ministry of Housing &  
Social Development**

Liquor Control and  
Licensing Branch

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

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[www.hsd.gov.bc.ca/lclb](http://www.hsd.gov.bc.ca/lclb)

If the adjudicator finds that the contravention took place and decides that a penalty is warranted, section 20 of the *Act* permits the adjudicator to do one or more of the following:

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

If the adjudicator finds that a monetary penalty or a suspension is warranted, the adjudicator is bound to order at least the minimum set out in the penalty schedule (see appendix 1 in *Terms & Conditions: A Guide for Liquor Licensees in BC*). The adjudicator is not bound by the maximum and may impose higher penalties when it is in the public interest to do so. The adjudicator is not bound to order the penalty proposed in the NOEA.

To see the branch's recent enforcement decisions, please visit our website at <http://www.hsd.gov.bc.ca/lclb/enforcements/index.htm>.

If you have any questions, please feel free to contact me directly at (250) 387-0747, toll free 1-866-209-2111 or via email [elizabeth.barker@gov.bc.ca](mailto:elizabeth.barker@gov.bc.ca).

Sincerely,

*Original signed by*

Elizabeth M. Barker  
Registrar, Enforcement Hearings

cc: Adjudicator  
Rupi Gill, liquor inspector



November 13, 2009

Barry J. Carter  
Mair Jensen Blair  
700 -275 Lansdowne Street  
Kamloops, BC V2C 6H6  
Phone (604) 682-6299 Vancouver  
(250) 374-3161 Kamloops  
Fax (250) 374-6992  
[jbc@mjbblaw.com](mailto:jbc@mjbblaw.com)

Peter Mior, branch advocate  
Liquor Control and Licensing Branch  
101 – 133 East 8<sup>th</sup> Avenue  
Vancouver, BC V5T 1R8  
Phone (604) 660-7723  
Fax (604) 775-0044  
[peter.mior@gov.bc.ca](mailto:peter.mior@gov.bc.ca)

Dear Gentlemen:

**Re: 0715423 B.C. Ltd., Mirage Cabaret, 15330 102A Avenue, Surrey BC**  
**Liquor Primary Licence No. 176354**

**Case: EH09-111**

This letter records the results of a telephone pre-hearing conference held on November 13, 2009, which was attended by Wayne Ferguson, licensee, Barry Carter, licensee's solicitor, and Peter Mior, branch advocate.

**Alleged Contravention and Proposed Penalty**

The branch's allegations and proposed penalty are set out in the Notice of Enforcement Action (the "NOEA") dated October 22, 2009, which the licensee acknowledges having received. The branch alleges that on July 9, 2009, the licensee contravened section 33(1)(a) of the *Liquor Control & Licensing Act* by selling, giving or otherwise supplying liquor to a minor. The proposed penalty is a ten (10) day suspension of the liquor licence (item 2, Schedule 4 of the *Regulation*).

**In the alternative contraventions**

If the general manager's delegate does not find the above contravention occurred, he will be asked to consider if the one of the following two alternative contraventions occurred:

- That on July 9, 2009 the licensee contravened section 35 of the *Act* by permitting a minor to enter or to be on premises where liquor is sold or kept for sale. The proposed penalty is a four (4) day suspension of the liquor licence (item 3, Schedule 4 of the *Regulation*).
- That on July 9, 2009 the licensee contravened section 33(1)(c) of the *Act* by permitting a minor to consume liquor. The proposed penalty is ten (10) day suspension of the liquor licence (item 2, Schedule 4 of the *Regulation*).

**Ministry of Housing &  
Social Development**

Liquor Control and  
Licensing Branch

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Facsimile: 250 387-9184

Location:  
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[www.hsd.gov.bc.ca/lclb](http://www.hsd.gov.bc.ca/lclb)

The licensee disputes the alleged contraventions.

### **Hearing**

A hearing date is still to be set. The branch will make reasonable efforts to accommodate all participants' availability when scheduling. However, it is important for the branch to take action against non-compliance to minimize public safety risks and protect community standards, and a delay in dealing with non-compliance or not responding may endanger the public or compromise community standards. As well, it may encourage further incidences of non-compliance. Once a date is set, hearings will only be postponed in exceptional circumstances.

Please note that the branch does not record its hearings. Further, it is the branch's practice to hold one hearing to address whether a contravention occurred and if so, what penalty, if any, is warranted (including when the penalty or suspension should be imposed). Please be prepared to deal with both matters on the date of the hearing.

### **Witnesses**

Mr. Mior stated that the branch plans to call the following people to testify at the hearing:

1. \_\_\_\_\_, the minor
2. s.22 mother
3. Rupí Gill, liquor inspector

The licensee anticipates calling the following people to testify at the hearing:

4. Heath Ferguson, manager
5. One or more front door staff
6. One or more bartenders

### **Disclosure**

At the time that the licensee was sent the NOEA, the licensee was provided with documentation which included the contravention notice, the licence, the floor plan and the enforcement hearing rules. Mr. Mior has agreed to provide the licensee with a copy of the video surveillance tape that the branch obtained from the licensee during the investigation of this matter. Mr. Ferguson requested that the branch identify where exactly on the video surveillance tape the minor appears. The licensee points out that its own investigation into the matter has been hampered due to the time that has passed and the fact that it has no means of identifying the minor. Mr. Mior agreed to share with the licensee any photo the branch has of the minor.

Once a hearing date has been selected, I will chose a date by which copies of the above documents and any others that will be produced at the hearing must be exchanged. That date will also be the final date for confirmation of any changes to the list of witnesses who will be called to testify at the hearing. Failure to disclose documents or identify witnesses within the timeframe set may result in the evidence being ruled inadmissible by the general manager's delegate (the "adjudicator").

Please bring to the hearing a copy of all documents you will produce for the adjudicator to use as the official exhibit copy.

### **Possible Enforcement Action**

If the adjudicator finds that the contravention(s) took place and decides that a penalty is warranted, section 20 of the *Act* permits the adjudicator to do one or more of the following:

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

If the adjudicator finds that a monetary penalty or a suspension is warranted, the adjudicator is bound to order at least the minimum set out in the penalty schedule (see appendix 1 in *Terms & Conditions: A Guide for Liquor Licensees in BC*). The adjudicator is not bound by the maximum and may impose a higher penalty when it is in the public interest to do so. The adjudicator is not bound to order the penalty proposed in the NOEA.

To see the branch's recent enforcement decisions, please visit our website at [http://www.hsd.gov.bc.ca/lclb/comp\\_enforce/search.htm](http://www.hsd.gov.bc.ca/lclb/comp_enforce/search.htm)

Thank you for your participation in the pre-hearing conference. If you disagree with the above summary or you have any questions, feel free to contact me directly at (250) 387-0747 or toll free 1-866-209-2111.

Sincerely,

*Original signed by*

Elizabeth M. Barker  
Registrar, Enforcement Hearings

cc: Adjudicator  
Rupi Gill, liquor inspector



**NOTICE OF ENFORCEMENT ACTION**  
***Liquor Control and Licensing Act* R.S.B.C. 1996, c. 267**

File No: EH09-111  
Job No: 000709261-042

October 22, 2009

0715423 BC Ltd.  
c/o Ferguson, Wayne  
#400 - 20033 64th Avenue  
Langley, BC V2Y 1M9  
Canada  
Telephone: (604) 542-6044

Dear Ferguson, Wayne :

**Re: License Number: 176354**  
License Type: Liquor Primary  
License Expiry Date: April 30, 2010  
Establishment: Mirage Cabaret  
15330 102A Ave  
SURREY, BC V3R 2R6

The purpose of this notice is to inform you that the General Manager is taking enforcement action for the alleged contravention(s) of the *Liquor Control and Licensing Act*, the *Regulations*, and/or the terms and conditions of your license as set out in this notice.

The General Manager will consider the information contained in this notice at the enforcement hearing.

**THE ALLEGED CONTRAVENTION(S)**

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and Time of Contravention(s)	Proposed Penalty
1.	Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act	S. 33(1)(a) Act	Jul 09, 2009 11:45 PM	10 day suspension

**Ministry of Housing  
and Social  
Development**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

<http://www.hsd.gov.bc.ca/clb>



**IN THE ALTERNATIVE CONTRAVENTION(S)**

If the General Manager does not make a finding of contravention on the above alleged contravention(s), the lesser but included contravention(s) below may be considered in the alternative. The alternative contravention(s) are as follows:

No.	In the Alternative Contravention(s)	Section of the Act/Regulation	Date and Time of Contravention(s)	Proposed Penalty
1.	Minor - Permit minor to enter or be on premises, s. 35 Act	s. 35 Act	Jul 09, 2009 11:45 PM	4 day suspension
2.	Minor - Permit minor to consume liquor, s. 33(1)(c) Act	s. 33(1)(c) Act	Jul 09, 2009 11:45 PM	10 day suspension

## SUMMARY OF EVIDENCE

Mirage Nightclub is a premise which holds a liquor primary liquor license. This class of license prohibits minors, those under the age of 19, from not only being served alcohol but also from even entering the establishment.

On July 10, 2009, Inspector Rupi Gill received a phone call from a concerned parent, complaining that his 17 year old daughter had gone to the Mirage nightclub on July 9, 2009 and been served alcohol. She advised the parent that she would need to speak to the daughter directly in order get the specific details related to the incident. The parent stated that they would talk to their daughter about contacting Inspector Gill. On July 17, 2009 Inspector Gill talked to s.22, the daughter, over the phone and we made arrangements to meet in person on July 21, 2009.

On July 21, 2009, Inspector Gill along with Investigator Ron Carriere, met with s.22 and her mother. During this meeting, s.22 provided a statement which detailed the events of July 9, 2009.

s.22 advised that she and two of her friends, who are 18 years old, decided to go to the Mirage nightclub. They initially tried to register on the guest list at [www.clubzones.com](http://www.clubzones.com) but were unable to for that night. They were then advised by an older sister of one of the girls to go to the club and say that "Heath" had put them on the guest list and see if that worked. Heath is the manager of the nightclub but in actual fact had not put the girls on a guest list. The girls arrived at the nightclub between 11:20-11:25. On arrival, they went to the main front entrance where there were 4 door staff on duty. They were told to get into line. s.22 then saw a male staff person who was carrying a clipboard and dealing with the VIP line. s.22 approached this male and advised him "Heath put us on the guest list". He said Ok and asked if it was just her and her two friends. s.22 said yes and he then let them go inside the club. This was at approximately 11:30 pm. Once inside, s.22 and her friends waited by the coat check area. They thought they would have to pay a cover charge but again were waved inside. At no time were s.22 or her friends requested or required to show any identification.

Once inside, s.22 and her friends purchased alcohol beverages. s.22 advises that she bought "Vodka Slimes" and tequila shots. She advises that it was student night and there were \$2 drink specials. When I asked how much she had to drink, s.22 stated "a lot" and explained that she had about 4 "Vodka Slime" drinks and 3-4 tequila shots. The drinks were purchased from the bartenders at both service bars. Some drinks were also purchased for s.22 by other friends she met at the club. s.22 provided a Visa statement showing a charge of \$23 at the Mirage nightclub. She states that she and her friends were supposed to leave the nightclub at approximately 1:45 am but she has no recollection of what happened after about 1 am. Sometime around 1:45, her friends noted she was missing and tried to find her. By closing they still had not found her and actually went back into the nightclub after 2:30 to find her. They checked the washrooms and kitchen but were unable to locate her. They called s.22 parents at about 2:30 am to advise they could not find her. The friends then returned home and one of the friends found s.22 sleeping at her house. It was now approximately 3:30 am. Apparently sometime between 1 am and 1:45 am, s.22 had left the nightclub in a cab and gone back to her friends home. She does not have any recollection of this but the Visa statement shows a charge to Guildford cabs.

Upon request, the licensee provided video footage of the main entrance for the establishment covering the time frame in question.

Guildford Cabs was subsequently contacted and they confirm that their records indicate that s.22 was picked up outside the nightclub on the date in question.

NOTE: Pages 4, 6 and 8 of this Notice of Enforcement Action letter are blank.

NOTE: Pages 4, 6 and 8 of this Notice of Enforcement Action letter are blank.

## **ALLEGED CONTRAVENTION(S)**

**Contravention Number** B007553 : C Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act

### **Reasons for Recommending Enforcement Action**

Regulatory practice in British Columbia has been based on the view that the public interest is not served by expecting people to take on the responsibilities that go along with liquor purchase and consumption until they reach the age of majority. A primary feature of a liquor primary establishment is the service and consumption of liquor, and one of the strategies to reduce the risk of children consuming liquor is to not permit minors into a liquor primary establishment. Permitting minors into a liquor primary establishment places them in an environment largely focused on liquor service, and provides a minor the opportunity to access liquor. Exposing minors to liquor is a serious public safety issue as it can lead to alcohol abuse on growing bodies and developing minds; the effects on individuals and society of irresponsible behaviour learned at an early age; a minor's lack of capacity to metabolize alcohol in the same manner as an adult. Liquor may have more of an intoxicating effect on minors and is a significant factor in many crimes committed by youth, including serious driving offences, assault, sexual assault, and theft.

### **Reasons for the Proposed Penalty**

The range of penalties for a first contravention of supplying liquor to minors in the premise is a 10-15 day licence suspension and/or a monetary penalty of \$7,500 - \$10,000. In this particular instance, 3 minors were given access to the establishment without being asked to produce identification or even verify their age. After gaining entry, these 3 minors were able to purchase and consume liquor, again without being asked to produce identification or even verify their age. Supplying liquor to a minor places the well being and safety of the minor at serious risk (as detailed in the above reasons for recommending enforcement action), and in this specific instance, the liquor supplied to s.22 (one of the three minors) placed her at serious risk and contributed to a state of mind where she cannot recall leaving the establishment or arriving at her friend's house.

The Branch recommends a licence suspension of 10 days. The licensee had opportunities to request identification from the minors at the front doors and while the minors were inside the establishment. At no time did this occur. Based on this failure, and the number of minors (3) that were involved, a mid range licences suspension is warranted. It is felt that a licence suspension will send the necessary message to the licensee and its staff on the seriousness of allowing minors into the establishment, and the need for them to be diligent in ensuring that their establishment is not one that will permit entry to minors.

Therefore;

For the alleged contravention of Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act (Contravention Notice Number B007553) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 10 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a contravention.

The suspension will be served starting on a Thursday and will continue on successive business days until completed.



## **IN THE ALTERNATIVE CONTRAVENTIONS**

Lesser but included contraventions may be considered in the alternative. The proposed penalty(ies) for the alleged lesser but included contravention(s) are as follows:

**Contravention Number** B007553 : C Minor - Permit minor to enter or be on premises, s.

### **Reasons for Recommending Enforcement Action**

Regulatory practice in British Columbia has been based on the view that the public interest is not served by expecting people to take on the responsibilities that go along with liquor purchase and consumption until they reach the age of majority. A primary feature of a liquor primary establishment is the service and consumption of liquor, and one of the strategies to reduce the risk of children consuming liquor is to not permit minors into a liquor primary establishment. Permitting minors into a liquor primary establishment places them in an environment largely focused on liquor service, and provides a minor the opportunity to access liquor. Exposing minors to liquor is a serious public safety issue as it can lead to alcohol abuse on growing bodies and developing minds; the effects on individuals and society of irresponsible behaviour learned at an early age; a minor's lack of capacity to metabolize alcohol in the same manner as an adult. Liquor may have more of an intoxicating effect on minors and is a significant factor in many crimes committed by youth, including serious driving offences, assault, sexual assault, and theft.

### **Reasons for the Proposed Penalty**

The range of penalties for a first contravention of minor in the premise is a 4-7 day licence suspension and/or a monetary penalty of \$5,000.00 - \$7,500.00. In this particular instance, 3 minors were given access to the establishment without being asked to produce identification or even verify their age. These minors remained inside the establishment for a considerable period of time, and while inside they were again not asked at any to produce identification or verify their age. This specific provision of the legislation is designed to ensure that the licensees take measures to ensure that minors are given access and exposed to the activities taking place within liquor primary establishments. The licensee failed in meeting its responsibilities.

The Branch recommends a mid range licence suspension of 4 days. The licensee had opportunities to request identification from the minors at the front doors and while the minors were inside the establishment. At no time did this occur. Based on this failure, and the number of minors (3) that were involved, it is felt that a licence suspension will send the necessary message to the licensee and its staff on the seriousness of allowing minors into the establishment, and the need for them to be diligent in ensuring that their establishment is not one that will permit entry to minors.

Therefore;

For the alleged contravention of Minor - Permit minor to enter or be on premises, s. 35 Act (Contravention Notice Number B007553) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 4 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a contravention.

The suspension will be served starting on a Thursday and will continue on successive business days until completed.



Lesser but included contraventions may be considered in the alternative. The proposed penalty(ies) for the alleged lesser but included contravention(s) are as follows:

**Contravention Number** B007553 : C Minor - Permit minor to consume liquor, s. 33(1)(c)

**Reasons for Recommending Enforcement Action**

Regulatory practice in British Columbia has been based on the view that the public interest is not served by expecting people to take on the responsibilities that go along with liquor purchase and consumption until they reach the age of majority. A primary feature of a liquor primary establishment is the service and consumption of liquor, and one of the strategies to reduce the risk of children consuming liquor is to not permit minors into a liquor primary establishment. Permitting minors into a liquor primary establishment places them in an environment largely focused on liquor service, and provides a minor the opportunity to access liquor. Exposing minors to liquor is a serious public safety issue as it can lead to alcohol abuse on growing bodies and developing minds; the effects on individuals and society of irresponsible behaviour learned at an early age; a minor's lack of capacity to metabolize alcohol in the same manner as an adult. Liquor may have more of an intoxicating effect on minors and is a significant factor in many crimes committed by youth, including serious driving offences, assault, sexual assault, and theft.

**Reasons for the Proposed Penalty**

The range of penalties for a first contravention of allowing minor to consume is a 10-15 day licence suspension and/or a monetary penalty of \$7,500 - \$10,000. In this particular instance, 3 minors were given access to the establishment without being asked to produce identification or even verify their age. After gaining entry, these 3 minors were able to purchase and consume liquor, again without being asked to produce identification or even verify their age. In the case of s.22 (one of the three minors), her liquor consumption at the Mirage placed her in a state of mind that she cannot recollect leaving the establishment or arriving at her friend's house. Allowing a minor to consume places their well being and safety of the minor at serious risk (as detailed in the above reasons for recommending enforcement action), and in this specific instance, the liquor supplied to s.22 (one of the three minors) placed her at serious risk and contributed to a state of mind where she cannot recall leaving the establishment or arriving at her friend's house.

The Branch recommends a licence suspension of 10 days. The licensee had opportunities to request identification from the minors at the front doors and while the minors were inside the establishment. At no time did this occur. Based on this failure, and the number of minors (3) that were involved, a mid range licences suspension is warranted. It is felt that a licence suspension will send the necessary message to the licensee and its staff on the seriousness of allowing minors to consume, and the need for them to be diligent in ensuring that their establishment is not one that will permit entry to minors.

Therefore;



For the alleged contravention of Minor - Permit minor to consume liquor, s. 33(1)(c) Act (Contravention Notice Number B007553) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 10 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a contravention.

The suspension will be served starting on a Thursday and will continue on successive business days until completed.

### **THE PROCEDURES**

An enforcement hearing may be scheduled to determine whether the alleged contravention(s) occurred and the appropriate penalty, if any, that should be imposed. You can contest the contravention(s) and/or the proposed penalty at the enforcement hearing.

**Please Note:** If a penalty is warranted, the General Manager may;

- Impose a suspension of the liquor license for a period of time;
- Cancel a liquor license;
- Impose terms and conditions to a license or rescind or amend existing terms and conditions;
- Impose a monetary penalty; or
- Order a licensee to transfer a license.

An enforcement hearing can be time consuming and costly for all participants. If you sign a waiver, there will be no need for an enforcement hearing for the alleged contravention(s) or the lesser but included contravention(s). By signing the waiver, you expressly and irrevocably:

- Agree that the contravention(s) occurred,
- Accept the proposed penalty in this letter,
- Waive the enforcement hearing, and
- Agree that the finding(s) of contravention(s) and the penalty will form part of your compliance history as a licensee.

Generally, the waiver must be signed within 14 days of the date of this letter. If you decide you want to sign a waiver, please contact me as soon as possible to arrange an appointment.

## **CONTACTS**

(1) If you do not sign a waiver, the case management administrator will contact you with details of the enforcement hearing process. The case management administrator contact information is:

Elizabeth Barker; (250) 387-0747; Elizabeth.Barker@gov.bc.ca

(2) Please contact me at (604) 660-7723 if you want to sign a waiver notice or if you have any questions regarding this notice.

Yours truly,

Ron Carriere  
Surrey

### **Attachments:**

Appendices A & B

Copy of Enforcement Hearing Rules

Copy of Liquor Licence

Copy of Contravention Notice

Copy of Red line Floor Plan

## APPENDIX A

### License Information

License number: 176354  
License type: Liquor Primary  
License expiry date: April 30, 2010

At an enforcement hearing, the branch may present the following information related to allegations of non-compliance for which the branch did not pursue enforcement action. If there is a finding that the contravention(s) alleged which are the subject of this Notice of Enforcement Action did occur, the following information may be considered by the General Manager, for the purpose of determining what penalty, if any, is appropriate. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions:

Date of Incident	Alleged Contravention	Identifying Document(s)
July 09, 2009	Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act	CN # B007553
July 09, 2009	Minor - Permit minor to enter or be on premises, s. 35 Act	CN # B007553
July 09, 2009	Minor - Permit minor to consume liquor, s. 33(1)(c) Act	CN # B007553
April 10, 2009	Overcrowd beyond person capacity less than or equal to occupant load, s. 6(4) Reg.	CN # B007583
December 16, 2007	Permit intoxicated person to remain, s. 43(2)(b) Act	CN # B008052

### Compliance Meetings:

Date	Topic
January 03, 2008	Permit intoxicated person to remain, s. 43(2)(b) Act
April 24, 2009	Overcrowd beyond person capacity less than or equal to occupant load

## **APPENDIX B**

### **License Information**

License Number: 176354  
License Type: Liquor Primary  
License Expiry Date: April 30, 2010

At an enforcement hearing, the General Manager will consider compliance history when determining the appropriate penalty for each contravention.

### **LICENSEE'S COMPLIANCE HISTORY**

The licensee's compliance history consists of any prior findings of contraventions and penalties that relate to the licensee in question. A finding of contravention results when the licensee signs a waiver or the General Manager makes a decision that a contravention did occur. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions.

<b>No.</b>	<b>Date</b>	<b>Contravention Notice Number</b>	<b>Findings of Contravention</b>	<b>Penalty Imp</b>
1.	June 05, 2009	B007586; EH09-062	Contravene term & condition - Exceed maximum drink size, s. 12 Act	\$1000 moneta penalty

### **ESTABLISHMENT'S COMPLIANCE HISTORY**

The establishment's compliance history consists of any prior findings of contraventions and penalties that relate to the establishment in question. A finding of contravention results when the licensee responsible for the establishment signs a waiver or the General Manager makes a decision that a contravention did occur.

	<b>Date</b>	<b>Contravention Notice Number</b>	<b>Findings of Contravention</b>	<b>Enforce Act</b>
1.	June 05, 2009	B007586; EH09-062	Contravene term & condition - Exceed maximum drink size, s. 12 Act	\$1000 mon penalty



October 29, 2009

0715423 BC Ltd.  
c/o Wayne Ferguson  
400 – 20033 64<sup>th</sup> Avenue  
Langley, BC V2Y 1M9

Dear Licensee:

**Re: Mirage Cabaret, Surrey BC**  
**Liquor Primary No. 176354**

**Case: EH09-111**

The General Manager of the Liquor Control and Licensing Branch must determine whether to conduct an enforcement hearing regarding the contravention(s) set out in the attached Notice of Enforcement Action. An enforcement hearing is required if the licensee disputes that the contravention(s) took place and/or disputes the proposed penalty.

**Pre-hearing Conference**

A pre-hearing telephone conference will be held in order to:

- Determine if an enforcement hearing is required;
- Explain the enforcement hearing process and answer the licensee's questions;
- Identify the issues that will be addressed at the enforcement hearing;
- Identify and discuss the evidence that the licensee and the Branch will present at the enforcement hearing. This includes providing the names of any witnesses that will testify;
- Arrange for the licensee and the Branch to provide each other with copies of documents or other evidence that will be introduced at the enforcement hearing;
- Set a date for the enforcement hearing.

Elizabeth Barker, the Branch's Registrar of Enforcement Hearings, will conduct the pre-hearing conference by way of a telephone conference call. Peter Mior, the Branch Advocate, will represent the Branch. The pre-hearing conference will take place on:

**Friday, November 13, at 9:30 a.m.** To participate in the pre-hearing conference please call **s.15, s.17** at the scheduled time and when prompted to do so enter the **conference ID No. s.15, s.17**

During the pre-hearing conference, you should be prepared to provide dates when you and your witnesses are available to attend an enforcement hearing.

