

## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 3:48 PM  
**To:** Southern, Evan JAG:EX; Ives, Andrew JAG:EX; Lalonde, Jarett JAG:EX  
**Cc:** Groot, Jeff GCPE:EX; Sitter, Donna GCPE:EX; Bates Gibbs, Bonnie GCPE:EX; DeLuca, Lori GCPE:EX; Heiman, Carolyn GCPE:EX; Mulholland, Lauren GCPE:EX; Mentzelopoulos, Athana GCPE:EX; Gleeson, Kelly T GCPE:EX; Funk, Richelle GCPE:EX; Mills, Shane PREM:EX  
**Subject:** RE: 2:40pm SG/AG Media Requests

Also sharing the same information with James Keller of Canadian Press.

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**From:** Southern, Evan JAG:EX  
**Sent:** April-04-14 2:49 PM  
**To:** Schollen, Tasha GCPE:EX  
**Cc:** Ives, Andrew JAG:EX; Lalonde, Jarett JAG:EX; Groot, Jeff GCPE:EX; Sitter, Donna GCPE:EX; Bates Gibbs, Bonnie GCPE:EX; DeLuca, Lori GCPE:EX; Heiman, Carolyn GCPE:EX; Mulholland, Lauren GCPE:EX; Mentzelopoulos, Athana GCPE:EX; Gleeson, Kelly T GCPE:EX; Funk, Richelle GCPE:EX; Mills, Shane PREM:EX  
**Subject:** Re: 2:40pm SG/AG Media Requests

Approved.  
Copying Shane, most likely to get lots of coverage.

Sent from my iPad

On Apr 4, 2014, at 2:41 PM, "Schollen, Tasha GCPE:EX" <[Tasha.Schollen@gov.bc.ca](mailto:Tasha.Schollen@gov.bc.ca)> wrote:

### 0 AG Requests

### 1 SG Request

- Toronto Star – Foggy Dew Investigation – due 3pm

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**Deadline @** \*tight\* 3pm

**Media:** [Toronto Star](#)

**Reporter:** [Emily Mathieu](#) s 22 [emathieu@thestar.ca](mailto:emathieu@thestar.ca)

**Topic:** [Foggy Dew/](#) s 22 [liquor infraction](#)

**Background:** Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

**LCLB Inspector's Notes:**

**Section 44.1a - Fail to clear patrons**

- OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparisons of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.
- 

S.22

#### **Section 44.3 - Allow consumption after hours**

- OTHER PATRON - One patron was seen on surveillance consuming a bottle of beer and passing it back and forth to a friend between 2:30 am and 2:45 am. The only evidence is the surveillance video which, after comparing the different cameras shows inconsistent timing between cameras beginning at approximately 1:30 AM. The licensee has provided some explanations of how and why this may have occurred. Sales records support the explanations and the inconsistencies add weight to the licensee's argument.
- 

S.22

## Section 38 - Unlawful Sale of liquor

- OTHER PATRONS - Allegation was solely based on video surveillance showing continued liquor service by all bartenders – surveillance shows multiple transactions at the register. Comparison of two different sales records show sales ended by required time. Comparison of surveillance on the different cameras shows inconsistency in timing beginning at 1:30 am. Again, the licensee has provided some explanation of how and why this may have occurred. It adds weight to their argument.
- s 22

### Questions:

Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last? Did anyone speak to or attempt to speak with s 22 Did anyone speak with staff at the pub? Who did investigators contact during their investigation? How much evidence and of what kind is required to arrange for a hearing?

### Attributable to Doug Scott:

- Any time a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter.
- In this case, based on that review, the inspector issued two Contravention Notices to the licensee – one for failing to clear the establishment within half an hour of the end of liquor service and one for allowing patrons to consume liquor beyond the time permitted by the terms of its licence.
- Contravention Notices are notices of alleged non-compliance and are intended to give the licensee a heads up that there are specific concerns that will need to be discussed further.
- Two compliance meetings were held with the licensee to discuss these Contravention Notices, promote voluntary compliance and assist in anticipating and creating solutions for potential problems.
- The inspector did not recommend enforcement action due to insufficient evidence to support allegations at an enforcement hearing, but the Contravention Notices will be kept in the branch's file.
- The investigation occurred over a period of approximately six weeks.
- It is the LCLB's policy not to comment on the actions of individual patrons.

### Background information:

#### Process for these investigations:

- If a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter. Based on that review, if the inspector believes that a licensee is in contravention of the terms of its licence, the inspector may issue a Contravention Notice to the licensee. Depending on the circumstances and supporting evidence, the inspector may also recommend enforcement action, in the form of a fine or suspension.