### **Licensee Representative**

If you wish to have someone else represent you at the pre-hearing conference, we require your prior written consent for this person to speak on your behalf. Please choose a representative who is available for the date of the pre-hearing conference. In general, the unavailability of your representative on the date of the pre-hearing conference is not considered justification for rescheduling.

### **Language Interpreter**

If you need a language interpreter to help you, please arrange this in advance of the pre-hearing conference and let us know who this person will be. Unless you and your interpreter are going to use the same telephone line, we need to know what number to call in order to connect your interpreter into the pre-hearing conference.

### **Rescheduling**

The pre-hearing conference will only be adjourned if there are special circumstances that justify rescheduling. To obtain an adjournment please provide the Branch's Case Management Administrator with a written request explaining your reasons and proposing alternative dates. A request for adjournment must be received at least two full business days prior to the scheduled pre-hearing conference. The Branch's Registrar of Enforcement Hearings will consider your request, obtain further information if necessary, and make a decision on whether to adjourn the pre-hearing conference to a later date.

### **Failure to Attend Pre-Hearing Conference**

Should you fail to attend the pre-hearing conference, the Branch's General Manager may make a decision without conducting an enforcement hearing. You will be given an opportunity to provide a written submission. Such decisions are based on the Notice of Enforcement Action and supporting documents and any written material that you submit in response.

### **Waiver**

You may sign a waiver and accept the proposed penalty if you agree that the alleged contraventions took place. To do so, promptly contact the inspector whose name and number appears in the Notice of Enforcement Action to arrange an appointment to sign a waiver form. The pre-hearing conference and an enforcement hearing will not be required if a waiver is signed.

### **Additional Background**

A fact sheet briefly outlining the Branch's enforcement process is enclosed. Please refer to our Enforcement Hearing Rules for more detail. Recent Branch enforcement decisions can also be reviewed at <http://www.hsd.gov.bc.ca/lclb/enforcements/index.htm>.

If you have any questions or concerns regarding this matter, please feel free to contact me by phone (250) 356-0010 or facsimile (250) 387-9184. Thank you.

Yours truly,

*Original signed by*

Annie Braiden  
A/Case Management Administrator

cc: Elizabeth M. Barker, Registrar, Enforcement Hearings  
Peter Mior, Branch Advocate

Attachments:

- Notice of Enforcement Action
- Enforcement Hearing Fact Sheet

## Van Schaik, Katherine MEM:EX

---

**From:** Ayers, Karen J MEM:EX  
**Sent:** Saturday, February 2, 2013 9:08 AM  
**To:** LCLB FOI LCLB:EX  
**Subject:** FW: Decision Released - Mirage Cabaret

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**From:** Braiden, Annie HSD:EX  
**Sent:** Friday, July 17, 2009 9:51 AM  
**To:** LCLB-C&E Implementation Project; LCLB-INSPECTORS; Mangnell, Dallas HSD:EX  
**Cc:** Cooper, Keri L HSD:EX; Colquhoun, Katherine HSD:EX; Hofschneider, Journie HSD:EX; Smart, Rona HSD:EX  
**Subject:** Decision Released - Mirage Cabaret

Attached is the latest decision for **0715423 BC Ltd., Mirage Cabaret, LP 176354, Surrey, Case No. EH08-122**

Contravention(s)	Date	Rec Penalty	Findings	Date Penalty Imposed
Permit a person to become intoxicated	Sep 23/07	7 days	Not Proven	



Mirage Cabaret  
EH08-122.doc

This decision has not yet been cleared by the Ministry's Privacy, Information & Records Management Division and should not be disclosed to the public. A version approved for public disclosure will be appearing on our Web site shortly at <http://www.hsd.gov.bc.ca/clb/enforcements/index.htm>

Annie Braiden  
Case Management Administrator  
Liquor Control & Licensing Branch  
Ministry Of Housing and Social Development  
Phone: 250 356-0010  
Fax: 250 387-9184

**Van Schaik, Katherine MEM:EX**

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**From:** Ayers, Karen J MEM:EX  
**Sent:** Saturday, February 2, 2013 9:09 AM  
**To:** LCLB FOI LCLB:EX  
**Subject:** FW: Police Anti Violence project

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**From:** Clark, Michael J SG:EX  
**Sent:** Monday, October 2, 2006 5:38 PM  
**To:** Ayers, Karen J SG:EX  
**Subject:** FW: Police Anti Violence project

FYI

Mike

-----Original Message-----

**From:** Hoy, Linda SG:EX  
**Sent:** Mon 02/10/2006 3:55 PM  
**To:** Scott, Kane SG:EX  
**Cc:** Lowden, Marilyn SG:EX; Clark, Michael J SG:EX; Tremblay, Mark SG:EX; Gill, Rupi K. SG:EX  
**Subject:** RE: Police Anti Violence project

Hi Kane:

Marilyn and I were on Saturday night

Not Responsive

My information - Marilyn may have more to add.

Establishments visited:

Not Responsive

Mirage, Surrey - no major liquor issues

- 2 patrons consuming behind the bar area - discussed with bartender, removed.

Not Responsive



Linda

---

**From:** Scott, Kane SG:EX  
**Sent:** Mon, October 2, 2006 2:18 PM  
**To:** Lanon, Robert SG:EX; Nazareth, Edwina SG:EX; Hoy, Linda SG:EX; Lowden, Marilyn SG:EX; Tremblay, Mark SG:EX  
**Cc:** Clark, Michael J SG:EX  
**Subject:** Police Anti Violence project

Hello All,

I just got a call from Supt. Brad Parker of Delta PD thanking me for your participation this past weekend. He was impressed with the amount of work accomplished and the professional way it was carried out.

Apparently there was a member of the media present one night and they were blown away with the amount and variety of liquor related work done by police and LCLB inspectors.

Well Done and Thanks !!

By the way can you forward me some statistical information, number of establishments visited, CN's issued, contraventions identified.?

Thanks  
Kane

# Conduct Routine Inspection (0049254) for Job 000709261-013

## Process Edit

### Conduct Routine Inspection

Job 000709261-013

Lic #176354 LP Establishment: MIRAGE CABARET

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Rupi Gill	Complete	Contravention(s) Identified	Jan 07, 2004		Jan 07, 2004 12:22:0	

## Details

Comments	Inspector completed two counts which both showed premise to be overcrowded. CN # B002599 was issued for this.
External File Number	0049254
Floor Plan Inspected	N
Inspection Date	Jan 1, 2004
Inspections Required	1 every 3 months from the effective date
LicenceEffectiveDate	Apr 30, 2002
Multiple Agency Inspection	N
Name and Address Checked	N
Next Scheduled Inspection	
Next Scheduled Inspection (Months)	
Number of Patrons	
NumberOfInspections	60
Project ID	
Schedule Type	
Talked to Manager	Y
Time In AM/PM	AM
Time In Hour	12
Time In Minute	48
Time Out AM/PM	AM
Time Out Hour	1
Time Out Minute	45
Travel Time Hour	
Travel Time Minute	10
Violation Tickets Issued	

## Additional Insp.

# Conduct Routine Inspection (0075811) for Job 000709261-013

## Process Edit

### Conduct Routine Inspection

Job 000709261-013

Lic #176354 LP Establishment:MIRAGE CABARET

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Rupi Gill	Complete	Contravention(s) Identify	Sep 12, 2005		Sep 12, 2005 10:35:5	

## Details

### Comments

A routine inspection was conducted on business day of September 9, 2005 from approximately 1:30 am-2:20 am.

On arrival at the premise noted two doorstaff at the front entrance. After identifying myself, I went inside where I was met by the manager on duty, James T. I started walking through the premise, accompanied by James. As I was standing in front of what was later identified as "B" bar, I noted a young looking male who came to my attention as he was swaying and appeared unsteady on his feet. He was having difficulty standing upright and had to hold onto the counter for balance. I approached him and after identifying myself, I asked to see his identification. He produced two pieces of identification; the BC drivers license showed his name to s.22 dob s.22

He stated that he and his friend had been in the premises anywhere between 1/2 hour to 1 hour. As I was talking to s.22 I noted that in addition to having difficulty keeping his balance, he was also unable to focus his eyes. He stated that he had consumed two beers in the premise. I then pointed out s.22 to the manager but he was already aware of the him. s.22 was escorted out of the premise by his friend and one of the staff.

I followed them out of the premise and spoke to s.22 friend who said he had consumed two beers in the premise but that s.22 had only had water. He further stated that they had been drinking at another premise.

I then went back in the premise and talked to the bartender, named s.22 I asked him if he was aware of the person who had been standing at the end of the bar. s.22 then replied, "You mean the drunk guy?" Bartender s.22 further stated that he had sold two beers to s.22 friend and had provided water for s.22

I then issued Cn #B001990 to James, the manager and explained the contravention. He indicated that he would be talking to the bartender and would have the general manager call me to follow up to the contravention notice.

External File Number 0075811  
Floor Plan Inspected N  
Inspection Date Sep 9, 2005  
Inspections Required 1 every 3 months from the effective date  
LicenceEffectiveDate Apr 30, 2002  
Multiple Agency Inspection N  
Name and Address Checked N  
Next Scheduled Inspection  
Next Scheduled Inspection (Months)  
Number of Patrons  
NumberOfInspections 60  
Project ID  
Schedule Type  
Talked to Manager Y  
Time In AM/PM AM  
Time In Hour 1  
Time In Minute 30  
Time Out AM/PM AM  
Time Out Hour 2  
Time Out Minute 20  
Travel Time Hour 00  
Travel Time Minute 30  
Violation Tickets Issued

# Conduct Routine Inspection (0085198) for Job 000709261-013

Process Edit

## Conduct Routine Inspection

Job 000709261-013

Lic #176354 LP Establishment:MIRAGE CABARET

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Rupi Gill; Linda Hoy	Complete	Contravention(s) Identify	May 29, 2006			May 29, 2006 18:44:1

# Conduct Routine Inspection (0085198) for Job 000709261-013

## Details

### Comments

Travel includes return to Delta PD  
Delta PD anti violence initiative  
IN COUNT 800 / OUT 333 = 467  
s.22 dob : s.22  
Stated capacity 451 (actual 450)  
Staff: Door 11 / Servers 7 / Bartenders 7 / Bussers 2  
Porters 3/ Washroom attendant 2 = 32 + 451 = 483  
Advised as this was person capacity the 450 included staff/ no count was done.  
Spoke with Corey Ferguson at door DOB s.22  
stated s.22  
observed male at area known as 'B' Bar who was intoxicated. Police checked ID and then we watched and observed his actions in front of the bar to determine what staff were doing about him. He was stumbling; acting up; spitting on the floor; etc. While myself and various officers observed this male, I went to the far side of the bar and continued to watch. The male had two Heineken full bottles of beer in front of him and one glass containing a brown liquid. He drank this down in was session while I observed him and I spoke with s.22, the bartender at this side and pointed this male out and asked what that was he just drank. This bartender s.22 realized the male was intoxicated and went over and took the two beer and poured them down the sink; the male said 'hey my beer' Then s.22 returned and said he didn't know what the other drink was; the male also had a bottle of water in his hand. I then went and spoke to the bartender who was right in front of this male and asked him who had served him the beer; this bartender s.22 said he didn't know but he didn't think it was his; they were just sitting on the counter. I asked how the male paid for his drinks and he said he ran a tab; I asked if I could get a copy and he said he had paid by interac and he could give me a copy of that which he did. The bill said \$125. s.22 stated that included a \$40.00 tip. The time on the tab was 1:59:51. The male was introduced to Corey Ferguson s.22; RCMP took the male for additional questioning and observations. I spoke with Ferguson and and Delta File 06-11557 was opened and CN B001354 was issued for sell to intoxicated and permit intoxicated to remain.

External File Number	0085198
Floor Plan Inspected	N
Inspection Date	May 28, 2006
Inspections Required	1 every 3 months from the effective date
LicenceEffectiveDate	Apr 30, 2002
Multiple Agency Inspection	Y
Name and Address Checked	Y
Next Scheduled Inspection	Jun 29, 2006
Next Scheduled Inspection (Months)	1
Number of Patrons	
NumberOfInspections	60
Project ID	
Schedule Type	
Talked to Manager	Y
Time In AM/PM	AM
Time In Hour	1
Time In Minute	50
Time Out AM/PM	AM
Time Out Hour	2
Time Out Minute	40
Travel Time Hour	00
Travel Time Minute	35
Violation Tickets Issued	

## Additional Insp.

# Conduct Routine Inspection (0086365) for Job 000709261-013

## Process Edit

### Conduct Routine Inspection

Job 000709261-013

Lic #176354 LP Establishment:MIRAGE CABARET

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Rupi Gill	Complete	Contravention(s) Identify Jul 04, 2006				Jul 04, 2006 14:30:44

## Details

### Comments

A routine inspection was conducted at the establishment on June 30, 2006 from approximately 12:55 am to 1:40 am. During the course of the inspection, I was accompanied by staff member named Peter. I noted a young female who was walking down the stairs from the area where "B" bar is located. She was having difficulty with walking and appeared very unsteady on her feet and was being assisted by a male companion. I followed the couple to the dance floor to continue my observations of this female. later identified as s.22. On the dance floor, the male kept both arms around her and when he let go at any point, she had difficulty standing on her feet and would proceed to start sliding to her knees. I observed the couple for approximately 12-15 minutes. When they left the dance floor, s.22 again had to hold onto the male in order to walk and was having difficulty with walking steady. After they reached their table, they were approached by another staff person, s.22 who then asked them to leave. Before she left, I talked to s.22. She advised that she had been at the establishment since approximately 9:30 pm and had about three shots of tequila she thinks and she had bought one cocktail from bartender at B bar and had been sipping from other friends' drinks. During this conversation, s.22 was having difficulty standing up and had to hold onto the door handle to stay upright. In addition, her eyes appeared to be unfocussed and glassy. She said that s.22 and was not used to drinking so much. Her date of birth was confirmed by viewing her BC driver's license. After s.22 left, I spoke to manager Corey Ferguson who acknowledged the female in question. He advised that s.22 the owner of the club would meet with me to discuss further.

External File Number 0086365  
Floor Plan Inspected N  
Inspection Date Jun 30, 2006  
Inspections Required 1 every 3 months from the effective date  
LicenceEffectiveDate Apr 30, 2002  
Multiple Agency Inspection N  
Name and Address Checked N  
Next Scheduled Inspection  
Next Scheduled Inspection (Months)  
Number of Patrons  
NumberOfInspections 60  
Project ID  
Schedule Type  
Talked to Manager Y  
Time In AM/PM AM  
Time In Hour 12  
Time In Minute 55  
Time Out AM/PM AM  
Time Out Hour 1  
Time Out Minute 40  
Travel Time Hour 00  
Travel Time Minute 30  
Violation Tickets Issued

## Additional Insp.

# Conduct Routine Inspection (0088116) for Job 000709261-013

## Process Edit

### Conduct Routine Inspection

Job 000709261-013

Lic #176354 LP Establishment:MIRAGE CABARET

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Rupi Gill	Complete	Contravention(s) Identified	Aug 29, 2006			Sep 15, 2006 12:03:2

## Details

Comments Noted contravention of overcrowding beyond occupant load.

External File Number 0088116

Floor Plan Inspected N

Inspection Date Sep 1, 2006

Inspections Required 1 every 3 months from the effective date

LicenceEffectiveDate Apr 30, 2002

Multiple Agency Inspection N

Name and Address Checked N

Next Scheduled Inspection Jan 15, 2007

Next Scheduled Inspection (Months) 4

Number of Patrons

NumberOfInspections 60

Project ID

Schedule Type Schedule the next inspection.

Talked to Manager N

Time In AM/PM AM

Time In Hour 12

Time In Minute 50

Time Out AM/PM AM

Time Out Hour 1

Time Out Minute 35

Travel Time Hour 00

Travel Time Minute 30

Violation Tickets Issued

## Additional Insp.

# Conduct Routine Inspection (0099693) for Job 000709261-013

## Process Edit

### Conduct Routine Inspection

Job 000709261-013

Lic #176354 LP Establishment: Mirage Cabaret

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Rupi Gill	Complete	Contravention(s) Identified	Nov 20, 2007		Jan 07, 2008 11:29:11	

## Details

Comments

External File Number 0099693

Floor Plan Inspected N

Inspection Date Dec 16, 2007

Inspections Required 1 every 3 months from the effective date

LicenceEffectiveDate Apr 30, 2002

Multiple Agency Inspection N

Name and Address Checked N

Next Scheduled Inspection Apr 7, 2008

Next Scheduled Inspection (Months) 3

Number of Patrons

NumberOfInspections 60

Project ID

Schedule Type Schedule the next inspection.

Talked to Manager Y

Time In AM/PM AM

Time In Hour 12

Time In Minute 15

Time Out AM/PM AM

Time Out Hour 1

Time Out Minute 30

Travel Time Hour 00

Travel Time Minute 10

Violation Tickets Issued

## Additional Insp.



# Conduct Routine Inspection (0112412) for Job 000709261-013

## Process Edit

### Conduct Routine Inspection

Job 000709261-013

Lic #176354 LP Establishment: Mirage Cabaret

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Rupi Gill	Complete	Contravention(s) Identified	Mar 08, 2009		Jun 01, 2009 15:06:11	

## Details

**Comments**

A routine inspection was conducted on April 9, 2009. I met with manager, Heath Ferguson. The premise appeared to be very busy. I decided to do a count of the premises. The first count yielded approximately 497 people. I brought this information to the attention of the manager. The count as noted on the doorman's clicker was 484 patrons in and 155 patrons out. I advised that I would be doing a second count of the premise. This time the final count was 484. I asked Heath how many staff were working at the time and had advised there were 30 staff. It turned out that the 30 staff were not accounted for in the count that the establishment was keeping and that is why they were over by approximately that amount. The manager advised he would ensure in the future that staff are accounted for to avoid the situation from reoccurring. I subsequently met with Heath Ferguson on April 24 at Surrey Regional office and issued contravention notice # B007583. Enforcement action not recommended in this situation as the manager was mistaken in not taking staff into account for the premise count. A compliance meeting was completed with the manager and will follow up to check for compliance at future inspections. Additionally, at the time of the inspection, the door staff ensured that no further patrons were permitted inside for the rest of the night. By the time the counts were completed, it was close to closing time for the establishment and many patrons were leaving the premise.

**External File Number** 0112412

**Floor Plan Inspected** N

**Inspection Date** Apr 9, 2009

**Inspections Required** 1 every 3 months from the effective date

**Licence Effective Date** Apr 30, 2002

**Multiple Agency Inspection** N

**Name and Address Checked** N

**Next Scheduled Inspection** Aug 1, 2009

**Next Scheduled Inspection (Months)** 2

**Number of Patrons**

**Number Of Inspections** 60

**Project ID**

**Schedule Type** Schedule the next inspection.

**Talked to Manager** Y

**Time In AM/PM** AM

**Time In Hour** 12

**Time In Minute** 55

**Time Out AM/PM** AM

**Time Out Hour** 1

**Time Out Minute** 30

**Travel Time Hour** 00

**Travel Time Minute** 15

**Violation Tickets Issued**

## Additional Insp.

# Conduct Routine Inspection (0114837) for Job 000709261-013

## Process Edit

### Conduct Routine Inspection

Job 000709261-013

Lic #176354 LP Establishment: Mirage Cabaret

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Rupi Gill	Complete	Contravention(s) Identified	Jun 30, 2009			Jun 30, 2009 13:36:24

# Conduct Routine Inspection (0114837) for Job 000709261-013

## Details

### Comments

Mirage Cabaret is a nightclub which holds a liquor primary class of liquor license. A routine inspection was conducted on June 5, 2009 from approximately 11:55 pm to 12:30 am. On arrival at the premise, I noted 3-4 door staff at the front door including Heath Ferguson, the manager. As staff were distracted by another matter, I proceeded to enter the establishment. I walked through the premise and noted a table situated to the right of the dance floor as viewed from the entrance to the establishment. The table had an ice bucket on it with what appeared to be a bottle of champagne in it. I watched as a female patron picked up the bottle and put it to her mouth, consuming the last of the liquid left in the bottle. I then walked to some tables on the opposite side, to the left of the dance floor. There I stood behind a booth style table where there were 6 patrons seated. I noted there was an ice bucket on this table as well. As I was standing directly behind the table, I had a clear unobstructed view of the bottle which was a 750 ml bottle of Grey Goose Vodka. Also on the table was a carafe of what appeared to be mix for the drinks. I watched as a male patron, who was standing at the table, picked up the bottle of vodka and proceeded to pour a drink for himself and one other patron. I watched this table of patrons for approximately 10 minutes and noted as 5 different drinks were poured by the patrons at the table. During this time, I did not note any staff approach the table to pur the alcohol or take control of the bottle. In essence the table of patrons had been served a full bottle of spirits, contrary to the terms and conditions of the liquor license.

After viewing this activity, I went to the front entrance and met with Heath Ferguson. I asked him if they provided "table service". He responded that they did. He stated that they sell a whole bottle of alcohol but then assign a staff person to the table where the patrons who purchased the bottle would be seated. The alcohol is to be poured and served by the staff person who is to retain control over the bottle. I advised him of my observations and that I had seen no staff person at this table. I then accompanied him back inside the premise to point out which table I had been observing. On receiving that information, he advised that he was going to find the server for that table to find out what had happened. I waited outside for him. After some minutes, he joined me outside and advised that he was not able to locate the server. I advised him that I would be following up with him with regards to this contravention and agreed to meet at Surrey Regional office.

I subsequently met with Heath Ferguson at Surrey Regional office on June 12, 2009 and issued contravention notice # B007586 for contravening a term and condition of the liquor license, specifically by serving a whole bottle of distilled liquor. Mr. Ferguson explained that during the time I had been observing the table in question, the server assigned to the table had gone on a break.

External File Number	0114837
Floor Plan Inspected	N
Inspection Date	Jun 5, 2009
Inspections Required	1 every 3 months from the effective date
LicenceEffectiveDate	Apr 30, 2002
Multiple Agency Inspection	N
Name and Address Checked	N
Next Scheduled Inspection	
Next Scheduled Inspection (Months)	
Number of Patrons	
NumberOfInspections	60
Project ID	
Schedule Type	
Talked to Manager	Y
Time In AM/PM	PM
Time In Hour	11
Time In Minute	55
Time Out AM/PM	AM
Time Out Hour	12
Time Out Minute	30
Travel Time Hour	00
Travel Time Minute	10
Violation Tickets Issued	

## Additional Insp.

# Conduct Routine Inspection (0117569) for Job 000709261-013

## Process Edit

### Conduct Routine Inspection

Job 000709261-013

Lic #176354 LP Establishment: Mirage Cabaret

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Ron Carriere	Complete	Contravention(s) Identify Oct 19, 2009				Oct 19, 2009 07:45:11

## Details

Comments	As a result of a complaint received by Inspector Gill, from the mother of a minor concerned that here daughter had gained entry into the Mirage Cabaret without being asked for ID and was allowed to purchase and consume liquor and leave the establishment in a state of intoxication.
External File Number	0117569
Floor Plan Inspected	N
Inspection Date	Sep 7, 2009
Inspections Required	1 every 3 months from the effective date
LicenceEffectiveDate	Apr 30, 2002
Multiple Agency Inspection	N
Name and Address Checked	N
Next Scheduled Inspection	Nov 19, 2009
Next Scheduled Inspection (Months)	1
Number of Patrons	
NumberOfInspections	60
Project ID	
Schedule Type	Create the next inspection immediately.
Talked to Manager	N
Time In AM/PM	AM
Time In Hour	1
Time In Minute	00
Time Out AM/PM	AM
Time Out Hour	1
Time Out Minute	15
Travel Time Hour	01
Travel Time Minute	00
Violation Tickets Issued	

## Additional Insp.

Relationship: Additional Inspector:  
Inspector Name Rupi Gill

**Job 000709261-036**

**Job Edit**

**C & E Complaint**  
**Job 000709261-036**

LPC V3R 2R6 SURREY 15330 102A Ave

Status: Contravention Identified

Created By: s.15

Date Created: Apr 14, 2008

Date Completed: Apr 14, 2008

Parent Job: 000709261-001 (176354)

Specific Location: Lic #:176354 LP Establishment:Mirage Cabaret

**Details**

Area Code

Badge

Complaint Type

MVA

Complainant Type

Provincial Government

Complainant Address

Complainant Phone

Complainant's Email Address

Complainant Name

Details

Received a copy of a coroner's report indication a patron at the Mirage was involved in a fatal MVA subsequent to leaving the club. Toxicology reports indicate that the BAC was more than double legal limit.