- If the inspector does not recommend enforcement action, he or she will keep the Contravention Notice in the branch's establishment file, and may require the licensee to attend a compliance meeting. The purpose of the meeting is to promote voluntary compliance and assist the licensee in anticipating and creating solutions for potential problems.
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**Provided to reporter earlier today:**

**Attributable to Douglas Scott, LCLB ADM and GM:**

"Following a complete and detailed review, B.C.'s Liquor Control and Licensing Branch (LCLB) has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed."

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**Tasha Schollen** | Media Relations and Issues Manager  
 Ministry of Justice | Solicitor General Communications Office  
 Phone: 250-387-5009 | Cell: 250-889-1121

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**To:** Southern, Evan JAG:EX; Ives, Andrew JAG:EX; Lalonde, Jarett JAG:EX  
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**Subject:** 2:40pm SG/AG Media Requests

### 0 AG Requests

### 1 SG Request

- Toronto Star – Foggy Dew Investigation – due 3pm
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**Deadline @**     **\*tight\* 3pm**

**Media:**            Toronto Star

**Reporter:**       Emily Mathieu,       s 22       [emathieu@thestar.ca](mailto:emathieu@thestar.ca)

**Topic:**            Foggy Dew       s 22       liquor infraction

**Background:**    Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

### LCLB Inspector's Notes:

#### Section 44.1a - Fail to clear patrons

- OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparisons of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.

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S.22

### Section 44.3 - Allow consumption after hours

- OTHER PATRON - One patron was seen on surveillance consuming a bottle of beer and passing it back and forth to a friend between 2:30 am and 2:45 am. The only evidence is the surveillance video which, after comparing the different cameras shows inconsistent timing between cameras beginning at approximately 1:30 AM. The licensee has provided some explanations of how and why this may have occurred. Sales records support the explanations and the inconsistencies add weight to the licensee's argument.

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### Section 38 - Unlawful Sale of liquor

- OTHER PATRONS - Allegation was solely based on video surveillance showing continued liquor service by all bartenders – surveillance shows multiple transactions at the register. Comparison of two different sales records show sales ended by required time. Comparison of surveillance on the different cameras shows inconsistency in timing beginning at 1:30 am. Again, the licensee has provided some explanation or how and why this may have occurred. It adds weight to their argument.

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### Questions:

Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last? Did anyone speak to or attempt to speak with s 22 ? Did anyone speak with staff at the pub? Who did investigators contact during their investigation? How much evidence and of what kind is required to arrange for a hearing?

### Attributable to Doug Scott:

- Any time a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter.

- In this case, based on that review, the inspector issued two Contravention Notices to the licensee – one for failing to clear the establishment within half an hour of the end of liquor service and one for allowing patrons to consume liquor beyond the time permitted by the terms of its licence.
- Contravention Notices are notices of alleged non-compliance and are intended to give the licensee a heads up that there are specific concerns that will need to be discussed further.
- Two compliance meetings were held with the licensee to discuss these Contravention Notices, promote voluntary compliance and assist in anticipating and creating solutions for potential problems.
- The inspector did not recommend enforcement action due to insufficient evidence to support allegations at an enforcement hearing, but the Contravention Notices will be kept in the branch's file.
- The investigation occurred over a period of approximately six weeks.
- It is the LCLB's policy not to comment on the actions of individual patrons.

#### **Background information:**

##### **Process for these investigations:**

- If a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter. Based on that review, if the inspector believes that a licensee is in contravention of the terms of its licence, the inspector may issue a Contravention Notice to the licensee. Depending on the circumstances and supporting evidence, the inspector may also recommend enforcement action, in the form of a fine or suspension.
- If the inspector does not recommend enforcement action, he or she will keep the Contravention Notice in the branch's establishment file, and may require the licensee to attend a compliance meeting. The purpose of the meeting is to promote voluntary compliance and assist the licensee in anticipating and creating solutions for potential problems.
- If the inspector recommends enforcement action and the regional manager concurs, the licensee will receive a Notice of Enforcement Action including details of the allegation, a summary of the evidence, the proposed penalty and the reasons for the recommended penalty. The process is set out here:  
<http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf>
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#### **Provided to reporter earlier today:**

##### **Attributable to Douglas Scott, LCLB ADM and GM:**

"Following a complete and detailed review, B.C.'s Liquor Control and Licensing Branch (LCLB) has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed."

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**Tasha Schollen** | Media Relations and Issues Manager  
Ministry of Justice | Solicitor General Communications Office  
Phone: 250-387-5009 | Cell: 250-889-1121



## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 1:54 PM  
**Subject:** Update on Foggy Dew Irish Pub Investigation

Hello,

The Liquor Control and Licensing Branch's investigation into the Foggy Dew Pub has concluded. Here is a statement from Douglas Scott.

Should you have further questions, please let me know.