Establishment Address

Mirage Cabaret - 15330 102A Ave SURREY, BC V3R 7R6

Establishment Name

Mirage Cabaret

LPC No.

Management Acknowledgement

Heath Ferguson

Method of Receipt

Fax

Police Detachment

Police File Number

Police Officer

Constable Harrach

Project ID

Receive Date

Mar 19, 2008

**Details**



Establishment: Mirage Cabaret [Cabaret] Active: Y  
15330 102A Ave SURREY Last Routine Inspection: 2013-02-03

Liquor Primary: Job#:000709261-001 LP- Lic.#:176354

Status:Licence Approved Approved:1997-05-06 00:00:00 Licence Name:MIRAGE CABARET

**Alleged Contr.**

# Job 000709261-036

## Processes

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Receive Complaint/LPC						
Rupi Gill	Complete	Complaint Received			Apr 14, 2008 14:05:09	
Review Complaint						
Rupi Gill	Complete	Inspection Required	Apr 14, 2008		Apr 14, 2008 14:05:22	
Conduct Routine Inspection						
Rupi Gill	Complete	Contravention(s) Identified			Apr 14, 2008 14:06:50	
Lic #:176354 LP Establishment:Mirage Cabaret						
Create Contravention Notice						
	Complete	Created CN Job			Apr 14, 2008 14:06:53	

**Job 000709261-027**

**Job Edit**

**C & E Complaint**

**Job 000709261-027**

LPC A097286 V3R 2R6 SURREY 15330 102A Ave

Status: Contravention Identified

Created By: s.15

Date Created: May 23, 2006

Date Completed: May 23, 2006


Parent Job: 000709261-001 (176354)

Specific Location: Lic #:176354 LP Establishment:Mirage Cabaret

**Details**

Area Code  
Badge 49046  
Complaint Type Intoxication  
Complainant Type  
Complainant Address  
Complainant Phone  
Complainant's Email Address  
Complainant Name  
Details Police LPC received regarding overcrowding and intoxicated patron at nightclub  
Establishment Address Mirage Cabaret - 15330 102A Ave SURREY, BC V3R 7R6  
Establishment Name Mirage Cabaret  
LPC No. A097286  
Management Acknowledgement Corey Ferguson  
Method of Receipt  
Police Detachment  
Police File Number  
Police Officer Cst Ivan Sabo  
Project ID  
Receive Date

**Details**

 Establishment: Mirage Cabaret [Cabaret] Active: Y  
15330 102A Ave SURREY Last Routine Inspection: 2013-02-03  
  
Liquor Primary: Job#:000709261-001 LP- Lic. #:176354  
Status:Licence Approved Approved:1997-05-06 00:00:00 Licence Name:MIRAGE CABARET

Relationship: Contravention:  
 Alleged Contravention... C Overcrowd beyond person capacity less than or equal to occupant load, s. 6(4) Reg.  
 Alleged Contravention... Overcrowd beyond person capacity less than or equal to occupant load, s. 6(4) Reg..  
 AM/PM AM  
 Date Apr 14, 2006  
 Hour 1  
 Minute 35

Relationship: Contravention:  
 Alleged Contravention... C Permit person to become intoxicated, s. 43(2)(a) Act  
 Alleged Contravention... Permit person to become intoxicated, s. 43(2)(a) Act  
 AM/PM  
 Date Apr 23, 2006  
 Hour 1  
 Minute 35

## Processes

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Receive Complaint/LPC						
Rupi Gill	Complete	Complaint Received			May 23, 2006 10:33:46	
Review Complaint						
Rupi Gill	Complete	Inspection Required	May 23, 2006		May 23, 2006 10:34:12	
Conduct Routine Inspection						
Rupi Gill	Complete	Contravention(s) Identified			May 23, 2006 10:36:12	
Lic #:176354 LP Establishment:MIRAGE CABARET						
Create Contravention Notice						
	Complete	Created CN Job			May 23, 2006 10:36:16	



## Lic. Summary

Job	Type	Created	Issued	Completed	Status
000709261-001	Liquor Primary	Jul 25, 1996	May 06, 1997	May 06, 1997	Licence Approved
Mirage Cabaret - 15330 102A Ave SURREY, BC V3R 7R6					
000709261-002	Liquor Primary	Apr 07, 2000	Jul 11, 2001	Jul 11, 2001	Application Denied - Closed
Outdoor Patio (C3) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-003	Liquor Primary	Apr 07, 2000	Jan 22, 2001	Jan 22, 2001	Application Denied - Closed
Outdoor Patio (C3) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-004	Liquor Primary	Jul 05, 2001	Jul 05, 2001	Jul 05, 2001	Licence Change Approved
Hours (C3) Mirage Cabaret Private Corporation: 500166 B.C. Ltd.					
000709261-005	Liquor Primary	Mar 10, 2002	Mar 10, 2002	Mar 10, 2002	Licence Change Approved
Cap. Change/No Struct. (C2) Mirage Cabaret Private Corporation: 500166 B.C. Ltd.					
000709261-006	Liquor Primary	Feb 09, 2000		Apr 18, 2005	Application Terminated
Structural - No Cap. Change (C4) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-007	Liquor Primary Renewal	Feb 23, 1998	Apr 01, 1998	Apr 01, 1998	Licence Renewed
000709261-008	Liquor Primary Renewal	Mar 01, 1999	Apr 30, 1999	Apr 30, 1999	Licence Renewed
000709261-009	Liquor Primary Renewal	Feb 23, 2000	Apr 25, 2000	Apr 25, 2000	Licence Renewed
000709261-010	Liquor Primary Renewal	Feb 26, 2001	May 17, 2001	May 17, 2001	Licence Renewed
000709261-011	Liquor Primary Renewal	Feb 27, 2002	Apr 12, 2002	Apr 12, 2002	Licence Renewed
000709261-012	Liquor Primary Renewal	Nov 30, 2002	Apr 02, 2003		Licence Renewed
000709261-013	C & E Inspection	Mar 16, 2001			Inspections
V3R 2R6 SURREY 15330 102A Ave					
000709261-014	C & E Contravention Notice	Feb 21, 2002		Mar 05, 2002	No Enforcement Action
A002395 V3R 2R6 SURREY 15330 102A Ave					
000709261-015	Liquor Primary	Mar 12, 2003	May 03, 2005	May 03, 2005	Licence Change Approved
Hours (C3) Mirage Cabaret Private Corporation: 500166 B.C. Ltd.					
000709261-016	Liquor Primary Renewal	Apr 02, 2003	Apr 16, 2004		Licence Renewed
000709261-017	C & E Contravention Notice	Jan 07, 2004		Jan 20, 2004	No Enforcement Action
B002599 V3R 2R6 SURREY 15330 102A Ave					
000709261-018	C & E Complaint	Mar 24, 2004		May 23, 2006	Inspection Complete
LPC V3R 2R6 SURREY 15330 102A Ave					
000709261-019	Liquor Primary Renewal	Apr 16, 2004	Apr 12, 2005		Licence Renewed
000709261-020	Liquor Primary	Feb 18, 2005	Apr 01, 2005	Apr 01, 2005	Licence Change Approved
Cap. Change/No Struct. (C2) Mirage Cabaret Private Corporation: 500166 B.C. Ltd.					
000709261-021	Liquor Primary	Feb 18, 2005	Apr 01, 2005	Apr 01, 2005	Licence Change Approved
Structural - With Cap change (C3) Mirage Cabaret Private Corporation: 500166 B.C. Ltd.					

# Job 000709261-027

Job	Type	Created	Issued	Completed	Status
000709261-022	Liquor Primary Renewal	Apr 12, 2005	Apr 10, 2006		Licence Renewed
000709261-023	C & E Contravention Notice B001990 V3R 2R6 SURREY 15330 102A Ave	Sep 12, 2005		Sep 14, 2005	No Enforcement Action
000709261-024	C & E Complaint LPC A157157 V3R 2R6 SURREY 15330 102A Ave	Nov 22, 2005		Dec 05, 2005	Contravention Identified
000709261-025	C & E Contravention Notice B001996 V3R 2R6 SURREY 15330 102A Ave	Dec 05, 2005	May 30, 2006	May 30, 2006	Penalty Imposed
000709261-026	Liquor Primary Renewal	Apr 10, 2006	May 30, 2007		Licence Renewed
000709261-027	C & E Complaint LPC A097286 V3R 2R6 SURREY 15330 102A Ave	May 23, 2006		May 23, 2006	Contravention Identified
000709261-028	C & E Contravention Notice B001364 V3R 2R6 SURREY 15330 102A Ave	May 23, 2006	Jan 24, 2007	Jan 24, 2007	Penalty Imposed
000709261-029	C & E Contravention Notice B001354 V3R 2R6 SURREY 15330 102A Ave	May 29, 2006		Mar 29, 2007	Hearing - No Enforcement Actio
000709261-030	C & E Contravention Notice B001365 V3R 2R6 SURREY 15330 102A Ave	Jul 04, 2006		Jul 05, 2006	No Enforcement Action
000709261-031	C & E Contravention Notice B001376 V3R 2R6 SURREY 15330 102A Ave	Sep 15, 2006	Mar 14, 2007	Mar 14, 2007	Penalty Imposed
000709261-032	Liquor Primary Renewal	May 30, 2007	Mar 28, 2008		Licence Renewed
000709261-033	Liquor Primary Transfer of Ownership (C1) Mirage Cabaret Private Corporation: 0715423 BC Ltd.	Sep 26, 2007	Nov 23, 2007	Nov 23, 2007	Licence Change Approved
000709261-034	C & E Contravention Notice B008052 V3R 2R6 SURREY 15330 102A Ave	Jan 07, 2008		Jan 08, 2008	No Enforcement Action
000709261-035	Liquor Primary Renewal	Mar 28, 2008	Mar 18, 2009		Licence Renewed
000709261-036	C & E Complaint LPC V3R 2R6 SURREY 15330 102A Ave	Apr 14, 2008		Apr 14, 2008	Contravention Identified
000709261-038	Liquor Primary Transfer to New Location (C5) Jack's Pub Private Corporation: 0715423 BC Ltd.	Jul 23, 2008		Mar 16, 2009	Application Terminated
000709261-039	Liquor Primary Renewal	Mar 18, 2009	Mar 23, 2010		Licence Renewed
000709261-040	C & E Contravention Notice B007583 V3R 2R6 SURREY 15330 102A Ave	Jun 01, 2009		Jun 01, 2009	No Enforcement Action
000709261-041	C & E Contravention Notice B007586 V3R 2R6 SURREY 15330 102A Ave	Jun 30, 2009	Jul 24, 2009	Jul 24, 2009	Penalty Imposed
000709261-042	C & E Contravention Notice B007553 V3R 2R6 SURREY 15330 102A Ave	Oct 19, 2009		Jun 14, 2010	Withdrawn
000709261-043	Liquor Primary Renewal	Mar 23, 2010	Apr 06, 2011	Apr 06, 2011	Licence Renewed
000709261-044	Liquor Primary Temp Change to Hours of Sale - Any Hours (C3) Mirage Cabaret Private Corporation: 0715423 BC Ltd.	Jun 10, 2010	Jul 08, 2010	Jul 08, 2010	Licence Change Approved

**Job 000709261-027**

Job	Type	Created	Issued	Completed	Status
000709261-045	Liquor Primary	Jun 10, 2010	Jun 16, 2010	Jun 16, 2010	Licence Change Approved
Temp Change Delicensing - LP(C2) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-046	Liquor Primary	Jun 24, 2010		Jun 29, 2010	Application Terminated
Temp Change to Hours of Sale - Any Hours (C3) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-047	Liquor Primary	Jul 23, 2010	Aug 10, 2010	Aug 10, 2010	Licence Change Approved
Temp Change Delicensing - LP(C2) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-048	Liquor Primary	Aug 23, 2010	Aug 27, 2010	Aug 27, 2010	Licence Change Approved
Temp Change Delicensing - LP(C2) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-049	Liquor Primary	Nov 08, 2010	Nov 10, 2010	Nov 10, 2010	Licence Change Approved
Temp Change to Hours of Sale - Any Hours (C3) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-050	Liquor Primary	Nov 19, 2010	Nov 29, 2010	Nov 29, 2010	Licence Change Approved
Temp Change Delicensing - LP(C2) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-051	Liquor Primary	Dec 01, 2010	Dec 14, 2010	Dec 14, 2010	Licence Change Approved
Temp Change Delicensing - LP(C2) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-052	Liquor Primary	Dec 01, 2010	Dec 11, 2010	Dec 11, 2010	Licence Change Approved
Temp Change to Hours of Sale - Any Hours (C3) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-053	Liquor Primary Renewal	Apr 06, 2011	Apr 13, 2012	Apr 13, 2012	Licence Renewed
000709261-054	Liquor Primary	Nov 22, 2011		Nov 23, 2011	Application Terminated
Temp Change Delicensing - LP(C2) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-055	Liquor Primary	Nov 22, 2011	Nov 30, 2011	Nov 30, 2011	Licence Change Approved
Temp Change to Hours of Sale - Any Hours (C3) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-056	Liquor Primary	Nov 24, 2011	Nov 30, 2011	Nov 30, 2011	Licence Change Approved
Temp Change to Hours of Sale - Any Hours (C3) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-057	Liquor Primary	Nov 24, 2011	Nov 30, 2011	Nov 30, 2011	Licence Change Approved
Temp Change Delicensing - LP(C2) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-058	Liquor Primary	Nov 25, 2011		Nov 28, 2011	Application Terminated
Temp Change Delicensing - LP(C2) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-059	Liquor Primary Renewal	Apr 13, 2012			Initial
000709261-060	C & E Complaint	Oct 03, 2012		Nov 09, 2012	Inspection Complete
LPC V3R 2R6 SURREY 15330 102A Ave					
000709261-061	Liquor Primary	Oct 22, 2012	Oct 26, 2012	Oct 26, 2012	Licence Change Approved
Temp Change to Hours of Sale - Any Hours (C3) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					
000709261-062	Liquor Primary	Jan 17, 2013	Feb 05, 2013	Feb 05, 2013	Licence Change Approved
Temp Change to Hours of Sale - Any Hours (C3) Mirage Cabaret Private Corporation: 0715423 BC Ltd.					

**Docs**



The Best Place on Earth

November 14, 2006

Dennis Coates, Q.C.  
Mair Jensen Blair  
700 – 275 Lansdown Street  
Kamloops, BC V2C 6H6

Dear Mr. Coates:

**Re: 500166 B.C. Ltd. dba Mirage Cabaret, 15330 – Avenue, Surrey, BC V3R 2R6**  
**Liquor Primary Licence No. 176354 Case: EH06-086**

After several discussions with your office, I am scheduling this hearing as follows:

**Status**

Enforcement Hearing Date: **December 6, 2006**, commencing at **9:30 am**.  
(Please note that the hearing date will only be postponed in exceptional circumstances).

Hearing Location: Liquor Control and Licensing Branch Office  
Surrey Regional Office  
101-9180 King George Hwy  
Surrey, BC  
(604) 586-2641

Final Date for Disclosure of Documents and Witness names: **November 21, 2006**

If you have any questions, please feel free to contact me at (250) 387-0747 or toll free 1-866-209-2111. You may also call Mandy Fisher, case management administrator, at (250) 356-0010. Thank you.

Sincerely,

Elizabeth M. Barker  
Registrar, Enforcement Hearings

cc: Adjudicator  
Liquor inspector Rupi Gill

**Ministry of Public Safety  
and Solicitor General**

Liquor Control and  
Licensing Branch

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

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[http:// www.pssg.gov.bc.ca/clb](http://www.pssg.gov.bc.ca/clb)  
Page 241

EGM-2013-00038

## Enforcement Action Recommended

**Re: Contravention Notice Number:** B002599

**Job No:** 000709261-017

**Inspector:** Rupi Gill

**Date:** Jan 20, 2004

**Office Location:** Surrey

**Submitted To:** Michael Clark

---

### Establishment Information:

**Establishment Name:** MIRAGE CABARET

**Establishment Address:** 15330-102A AVE  
SURREY, BC V3R 2R6

**Licence No:** 176354      **Licence Class:** Liquor Primary      **Expiry Date:** Apr 30, 2004

**Licensee Name:** Private Corporation: 500166 B.C. Ltd. c/o Ferguson, Wayne

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### Terms and Conditions noted on licence face:

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### Contravention Information:

**Date Identified:** Jan 1, 2004

**Time Identified:** 01:35 hrs

**Contravention Name (e.g. supplying to minors)**

**Act or regulation section (e.g. LCLA s.33)**

1. Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b)

1. s. 12(2), Reg s. 71(2)(b)
-

---

## Review and Analysis:

I have reviewed:

Facts and circumstances of the contravention

☒ Yes

☐ No

Establishment compliance history

☒ Yes

☐ No

- Number of contravention notices on file: 1
- Number of contravention notices in past 12 months: 0
- Name, date(s) of any proved contravention(s) and the enforcement action taken:

Licensee compliance history

☐ Yes

☒ No

- If no, please explain:

Other file information

☒ Yes

☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes

☐ No

---

## Reasons no enforcement action recommended:

A review of the file shows no contravention notices/police LPCs or complaints in over 12 months. Further to the inspection, I contacted building inspector, Mike Barclay at the City of Surrey to confirm the building occupant load and was advised that since there was never a final inspection completed on the person capacity increase, it has not yet been established if the premise has completed requirements to actually be issued an occupant load of 450 for the building.

Given this issue, will hold a compliance meeting with the establishment to ensure further understanding of this contravention and to seek voluntary compliance.

---

Licensee Name: 500166 B.C. Ltd.  
Establishment Name: MIRAGE CABARET  
Licence Number: 176354

September 22, 2005

In addition you or your representative should return this letter to the session, with answers to the following questions:

1. Is your establishment being operated within all terms and conditions stated on the licence? Yes ☒ No ☐
2. Has there been a change in ownership, since your last administrative inspection? Yes ☒ No ☒
3. If licensed as an individual or partnership, are there any new or deleted partners, since your last administrative inspection? Yes ☐ No ☒
4. If licensed as a company, have there been any internal or external transfers of shares of capital stock, or capital stock of any holding company, since your last administrative inspection? Yes ☐ No ☒
5. Is there a third party use agreement in place? Yes ☐ No ☒
6. Is there a valid lease/title document to the property? Yes ☒ No ☐
7. Has the name of the establishment changed? Yes ☐ No ☒
8. Do you maintain a record of liquor purchases for your establishment? (Namely the Liquor Register you have been required to bring with you to this session.) Yes ☒ No ☐

The General Manager expects all licensees to fully cooperate with its inspection program, including attending the Branch's information sessions. In addition, you will be provided with important information aimed at assisting you in complying with all of the requirements of the Liquor Control and Licensing Act.

If you have any questions or are unable to attend on the requested date, contact Rupi Gill at (604) 586-2658.

Rupi Gill  
Surrey

**N.B. Please hand this completed page to the Inspector at the presentation.**

**I certify the above information to be correct as of this date.**

Signature: [Signature] Print Name: Heath Ferguson  
Position: Manager Date: Sept. 22/05

**PLEASE NOTE:**

The requirement that you or your manager attend a meeting with the documents listed in this letter is made under Section 73(1) of the Liquor Control and Licensing Act:

- 73 (1) To obtain information respecting the administration of enforcement of this Act or the regulations, the general manager or a person designated by the general manager may
- a) require the licensee to produce any prescribed document relating to the operation of the business licensed under the Act.

**Failure to comply with this request is a contravention of the Act and you may be subject to a licence suspension (10-60 days) and/or monetary penalties.**

## No Enforcement Action Recommended

**Re: Contravention Notice Number:** B001990

**Contravention Notice Date:** Sep 9, 2005

**Job No:** 000709261-023

**Inspector:** Rupi Gill

**Date**

**Prepared:** Sep 14, 2005

**Office Location:** Surrey

**Submitted To:** Michael Clark

---

### Establishment Information:

**Establishment Name:** MIRAGE CABARET

**Establishment Address:** 15330-102A AVE  
SURREY, BC V3R 2R6

**Licence No:** 176354

**Licence Class:** Liquor Primary

**Expiry Date:** Apr 30, 2006

**Licensee Name:** Private Corporation: 500166 B.C. Ltd. c/o Ferguson, Wayne

---

### Terms and Conditions noted on licence face:

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### Contravention Information:

**Contravention Name (e.g. supplying to minors)**

**Date and Time identified**

1. Permit intoxicated person to remain, s.  
43(2)(b)

1. Sep 10, 2005 1:45 AM
-



---

## Review and Analysis

I have reviewed:

Facts and circumstances of the contravention

☒ Yes

☐ No

Establishment compliance history

☒ Yes

☐ No

- Number of contravention notices on file: 2
- Number of contravention notices in past 12 months: 0
- Name, date(s) of any proved contravention(s) and the enforcement action taken:

Licensee compliance history

☐ Yes

☒ No

- If no, please explain: Not available

Other file information

☒ Yes

☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes

☐ No

---

### Reasons no enforcement action recommended:

A review of the file shows that there is no recent history with respect to this contravention. Last contravention notice issued was in Jan 2004 with respect to overcrowding. Further, there was only the one intoxicated patron identified in the premise during the course of the inspection and staff was cooperative in removing him when he was pointed out. Recommend no enforcement action at this time and will instead follow up with licensee and conduct a compliance meeting.

---

Nov 18/05 - 10:00 AM - left msg. for Corey Ferguson  
@ <sup>s.22</sup> re: contact me about the  
LPC. I would be issuing a CN -  
perhaps best to set up appt & meet.

ID equipment was being used that evening.

Treo scope - id scanning equipment.  
- used by Barwatch.  
696-2400.

1:15-1:20

0100- the miners were in  
the bar prior to entering  
the establishment.

Apr 6-17 not available



**NOTICE OF ENFORCEMENT ACTION**  
***Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267***

File No: EH05-160  
Job No: 000709261-025

December 20, 2005

500166 B.C. Ltd.  
c/o Wayne Ferguson  
15330-102A AVE.  
Surrey, BC V3R 7R6  
Canada  
Telephone: (604) 460-7651

Fax: (604) 460-7651

Dear Wayne Ferguson:

**Re: License Number: 176354**  
License Type: Liquor Primary  
License Expiry Date: April 30, 2006  
Establishment: MIRAGE CABARET  
15330-102A AVE  
SURREY, BC V3R 2R6

The purpose of this notice is to inform you that the General Manager is taking enforcement action for the alleged contravention(s) of the *Liquor Control and Licensing Act*, the *Regulations*, and/or the terms and conditions of your license as set out in this notice.

The General Manager will consider the information contained in this notice at the enforcement hearing.

**THE ALLEGED CONTRAVENTION(S)**

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and Time of Contravention(s)	Proposed Penalty
1.	Minors in premises, s. 35	s. 35	Oct 28, 2005 1:00 AM	1 day suspension

Ministry of  
Public Safety and  
Solicitor General

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[www.pssg.gov.bc.ca/lclt](http://www.pssg.gov.bc.ca/lclt)

## **SUMMARY OF EVIDENCE**

Mirage Nightclub is a liquor primary establishment operating as a nightclub in the city of Surrey. The hours of business are 11 am-1 am Monday through Wednesday and 11 am-2 am on Thursday to Sunday.

On Oct 28, 2005, two members of the Surrey RCMP, Constables Williams and Walberg, conducted a walk through of the establishment from approximately 12:50 to 1:05 am. Both constables entered the establishment and checked the washrooms. After being in the establishment approximately five minutes, they proceeded towards the back of the establishment where they noticed two females who came to their attention because they appeared very young, possibly underage, to the officers. These two females, later identified as s.22 (DOB: s.22 ) and s.22 (DOB: s.22 ) were observed walking away from the north side of the bar service area. They were not noted speaking to any staff person nor was there any staff observed in the nearby vicinity. s.22 were not observed consuming any alcohol and they did not have any drinks in hand when they were stopped by the police officers. The police asked for identification but both minors advised they had no identification with them. Their identities were verified by the police officers by doing a check on CPIC. s.22 advised that they entered the establishment by carrying glasses they had brought from home and walking into the establishment as if they had already been in and were now returning. They advised that one of the doormen told them not to take drinks outside. They were not asked to produce any identification by any staff person. The police officers note that there were seven doorstaff on duty that evening.

The constables issued violation tickets to the minors citing LCLA s. 34 (2), minor in liquor establishment. In addition, the contravention was made known to staff by way of an LPC (#A157157) which was issued for minors in premise and signed for by manager, Corey Ferguson. I met with Corey Ferguson and Heath Ferguson at Surrey Regional office on Nov 23, 2005 to discuss the contravention. They indicated that they have practices in place with respect to the issue of minors. They have a written policy outlining staff responsibility to ask for two pieces of id. They also make use of the Treoscope identification verification equipment. The manager reviews the policy with the staff but staff are not tested on their understanding of the policy. In this situation however, the two minors were not asked to produce any identification even though they did have contact with one of the doorstaff. Both managers acknowledged that there had been a mistake made on the part of the doorman in not asking for identification of the two females. They have since provided a written warning letter to the staff person involved in the incident. Contravention notice #B001996 was issued as a follow up to the police licensed premise check.

## **ALLEGED CONTRAVENTION(S)**

**Contravention Number** B001996 : C Minors in premises, s. 35

### **Reasons for Recommending Enforcement Action**

Alcohol has a negative effect on growing bodies and developing minds. Minors lack the capacity to metabolize alcohol in the same manner as adults and therefore liquor has a more intoxicating effect on minors and liquor is a significant factor in many crimes committed by youth including serious driving offenses, assault, sexual assault and theft. There is a significant public safety interest in limiting access that minors may have to alcohol which is why minors are prohibited from entering into liquor primary establishments. In this instance, there were two minors who were able to gain entry despite the fact that there were several doorstaff posted at the entrance.

The alleged contravention is defined in Schedule 4 of the Liquor Control and Licensing Regulations under item 3.

### **Reasons for the Proposed Penalty**

The range of penalties for permitting a minor in the premises is a 1-3 day license suspension and/or a \$1000-\$3000 monetary penalty.

A review of the file shows no previous contravention with respect to this issue so the suspension penalty is considered appropriate to gaining future compliance.

Therefore;

For the alleged contravention of Minors in premises, s. 35 (Contravention Notice Number B001996) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 1 day is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a first contravention.

The suspension will be served starting on a Thursday and will continue on successive business days until completed.

## **THE PROCEDURES**

An enforcement hearing may be scheduled to determine whether the alleged contravention(s) occurred and the appropriate penalty, if any, that should be imposed. You can contest the contravention(s) and/or the proposed penalty at the enforcement hearing.

**Please Note:** If a penalty is warranted, the General Manager may;

- Impose a suspension of the liquor license for a period of time;
- Cancel a liquor license;
- Impose terms and conditions to a license or rescind or amend existing terms and conditions;
- Impose a monetary penalty; or
- Order a licensee to transfer a license.

An enforcement hearing can be time consuming and costly for all participants. If you sign a waiver, there will be no need for an enforcement hearing for the alleged contravention(s) or the lesser but included contravention(s). By signing the waiver, you expressly and irrevocably:

- Agree that the contravention(s) occurred,
- Accept the proposed penalty in this letter,
- Waive the enforcement hearing, and
- Agree that the finding(s) of contravention(s) and the penalty will form part of your compliance history as a licensee.

Generally, the waiver must be signed within 14 days of the date of this letter. If you decide you want to sign a waiver, please contact me as soon as possible to arrange an appointment.

## **CONTACTS**

(1) If you do not sign a waiver, the case management administrator will contact you with details of the enforcement hearing process. The case management administrator contact information is:

Shirley Martin; (250) 356-0010; Shirley.Martin@gov.bc.ca

(2) Please contact me at (604) 586-2658 if you want to sign a waiver notice or if you have any questions regarding this notice.

Yours truly,

Rupi Gill  
Surrey

Attachments:  
Appendices A & B  
Copy of Enforcement Hearing Rules  
Copy of Liquor Licence  
Copy of Contravention Notice  
Copy of Red line Floor Plan

## APPENDIX A

### License Information

License number: 176354  
License type: Liquor Primary  
License expiry date: April 30, 2006

At an enforcement hearing, the branch may present the following information related to allegations of non-compliance for which the branch did not pursue enforcement action. If there is a finding that the contravention(s) alleged which are the subject of this Notice of Enforcement Action did occur, the following information may be considered by the General Manager, for the purpose of determining what penalty, if any, is appropriate. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions:

Date of Incident	Alleged Contravention	Identifying Document(s)
October 28, 2005	Minors in premises, s. 35	CN # B001996
September 10, 2005	Permit intoxicated person to remain, s. 43(2)(b)	CN # B001990
January 01, 2004	Overcrowding beyond patron capacity more than occupant load, s. 12(2), Reg s. 71(2)(b)	CN # B002599
February 21, 2002	LICENCE CAPACITY - REG.	CN # A002395

### Compliance Meetings:

Date	Topic
August 06, 2002	
September 22, 2005	Permit intoxicated person to remain, s. 43(2)(b)

## **APPENDIX B**

### **License Information**

License Number: 176354  
License Type: Liquor Primary  
License Expiry Date: April 30, 2006

At an enforcement hearing, the General Manager will consider compliance history when determining the appropriate penalty for each contravention.

### **LICENSEE'S COMPLIANCE HISTORY**

The licensee's compliance history consists of any prior findings of contraventions and penalties that relate to the licensee in question. A finding of contravention results when the licensee signs a waiver or the General Manager makes a decision that a contravention did occur. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions.

*- No compliance history found*

### **ESTABLISHMENT'S COMPLIANCE HISTORY**

The establishment's compliance history consists of any prior findings of contraventions and penalties that relate to the establishment in question. A finding of contravention results when the licensee responsible for the establishment signs a waiver or the General Manager makes a decision that a contravention did occur.

*- No compliance history found*





Royal Canadian Gendarmerie royale  
Mounted Police du Canada

**FACSIMILE /MESSAGE  
TRANSMITTAL**

**ENVOI D'UN MESSAGE  
PAR TÉLÉCOPIEUR**

Security Classification/Designation  
Classification/désignation

Protected A

Précédence - Priorité

ROUTINE

TO À  
Rupl GILL  
Compliance and Enforcement Officer  
Liquor Control and Licensing Branch - Surrey Regional Office

Date

2005-11-01

Reference No. - N° de référence

Your File - Votre n° de dossier

FOR YOUR  
INFO.  
POUR VOTRE  
INFORM.

FROM DE  
Name - Nom  
Cst. Scott WILLIAMS

Our File - Notre n° de dossier

2005-136784

Div. Sub-Div. - S.-div.

Branch - Service

E

Surrey Detachment

PIRS ORI  
IND SRRJ

CPIC ORI  
IND CIPC

OSR - RSO

Section  
General Duty

Unit - Unité  
District 2

Unit Coll. - Code d'interclass. de serv.

SENDER - EXPÉDITEUR

RECIPIENT - DESTINATAIRE

Fax No. - N° de téléc. Tel. No. - N° de tél.

604-502-6524

604-599-0502

Fax No. - N° de téléc.

604-586-2640

Bus. Tel. No. - N° de tél. bur. Res. Tel. No. - N° de tél. rés.

604-586-2658

SUBJECT Mirage Cabaret - Minor in Licensed Establishment  
OBJET

Total number of pages including this one:

Nombre total de pages, y compris celle-ci : 4

COMMENTS  
COMMENTAIRES

Ms. GILL,

I have attached the Police Licensed Premise Check and the two violation tickets with respect to two minors being inside the Mirage Cabaret located at 15330 102A Avenue, Surrey, BC on 2005-10-28. The two minors produced no identification, however their identities were verified using CPIC. Also, both of the minors stated that they entered the bar by bringing glasses from home and walking into the bar as if they had left with their drinks and returned. There were seven doorman on duty that evening.

If you have any further questions please contacted me.

Cst. Scott WILLIAMS  
Royal Canadian Mounted Police  
Surrey Detachment

This message is intended for the use of the addressee. Disclosure of message content may breach one or more laws. If you have received this communication in error, notify the sender immediately by telephone.

Cette communication est exclusivement destinée à qui elle est adressée. La divulgation de son contenu peut constituer une infraction à une ou plusieurs lois. Si vous avez reçu cette communication par erreur, veuillez en aviser immédiatement l'expéditeur par téléphone.

Operator - Opérateur

Telephone No. - N° de téléphone

Daily No. - N° quotidien

TO BE DELIVERED BY  
À LIVRER D'ICI LE

Date

Time - Heure

Authorizing Signature - Signature de l'approbateur

Date

2005-11-01

Time - Heure

REPLY REQUIRED BY  
RÉPONSE D'ICI LE

RCMP GRC 2875 (2003-06) ICS

Canada



**BRITISH COLUMBIA**  
Office Act

**VIOLATION  
TICKET**

**05-136786  
AH02626177**

ISSUED TO:

s.22

THE ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT:

THE ABOVE NAMED, AS: ☐ DRIVER ☐ CYCLIST ☐ OWNER (Per Section 83(2) of the Motor Vehicle Act)

☒ PEDESTRIAN ☐ PASSENGER ☐ OTHER

ON OR ABOUT 05-10-20 AT THE TIME OF 01:00 (24hr Clock)

ON Wagon, Night Club 15330

AT OR NEAR 1024 Ave, SURREY IN THE PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE(S) INDICATED, UNDER THE FOLLOWING ACT OR ITS REGULATIONS:

☐ (MVA) MOTOR VEHICLE ACT ☐ (WLA) WILDLIFE ACT ☒ (LCA) LIQUOR CONTROL & LICENSING ACT  
☐ (MCA) MOTOR CARRIER ACT ☐ (FAA) FIREARM ACT ☐ (TCP) TRANSIT CONDUCT & SAFETY REGS.  
☐ (CTA) COMMERCIAL TRANSPORT ACT ☐ OTHER (SPECIFY)

DESCRIPTION OF OFFENCE(S)	ACT / REGS	SECTION	* TICKETED AMOUNT
Minor in liquor LCA est 6/10/20	<input checked="" type="checkbox"/> ACT <input type="checkbox"/> REGS	34(2)	\$115
	<input type="checkbox"/> ACT <input type="checkbox"/> REGS		\$
	<input type="checkbox"/> ACT <input type="checkbox"/> REGS		\$

\* THIS TICKETED AMOUNT CONSISTS OF THE FINE FOR THE ALLEGED OFFENCE AND A 15% VICTIM SURCHARGE LEVY.

INVOLVING THE VEHICLE: PROV. STATE PLATE NUMBER: NSC/POL. INSC NUMBER:

BEARING LICENSE PLATE:

REGISTERED OWNER NAME:

VEHICLE MAKE: TYPE: COLOUR: YEAR: ACCIDENT: Y/N

IF YOU WANT TO DISPUTE ANY ALLEGATIONS OR FINE AMOUNT ON THIS VIOLATION TICKET, YOU MAY DELIVER A NOTICE OF DISPUTE TO:

13428-78 AVENUE, SURREY, BRITISH COLUMBIA

OR MAIL OR DELIVER A NOTICE OF DISPUTE AS DESCRIBED ON THE REVERSE

PROVINCIAL COURT HEARING LOCATION: DATE OF SERVICE: COURT: JUDGE:

RICHMOND, B.C. 01/19/05

ENF. OFFICER: ORGANIZATION / DETACHMENT / LOCATION: SURREY RCMP

SHADED AREAS OF THIS TICKET ARE NOT PART OF THE OFFENCE CHARGED

ENFORCEMENT OFFICER'S SIGNATURE: [Signature]

IF THE ALLEGATIONS OR FINES ARE NOT DISPUTED (SEE REVERSE) WITHIN 30 DAYS, THIS TICKET WILL BE TREATED AS NOT DISPUTED, YOU WILL BE DEEMED TO HAVE PLEADED GUILTY TO THE ALLEGED OFFENCE(S) AND TO OWE THE CROWN THE TICKETED AMOUNTS. YOUR SIGNATURE INDICATES YOU HAVE RECEIVED THIS TICKET AND IS NOT AN ADMISSION OF GUILT.

I HEREBY ACKNOWLEDGE RECEIPT OF A COPY OF THIS VIOLATION TICKET

ALLEGED OFFENDER'S SIGNATURE: SERVED

VT ADMIN



**BRITISH COLUMBIA**  
Offences Act

ISSUED TO:

**VIOLATION  
TICKET**

**AN16367329**

2005-136788

s.22

THE ENFORCEMENT OFFICER SAYS THAT HE OR SHE HAS REASONABLE AND PROBABLE GROUNDS TO BELIEVE, AND DOES BELIEVE, THAT THE ABOVE NAMED, ARE: ☐ DRIVER ☐ CYCLIST ☐ OWNER ☐ PASSENGER ☒ OTHER *Patron*

VIOLATION DATE: *2005* MM *10* DD *28* AT THE TIME OF: *01:00* (24hr Clock)

ON OR ABOUT

ON

*15330 102a Ave*

AT OR NEAR

PLACE/ORT/TOWN

SURREY

IN THE PROVINCE OF BRITISH COLUMBIA

DID COMMIT THE OFFENCE(S) INDICATED, UNDER THE FOLLOWING ACT OR ITS REGULATIONS:

- ☐ (MVA) MOTOR VEHICLE ACT ☐ (WLA) WILDLIFE ACT ☒ (CCA) LIQUOR CONTROL & LICENSING ACT  
☐ (MCA) MOTOR CARRIER ACT ☐ (FPA) FIREARM ACT ☐ (TCR) TRAVEL CONDUCT & SAFETY REGS.  
☐ (CTA) COMMERCIAL TRANSPORT ACT ☐ OTHER (SPECIFY)

DESCRIPTION OF OFFENCE(S)	ACT/REGS.	SECTION	TICKETED AMOUNT
<i>Minor in Liquor Establishment</i>	<input checked="" type="checkbox"/> ACT	<i>34(2)</i>	<i>\$115.00</i>
	<input type="checkbox"/> REGS		
	<input type="checkbox"/> ACT		\$
	<input type="checkbox"/> REGS		
	<input type="checkbox"/> ACT		\$
	<input type="checkbox"/> REGS		

\* THIS TICKETED AMOUNT CONSISTS OF THE FINE FOR THE ALLEGED OFFENCE AND A 15% VICTIM SURCHARGE LEVY.

INVOLVING THE VEHICLE	PROV. STATE	PLATE NUMBER	REG. NO.	REG. NUMBER
VEHICLE MAKE	TYPE	COLOUR	YEAR	ACCIDENT
IF YOU WISH TO DISPUTE ANY ALLEGATIONS OR FINE AMOUNT ON THIS VIOLATION TICKET, YOU MAY DELIVER A NOTICE OF DISPUTE TO:				
10420-78 AVENUE, SURREY, BRITISH COLUMBIA				
PROVINCIAL COURT HEARING LOCATION:				
RICHMOND, B.C.				
DATE OF SERVICE: MM DD				
BY OFFICER: 48853				
ORGANIZATION/DETACHMENT LOCATION: SURREY RCMP				

SHADED AREAS OF THIS TICKET ARE NOT PART OF THE OFFENCE CHARGED

ENFORCEMENT OFFICER'S SIGNATURE

IF THE ALLEGATIONS OR FINES ARE NOT DISPUTED (SIC REVERSED) WITHIN 30 DAYS, THIS TICKET WILL BE TREATED AS NOT DISPUTED, YOU WILL BE DEEMED TO HAVE PLEADED GUILTY TO THIS ALLEGED OFFENCE(S) AND TO OWE THE CRIMINAL JUSTICE SYSTEM THE FULL AMOUNT OF THE FINES AND COSTS. THIS TICKET AND THE RECEIPT ACKNOWLEDGE RECEIPT OF A COPY.

ALLEGED OFFENDER'S SIGNATURE

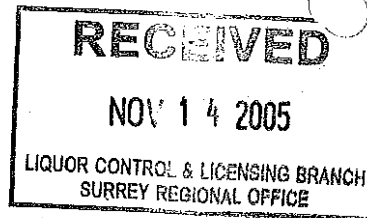
s.22

VT ADMIN



Royal  
Canadian  
Mounted  
Police

Gendarmerie  
royale  
du  
Canada



Security Classification / Designation  
Classification / Désignation sécuritaire

Your file

Votre référence

Date: 05 NOV 08

Our file      Notre référence  
05.136786

Liquor Control and Licensing Branch,  
# 101 - 9180 King George Highway,  
SURREY, B.C.  
V3V 5V9

ATTENTION: Regional Manager

Dear Sir / Madam:

Re: Licensed Premises Sheets

I have enclosed for your information, copies of Licensed Premises Inspection Tickets for liquor establishments in Surrey, B.C.

Our files at this time are concluded pending any assistance required by your office.

Yours truly,

K.C. GATES, Superintendent  
Operations Officer,  
Surrey Detachment,  
14355 - 57<sup>th</sup> Avenue,  
Surrey, B.C.  
V3X 1A9

/attach

Canada

## No Enforcement Action Recommended

**Re: Contravention Notice Number:** B001990

**Contravention Notice Date:** Sep 9, 2005

**Job No:** 000709261-023

**Inspector:** Rupi Gill

**Date**

**Prepared:** Sep 14, 2005

**Office Location:** Surrey

**Submitted To:** Michael Clark

---

### Establishment Information:

**Establishment Name:** MIRAGE CABARET

**Establishment Address:** 15330-102A AVE  
SURREY, BC V3R 2R6

**Licence No:** 176354

**Licence Class:** Liquor Primary

**Expiry Date:** Apr 30, 2006

**Licensee Name:** Private Corporation: 500166 B.C. Ltd. c/o Ferguson, Wayne

**Terms and Conditions noted on licence face:**

---

### Contravention Information:

**Contravention Name (e.g. supplying to minors)**

**Date and Time identified**

1. Permit intoxicated person to remain, s. 43(2)(b)

1. Sep 10, 2005 1:45 AM
-

---

**Review and Analysis:**

I have reviewed:

Facts and circumstances of the contravention

☒ Yes☐ No

Establishment compliance history

☒ Yes☐ No

- Number of contravention notices on file: 2
- Number of contravention notices in past 12 months: 0
- Name, date(s) of any proved contravention(s) and the enforcement action taken:

Licensee compliance history

☐ Yes☒ No

- If no, please explain: Not available

Other file information

☒ Yes☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes☐ No

---

**Reasons no enforcement action recommended:**

A review of the file shows that there is no recent history with respect to this contravention. Last contravention notice issued was in Jan 2004 with respect to overcrowding. Further, there was only the one intoxicated patron identified in the premise during the course of the inspection and staff was cooperative in removing him when he was pointed out. Recommend no enforcement action at this time and will instead follow up with licensee and conduct a compliance meeting.

---

MIRAGE CABARET

No. B 007586



BRITISH COLUMBIA

Liquor Control and Licensing Act  
and Regulation 244/2002

**CONTRAVENTION NOTICE**

Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: Mirage Cabaret  
Establishment address: 15330 102<sup>nd</sup> Ave  
Surrey, BC V3R 2R6  
Licensee name: 0715423 BC Ltd  
Licence #: 176354 Date CN issued: 06/03/07  
Date and time of alleged contravention(s): 07/05/07 10:00 PM

On the date noted above, the following alleged contravention(s) of the Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	<u>Term &amp; Condition</u>	512. <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2		<input type="checkbox"/> Act <input type="checkbox"/> Reg
3	<b>ENTERED IN POSSE</b>	<input type="checkbox"/> Act <input type="checkbox"/> Reg
4		<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Service of full bottle of  
distilled liquor contrary to  
term & condition of license  
specifically full bottle of Grey Goose Vodka

Inspector name: Det. G. G. G. Badge #: 58  
Telephone: (604) 586-2658 LPC #: \_\_\_\_\_  
Management acknowledgement (name and title): \_\_\_\_\_

The general manager may proceed with enforcement action on the basis of this contravention notice. The licensee will generally be notified within 45 days if enforcement action is proposed.

COPY 3: LCLB HEADQUARTERS COPY (forward to headquarters)

NO. B 007583



BRITISH COLUMBIA

Liquor Control and Licensing Act  
and Regulation 244/2002

**CONTRAVENTION NOTICE**

Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: Murphy Cabaret  
Establishment address: 15330 100th Ave  
Surrey BC V5R 2K6  
Licensee name: 0715423 BC / id  
Licence #: 176354 Date CN issued: MM/DD/YY  
Date and time of alleged contravention(s): MM/DD/YY 00:00

On the date noted above, the following alleged contravention(s) of the Liquor Control and Licensing Act or regulation were identified:

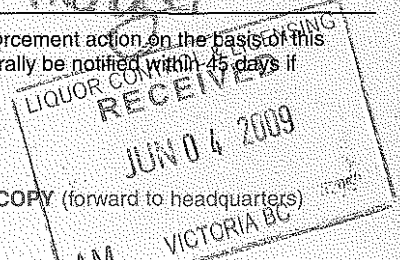
	Contravention	Section
1	Overcrowding beyond	<input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg
2	person capacity	<input type="checkbox"/> Act <input type="checkbox"/> Reg
3		<input type="checkbox"/> Act <input type="checkbox"/> Reg
4	ENTERED IN POSSE	<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Area 01 = person capacity 275  
Area 02 = person capacity of 175  
total = 450. on night of contravention  
2 crowds completed. Count 1 = 497 Count 2 = 46

Inspector name: Ryan Gille Badge #: 58  
Telephone: 604-586-2688 LPC #: \_\_\_\_\_  
Management acknowledgement (name and title): \_\_\_\_\_

The general manager may proceed with enforcement action on the basis of this contravention notice. The licensee will generally be notified within 45 days if enforcement action is proposed.

COPY 3: LCLB HEADQUARTERS COPY (forward to headquarters)







Ministry of  
Public Safety and  
Solicitor General

Liquor Control and  
Licensing Branch

Mailing Address:  
PO Box 9292 Stn Prov Govt  
Victoria, B.C. V8W 9J8  
Telephone: (250) 387-1254  
Facsimile: (250) 387-9184

No. C004758

## COMPLIANCE MEETING

Inspector's Name: Ryan Gille

Date: April 24/09

Office Location: Surrey

### ESTABLISHMENT INFORMATION:

Establishment Name: Marque Cabaret

Establishment Address: 15330 102<sup>nd</sup> Ave, Surrey BC V3W 2K6

Licence No.: 0196554 Licence Class: LP Expiry date: April 2010

Licensor Name: 0215403 P.C. Ltd.

### MEETING DETAILS:

Attendees at compliance meeting:

Name: Heath Ferguson Association/Position: General Manager Contact No. s.22

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Reason compliance meeting was convened (cite CN # if relevant): 6007583

Information reviewed at the meeting:

- ☐ Relevant section(s) of the *Liquor Control and Licensing Act*
- ☒ Relevant section(s) of the *Liquor Control and Licensing Regulations*
- ☐ Relevant section(s) of the *Compliance and Enforcement Program, Policy and Procedures Manual*
- ☐ Relevant section(s) of the *Guide to Liquor Licensees*
- ☐ Other \_\_\_\_\_

ENTERED IN POSSE

LIQUOR CONTROL & LICENSING  
RECEIVED  
JUN 04 2009  
AM VICTORIA BC

Commitments made by licensee: Following the surrounding "entertainment" Manager has been advised that the staff must be accounted for the total count of the establishment. On the night in question there were approximately 30 staff on the premises which were not accounted for on the manager's count.

Inspector Name: Ryan Gille Inspector Signature: [Signature]

Licensor Name: Heath Ferguson Licensee Signature: [Signature]



BRITISH  
COLUMBIA

ENTERED IN POSSE No B 008055

Liquor Control and Licensing Act  
and Regulation 244/2002

### CONTRAVENTION NOTICE

Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: Mirage Cabaret

Establishment address: 15330 102<sup>nd</sup> Ave.  
Surrey BC V3R 2R6

Licensee name: DAK 423 BC Ltd.

Licence #: 176354 Date CN issued: 01/10/08

Date and time of alleged contravention(s): 01/08/07 00:05 approx

On the date noted above, the following alleged contravention(s) of the  
Liquor Control and Licensing Act or regulation were identified:

Contravention	Section
1 Permit person to become	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2 to become intoxicated	<input type="checkbox"/> Act <input type="checkbox"/> Reg
3 Permit intoxicated person	<input type="checkbox"/> Act <input type="checkbox"/> Reg
4 to remain	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Single vehicle accident

Female occupant, had been in the  
Mirage prior to accident and  
rear window blood alcohol content  
0.17%

Inspector name: Rupie Gies Badge #: 58

Telephone: (604) 561-2655 LPC #: \_\_\_\_\_

Management acknowledgement (name and title): \_\_\_\_\_

Xhead Manager

The general manager may proceed with enforcement action on the basis of this  
contravention notice. The licensee will generally be notified within 45 days if  
enforcement action is proposed.

COPY 3: LCLB HEADQUARTERS COPY (forward to headquarters)

No. B 008052

BRITISH  
COLUMBIALiquor Control and Licensing Act  
and Regulation 244/2002**CONTRAVENTION NOTICE**Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: Mirage Cabaret  
 Establishment address: 15335 100<sup>th</sup> Ave.  
Surrey BC V3R 2K6  
 Licensee name: 0715423 BC Ltd  
 Licence #: 176354 Date CN issued: MM/DD/YY  
 Date and time of alleged contravention(s): MM/DD/YY 00:00:00

On the date noted above, the following alleged contravention(s) of the  
Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	Person intoxicated	<input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg
2	Person to remain	<input type="checkbox"/> Act <input type="checkbox"/> Reg
3	ENTERED IN POSSE	<input type="checkbox"/> Act <input type="checkbox"/> Reg
4		<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Intoxicated female  
behaving in establishment  
3 hours, show signs of  
intoxication in the last 15 minutes

Inspector name: Rup Gill Badge #: 51  
 Telephone: (604) 550-2655 LPC #:   
 Management acknowledgement (name and title): Michael Manager

The general manager may proceed with enforcement action on the basis of this  
contravention notice. The licensee will generally be notified within 45 days if  
enforcement action is proposed.