Thanks,  
Tasha

### **Statement from Douglas Scott, Liquor Control and Licensing Branch General Manager and Assistant Deputy Minister:**

"Following a complete and detailed review, B.C.'s Liquor Control and Licensing Branch has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed."

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**Tasha Schollen** | Media Relations and Issues Manager  
Ministry of Justice | Solicitor General Communications Office  
Phone: 250-213-3602

**From:** Schollen, Tasha GCPE:EX  
**Sent:** Wednesday, April 2, 2014 4:42 PM  
**To:** Turner, Caeli GCPE:EX  
**Subject:** FW: Foggy Dew Update/Findings

CN B011699

Section 44.1a - Fail to clear patrons

1. OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparison of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.
- 2.

S.22

Section 44.3 - Allow consumption after hours

3. OTHER PATRON - One patron was seen on surveillance consuming a bottle of beer and passing it back and forth to a friend between 2:30 am and 2:45 am. The only evidence is the surveillance video which, after comparing the different cameras shows inconsistent timing between cameras beginning at approximately 1:30 AM. The licensee has provided some explanations of how and why this may have occurred. Sales records support the explanations and the inconsistencies add weight to the licensee's argument.
- 4.

S.22

CN B011700

Section 38 - Unlawful Sale of liquor

5. OTHER PATRONS - Allegation was solely based on video surveillance showing continued liquor service by all bartenders – surveillance shows multiple transactions at the register. Comparison of two different sales records show sales ended by required time. Comparison of surveillance on the different cameras shows inconsistency in timing beginning at 1:30 am. Again, the licensee has provided some explanation or how and why this may have occurred. It adds weight to their argument.

6.

s 22

**Attributable to Doug:**

**“Following a complete and detailed review, B.C.’s Liquor Control and Licensing Branch (LCLB) has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed.”**

**IF ASKED:**

**What evidence was there? Will the evidence be made public?**

- Whenever the LCLB pursues enforcement action against a licensee, that determination is made public on the LCLB’s website. However, in cases where no enforcement action is recommended, investigations are not posted publicly.

S.22

- The Liquor Control and Licensing Branch (LCLB) completed a detailed investigation into these allegations and determined that there is insufficient evidence to warrant enforcement action against the establishment.
- In cases where a licensee receives a fine or suspension due to non-compliance with the terms of its licence, that determination is made public on the LCLB’s website. However, in cases where no fines or penalties are issued, investigations are not posted publicly.
- It is the LCLB’s policy not to comment on the actions of individual patrons.

**So, the establishment isn’t facing any consequences?**

- Any time a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter.
- In this case, based on that review, the inspector issued two Contravention Notices to the licensee – one for failing to clear the establishment within half an hour of the end of liquor service, and one for allowing patrons to consume liquor beyond the time permitted by the terms of its licence.
- Two compliance meetings were held with the licensee to discuss these Contravention Notices, promote voluntary compliance and assist in anticipating and creating solutions for potential problems.
- The inspector did not recommend enforcement action due to insufficient evidence to support allegations at an enforcement hearing, but the Contravention Notices will be kept in the branch's file.

#### So there's no penalty?

- Correct. There is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed.

#### Did the establishment have previous contraventions?

- No previous enforcement action has been taken against this establishment. As well, the establishment has not received any contraventions for after hours drinking.

#### What is the process for these investigations?

- If a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter. Based on that review, if the inspector believes that a licensee is in contravention of the terms of its licence, the inspector may issue a Contravention Notice to the licensee. Depending on the circumstances and supporting evidence, the inspector may also recommend enforcement action, in the form of a fine or suspension.
- If the inspector does not recommend enforcement action, he or she will keep the Contravention Notice in the branch's establishment file, and may require the licensee to attend a compliance meeting. The purpose of the meeting is to promote voluntary compliance and assist the licensee in anticipating and creating solutions for potential problems.
- If the inspector recommends enforcement action and the regional manager concurs, the licensee will receive a Notice of Enforcement Action including details of the allegation, a summary of the evidence, the proposed penalty and the reasons for the recommended penalty. The process is set out here: <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf>
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## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Wednesday, April 2, 2014 4:40 PM  
**To:** Turner, Caeli GCPE:EX  
**Subject:** Foggy Dew Update/Findings

### Attributable to Doug:

“Following a complete and detailed review, B.C.’s Liquor Control and Licensing Branch (LCLB) has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed.”

### IF ASKED:

#### What evidence was there? Will the evidence be made public?

- Whenever the LCLB pursues enforcement action against a licensee, that determination is made public on the LCLB’s website. However, in cases where no enforcement action is recommended, investigations are not posted publicly.