COPY 3: LCLB HEADQUARTERS COPY (forward to headquarters)

LCLB-C&amp;E-Surrey

## Referral Slip

Wed, Aug 26, 2009 9:39 AM

Action: **Investigate-Liquor Inspection** Due: **2009/07/01** Log ID: **145651**

s.22

Type: Webmail

Written:

Office: LCLB- Liq Ctrl&amp;Licen

Received: 2008/12/03

Entered By: TAOMEGA

Interim:

Sign By:

Signed:

Batch:

Closed: 2009/07/20

File No.:

☒ Confidential☐ Frequent Writer☐ Elected Official

Phone:

Fax:

Email:

s.22

Addressed to:

Drafter:

Issue:

LCLB-Compliance and Enforcement

MLA:

X-Ref:

Electoral Dist:

Other Info:

Copied to:

FILE COPY

## Subject

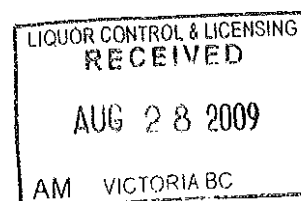
Complaint re: Mirage Nightclub and Bottle Service - Guildford Mall - 152nd street and 104th Avenue - Surrey, BC

## Referrals

From: LCLB- Liq Ctrl&Licen	Sent: 2008/12/03	Rcvd:	Status: Rupi Gill
To: LCLB-C&E-Surrey	Due: 2009/07/01	Active: 190 days	State:
Action: Investigate-Liquor Inspection	Cmpltd: 2009/07/20		

From Notes: 2008/12/03 TAOMEGA (LCLB- Liq Ctrl&amp;Licen)To Teresa Derksen for assignment.

To Notes: 2008/12/03 TEDERKSE (LCLB-C&E-Surrey)received, assigned to area Inspector Rupi Gill to investigate and report.  
 2009/02/10 TEDERKSE (LCLB-C&E-Surrey)Inspector Rupi Gill reports: the phone # goes to a voicemail for a business, I have not been able to reach the complainant, s.22 as yet but am going to be arranging a covert inspection based on the availability of vancouver inspectors.  
 2009/03/30 TEDERKSE (LCLB-C&E-Surrey)Rupi Gill reports: covert has been arranged for April 16, 2009.2009/07/13 TEDERKSE (LCLB-C&E-Surrey)spoke with Inspector Gill. Enforcement action is pending.  
 2009/08/26 TEDERKSE (LCLB-C&E-Surrey)enforcement action taken, waiver signed.



Text Attachment: Log ID 145651

Incoming2-Dec2/08

Hello,

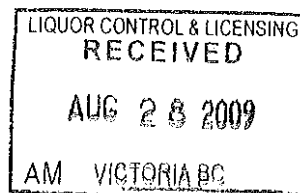
Mirage nightclub in Surrey BC. Close to Guildford mall....152nd street and 104th avenue (approximately)

Feel free to contact me if you have further questions or concerns.

Thank You

FILE COPY

s.22

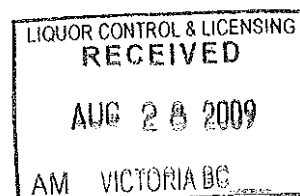


Text Attachment: Log ID 145651

Reply1-Dec2/08

Would you please supply a location for this establishment?

FILE COPY



Incoming-Nov 29/08

Hello,

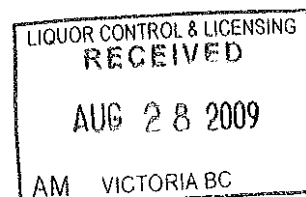
I recently attended Mirage Nightclub a week ago. I had requested bottle service and was quite confused when they simply left two 26ounce bottles at my table without a waitress to attend to or to pour the alcohol. Am I correct in stating that it is a bc liquor law that a bartender or waitress must pour and attend to the drinks at an establishment such as a nightclub ? If I am correct, how can I pursue further action

Feel free to contact me if you have further questions or concerns.

Thank You

FILE COPY

s.22





**DECISION OF THE  
GENERAL MANAGER  
LIQUOR CONTROL AND LICENCING 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:	0715423 BC Ltd., dba Mirage Cabaret 15330 102A Avenue Surrey, BC V3R 2R6
Case:	EH08-122
For the Licensee:	Barry Carter
For the Branch:	Bode Fagbamiye
Enforcement Hearing Adjudicator:	Sheldon M. Seigel
Date of Hearing:	June 23 & 24, 2009
Place of Hearing:	Surrey, B.C.
Date of Decision:	July 17, 2009



## INTRODUCTION

The corporate licensee 0715423 BC Ltd., dba Mirage Cabaret holds Liquor Primary Licence No. 176354 for the operation of a nightclub located at 15330 102A Avenue in Surrey, BC. The hours of liquor sale are 11:00 a.m. to 1:00 a.m. Monday to Wednesday and 11:00 a.m. to 2:00 a.m. Thursday through Sunday. The capacity is 275 persons in the main area, and 175 persons in the secondary area. The licence is, as are all liquor licenses issued in the province, subject to the terms and conditions contained in the publication "*Guide for Liquor Licensees in British Columbia*" ("Guide").

## ALLEGED CONTRAVENTION AND RECOMMENDED PENALTY

The Branch's allegations and proposed penalty are set out in the Notice of Enforcement Action (the "NOEA") dated December 4, 2008. The branch alleges that on September 23, 2007, the licensee contravened section 43(2)(a) of the *Liquor Control & Licensing Act* ("Act") by permitting a person to become intoxicated in a licensed establishment.

The Branch proposed a seven-day suspension. Item 10 of Schedule 4 of the *Liquor Control and Licensing Regulation* (Regulation) provides a range of penalties for a first contravention of this type of a 4 to 7 day licence suspension and/or a monetary penalty of \$5000 to \$7000.

The branch alleges in the alternative that the licensee contravened section 43(2)(b) of the Act by permitting an intoxicated person to remain in that part of a licensed establishment where liquor is sold, served or otherwise supplied. The proposed penalty is a seven-day suspension of the liquor licence (item 11 of Schedule 4, of the Regulation).

Item 11 of Schedule 4 of the Regulation provides a range of penalties for a first

contravention of this type of a 4 to 7 day licence suspension and/or a monetary penalty of \$5000 to \$7000.

The licensee disputes the alleged contravention and the alternative allegation.

## **RELEVANT STATUTORY PROVISIONS**

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

#### **Drunkenness**

**43** (1) A person must not sell or give liquor to an intoxicated person or a person apparently under the influence of liquor.

(2) A licensee or the licensee's employee must not permit

- (a) a person to become intoxicated, or
- (b) an intoxicated person to remain in that part of a licensed establishment where liquor is sold, served or otherwise supplied.

## **ISSUES**

Did the contravention or the alternative contravention occur as alleged? In particular, was the identified patron intoxicated and did the licensee or its employees permit the patron to become intoxicated? Or was the patron, if intoxicated, allowed to remain in the establishment?

## **EXHIBITS**

- Exhibit #1: Branch's Book of Documents (Branch)
- Exhibit #2: Branch desk reference (Licensee)
- Exhibit #3: "get home safe" card (Licensee)
- Exhibit #4: CD of data including surveillance video (Licensee)

**EVIDENCE**

The Branch provided testimony from three friends of the identified patron (s.22), two RCMP officers, a liquor inspector, a liquor investigator, and an expert witness. The Licensee provided testimony from the managing operator of the establishment, two bartenders and two doormen who were working on the business night of September 22-23, 2007.

The witnesses each testified orally and identified where relevant, the materials in the listed exhibits of which they were the authors, or had knowledge.

Friend 1 testified that she attended the establishment with who is alleged to have been intoxicated at the relevant time.

Friend 2 confirmed only that s.22 was present at the establishment. She did not observe s.22 drinking, or leaving the establishment.

Friend 3 testified that she observed s.22 consume three drinks and become visibly upset and angry about s.22's ex-boyfriend who was present in the nightclub. She did not see any signs that s.22 was intoxicated.

The RCMP officers detailed their investigation of the relevant events and identified their notes and reports contained in exhibit #1.

The liquor inspector chronicled the procedure leading up to the enforcement hearing.

The liquor investigator described his function, and testified that he interviewed several of the witnesses and made notes of their responses. He identified the notes and confirmed that he did not read his written notes to the witnesses or have the witnesses sign the notes.

The licensee's manager provided some background as to the history, functions, and duties of the bartenders and door staff and the systems in place for the operation of the establishment.

One of the bartenders confirmed that he remembers serving s.22 on September 23, 2007, and he indicated that both his memory and his review of the receipts of the night confirm that she had a maximum of three or four drinks. He indicated that he was familiar with s.22 as she had been in the establishment several times before.

The other bartender confirmed that s.22 was seen stalking her ex-boyfriend immediately before she hit the ex-boyfriend. The bartender called the door staff to intervene before the assault occurred. He testified that as the security staff approached s.22, she struck the ex-boyfriend on the back of the head and bolted from the establishment without further incident or apprehension.

Both bartenders testified that s.22 showed no signs of impairment.

The doormen testified that they observed s.22 leaving the establishment and provided their views that she did not show any signs of impairment.

## DISCUSSION

Necessary to a finding that either the primary or alternative contraventions have occurred is a finding that a person was intoxicated. If I make that finding, I must then find that either the Licensee or its staff permitted the person to become intoxicated or allowed her to remain if the contravention is to be proven.

The relevant undisputed facts are that a young woman (s.22) attended at the establishment on the business night of September 22, 2007, drank some alcoholic beverages, and drove her vehicle away from the premises. She

travelled only a short distance before crashing into a stationary object and succumbing to injuries sustained in the crash. She arrived at the establishment at 12:26 a.m. and departed at 2:06 a.m. on the morning of September 23, 2007. The crash occurred at 2:24 a.m. and her time of death was noted to be approximately five hours later.

Friend 1 testified that s.22 picked her up in s.22's vehicle and drove her to the establishment. She indicated that they did not drink any liquor before attending the establishment and s.22 did not show any signs of having consumed liquor before they met. She testified that in the establishment she purchased eight double cocktails for s.22 all of which s.22 consumed within an hour, and then she observed that s.22 consumed more drinks from a table where she sat with some friends later in the morning. This witness indicated that all of the drinks that were purchased for s.22 were purchased from a single bartender that knew both of them, as they were regular patrons. She said that at some point, s.22 saw that s.22's ex-boyfriend was also at the establishment, and that this angered s.22. The witness testified that as they prepared to leave the establishment, s.22 smacked her ex-boyfriend on the back of the head and then in the parking lot s.22 was screaming about the ex-boyfriend.

Friend 1 testified that she provided a statement to an RCMP officer the day after the incident and was interviewed by the liquor investigator some eight months after the event. Her statement to the RCMP officer, which she reviewed and signed immediately following the interview differs in some significant ways from her oral testimony in terms of relevant inclusions or omissions as well as stated facts.

She also testified that she was not aware that her interview with the liquor investigator resulted in a written record of the interview. She said that she did not read the written record, nor did the investigator read it to her.

This witness testified to drinking quite a bit of alcohol along with s.22 on the relevant occasion. Her statement to the police indicates that s.22 consumed a quantity of drinks different from what the witness stated in her oral testimony and quite different from the testimony of the bartender. Her statements are also inconsistent with the expectations of the toxicologist in terms of the amount of alcohol consumed by s.22. The only indication that she gives in the interview with the police of s.22 being intoxicated or showing signs of intoxication are outside of the bar, and only then in answer to the question: "...did you think she was too drunk to drive?" She answered: "yup." In her oral testimony, however, she says that s.22 was stumbling and slurring her words, was drunk and became more so as the night progressed. She offered no explanation as to why she said nothing of this behaviour to the RCMP officer the day after the event. She also said that her memory when interviewed by the liquor inspector a year later was very poor and she "pretty much guessed" at the answers to his questions. She was not asked about the status of her memory at the time of the hearing. Also I note that in the witness's testimony as well as in her statement taken by the RCMP, friend 1 calculates the number of drinks that she purchased for s.22 by reference to how much money she took from the cash machine, and the discount that the bartender customarily gave her. This recreation appears to be the source of her knowledge of the number of drinks she bought.

The only eyewitness evidence that s.22 was intoxicated while in the establishment is from this friend and is so inconsistent in reporting and detail that I find it unreliable.

The video evidence (exhibit #4) shows s.22 scrambling out of the establishment at 2:06 a.m. on September 23, 2007. s.22 is almost running, and successfully navigates past several patrons and around a bollard. This evidence shows that s.22 had a reasonable degree of physical coordination at that time and the images do not demonstrate any visual signs of intoxication.

The toxicology expert provided a table of 7 stages of alcohol influence in his report that confirm that intoxication is determined by observation of signs consistent with an advanced stage of impairment. This is consistent with the enforcement guidelines described in the Branch manual (exhibit #2). The manual recognizes that there is no one scientific measure to determine intoxication. It identifies that such a determination requires observation of the patron's emotional and physical state and comparing that to an expected norm (manual, section 14.1.2). In particular, the manual recommends enforcement when a patron exhibits signs consistent with stages 4 and above. I note that the expert testified that at the time of the crash, s.22 would have been in stage 3 or 4. The expert also testified that the signs that an individual patron would exhibit are dependent on several factors but in all cases are dependent on the tolerance of the individual, and are by no means universal.

The toxicologist did not have available to him statements from the police investigation or the liquor investigator. He concluded that s.22 consumed as many as ten drinks, and indicated that if anyone suggested s.22 had sixteen or eighteen drinks, that their credibility should be questioned. This supports my finding that Friend 1's testimony is unreliable, as she testified that s.22 consumed eight doubles (agreed by both the bartender and toxicologist to be equivalent to sixteen alcohol drinks) before continuing to drink at another table.

The toxicologist calculated the blood alcohol level at the time of the crash from levels confirmed at the hospital, and worked backwards with known rates of absorption and elimination. I accept his evidence that at the time of the crash s.22 had a blood alcohol level of approximately 200 mg/%. This is approximately 2.5 times the legal driving limit, but is stated to be at the time of the crash, not at the time she was in the establishment. At the time of the crash, the toxicologist says s.22 would be exhibiting obvious signs and symptoms of intoxication. It is critical, and was a point of considerable focus in the hearing, that the toxicologist report does not provide any opinion as to whether s.22 would have been exhibiting those

obvious signs of intoxication while in the establishment. Although the time that elapsed between leaving the establishment and the crash is short (approximately eighteen minutes), there is no evidence as to what occurred during that eighteen minutes, leaving open the possibility of more alcohol consumption, and absorption before and after the crash. There is also some question as to whether s.22 might have quickly consumed some quantity of liquor immediately before departing the establishment. The toxicologist confirmed that this could account for the high blood alcohol levels without any exhibited indicia of intoxication while still present in the club.

## CONCLUSION

There is insufficient evidence to establish on the balance of probabilities that s.22 was intoxicated. Accordingly, a critical component of the alleged contravention or alternative contravention is absent and the contravention has not been established.

*Original signed by*

Sheldon M. Seigel  
Enforcement Hearing Adjudicator

Date: July 17, 2009

cc: Surrey R.C.M.P.

Liquor Control and Licensing Branch, Vancouver office  
Attn: Michael Clark, Regional Manager

Liquor Control and Licensing Branch, Surrey office  
Attn: Olubode Fagbamiye, Branch Advocate





**NOTICE OF ENFORCEMENT ACTION**  
***Liquor Control and Licensing Act* R.S.B.C. 1996, c. 267**

File No: EH08-122  
Job No: 000709261-037

December 04, 2008

0715423 BC Ltd.  
c/o Ferguson, Wayne  
#400 - 20033 64th Avenue  
Langley, BC V2Y 1M9  
Canada  
Telephone: (604) 542-6044

Dear Ferguson, Wayne :

**Re: License Number: 176354**

License Type: Liquor Primary  
License Expiry Date: April 30, 2009  
Establishment: Mirage Cabaret  
15330 102A Ave  
SURREY, BC V3R 2R6

The purpose of this notice is to inform you that the General Manager is taking enforcement action for the alleged contravention(s) of the *Liquor Control and Licensing Act*, the *Regulations*, and/or the terms and conditions of your license as set out in this notice.

The General Manager will consider the information contained in this notice at the enforcement hearing.

**THE ALLEGED CONTRAVENTION(S)**

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and Time of Contravention(s)	Proposed Penalty
1.	Permit a person to become intoxicated, s. 43(2)(a)	s. 43(2)(a)	Sep 23, 2007 1:00 AM	7 day suspension

**Ministry of  
Public Safety and  
Solicitor General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[www.pssg.gov.bc.ca/lclt](http://www.pssg.gov.bc.ca/lclt)

### **IN THE ALTERNATIVE CONTRAVENTION(S)**

If the General Manager does not make a finding of contravention on the above alleged contravention(s), the lesser but included contravention(s) below may be considered in the alternative. The alternative contravention(s) are as follows:

<b>No.</b>	<b>In the Alternative Contravention(s)</b>	<b>Section of the Act/Regulation</b>	<b>Date and Time of Contravention(s)</b>	<b>Proposed Penalty</b>
1.	Permit intoxicated person to remain, s. 43(2)(b)	s. 43(2)(b)	Sep 23, 2007 1:00 AM	7 day suspension

## **SUMMARY OF EVIDENCE**

Mirage Cabaret is a liquor primary establishment located at 15330, 102A Avenue, Surrey, BC. The licensed hours for the establishment are 11:00 a.m. to 1:00 a.m. Monday to Wednesday and 11:00 a.m. to 2:00 a.m. Thursday to Sunday. On Sunday September 23, 2007 at approximately 2:06 a.m. one patron, s.22, departed the establishment after consuming a large quantity of liquor. Approximately 18 minutes later Surrey 911 dispatch operator received a call of a single motor vehicle accident in Surrey. The driver of the vehicle was s.22 who due to her injuries died in hospital, some 5 hours later.

On March 27, 2008 Branch Inspector Gill was advised by Surrey RCMP and the Provincial Coroners office of a motor vehicle accident which took place on September 23, 2007. The driver was found to be intoxicated at the time of the accident and had been previously drinking at the Mirage Cabaret prior to the accident. Surrey RCMP advised that statements taken from s.22 friends, who were with her that night, indicate that during the hours of 0035 and 0200 hours, s.22 consumed approximately 10 double vodka drinks.

On April 10, 2008 Inspector Gill met with licensee at the Surrey Regional Office and issued CN B008055 for "Permit person to become intoxicated" s.43 (2) (a) Liquor Control and Licensing Act and "Permit intoxicated patron to remain" s. 43(2)(b) Liquor Control and Licensing Act. The licensee was advised that an investigation was being conducted by the Branch in relation to the motor vehicle accident and sudden death of the patron.

Witnesses and video evidence indicates that s.22 arrived at the Mirage Cabaret at approximately 0023 hours on September 23, 2007. Witness information further indicates that s.22 was bought drinks by her friends and that she subsequently consumed approximately 10 vodka drinks between her arrival and when she left the cabaret at approximately 0206 hours. Witnesses further confirm that s.22 got into a verbal argument with her ex-boyfriend and was yelling back and forth at him while they were inside the cabaret.

s.22 left the cabaret at approximately 0206 hours and witnesses stated she got into her car and was nearly involved on a motor vehicle accident as she drove out of the cabarets parking lot. Approximately 14 minutes later, s.22 was reported to have driven into a stationary crane at a closed construction site, next to the highway. Witnesses stated that she appeared to lose control of her vehicle and drove off the road and then collided with the crane. Her speed at that time was estimated to be approximately 80 kms/hour.

s.22 a friend of s.22 that was with her for a portion of that night, stated in her interview with Inv. Carriere that she was unable to recall if the licensee offered s.22 a cab ride home prior to her getting into her vehicle. She also stated that she had not seen s.22 buying her own drinks, that night.

s.22 a friend of s.22 who arrived at the Mirage in the company of s.22 and was with her the entire night while in the cabaret, stated in an interview with Inv. Carriere that they had arrived at the Mirage at approximately 12 midnight on the 22nd, and that s.22 had not been drinking prior to attending the Mirage. s.22 further stated that during their time at the Mirage she estimated that s.22 drank "allot... 12 to 16 vodka, water and lime singles". She stated that they both went to the bar to get the drinks and some other friends had also purchased drinks for s.22

When s.22 was asked to describe s.22 condition upon leaving the Mirage, she stated "she was really drunk, like stumbling she was mad and upset over the arguments..." s.22 further stated regarding s.22 state of intoxication "I knew she was drunk and told her not to drive, (she was) not walking properly, not walking straight, slurring her words, not making sense in what she was saying." s.22 was asked by Inv. Carriere if she felt it was obvious to anyone that s.22 was intoxicated, including Mirage staff, to which she replied "Yes". s.22 further stated that she did not recall the Mirage staff trying to cut s.22 off of drinks that night, or offer her a cab ride home as she departed the cabaret.

Surrey RCMP had also interviewed s.22 on duty bartender at the Mirage Cabaret that night. In his interview with the RCMP, s.22 stated that he recalled s.22 as a regular patron at the nightclub. s.22 recalled s.22 getting 2 to 3 double vodka and lime drinks from his bar, s.22 further advised the RCMP that he believed others friends were buying s.22 drinks that night. He also stated to the RCMP that at approximately 0200 hours he saw s.22 punch a male in the back of the head while they were on the dance floor, after which s.22 was escorted to the main entrance of the nightclub by nightclub staff.

Statements taken by the RCMP after the occurrence and subsequent statements taken by Investigator Carriere appear to all tell of the same chain of events.

A blood alcohol content (BAC), taken at the time of death, indicated 188mg%. According to a toxicology consultant, qualified by the courts as an expert witness in the field, s.22 BAC at the time she left the cabaret would have been approximately 188 to 238 mg%. According to available data on "stages of intoxication", s.22 would have been clearly showing signs of severe intoxication as she would be in an "Excitement or Confusion" stage, prior to and upon leaving Mirage Cabaret.

The BC Coroners report was concluded on December 07, 2007 and lists the cause of death as head injuries sustained in a motor vehicle accident and that acute ethyl alcohol intoxication and excessive speed were contributing factors.

## **ALLEGED CONTRAVENTION(S)**

**Contravention Number** B008055 : C Permit a person to become intoxicated, s. 43(2)(a)

### **Reasons for Recommending Enforcement Action**

The effects of liquor has many negative impacts on society and represents significant public interest and safety issues, including serious driving infractions. Intoxicated patrons may be a danger to themselves or members of the public. In this specific instance the patron was involved in a fatal motor vehicle accident within 10 to 15 minutes after leaving the establishment.

Statements indicate that the deceased was allowed to consume a large amount of alcohol in an extremely short period of time and was escorted out of the establishment in a state of intoxication at the end of the evening.

Statement from another witness indicates she was aware that the deceased was intoxicated at the time she left the establishment.

Enforcement action is recommended to ensure that the issue of intoxicated patrons is taken seriously, and that measures are taken to deal with this significant issue.

### **Reasons for the Proposed Penalty**

Section 43(2)(a) of the LCLA (permit a person to become intoxicated) indicates the penalty for the first contravention is a 4-7 day suspension of the liquor license and/or a \$5000 - \$7000 monetary penalty.

The concern in this matter is the motor vehicle accident which occurred resulting in the sudden death of a patron several minutes after she was allowed to leave the establishment in her personal vehicle. There was no evidence the licensee took any action or had any controls in place to ensure patrons did not become intoxicated. Staff actions contributed to the risk to public safety and the safety of their patrons. Therefore a maximum penalty is being recommended.

The community impact and the grievous loss to the family of the deceased will remain immeasurable for the rest of their natural lives. It is essential that a strong message be given regarding this type of contravention and the continued responsibilities of licensees.

The public safety concerns require the recommendation of a penalty at the maximum level.

This penalty would be scheduled to begin on a Saturday.

Therefore;

For the alleged contravention of Permit a person to become intoxicated, s. 43(2)(a) (Contravention Notice Number B008055) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 7 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a first contravention.

The suspension will be served starting on a and will continue on successive business days until completed.



## **IN THE ALTERNATIVE CONTRAVENTIONS**

Lesser but included contraventions may be considered in the alternative. The proposed penalty(ies) for the alleged lesser but included contravention(s) are as follows:

**Contravention Number** B008055 : C Permit intoxicated person to remain, s. 43(2)(b)

### **Reasons for Recommending Enforcement Action**

The effects of liquor has many negative impacts on society and represents significant public interest and safety issues, including serious driving infractions. Intoxicated patrons may be a danger to themselves or members of the public. In this specific instance the patron was involved in a fatal motor vehicle accident within 10 to 15 minutes after leaving the establishment.

The events on the early morning of September 23, 2007 resulted in a fatal motor vehicle accident which evidence indicates occurred approximately 15 to 20 minutes after the patrons left the establishment.

Statements indicate that the deceased was allowed to consume a large amount of alcohol in an extremely short period of time and was escorted out of the establishment in a state of intoxication at the end of the evening.

Statement from another witness indicates she was aware that the deceased was intoxicated at the time she left the establishment.

Enforcement action is recommended to ensure that the issue of intoxicated patrons is taken seriously.

### **Reasons for the Proposed Penalty**

Section 43(2)(b) of the LCLA (permit intoxicated person to remain) indicates the penalty for the first contravention is a 4-7 day suspension of the liquor license and/or a \$5000 - \$7000 monetary penalty.

The concern in this matter is the motor vehicle accident which occurred resulting in the sudden death of a patron several minutes after she was allowed to leave the establishment in her personal vehicle. There was no evidence the licensee took any action or had any controls in place to ensure patrons did not become intoxicated. Staff actions contributed to the risk to public safety and the safety of their patrons. Therefore a maximum penalty range is being recommended.

The community impact and the grievous loss to the family of the deceased will remain immeasurable for the rest of their natural lives. It is essential that a strong message be given regarding this type of contravention and the continued responsibilities of licensees.

The public safety concerns require the recommendation of a penalty in excess of the minimum penalty. This penalty would be scheduled to begin on a Saturday.

Therefore;

For the alleged contravention of Permit intoxicated person to remain, s. 43(2)(b) (Contravention Notice Number B008055) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 7 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a first contravention.

The suspension will be served starting on a and will continue on successive business days until completed.

## **THE PROCEDURES**

An enforcement hearing may be scheduled to determine whether the alleged contravention(s) occurred and the appropriate penalty, if any, that should be imposed. You can contest the contravention(s) and/or the proposed penalty at the enforcement hearing.

**Please Note:** If a penalty is warranted, the General Manager may;

- Impose a suspension of the liquor license for a period of time;
- Cancel a liquor license;
- Impose terms and conditions to a license or rescind or amend existing terms and conditions;
- Impose a monetary penalty; or
- Order a licensee to transfer a license.

An enforcement hearing can be time consuming and costly for all participants. If you sign a waiver, there will be no need for an enforcement hearing for the alleged contravention(s) or the lesser but included contravention(s). By signing the waiver, you expressly and irrevocably:

- Agree that the contravention(s) occurred,
- Accept the proposed penalty in this letter,
- Waive the enforcement hearing, and
- Agree that the finding(s) of contravention(s) and the penalty will form part of your compliance history as a licensee.

Generally, the waiver must be signed within 14 days of the date of this letter. If you decide you want to sign a waiver, please contact me as soon as possible to arrange an appointment.



## **CONTACTS**

- (1) If you do not sign a waiver, the case management administrator will contact you with details of the enforcement hearing process. The case management administrator contact information is:

Elizabeth Barker; (250) 387-0747; Elizabeth.Barker@gov.bc.ca

- (2) Please contact me at (604) 660-7723 if you want to sign a waiver notice or if you have any questions regarding this notice.

Yours truly,

Ron Carriere  
Surrey

Attachments:

Appendices A & B

Copy of Enforcement Hearing Rules

Copy of Liquor Licence

Copy of Contravention Notice

Copy of Red line Floor Plan

## **APPENDIX A**

### **License Information**

License number: 176354  
License type: Liquor Primary  
License expiry date: April 30, 2009

At an enforcement hearing, the branch may present the following information related to allegations of non-compliance for which the branch did not pursue enforcement action. If there is a finding that the contravention(s) alleged which are the subject of this Notice of Enforcement Action did occur, the following information may be considered by the General Manager, for the purpose of determining what penalty, if any, is appropriate. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions:

<b>Date of Incident</b>	<b>Alleged Contravention</b>	<b>Identifying Document(s)</b>
September 23, 2007	Permit a person to become intoxicated, s. 43(2)(a)	CN # B008055
September 23, 2007	Permit intoxicated person to remain, s. 43(2)(b)	CN # B008055

<b>Compliance Meetings:</b>	
<b>Date</b>	<b>Topic</b>
January 03, 2008	Permit intoxicated person to remain, s. 43(2)(b)

## **APPENDIX B**

### **License Information**

License Number: 176354  
License Type: Liquor Primary  
License Expiry Date: April 30, 2009

At an enforcement hearing, the General Manager will consider compliance history when determining the appropriate penalty for each contravention.

### **LICENSEE'S COMPLIANCE HISTORY**

The licensee's compliance history consists of any prior findings of contraventions and penalties that relate to the licensee in question. A finding of contravention results when the licensee signs a waiver or the General Manager makes a decision that a contravention did occur. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions.

*- No compliance history found*

### **ESTABLISHMENT'S COMPLIANCE HISTORY**

The establishment's compliance history consists of any prior findings of contraventions and penalties that relate to the establishment in question. A finding of contravention results when the licensee responsible for the establishment signs a waiver or the General Manager makes a decision that a contravention did occur.

*- No compliance history found*



## WAIVER NOTICE

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

File No: EH09-062  
Job No: 000709261-041

**BETWEEN:** 0715423 BC Ltd.  
c/o Ferguson, Wayne  
#400 - 20033 64th Avenue  
Langley, BC V2Y 1M9  
Canada  
Telephone: (604) 542-6044

(the "Licensee")

Licensee of: **Mirage Cabaret**

located at: 15330 102A Ave  
SURREY, BC V3R 2R6

(the "Establishment")

**AND:** General Manager  
Liquor Control and Licensing Branch  
Ministry of Public Safety and Solicitor General

(the "General Manager")

**RE:** Liquor Licence Number 176354

(the "Licence")

**The Licensee:**

1. (a) agrees the Licensee committed the contravention of Contravening a term and condition, s. 12 - Drink Sizes, (CN B007586) as is set out in the attached Notice of Enforcement Action letter dated July 06, 2009 and its appendix(ces) (the "Notice of Enforcement Action letter") and that the information in the Notice of Enforcement Action letter with respect to this contravention is accurate,  
  
(b) accepts and agrees to the enforcement action specified in the Notice of Enforcement Action letter for the contravention referenced in paragraph 1 of this Waiver Notice and agrees that the penalty of \$1,000.00 ( One Thousand Dollars ) will be paid by the Licensee to the General Manager within 30 days from the date of signing this waiver notice,  
  
2. waives the opportunity to an enforcement hearing in respect of the contraventions and the enforcement action(s) previously referenced in the Waiver Notice and set out in the Notice of Enforcement Action letter,  
  
3. agrees that the contraventions and enforcement action(s) previously referenced in the Waiver notice and set out in the Notice of Enforcement Action letter will form part of the compliance history of the Licensee,

The Licensee understands and agrees that this Waiver Notice is irrevocable.

DATE: 20 day of July, 2009.

SIGNATURE OF LICENSEE:

  
(Licensee/Authorized Agent)

NAME OF LICENSEE:

Heath Ferguson.

(Please Print)

General Manager.  
(Title/Position)

SIGNATURE OF WITNESS:



NAME OF WITNESS:

Rupi Gill

(Please print)

Attachments:

Notice of Enforcement Action letter, dated July 06, 2009



**NOTICE OF ENFORCEMENT ACTION**  
**Liquor Control and Licensing Act R.S.B.C. 1996, c. 267**

File No: EH09-062  
Job No: 000709261-041

July 06, 2009

0715423 BC Ltd.  
c/o Wayne Ferguson  
#400 - 20033 64th Avenue  
Langley, BC V2Y 1M9  
Canada  
Telephone: (604) 542-6044

Dear Wayne Ferguson :

**Re: License Number: 176354**  
License Type: Liquor Primary  
License Expiry Date: April 30, 2010  
Establishment: Mirage Cabaret  
15330 102A Ave  
SURREY, BC V3R 2R6

The purpose of this notice is to inform you that the General Manager is taking enforcement action for the alleged contravention(s) of the *Liquor Control and Licensing Act*, the *Regulations*, and/or the terms and conditions of your license as set out in this notice.

The General Manager will consider the information contained in this notice at the enforcement hearing.

**THE ALLEGED CONTRAVENTION(S)**

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and Time of Contravention(s)	Proposed Penalty
1.	Contravening a term and condition, s. 12 - Drink Sizes	s. 12	Jun 05, 2009 11:55 PM	\$1,000.00 penalty

**Ministry of  
Public Safety and  
Solicitor General**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[www.pssg.gov.bc.ca/cllb](http://www.pssg.gov.bc.ca/cllb)

## SUMMARY OF EVIDENCE

Mirage Cabaret is a nightclub which holds a liquor primary class of liquor license.

A routine inspection was conducted on June 5, 2009 from approximately 11:55 pm to 12:30 am. On arrival at the premise, I noted 3-4 door staff at the front door including Heath Ferguson, the manager. As staff were distracted by another matter, I proceeded to enter the establishment. I walked through the premise and noted a table situated to the right of the dance floor as viewed from the entrance to the establishment. This table had an ice bucket on it with what appeared to be a bottle of champagne in it. I watched as a female patron picked up the bottle and put it to her mouth, consuming the last of the liquid left in the bottle. I then walked to some tables on the opposite side, to the left of the dance floor. There I stood behind a booth style table where there were 6 patrons seated. I noted there was an ice bucket on this table as well. As I was standing directly behind the table I had a clear, unobstructed view of the bottle which was a 750 ml bottle of Grey Goose Vodka. Also on the table was a carafe of what appeared to be mix for the drinks. I watched as a male patron, who was standing at the table, picked up the bottle of vodka and proceeded to pour a drink for himself and one other patron. The glasses being used were what are referred to as "highball" glasses and the patron was pouring the drinks without using any measurement device to control how many ounces of alcohol were being poured. I watched this table of patrons for approximately 10 minutes and noted as 5 different drinks were poured by the patrons at the table. During this time, I did not note any staff approach the table to pour the alcohol or take control of the bottle. In essence the table of patrons had been served a full bottle of spirits, contrary to the terms and conditions of the liquor license.

After viewing this activity, I went to the front entrance and met with Heath Ferguson. I asked him if they provided "table service". He responded that they did. He stated that they sell a whole bottle of alcohol but then assign a staff person to the table, where the patrons who purchased the bottle, would be seated. The alcohol is to be poured and served by the staff person to ensure that control of the bottle and service is retained by the staff. I advised him of my observations and that I had seen no staff person at this table. I then accompanied him back inside the premise to point out which table I had been observing. On receiving that information, he advised that he was going to find the server for that table to find out what had happened. I waited outside for him. After some minutes, he joined me outside and advised that he was not able to locate the server. I advised him that I would be following up with him with regards to this contravention and agreed to meet at Surrey Regional office.

I subsequently met with Heath Ferguson at Surrey Regional office on June 12, 2009 and issued contravention notice # B007586 for contravening a term and condition of the liquor license, specifically by serving a whole bottle of distilled liquor. Mr. Ferguson explained that during the time I had been observing the table in question, the server assigned to the table had gone on a break.

## **ALLEGED CONTRAVENTION(S)**

**Contravention Number** B007586 : C Contravening a term and condition, s. 12 - Drink Sizes

### **Reasons for Recommending Enforcement Action**

Overservice and intoxication are serious issues which have an impact on the public's safety. Licensees must encourage moderation in the service and consumption of alcohol and it is for this reason that there are size restrictions on servings of alcohol.

I have had previous conversations with the licensee about the issue of bottle service and the licensee has assured me that while whole bottles of alcohol are sold to patrons, the service of the alcohol is controlled by staff. In this instance, not only was the alcohol being poured by the patrons, but I did not see a staff person even approach the table to check on the situation. I did note several staff walk by the table in the time period that I was observing it.

Given the absence of any controls over this situation, enforcement action is being recommended to emphasize the seriousness of the situation.

### **Reasons for the Proposed Penalty**

The range of penalties for a first contravention of a term and condition of the liquor license is a 1-3 day suspension of the liquor license and/or a monetary penalty of \$1000-\$3000.

A monetary penalty of \$1000 is considered appropriate in this instance to gaining future voluntary compliance.

Therefore;

For the alleged contravention of Contravening a term and condition, s. 12 - Drink Sizes (Contravention Notice Number B007586) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a monetary penalty of \$1,000.00 ( One Thousand Dollars ) is warranted. This recommended monetary penalty falls within the penalty range set out in schedule 4 of the Regulation for a first contravention.



## **THE PROCEDURES**

An enforcement hearing may be scheduled to determine whether the alleged contravention(s) occurred and the appropriate penalty, if any, that should be imposed. You can contest the contravention(s) and/or the proposed penalty at the enforcement hearing.

**Please Note:** If a penalty is warranted, the General Manager may;

- Impose a suspension of the liquor license for a period of time;
- Cancel a liquor license;
- Impose terms and conditions to a license or rescind or amend existing terms and conditions;
- Impose a monetary penalty; or
- Order a licensee to transfer a license.

An enforcement hearing can be time consuming and costly for all participants. If you sign a waiver, there will be no need for an enforcement hearing for the alleged contravention(s) or the lesser but included contravention(s). By signing the waiver, you expressly and irrevocably:

- Agree that the contravention(s) occurred,
- Accept the proposed penalty in this letter,
- Waive the enforcement hearing, and
- Agree that the finding(s) of contravention(s) and the penalty will form part of your compliance history as a licensee.

Generally, the waiver must be signed within 14 days of the date of this letter. If you decide you want to sign a waiver, please contact me as soon as possible to arrange an appointment.

## **CONTACTS**

- (1) If you do not sign a waiver, the case management administrator will contact you with details of the enforcement hearing process. The case management administrator contact information is:

Annie Braiden; (250) 356-0010; annie.braiden@gov.bc.ca

- (2) Please contact me at (604) 586-2658 if you want to sign a waiver notice or if you have any questions regarding this notice.

Yours truly,

Rupi Gill  
Surrey

Attachments:

Appendices A & B  
Copy of Enforcement Hearing Rules  
Copy of Liquor Licence  
Copy of Contravention Notice  
Copy of Red line Floor Plan

## APPENDIX A

### License Information

License number: 176354  
License type: Liquor Primary  
License expiry date: April 30, 2010

At an enforcement hearing, the branch may present the following information related to allegations of non-compliance for which the branch did not pursue enforcement action. If there is a finding that the contravention(s) alleged which are the subject of this Notice of Enforcement Action did occur, the following information may be considered by the General Manager, for the purpose of determining what penalty, if any, is appropriate. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions:

Date of Incident	Alleged Contravention	Identifying Document(s)
June 05, 2009	Contravening a term and condition, s. 12 - Drink Sizes	CN # B007586
April 10, 2009	Overcrowding beyond person capacity less than or equal to occupant load, Reg. s. 6(4)	CN # B007583
December 16, 2007	Permit intoxicated person to remain, s. 43(2)(b)	CN # B008052

### Compliance Meetings:

Date	Topic
January 03, 2008	Permit intoxicated person to remain, s. 43(2)(b)
April 24, 2009	Overcrowding beyond person capacity less than or equal to occupant load

## **APPENDIX B**

### **License Information**

License Number: 176354  
License Type: Liquor Primary  
License Expiry Date: April 30, 2010

At an enforcement hearing, the General Manager will consider compliance history when determining the appropriate penalty for each contravention.

### **LICENSEE'S COMPLIANCE HISTORY**

The licensee's compliance history consists of any prior findings of contraventions and penalties that relate to the licensee in question. A finding of contravention results when the licensee signs a waiver or the General Manager makes a decision that a contravention did occur. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions.

*- No compliance history found*

### **ESTABLISHMENT'S COMPLIANCE HISTORY**

The establishment's compliance history consists of any prior findings of contraventions and penalties that relate to the establishment in question. A finding of contravention results when the licensee responsible for the establishment signs a waiver or the General Manager makes a decision that a contravention did occur.

*- No compliance history found*



July 22, 2009

File No: EH09-062

Job No: 000709261-041

0715423 BC Ltd.  
c/o Wayne Ferguson  
400 - 20033 64th Avenue  
Langley, BC V2Y 1M9

Telephone: (604) 542-6044

Dear Wayne Ferguson:

**Re: Licence Number 176354**

Mirage Cabaret  
15330 102A Ave  
SURREY, BC V3R 2R6

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence. You agreed to and accepted the following enforcement actions by signing a waiver notice on July 20, 2009.

It is important to note that you are responsible for the actions of your employees. You will want to ensure that managers and staff are familiar with the terms of the enforcement action and their responsibilities.

**Enforcement Action**

**Monetary penalty**

A monetary penalty of \$1,000 (One Thousand Dollars) must be paid to the general manager by Wednesday, August 19, 2009.

The payment should be made to Liquor Control and Licensing Branch headquarters at the address indicated in Appendix A. It is important to attach the accompanying Appendix A so that the payment can be correctly recorded on your file.

### **Consequences of non-payment**

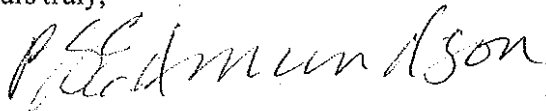
There are serious consequences for non-payment of the full amount of a monetary penalty.

1. The general manager may refuse to renew or transfer a licence if a monetary penalty has not been fully paid by the due date.
2. The general manager will consider imposing a suspension penalty for failure to pay a monetary penalty by the due date. The suspension penalty for this contravention is described in item 44 of schedule 4 to the Liquor Control and Licensing Regulations. However, the general manager has the authority to impose a suspension penalty greater than the one set out in the schedule when it is in the public interest to do so.

### **Contact Number**

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2658.

Yours truly,



Bruce Edmundson  
Deputy General Manager  
Compliance and Enforcement

CC: SURREY R.C.M.P.  
Clerk/Secretary City of SURREY  
Brewers Distributors Ltd.  
SURREY GLS #172  
GUILDFORD GLS #240  
Manager of Licensing  
Manager of Finance  
Regional Manager Michael Clark  
Inspector Rupi Gill

Encl: Appendix A

## No Enforcement Action Recommended

**Re: Contravention Notice Number:** B008052

**Contravention Notice Date:** Jan 3, 2008

**Job No:** 000709261-034

**Inspector:** Rupi Gill

**Date**

**Prepared:** Jan 08, 2008

**Office Location:** Surrey

**Submitted To:** Michael Clark

---

### Establishment Information:

**Establishment Name:** Mirage Cabaret

**Establishment Address:** 15330 102A Ave  
SURREY, BC V3R 2R6

**Licence No:** 176354 **Licence Class:** Liquor Primary **Expiry Date:** Apr 30, 2008

**Licensee Name:** Private Corporation: 0715423 BC Ltd. c/o Ferguson, Wayne

**Terms and Conditions noted on licence face:**

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### Contravention Information:

**Contravention Name (e.g. supplying to minors)**

**Date and Time identified**

1. Permit intoxicated person to remain, s.  
43(2)(b)

1. Dec 16, 2007 1:00 AM
-

---

**Review and Analysis:**

I have reviewed:

Facts and circumstances of the contravention

☒ Yes☐ No

Establishment compliance history

☒ Yes☐ No

- Number of contravention notices on file: 8
- Number of contravention notices in past 12 months: 0
- Name, date(s) of any proved contravention(s) and the enforcement action taken:
  - Overcrowding beyond person capacity less than or equal to occupant load, Reg. s. 6(4), September 01, 2006, 1 day suspension
  - Overcrowding beyond person capacity less than or equal to occupant load, Reg. s. 6(4), April 14, 2006, \$3000 fine
  - Minors in premises, s. 35, October 28, 2005, \$1000 fine

Licensee compliance history

☐ Yes☒ No

- If no, please explain: Not available

Other file information

☒ Yes☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes☐ No

---

**Reasons no enforcement action recommended:**

I reviewed the incident with Branch advocate. As the manager had his back turned to the female in question for most of the time I had her under observation, the element of "permit" to remain cannot be established and in fact once I pointed her out to the manager, he immediately had her removed. Therefore recommending no enforcement action at this time but I followed up with a compliance meeting where I issued CN #B008052 for permitting intoxicated person to remain. At the compliance meeting, the manager has committed to ensuring that staff are made aware of this situation and he will be setting up a training session for all staff. Will follow up with further inspections to seek compliance.

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## WAIVER NOTICE

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

File No: EH09-062  
Job No: 000709261-041

**BETWEEN:** 0715423 BC Ltd.  
c/o Ferguson, Wayne  
#400 - 20033 64th Avenue  
Langley, BC V2Y 1M9  
Canada  
Telephone: (604) 542-6044

(the "Licensee")

Licensee of: **Mirage Cabaret**

located at: 15330 102A Ave  
SURREY, BC V3R 2R6

(the "Establishment")

**AND:** General Manager  
Liquor Control and Licensing Branch  
Ministry of Public Safety and Solicitor General

(the "General Manager")

**RE:** Liquor Licence Number 176354

(the "Licence")

**The Licensee:**



1. (a) agrees the Licensee committed the contravention of Contravening a term and condition, s. 12 - Drink Sizes, (CN B007586) as is set out in the attached Notice of Enforcement Action letter dated July 06, 2009 and its appendix(ces) (the "Notice of Enforcement Action letter") and that the information in the Notice of Enforcement Action letter with respect to this contravention is accurate,  
  
(b) accepts and agrees to the enforcement action specified in the Notice of Enforcement Action letter for the contravention referenced in paragraph 1 of this Waiver Notice and agrees that the penalty of \$1,000.00 ( One Thousand Dollars ) will be paid by the Licensee to the General Manager within 30 days from the date of signing this waiver notice,
2. waives the opportunity to an enforcement hearing in respect of the contraventions and the enforcement action(s) previously referenced in the Waiver Notice and set out in the Notice of Enforcement Action letter,
3. agrees that the contraventions and enforcement action(s) previously referenced in the Waiver notice and set out in the Notice of Enforcement Action letter will form part of the compliance history of the Licensee,

The Licensee understands and agrees that this Waiver Notice is irrevocable.

DATE: 20 day of July, 2009.

SIGNATURE OF LICENSEE: \_\_\_\_\_

(Licensee/Authorized Agent)

NAME OF LICENSEE: \_\_\_\_\_

(Please Print)

General Manager.  
(Title/Position)

SIGNATURE OF WITNESS: \_\_\_\_\_

NAME OF WITNESS: \_\_\_\_\_

(Please print)

Attachments:

Notice of Enforcement Action letter, dated July 06, 2009

## No Enforcement Action Recommended

**Re: Contravention Notice Number:** B007583

**Contravention Notice Date:** Apr 24, 2009

**Job No:** 000709261-040

**Inspector:** Rupi Gill

**Date**

**Prepared:** Jun 01, 2009

**Office Location:** Surrey

**Submitted To:** Michael Clark

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### Establishment Information:

**Establishment Name:** Mirage Cabaret

**Establishment Address:** 15330 102A Ave  
SURREY, BC V3R 2R6

**Licence No:** 176354

**Licence Class:** Liquor Primary

**Expiry Date:** Apr 30, 2010

**Licensee Name:** Private Corporation: 0715423 BC Ltd. c/o Ferguson, Wayne

**Terms and Conditions noted on licence face:**

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### Contravention Information:

**Contravention Name (e.g. supplying to minors)**

**Date and Time identified**

1. Overcrowding beyond person capacity less than or equal to occupant load, Reg. s. 6(4)

1. Apr 10, 2009 12:55 AM
-

---

**Review and Analysis:**

I have reviewed:

Facts and circumstances of the contravention

☒ Yes☐ No

Establishment compliance history

☒ Yes☐ No

- Number of contravention notices on file: 9
- Number of contravention notices in past 12 months: 0
- Name, date(s) of any proved contravention(s) and the enforcement action taken:
  - Overcrowding beyond person capacity less than or equal to occupant load, Reg. s. 6(4), September 01, 2006, 1 day suspension
  - Overcrowding beyond person capacity less than or equal to occupant load, Reg. s. 6(4), April 14, 2006, \$3000 fine
  - Minors in premises, s. 35, October 28, 2005, \$1000 fine

Licensee compliance history

☐ Yes☒ No

- If no, please explain: not available

Other file information

☒ Yes☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes☐ No

---

**Reasons no enforcement action recommended:**

The 30 staff were not accounted for in the count that the establishment was keeping and that is why they were over by approximately that amount. The manager advised he would ensure in the future that staff are accounted for to avoid the situation from reoccurring. I subsequently met with Heath Ferguson on April 24 at Surrey Regional office and issued contravention notice # B007583. Enforcement action not recommended in this situation as the manager was mistaken in not taking staff into account for the premise count. A compliance meeting was completed with the manager and will follow up to check for compliance at future inspections. Additionally, at the time of the inspection, the doorstaff ensured that no further patrons were permitted inside for the rest of the night. By the time the counts were completed, it was close to closing time for the establishment and many patrons were leaving the premise.

---

Thursday April 16, 2009  
Covert Mirage

Notes



930pm – attended Surrey office for a debriefing w/ Rupee Gill and Edward Osei-Appiah. Two issues with Mirage: permit to become intoxicated, and failing to remove an intoxicated person from the premises. Other issues of concern may include minors, and over-crowding (serving contravention for going over by 30). Latter two issues are not going to be dealt with for the covert. Relatively recent enforcement relating to a fatality that occurred after patron left Mirage.

Background: Thursday nights are known to be busy with a younger crowd “College Night.” Establishment includes two levels (approximately 450 capacity?)

Depart Surrey Office at 1151pm.

Arrived at Mirage (establishment) at 1202am.

Edward and I walked up to the Mirage; there were two separate line ups (one to the right appeared to be VIP). Edward and I stood in the left line, which consisted of approximately 12 people (including ourselves). There were at least doormen (named s.22) monitoring the front; there was also another doorman located just inside the door to the left monitoring patrons going in and out. As well, there was a large crowd of approximately 15-20 people appearing to be smoking, and having conversation. This crowd appeared to be patrons permitted outside for smoking. The crowd appeared to have consumed a healthy/ happy amount of alcohol. Only one male appeared to be intoxicated (he had short dark hair, wearing a black striped button down dress shirt with a white tank top underneath and jeans). He presented as being a little bit louder and a bit unsteady on his feet. I lost sight of this male.

While waiting in line, I identified a female (blonde, wearing a retro hat, black vest, with a red purse, red large ring) who was leaning on the front door. She appeared to utilize the door to keep herself steady and upright. I overheard her tell her friend that she was drunk. She maintained her position against the door (which would have been in view of the inside doorman, at the very least, if not in sight of the other two doormen) for approximately 10 minutes; she then went back inside the establishment, and appeared to do a little stumble. I lost sight of this female after she entered the establishment.

While standing in line I did observe patrons leaving on their own accord (or appeared to be), as well as a couple of males of may have been escorted out (fight?). I also observed the doormen removing drinks from patrons who came out of the establishment, even to smoke; the patrons were advised that they could leave their drinks inside on a table to the right of the door.

Edward and I waited in the left line up until 1245am. The right VIP line up moved quickly, with patrons being permitted into the establishment on a regular basis. The doormen appeared to engage in identification checks, requesting id; the patrons on the right also received red tickets (which I assume were to omit the cover charge inside).

Upon entering the establishment, Edward and I were asked for identification, and a picture taken of us. We then attended the cashier/ coat check; I checked my coat, and Edward paid for our cover charge (\$11 each). The blonde female that I had taken notice of at the door (blond with red purse) was at the coat check counter, and appeared to be leaving (she appeared to be picking up her coat). The establishment, upon my initial visual scan did not appear to be crowded. Many of the patrons appeared to be on the dance floor, located at the centre. Edward and I walked down the two/ three steps, and turned to the right. The crowd was easy to move through. We went to the bar to the right of the establishment, where there did not appear to be much of a line up as Edward was able to stand at the bar to order beer. I requested a Heineken; I nursed this drink until closing time.

Edward and I walked towards the dance floor, and took notice that not all the tables on that side of the establishment were full; some did not have patrons. I did not see lots of empty drink containers or glasses around on tables. Edward and I then retraced our steps, and went to the left side of the establishment, securing a table that was located just below the bar area, and facing the dance floor. Again much of the tables we passed were absent of people; the booths at the front entrance had 'reserved' notices propped up, but not all of these had people occupying them. As well, while walking through the lower level, I noticed that the stairwells were roped off; the second level of the establishment did not appear to have any patrons upstairs.

Edward and I made a verbal arrangement to conduct a walk through the establishment on rotations of 10 minutes, trading off with one another. Upon conducting one of my walkabouts, I was able to spot the male I had seen at the beginning of the night (male wearing button down dress shirt, ect); he walked past me, but was heading up the stairs, and appeared to be exiting the establishment. I did not observe in thereafter.

While sitting at the table I took notice to a waitress whom came to the tables requesting to get drink orders; she did not appear to be run off her feet, and presented as very friendly. While requesting drink orders, the waitress would routinely collect any glasses and liquor bottles.

While sitting at the table observe at least two male staff, who appeared to be monitoring the patrons/ floor area. One of the male staff (wearing a white shirt, named s.22 ) appeared to be located more in the area that we were situated. I did observe a couple of patrons that appeared to be intoxicated; within a few minutes of me taking notice, I observed s.22 approach the patrons and engage in conversation. s.22 also walked through our section, and while walking through, would collect any empty liquor glasses or bottles.

At 145anm, I witnessed a male (who I had seen dancing in a cage with a female) stumbling/ uneasy on his feet, heading towards the bathroom; he was intercepted by s.22 (male staff), whereby the two engaged in a conversation. s.22 appeared to have permitted the male patron to stay (he was not removed) as s.22 walked away. I lost sight of this male after he headed towards the bathrooms. Approximately 20 minutes to closing (after last call), I also observed another male (wearing a white shirt and black open vest) appearing to be intoxicated, in that he stumbled a bit/ slightly unsteady on their feet; he was also approached by s.22 appeared to engage the male in a conversation with the patrons for a couple of minutes; this other patron appeared to be permitted to stay within the establishment as he was not escorted out. I also lost sight of this male.

I took notice of an older gentleman who positioned at wall/ booths that looked on to the dance floor; he appeared to be observing the patrons. Due to his clothing and age (which was distinctly older than the patron crowd), I would have concluded that he was either the owner or a manager of some kind. As well, there were two uniformed police officers (RCMP) who were standing at the stairs to the sides of the door way (entrance/ exit). Patrons seemed to disperse in an orderly fashion. While in line up I spoke with an Asian male patron; he indicated that the establishment was most likely less busy due to the previous long weekend, as well as the fact that the Canucks played the next night. While in conversation with this male, I did not observe any behaviour that would indicate he was intoxicated.

A general observation that I made during the course of the night was that the establishment seemed to clear out a bit, whereby near closing it was easy to look directly across the establishment; the dance floor seemed less crowded/ patrons appeared to have left prior to closing. Another general observation that I made was that the staff appeared to be actively engaged in their respectful roles, clearing liquor debris, as well as identifying patrons whom may or may not be appropriate to remain within the establishment.

Exited at 204am. While exiting the establishment, I noticed cabs lined up in the parking lot, as well as to the side of the road; there appeared to be 20 cabs ready for patron usage.



176354  
MIRAGE CABARET

April 21, 2010

Barry J. Carter  
Mair Jensen Blair  
700 -275 Lansdowne Street  
Kamloops, BC V2C 6H6

VIA EMAIL: [jbc@mjbblaw.com](mailto:jbc@mjbblaw.com)

Dear Mr. Carter:

Re: 0715423 B.C. Ltd., Mirage Cabaret, 15330 102A Avenue, Surrey BC  
Liquor Primary Licence No. 176354

Case: EH09-111

The purpose of this letter is to inform you that the Liquor Control and Licensing Branch is no longer pursuing enforcement action against your client for the following contravention:

No	Contravention Name	Section of Act / regulation / term and condition of the licence	Date of alleged Contravention	Contravention Notice Number	Date of NOEA
1.	Minor – sell, give or otherwise supply liquor to minor	LCLA s. 33(1)(a)	July 9, 2009	B007553	October 22, 2009

Although the contraventions identified above will no longer be pursued, please be advised that contravention notice B007553 will remain on you clients file.

If you have any questions about the matters covered in this letter, please contact Ron Carriere, Investigator at (604) 586-2649.

Yours truly,

Bruce Edmundson  
Deputy General Manager  
Compliance and Enforcement

pc: Mike Clark, Regional Manager  
Shahid Noorani, Manager of Investigations  
Ron Carriere, Investigator  
Peter Mior, Branch Advocate

Ministry of Housing  
and Social  
Development

Liquor Control and  
Licensing Branch

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

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[http:// www.hsd.gov.bc.ca/lclb](http://www.hsd.gov.bc.ca/lclb)



**NOTICE OF ENFORCEMENT ACTION**  
***Liquor Control and Licensing Act* R.S.B.C. 1996, c. 267**

File No: EH09-111  
Job No: 000709261-042

October 22, 2009

0715423 BC Ltd.  
c/o Ferguson, Wayne  
#400 - 20033 64th Avenue  
Langley, BC V2Y 1M9  
Canada  
Telephone: (604) 542-6044

Dear Ferguson, Wayne :

**Re: License Number: 176354**  
License Type: Liquor Primary  
License Expiry Date: April 30, 2010  
Establishment: Mirage Cabaret  
15330 102A Ave  
SURREY, BC V3R 2R6

The purpose of this notice is to inform you that the General Manager is taking enforcement action for the alleged contravention(s) of the *Liquor Control and Licensing Act*, the *Regulations*, and/or the terms and conditions of your license as set out in this notice.

The General Manager will consider the information contained in this notice at the enforcement hearing.

**THE ALLEGED CONTRAVENTION(S)**

No.	Name of Contravention(s)	Section of the Act/Regulation	Date and Time of Contravention(s)	Proposed Penalty
1.	Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act	S. 33(1)(a) Act	Jul 09, 2009 11:45 PM	10 day suspension

**Ministry of Housing  
and Social  
Development**

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria BC V8W 9J8

Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

<http://www.hsd.gov.bc.ca/clb>



**IN THE ALTERNATIVE CONTRAVENTION(S)**

If the General Manager does not make a finding of contravention on the above alleged contravention(s), the lesser but included contravention(s) below may be considered in the alternative. The alternative contravention(s) are as follows:

<b>No.</b>	<b>In the Alternative Contravention(s)</b>	<b>Section of the Act/Regulation</b>	<b>Date and Time of Contravention(s)</b>	<b>Proposed Penalty</b>
1.	Minor - Permit minor to enter or be on premises, s. 35 Act	s. 35 Act	Jul 09, 2009 11:45 PM	4 day suspension
2.	Minor - Permit minor to consume liquor, s. 33(1)(c) Act	s. 33(1)(c) Act	Jul 09, 2009 11:45 PM	10 day suspension

## SUMMARY OF EVIDENCE

Mirage Nightclub is a premise which holds a liquor primary liquor license. This class of license prohibits minors, those under the age of 19, from not only being served alcohol but also from even entering the establishment.

On July 10, 2009, Inspector Rupl Gill received a phone call from a concerned parent, complaining that his 17 year old daughter had gone to the Mirage nightclub on July 9, 2009 and been served alcohol. She advised the parent that she would need to speak to the daughter directly in order get the specific details related to the incident. The parent stated that they would talk to their daughter about contacting Inspector Gill. On July 17, 2009 Inspector Gill talked to s.22 the daughter, over the phone and we made arrangements to meet in person on July 21, 2009.

On July 21, 2009, Inspector Gill along with Investigator Ron Carriere, met with s.22 and her mother. During this meeting, s.22 provided a statement which detailed the events of July 9, 2009.

s.22 advised that she and two of her friends, who are 18 years old, decided to go to the Mirage nightclub. They initially tried to register on the guest list at [www.clubzones.com](http://www.clubzones.com) but were unable to for that night. They were then advised by an older sister of one of the girls to go to the club and say that "Heath" had put them on the guest list and see if that worked. Heath is the manager of the nightclub but in actual fact had not put the girls on a guest list. The girls arrived at the nightclub between 11:20-11:25. On arrival, they went to the main front entrance where there were 4 door staff on duty. They were told to get into line. s.22 then saw a male staff person who was carrying a clipboard and dealing with the VIP line. s.22 approached this male and advised him "Heath put us on the guest list". He said Ok and asked if it was just her and her two friends. s.22 said yes and he then let them go inside the club. This was at approximately 11:30 pm. Once inside, s.22 and her friends waited by the coat check area. They thought they would have to pay a cover charge but again were waved inside. At no time were s.22 or her friends requested or required to show any identification.

Once inside, s.22 and her friends purchased alcohol beverages. s.22 advises that she bought "Vodka Slimes" and tequila shots. She advises that it was student night and there were \$2 drink specials. When I asked how much she had to drink, s.22 stated "a lot" and explained that she had about 4 "Vodka Slime" drinks and 3-4 tequila shots. The drinks were purchased from the bartenders at both service bars. Some drinks were also purchased for s.22 by other friends she met at the club. s.22 provided a Visa statement showing a charge of \$23 at the Mirage nightclub. She states that she and her friends were supposed to leave the nightclub at approximately 1:45 am but she has no recollection of what happened after about 1 am. Sometime around 1:45, her friends noted she was missing and tried to find her. By closing they still had not found her and actually went back into the nightclub after 2:30 to find her. They checked the washrooms and kitchen but were unable to locate her. They called s.22 parents at about 2:30 am to advise they could not find her. The friends then returned home and one of the friends found s.22 sleeping at her house. It was now approximately 3:30 am. Apparently sometime between 1 am and 1:45 am, s.22 had left the nightclub in a cab and gone back to her friends home. She does not have any recollection of this but the Visa statement shows a charge to Guildford cabs.

Upon request, the licensee provided video footage of the main entrance for the establishment covering the time frame in question.

Guildford Cabs was subsequently contacted and they confirm that their records indicate that s.22 was picked up outside the nightclub on the date in question.

NOTE: Pages 4, 6 and 8 of this Notice of Enforcement Action letter are blank.

NOTE: Pages 4, 6 and 8 of this Notice of Enforcement Action letter are blank.

## **ALLEGED CONTRAVENTION(S)**

**Contravention Number** B007553 : C Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act

### **Reasons for Recommending Enforcement Action**

Regulatory practice in British Columbia has been based on the view that the public interest is not served by expecting people to take on the responsibilities that go along with liquor purchase and consumption until they reach the age of majority. A primary feature of a liquor primary establishment is the service and consumption of liquor, and one of the strategies to reduce the risk of children consuming liquor is to not permit minors into a liquor primary establishment. Permitting minors into a liquor primary establishment places them in an environment largely focused on liquor service, and provides a minor the opportunity to access liquor. Exposing minors to liquor is a serious public safety issue as it can lead to alcohol abuse on growing bodies and developing minds; the effects on individuals and society of irresponsible behaviour learned at an early age; a minor's lack of capacity to metabolize alcohol in the same manner as an adult. Liquor may have more of an intoxicating effect on minors and is a significant factor in many crimes committed by youth, including serious driving offences, assault, sexual assault, and theft.

### **Reasons for the Proposed Penalty**

The range of penalties for a first contravention of supplying liquor to minors in the premise is a 10-15 day licence suspension and/or a monetary penalty of \$7,500 - \$10,000. In this particular instance, 3 minors were given access to the establishment without being asked to produce identification or even verify their age. After gaining entry, these 3 minors were able to purchase and consume liquor, again without being asked to produce identification or even verify their age. Supplying liquor to a minor places the well being and safety of the minor at serious risk (as detailed in the above reasons for recommending enforcement action), and in this specific instance, the liquor supplied to s.22 (one of the three minors) placed her at serious risk and contributed to a state of mind where she cannot recall leaving the establishment or arriving at her friend's house.

The Branch recommends a licence suspension of 10 days. The licensee had opportunities to request identification from the minors at the front doors and while the minors were inside the establishment. At no time did this occur. Based on this failure, and the number of minors (3) that were involved, a mid range licences suspension is warranted. It is felt that a licence suspension will send the necessary message to the licensee and its staff on the seriousness of allowing minors into the establishment, and the need for them to be diligent in ensuring that their establishment is not one that will permit entry to minors.

Therefore;

For the alleged contravention of Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act (Contravention Notice Number B007553) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 10 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a contravention.

The suspension will be served starting on a Thursday and will continue on successive business days until completed.



## **IN THE ALTERNATIVE CONTRAVENTIONS**

Lesser but included contraventions may be considered in the alternative. The proposed penalty(ies) for the alleged lesser but included contravention(s) are as follows:

**Contravention Number** B007553 : C Minor - Permit minor to enter or be on premises, s.

### **Reasons for Recommending Enforcement Action**

Regulatory practice in British Columbia has been based on the view that the public interest is not served by expecting people to take on the responsibilities that go along with liquor purchase and consumption until they reach the age of majority. A primary feature of a liquor primary establishment is the service and consumption of liquor, and one of the strategies to reduce the risk of children consuming liquor is to not permit minors into a liquor primary establishment. Permitting minors into a liquor primary establishment places them in an environment largely focused on liquor service, and provides a minor the opportunity to access liquor. Exposing minors to liquor is a serious public safety issue as it can lead to alcohol abuse on growing bodies and developing minds; the effects on individuals and society of irresponsible behaviour learned at an early age; a minor's lack of capacity to metabolize alcohol in the same manner as an adult. Liquor may have more of an intoxicating effect on minors and is a significant factor in many crimes committed by youth, including serious driving offences, assault, sexual assault, and theft.

### **Reasons for the Proposed Penalty**

The range of penalties for a first contravention of minor in the premise is a 4-7 day licence suspension and/or a monetary penalty of \$5,000.00 - \$7,500.00. In this particular instance, 3 minors were given access to the establishment without being asked to produce identification or even verify their age. These minors remained inside the establishment for a considerable period of time, and while inside they were again not asked at any to produce identification or verify their age. This specific provision of the legislation is designed to ensure that the licensees take measures to ensure that minors are given access and exposed to the activities taking place within liquor primary establishments. The licensee failed in meeting its responsibilities.

The Branch recommends a mid range licence suspension of 4 days. The licensee had opportunities to request identification from the minors at the front doors and while the minors were inside the establishment. At no time did this occur. Based on this failure, and the number of minors (3) that were involved, it is felt that a licence suspension will send the necessary message to the licensee and its staff on the seriousness of allowing minors into the establishment, and the need for them to be diligent in ensuring that their establishment is not one that will permit entry to minors.

Therefore;

For the alleged contravention of Minor - Permit minor to enter or be on premises, s. 35 Act (Contravention Notice Number B007553) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 4 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a contravention.

The suspension will be served starting on a Thursday and will continue on successive business days until completed.



Lesser but included contraventions may be considered in the alternative. The proposed penalty(ies) for the alleged lesser but included contravention(s) are as follows:

**Contravention Number** B007553 : C Minor - Permit minor to consume liquor, s. 33(1)(c)

**Reasons for Recommending Enforcement Action**

Regulatory practice in British Columbia has been based on the view that the public interest is not served by expecting people to take on the responsibilities that go along with liquor purchase and consumption until they reach the age of majority. A primary feature of a liquor primary establishment is the service and consumption of liquor, and one of the strategies to reduce the risk of children consuming liquor is to not permit minors into a liquor primary establishment. Permitting minors into a liquor primary establishment places them in an environment largely focused on liquor service, and provides a minor the opportunity to access liquor. Exposing minors to liquor is a serious public safety issue as it can lead to alcohol abuse on growing bodies and developing minds; the effects on individuals and society of irresponsible behaviour learned at an early age; a minor's lack of capacity to metabolize alcohol in the same manner as an adult. Liquor may have more of an intoxicating effect on minors and is a significant factor in many crimes committed by youth, including serious driving offences, assault, sexual assault, and theft.

**Reasons for the Proposed Penalty**

The range of penalties for a first contravention of allowing minor to consume is a 10-15 day licence suspension and/or a monetary penalty of \$7,500 - \$10,000. In this particular instance, 3 minors were given access to the establishment without being asked to produce identification or even verify their age. After gaining entry, these 3 minors were able to purchase and consume liquor, again without being asked to produce identification or even verify their age. In the case of s.22 (one of the three minors), her liquor consumption at the Mirage placed her in a state of mind that she cannot recollect leaving the establishment or arriving at her friend's house. Allowing a minor to consume places their well being and safety of the minor at serious risk (as detailed in the above reasons for recommending enforcement action), and in this specific instance, the liquor supplied to s.22 (one of the three minors) placed her at serious risk and contributed to a state of mind where she cannot recall leaving the establishment or arriving at her friend's house.

The Branch recommends a licence suspension of 10 days. The licensee had opportunities to request identification from the minors at the front doors and while the minors were inside the establishment. At no time did this occur. Based on this failure, and the number of minors (3) that were involved, a mid range licences suspension is warranted. It is felt that a licence suspension will send the necessary message to the licensee and its staff on the seriousness of allowing minors to consume, and the need for them to be diligent in ensuring that their establishment is not one that will permit entry to minors.

Therefore;



For the alleged contravention of Minor - Permit minor to consume liquor, s. 33(1)(c) Act (Contravention Notice Number B007553) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 10 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a contravention.

The suspension will be served starting on a Thursday and will continue on successive business days until completed.

### **THE PROCEDURES**

An enforcement hearing may be scheduled to determine whether the alleged contravention(s) occurred and the appropriate penalty, if any, that should be imposed. You can contest the contravention(s) and/or the proposed penalty at the enforcement hearing.

**Please Note:** If a penalty is warranted, the General Manager may;

- Impose a suspension of the liquor license for a period of time;
- Cancel a liquor license;
- Impose terms and conditions to a license or rescind or amend existing terms and conditions;
- Impose a monetary penalty; or
- Order a licensee to transfer a license.

An enforcement hearing can be time consuming and costly for all participants. If you sign a waiver, there will be no need for an enforcement hearing for the alleged contravention(s) or the lesser but included contravention(s). By signing the waiver, you expressly and irrevocably:

- Agree that the contravention(s) occurred,
- Accept the proposed penalty in this letter,
- Waive the enforcement hearing, and
- Agree that the finding(s) of contravention(s) and the penalty will form part of your compliance history as a licensee.

Generally, the waiver must be signed within 14 days of the date of this letter. If you decide you want to sign a waiver, please contact me as soon as possible to arrange an appointment.

## **CONTACTS**

- (1) If you do not sign a waiver, the case management administrator will contact you with details of the enforcement hearing process. The case management administrator contact information is:  
Elizabeth Barker; (250) 387-0747; Elizabeth.Barker@gov.bc.ca
- (2) Please contact me at (604) 660-7723 if you want to sign a waiver notice or if you have any questions regarding this notice.

Yours truly,

Ron Carriere  
Surrey

Attachments:  
Appendices A & B  
Copy of Enforcement Hearing Rules  
Copy of Liquor Licence  
Copy of Contravention Notice  
Copy of Red line Floor Plan

## APPENDIX A

### License Information

License number: 176354  
License type: Liquor Primary  
License expiry date: April 30, 2010

At an enforcement hearing, the branch may present the following information related to allegations of non-compliance for which the branch did not pursue enforcement action. If there is a finding that the contravention(s) alleged which are the subject of this Notice of Enforcement Action did occur, the following information may be considered by the General Manager, for the purpose of determining what penalty, if any, is appropriate. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions:

Date of Incident	Alleged Contravention	Identifying Document(s)
July 09, 2009	Minor - Sell, give or otherwise supply liquor to minor, s. 33(1)(a) Act	CN # B007553
July 09, 2009	Minor - Permit minor to enter or be on premises, s. 35 Act	CN # B007553
July 09, 2009	Minor - Permit minor to consume liquor, s. 33(1)(c) Act	CN # B007553
April 10, 2009	Overcrowd beyond person capacity less than or equal to occupant load, s. 6(4) Reg.	CN # B007583
December 16, 2007	Permit intoxicated person to remain, s. 43(2)(b) Act	CN # B008052

### Compliance Meetings:

Date	Topic
January 03, 2008	Permit intoxicated person to remain, s. 43(2)(b) Act
April 24, 2009	Overcrowd beyond person capacity less than or equal to occupant load

## **APPENDIX B**

### **License Information**

License Number: 176354  
License Type: Liquor Primary  
License Expiry Date: April 30, 2010

At an enforcement hearing, the General Manager will consider compliance history when determining the appropriate penalty for each contravention.

### **LICENSEE'S COMPLIANCE HISTORY**

The licensee's compliance history consists of any prior findings of contraventions and penalties that relate to the licensee in question. A finding of contravention results when the licensee signs a waiver or the General Manager makes a decision that a contravention did occur. The General Manager may also consider this information when assessing if the licensee knew that there were problems meeting the legislated requirements and what the licensee has done since it was brought to their attention that there were alleged contraventions.

No.	Date	Contravention Notice Number	Findings of Contravention	Penalty Imp
1.	June 05, 2009	B007586; EH09-062	Contravene term & condition - Exceed maximum drink size, s. 12 Act	\$1000 moneta penalty

### **ESTABLISHMENT'S COMPLIANCE HISTORY**

The establishment's compliance history consists of any prior findings of contraventions and penalties that relate to the establishment in question. A finding of contravention results when the licensee responsible for the establishment signs a waiver or the General Manager makes a decision that a contravention did occur.

	Date	Contravention Notice Number	Findings of Contravention	Enforce Act
1.	June 05, 2009	B007586; EH09-062	Contravene term & condition - Exceed maximum drink size, s. 12 Act	\$1000 mon penalty

No. **B007553**



**BRITISH COLUMBIA**

Liquor Control and Licensing Act  
and Regulation 244/2002

**CONTRAVENTION NOTICE**

Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: Mirage Cabaret  
Establishment address: 15330, 102A AVE.  
SURREY, BC V3R 2R6  
Licensee name: 0715423 B.C. LTD.  
Licence #: 176354 Date CN issued: SEP 09 190  
Date and time of alleged contravention(s): OCT 09 109 10:05 pm

On the date noted above, the following alleged contravention(s) of the Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section
1	MINOR in premise	35 <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2	Supply to minor	33(1)(a) <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
3	Permit minor to consume	33(1)(c) <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
4		<input type="checkbox"/> Act <input type="checkbox"/> Reg

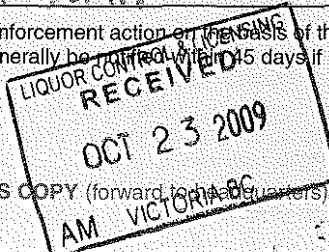
Details: MINOR advised Branch she  
gained entry to Mirage Cabaret  
and purchased liquor from bar.  
\*Answered CN, replaces CN B007549\*

Inspector name: IAN CARTIER Badge #: SP# 300  
Telephone: 604-596-3649 LPC #:         

Management acknowledgement (name and title):  
sent via mail

The general manager may proceed with enforcement action on the basis of this contravention notice. The licensee will generally be notified 15 days if enforcement action is proposed.

COPY 3: LCLB HEADQUARTERS COPY (forward to HQ)



No. B 007549



BRITISH  
COLUMBIA

Liquor Control and Licensing Act  
and Regulation 244/2002

**CONTRAVENTION NOTICE**

Liquor Control and Licensing Branch,  
Ministry of Public Safety and Solicitor General

Establishment name: Mirage Cabaret  
Establishment address: 15330 102A Ave,  
Surrey, BC V3R 2R6  
Licensee name: 0715423 B.C. Ltd  
Licence #: 176354 Date CN issued: 09/08/07  
Date and time of alleged contravention(s): 07/10/07 20:15hrs

On the date noted above, the following alleged contravention(s) of the  
Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section	
1	Fail to Request ID	45(2)	<input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg
2	Supply to Minor	33	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
3	Minor in Premise	35	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
4			<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: Minor Adv. Branch she  
was in Mirage Cabaret, no ID  
request, & served liquor.

Inspector name: Tam Carriere Badge #: SP# 300  
Telephone: 604 586-2649 LPC #: —  
Management acknowledgement (name and title): Sent via mail

The general manager may proceed with enforcement action on the basis of this  
contravention notice. The licensee will generally be notified within 45 days if  
enforcement action is proposed.

COPY 3: LCLB HEADQUARTERS COPY (forward to headquarters)



## COMPLIANCE MEETING

Inspector's Name: Rupi Gill

Date: Jan 31/08

Office Location: Surrey

### ESTABLISHMENT INFORMATION:

Establishment Name: Mirage Nightclub

Establishment Address: 15338 102<sup>nd</sup> Ave. Surrey BC V3K 2R6

Licence No.: 176354 Licence Class: LP Expiry date: April 30/2008

Licensee Name: 0715423 BC Ltd.

### MEETING DETAILS:

Attendees at compliance meeting:

Name: Heath Ferguson Association/Position: General Manager Contact No: s.22

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Name: \_\_\_\_\_ Association/Position: \_\_\_\_\_ Contact No: \_\_\_\_\_

Reason compliance meeting was convened (cite CN # if relevant): \_\_\_\_\_

CN # B008052

Information reviewed at the meeting:

☒ Relevant section(s) of the *Liquor Control and Licensing Act* 43(2)(b)

☐ Relevant section(s) of the *Liquor Control and Licensing Regulations*

☐ Relevant section(s) of the *Compliance and Enforcement Program, Policy and Procedures Manual*

☐ Relevant section(s) of the *Guide to Liquor Licensees*

☐ Other \_\_\_\_\_

ENTERED IN POSSE

Commitments made by licensee: General Manager will ensure that staff are kept focussed on their responsibilities with respect to overservice. Establishment has devised a system of reducing the servings that patrons can purchase at one time in order to slow down the consumption of alcohol.

Other \_\_\_\_\_

Inspector Name: Rupi Gill

Inspector Signature: [Signature]

Licensee Name: Heath Ferguson

Licensee Signature: [Signature]



April 21, 2010

Barry J. Carter  
Mair Jensen Blair  
700 -275 Lansdowne Street  
Kamloops, BC V2C 6H6

VIA EMAIL: [jbc@mjbblaw.com](mailto:jbc@mjbblaw.com)

Dear Mr. Carter:

**Re: 0715423 B.C. Ltd., Mirage Cabaret, 15330 102A Avenue, Surrey BC**  
**Liquor Primary Licence No. 176354 Case: EH09-111**

The purpose of this letter is to inform you that the Liquor Control and Licensing Branch is no longer pursuing enforcement action against your client for the following contravention:

No	Contravention Name	Section of Act / regulation / term and condition of the licence	Date of alleged Contravention	Contravention Notice Number	Date of NOEA
1.	Minor – sell, give or otherwise supply liquor to minor	LCLA s. 33(1)(a)	July 9, 2009	B007553	October 22, 2009

Although the contraventions identified above will no longer be pursued, please be advised that contravention notice B007553 will remain on you clients file.

If you have any questions about the matters covered in this letter, please contact Ron Carriere, Investigator at (604) 586-2649.

Yours truly,

Bruce Edmundson  
Deputy General Manager  
Compliance and Enforcement

pc: Mike Clark, Regional Manager  
Shahid Noorani, Manager of Investigations  
Ron Carriere, Investigator  
Peter Mior, Branch Advocate

Ministry of Housing  
and Social  
Development

Liquor Control and  
Licensing Branch

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

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[http:// www.hsd.gov.bc.ca/lclb](http://www.hsd.gov.bc.ca/lclb)





December 22, 2009

**By Fax: 250 374-6992**

Mair Jensen Blair  
700 – 275 Landsdowne Street  
Kamloops, BC V2C 6H6

Attention Barry J. Carter

Dear Sir:

**Re: 0715423 BC Ltd. dba Mirage Cabaret, Surrey BC  
Liquor Primary Licence No. 176354  
EH09-111**

I write further to the prehearing conference held on November 13, 2009 and write to advise that the Branch has been unable to obtain a photograph of the minor, s.22 Further, we are unable to ascertain her identity on the surveillance video provided by your client.

Thank you.

Yours truly,

**Peter Mior**  
Branch Advocate  
Compliance and Enforcement

cc: Elizabeth Barker, Registrar

**From:** Noorani, Shahid HSD:EX  
**Sent:** Tuesday, April 20, 2010 11:12 AM  
**To:** Mior, Peter HSD:EX; Fisher, Mandy HSD:EX  
**Cc:** Clark, Michael J HSD:EX; Carriere, Ron M HSD:EX; Gill, Rup K HSD:EX; Barker, Elizabeth HSD:EX  
**Subject:** Mirage Cabaret EH09-111

Peter - given the on-going challenges you are experiencing with the minor in having her attend an enforcement hearing, I see no value in spending any further time or resources on this file. We will withdraw the NOEA.

Mandy – would you please prepare the standard withdrawal letter for Bruce's signature.

Thanks

Shahid Noorani  
Manager of Investigations  
Liquor Control and Licensing Branch  
Tel: (604)586-2646  
Fax: (604)586-2640  
Email: [shahid.noorani@gov.bc.ca](mailto:shahid.noorani@gov.bc.ca)



November 26, 2009

Barry J. Carter Mair Jensen Blair 700 -275 Lansdowne Street Kamloops, BC V2C 6H6 Phone (604) 682-6299 Vancouver (250) 374-3161 Kamloops Fax (250) 374-6992 <a href="mailto:jbc@mjbblaw.com">jbc@mjbblaw.com</a>	Peter Mior, branch advocate Liquor Control and Licensing Branch 101 – 133 East 8 <sup>th</sup> Avenue Vancouver, BC V5T 1R8 Phone (604) 660-7723 Fax (604) 775-0044 <a href="mailto:peter.mior@gov.bc.ca">peter.mior@gov.bc.ca</a>
--	--

Dear Gentlemen:

**Re: 0715423 B.C. Ltd., Mirage Cabaret, 15330 102A Avenue, Surrey BC**  
**Liquor Primary Licence No. 176354** **Case: EH09-111**

Further to our communication regarding availability, I am scheduling this hearing as follows:

**Status**

Enforcement Hearing Date: **January 27, 2010, commencing at 9:30 am.**  
(Please note that the hearing date will only be postponed in exceptional circumstances).

Hearing Location: Liquor Control and Licensing Branch Office  
Surrey Regional Office  
101-9180 King George Hwy  
Surrey, BC  
(604) 586-2641

Final Date for Disclosure of Documents and Witness names: **January 13, 2010**

Please note that the branch does not record its hearings. Further, it is the branch's practice to hold one hearing to address whether a contravention occurred and if so, what penalty, if any, is warranted (including when the penalty or suspension should be imposed). Please be prepared to deal with both matters on the date of the hearing.

**Ministry of Housing &  
Social Development**

Liquor Control and  
Licensing Branch

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

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[www.hsd.gov.bc.ca/lclb](http://www.hsd.gov.bc.ca/lclb)

If the adjudicator finds that the contravention took place and decides that a penalty is warranted, section 20 of the *Act* permits the adjudicator to do one or more of the following:

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

If the adjudicator finds that a monetary penalty or a suspension is warranted, the adjudicator is bound to order at least the minimum set out in the penalty schedule (see appendix 1 in *Terms & Conditions: A Guide for Liquor Licensees in BC*). The adjudicator is not bound by the maximum and may impose higher penalties when it is in the public interest to do so. The adjudicator is not bound to order the penalty proposed in the NOEA.

To see the branch's recent enforcement decisions, please visit our website at <http://www.hsd.gov.bc.ca/lclb/enforcements/index.htm>.

If you have any questions, please feel free to contact me directly at (250) 387-0747, toll free 1-866-209-2111 or via email [elizabeth.barker@gov.bc.ca](mailto:elizabeth.barker@gov.bc.ca).

Sincerely,

*Original signed by*

Elizabeth M. Barker  
Registrar, Enforcement Hearings

cc: Adjudicator  
Rupi Gill, liquor inspector



November 13, 2009

Barry J. Carter Mair Jensen Blair 700 -275 Lansdowne Street Kamloops, BC V2C 6H6 Phone (604) 682-6299 Vancouver (250) 374-3161 Kamloops Fax (250) 374-6992 <a href="mailto:jbc@mjbblaw.com">jbc@mjbblaw.com</a>	Peter Mior, branch advocate Liquor Control and Licensing Branch 101 – 133 East 8 <sup>th</sup> Avenue Vancouver, BC V5T 1R8 Phone (604) 660-7723 Fax (604) 775-0044 <a href="mailto:peter.mior@gov.bc.ca">peter.mior@gov.bc.ca</a>
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Dear Gentlemen:

**Re: 0715423 B.C. Ltd., Mirage Cabaret, 15330 102A Avenue, Surrey BC**  
**Liquor Primary Licence No. 176354**

**Case: EH09-111**

This letter records the results of a telephone pre-hearing conference held on November 13, 2009, which was attended by Wayne Ferguson, licensee, Barry Carter, licensee's solicitor, and Peter Mior, branch advocate.

**Alleged Contravention and Proposed Penalty**

The branch's allegations and proposed penalty are set out in the Notice of Enforcement Action (the "NOEA") dated October 22, 2009, which the licensee acknowledges having received. The branch alleges that on July 9, 2009, the licensee contravened section 33(1)(a) of the *Liquor Control & Licensing Act* by selling, giving or otherwise supplying liquor to a minor. The proposed penalty is a ten (10) day suspension of the liquor licence (item 2, Schedule 4 of the *Regulation*).

**In the alternative contraventions**

If the general manager's delegate does not find the above contravention occurred, he will be asked to consider if the one of the following two alternative contraventions occurred:

- That on July 9, 2009 the licensee contravened section 35 of the *Act* by permitting a minor to enter or to be on premises where liquor is sold or kept for sale. The proposed penalty is a four (4) day suspension of the liquor licence (item 3, Schedule 4 of the *Regulation*).
- That on July 9, 2009 the licensee contravened section 33(1)(c) of the *Act* by permitting a minor to consume liquor. The proposed penalty is ten (10) day suspension of the liquor licence (item 2, Schedule 4 of the *Regulation*).

**Ministry of Housing &  
Social Development**

Liquor Control and  
Licensing Branch

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

Location:  
Second Floor, 1019 Wharf Street  
Victoria BC

[www.hsd.gov.bc.ca/lclb](http://www.hsd.gov.bc.ca/lclb)

The licensee disputes the alleged contraventions.

### **Hearing**

A hearing date is still to be set. The branch will make reasonable efforts to accommodate all participants' availability when scheduling. However, it is important for the branch to take action against non-compliance to minimize public safety risks and protect community standards, and a delay in dealing with non-compliance or not responding may endanger the public or compromise community standards. As well, it may encourage further incidences of non-compliance. Once a date is set, hearings will only be postponed in exceptional circumstances.

Please note that the branch does not record its hearings. Further, it is the branch's practice to hold one hearing to address whether a contravention occurred and if so, what penalty, if any, is warranted (including when the penalty or suspension should be imposed). Please be prepared to deal with both matters on the date of the hearing.

### **Witnesses**

Mr. Mior stated that the branch plans to call the following people to testify at the hearing:

1.                               the minor
2.               s.22               s.22 mother
3. Rupi Gill, liquor inspector

The licensee anticipates calling the following people to testify at the hearing:

4. Heath Ferguson, manager
5. One or more front door staff
6. One or more bartenders

### **Disclosure**

At the time that the licensee was sent the NOEA, the licensee was provided with documentation which included the contravention notice, the licence, the floor plan and the enforcement hearing rules. Mr. Mior has agreed to provide the licensee with a copy of the video surveillance tape that the branch obtained from the licensee during the investigation of this matter. Mr. Ferguson requested that the branch identify where exactly on the video surveillance tape the minor appears. The licensee points out that its own investigation into the matter has been hampered due to the time that has passed and the fact that it has no means of identifying the minor. Mr. Mior agreed to share with the licensee any photo the branch has of the minor.

Once a hearing date has been selected, I will chose a date by which copies of the above documents and any others that will be produced at the hearing must be exchanged. That date will also be the final date for confirmation of any changes to the list of witnesses who will be called to testify at the hearing. Failure to disclose documents or identify witnesses within the timeframe set may result in the evidence being ruled inadmissible by the general manager's delegate (the "adjudicator").

Please bring to the hearing a copy of all documents you will produce for the adjudicator to use as the official exhibit copy.

### **Possible Enforcement Action**

If the adjudicator finds that the contravention(s) took place and decides that a penalty is warranted, section 20 of the *Act* permits the adjudicator to do one or more of the following:

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

If the adjudicator finds that a monetary penalty or a suspension is warranted, the adjudicator is bound to order at least the minimum set out in the penalty schedule (see appendix 1 in *Terms & Conditions: A Guide for Liquor Licensees in BC*). The adjudicator is not bound by the maximum and may impose a higher penalty when it is in the public interest to do so. The adjudicator is not bound to order the penalty proposed in the NOEA.

To see the branch's recent enforcement decisions, please visit our website at [http://www.hsd.gov.bc.ca/lclb/comp\\_enforce/search.htm](http://www.hsd.gov.bc.ca/lclb/comp_enforce/search.htm)

Thank you for your participation in the pre-hearing conference. If you disagree with the above summary or you have any questions, feel free to contact me directly at (250) 387-0747 or toll free 1-866-209-2111.

Sincerely,

*Original signed by*

Elizabeth M. Barker  
Registrar, Enforcement Hearings

cc: Adjudicator  
Rupi Gill, liquor inspector



October 29, 2009

0715423 BC Ltd.  
c/o Wayne Ferguson  
400 – 20033 64<sup>th</sup> Avenue  
Langley, BC V2Y 1M9

Dear Licensee:

**Re: Mirage Cabaret, Surrey BC**  
**Liquor Primary No. 176354**

**Case: EH09-111**

The General Manager of the Liquor Control and Licensing Branch must determine whether to conduct an enforcement hearing regarding the contravention(s) set out in the attached Notice of Enforcement Action. An enforcement hearing is required if the licensee disputes that the contravention(s) took place and/or disputes the proposed penalty.

**Pre-hearing Conference**

A pre-hearing telephone conference will be held in order to:

- Determine if an enforcement hearing is required;
- Explain the enforcement hearing process and answer the licensee's questions;
- Identify the issues that will be addressed at the enforcement hearing;
- Identify and discuss the evidence that the licensee and the Branch will present at the enforcement hearing. This includes providing the names of any witnesses that will testify;
- Arrange for the licensee and the Branch to provide each other with copies of documents or other evidence that will be introduced at the enforcement hearing;
- Set a date for the enforcement hearing.

Elizabeth Barker, the Branch's Registrar of Enforcement Hearings, will conduct the pre-hearing conference by way of a telephone conference call. Peter Mior, the Branch Advocate, will represent the Branch. The pre-hearing conference will take place on:

**Friday, November 13, at 9:30 a.m.** To participate in the pre-hearing conference please call **s.15, s.17** at the scheduled time and when prompted to do so enter the **conference ID No. s.15, s.17**

During the pre-hearing conference, you should be prepared to provide dates when you and your witnesses are available to attend an enforcement hearing.



### **Licensee Representative**

If you wish to have someone else represent you at the pre-hearing conference, we require your prior written consent for this person to speak on your behalf. Please choose a representative who is available for the date of the pre-hearing conference. In general, the unavailability of your representative on the date of the pre-hearing conference is not considered justification for rescheduling.

### **Language Interpreter**

If you need a language interpreter to help you, please arrange this in advance of the pre-hearing conference and let us know who this person will be. Unless you and your interpreter are going to use the same telephone line, we need to know what number to call in order to connect your interpreter into the pre-hearing conference.

### **Rescheduling**

The pre-hearing conference will only be adjourned if there are special circumstances that justify rescheduling. To obtain an adjournment please provide the Branch's Case Management Administrator with a written request explaining your reasons and proposing alternative dates. A request for adjournment must be received at least two full business days prior to the scheduled pre-hearing conference. The Branch's Registrar of Enforcement Hearings will consider your request, obtain further information if necessary, and make a decision on whether to adjourn the pre-hearing conference to a later date.

### **Failure to Attend Pre-Hearing Conference**

Should you fail to attend the pre-hearing conference, the Branch's General Manager may make a decision without conducting an enforcement hearing. You will be given an opportunity to provide a written submission. Such decisions are based on the Notice of Enforcement Action and supporting documents and any written material that you submit in response.

### **Waiver**

You may sign a waiver and accept the proposed penalty if you agree that the alleged contraventions took place. To do so, promptly contact the inspector whose name and number appears in the Notice of Enforcement Action to arrange an appointment to sign a waiver form. The pre-hearing conference and an enforcement hearing will not be required if a waiver is signed.

### **Additional Background**

A fact sheet briefly outlining the Branch's enforcement process is enclosed. Please refer to our Enforcement Hearing Rules for more detail. Recent Branch enforcement decisions can also be reviewed at <http://www.hsd.gov.bc.ca/lclb/enforcements/index.htm>.

If you have any questions or concerns regarding this matter, please feel free to contact me by phone (250) 356-0010 or facsimile (250) 387-9184. Thank you.

Yours truly,

*Original signed by*

Annie Braiden  
A/Case Management Administrator

cc: Elizabeth M. Barker, Registrar, Enforcement Hearings  
Peter Mior, Branch Advocate

Attachments:

- Notice of Enforcement Action
- Enforcement Hearing Fact Sheet



July 22, 2009

File No: EH09-062

Job No: 000709261-041

0715423 BC Ltd.  
c/o Wayne Ferguson  
400 - 20033 64th Avenue  
Langley, BC V2Y 1M9

Telephone: (604) 542-6044

Dear Wayne Ferguson:

**Re: Licence Number 176354**

Mirage Cabaret  
15330 102A Ave  
SURREY, BC V3R 2R6

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence. You agreed to and accepted the following enforcement actions by signing a waiver notice on July 20, 2009.

It is important to note that you are responsible for the actions of your employees. You will want to ensure that managers and staff are familiar with the terms of the enforcement action and their responsibilities.

**Enforcement Action**

**Monetary penalty**

A monetary penalty of \$1,000 (One Thousand Dollars) must be paid to the general manager by Wednesday, August 19, 2009.

The payment should be made to Liquor Control and Licensing Branch headquarters at the address indicated in Appendix A. It is important to attach the accompanying Appendix A so that the payment can be correctly recorded on your file.

Ministry of Public  
Safety  
and Solicitor  
General

Liquor Control and  
Licensing Branch

Mailing address:  
PO Box 9292 Stn Prov Govt  
Victoria, BC V8W 9J8  
Toll Free: 1 866 209-2111  
Telephone: 250 387-1254  
Facsimile: 250 387-9184

Location:  
Second Floor  
1019 Wharf Street  
Victoria BC

<http://www.pssg.gov.bc.ca/clib>

Page 1 of 3

### **Consequences of non-payment**

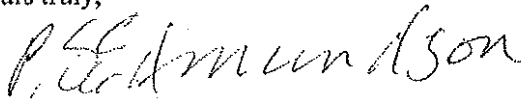
There are serious consequences for non-payment of the full amount of a monetary penalty.

1. The general manager may refuse to renew or transfer a licence if a monetary penalty has not been fully paid by the due date.
2. The general manager will consider imposing a suspension penalty for failure to pay a monetary penalty by the due date. The suspension penalty for this contravention is described in item 44 of schedule 4 to the Liquor Control and Licensing Regulations. However, the general manager has the authority to impose a suspension penalty greater than the one set out in the schedule when it is in the public interest to do so.

### **Contact Number**

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2658.

Yours truly,



Bruce Edmundson  
Deputy General Manager  
Compliance and Enforcement

CC: SURREY R.C.M.P.  
Clerk/Secretary City of SURREY  
Brewers Distributors Ltd.  
SURREY GLS #172  
GUILDFORD GLS #240  
Manager of Licensing  
Manager of Finance  
Regional Manager Michael Clark  
Inspector Rupi Gill

Encl: Appendix A



July 6, 2009

0715423 BC Ltd.  
c/o Wayne Ferguson  
400-20033 4<sup>th</sup> Avenue  
Langley, BC V2Y 1M9

Phone: (604) 542-6044

Dear Licensee:

**Re: Mirage Cabaret, Surrey BC**  
**Liquor Primary Licence No. 176354**

**Case: EH09-062**

The General Manager of the Liquor Control and Licensing Branch must determine whether to conduct an enforcement hearing regarding the contravention(s) set out in the attached Notice of Enforcement Action. An enforcement hearing is required if the licensee disputes that the contravention(s) took place and/or disputes the proposed penalty.

**Pre-hearing Conference**

A pre-hearing telephone conference will be held in order to:

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- Identify and discuss the evidence that the licensee and the Branch will present at the enforcement hearing. This includes providing the names of any witnesses that will testify;
- Arrange for the licensee and the Branch to provide each other with copies of documents or other evidence that will be introduced at the enforcement hearing;
- Set a date for the enforcement hearing.

Elizabeth Barker, the Branch's Registrar of Enforcement Hearings, will conduct the pre-hearing conference by way of a telephone conference call. Olubode Fagbamiye, the Branch Advocate, will represent the Branch. The pre-hearing conference will take place on:

**Monday, July 20, 2009, at 9:30 a.m.** To participate in the pre-hearing conference please call **s.15, s.17** at the scheduled time and when prompted to do so enter the **conference ID No. s.15, s.17**

During the pre-hearing conference, you should be prepared to provide dates when you and your witnesses are available to attend an enforcement hearing.

### **Licensee Representative**

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If you have any questions or concerns regarding this matter, please feel free to contact me by phone (250) 356-0010 or facsimile (250) 387-9184. Thank you.

Yours truly,

*Original signed by*

Annie Braiden  
A/Case Management Administrator

cc: Elizabeth M. Barker, Registrar, Enforcement Hearings  
Olubode Fagbamiye, Branch Advocate

Attachments:

- Notice of Enforcement Action
- Enforcement Hearing Fact Sheet