S.22

- The Liquor Control and Licensing Branch (LCLB) completed a detailed investigation into these allegations and determined that there is insufficient evidence to warrant enforcement action against the establishment.
- In cases where a licensee receives a fine or suspension due to non-compliance with the terms of its licence, that determination is made public on the LCLB’s website. However, in cases where no fines or penalties are issued, investigations are not posted publicly.
- It is the LCLB’s policy not to comment on the actions of individual patrons.

#### So, the establishment isn’t facing any consequences?

- Any time a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter.
- In this case, based on that review, the inspector issued two Contravention Notices to the licensee – one for failing to clear the establishment within half an hour of the end of liquor service, and one for allowing patrons to consume liquor beyond the time permitted by the terms of its licence.
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- The inspector did not recommend enforcement action due to insufficient evidence to support allegations at an enforcement hearing, but the Contravention Notices will be kept in the branch’s file.

#### So there’s no penalty?

- **Correct. There is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed.**

Did the establishment have previous contraventions?

- No previous enforcement action has been taken against this establishment. As well, the establishment has not received any contraventions for after hours drinking.

What is the process for these investigations?

- If a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter. Based on that review, if the inspector believes that a licensee is in contravention of the terms of its licence, the inspector may issue a Contravention Notice to the licensee. Depending on the circumstances and supporting evidence, the inspector may also recommend enforcement action, in the form of a fine or suspension.
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## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:37 PM  
**To:** Groot, Jeff GCPE:EX  
**Subject:** FOR APPROVAL JEFF: 2:35pm SG/AG Media Requests

Hey still need Doug's signoff...he's in interviews until 3pm...but this messaging is all signed off so should be just fine.

### 0 AG Requests

### 1 SG Request

- Toronto Star – Foggy Dew Investigation – due 3pm

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**Deadline @** \*tight\* 3pm

**Media:** Toronto Star

**Reporter:** Emily Mathieu s 22 [emathieu@thestar.ca](mailto:emathieu@thestar.ca)

**Topic:** Foggy Dew/ s 22 liquor infraction

**Background:** Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

### LCLB Inspector's Notes:

#### Section 44.1a - Fail to clear patrons

- OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparisons of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.
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### Section 44.3 - Allow consumption after hours

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### Section 38 - Unlawful Sale of liquor

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### Questions:

Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last? Did anyone speak to or attempt to speak with s 22 Did anyone speak with staff at the pub? Who did investigators contact during their investigation? How much evidence and of what kind is required to arrange for a hearing?

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**Tasha Schollen** | Media Relations and Issues Manager  
Ministry of Justice | Solicitor General Communications Office  
Phone: 250-387-5009 | Cell: 250-889-1121

## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:08 PM  
**To:** Rowsell, Terry N JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** Media Request - Toronto Star - Foggy Dew Investigation

**Importance:** High

Will send messaging for approval Asap. Tight deadline.

**Date/Time:** 4/April/2:05pm

**Deadline @** \*tight\* 3pm

**Media:** Toronto Star

**Reporter:** Emily Mathieu, s 22 [emathieu@thestar.ca](mailto:emathieu@thestar.ca)

**Topic:** Foggy Dew Investigation/ s 22

**Background:** Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

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**Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last?**

**Did anyone speak to or attempt to speak with s 22 Did anyone speak with staff at the pub? Who did investigators contact during their investigation?**

**How much evidence and of what kind is required to arrange for a hearing?**

Suggested Response:

- In Draft

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**Tasha Schollen** | Media Relations and Issues Manager  
Ministry of Justice | Solicitor General Communications Office

Phone: 250-387-5009 | Cell: 250-889-1121

## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:56 PM  
**To:** Rowsell, Terry N JAG:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** Media Request - Toronto Star - Foggy Dew Investigation

Hi Terry, this request is signed off and ready to go to the reporter. I'll wait for 15 minutes for Doug to weigh in ... again the messaging was signed off by him just yesterday.

**Deadline @**    **\*tight\* 3pm**

**Media:**            [Toronto Star](#)

**Reporter:**       [Emily Mathieu](#)       s 22       [emathieu@thestar.ca](mailto:emathieu@thestar.ca)

**Topic:**           [Foggy Dew/](#)    s 22    [liquor infraction](#)

**Background:**    Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

### LCLB Inspector's Notes:

#### Section 44.1a - Fail to clear patrons

- OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparisons of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.
- 

S.22

### Section 44.3 - Allow consumption after hours

- OTHER PATRON - One patron was seen on surveillance consuming a bottle of beer and passing it back and forth to a friend between 2:30 am and 2:45 am. The only evidence is the surveillance video which, after comparing the different cameras shows inconsistent timing between cameras beginning at approximately 1:30 AM. The licensee has provided some explanations of how and why this may have occurred. Sales records support the explanations and the inconsistencies add weight to the licensee's argument.

- 

### Section 38 - Unlawful Sale of liquor

- OTHER PATRONS - Allegation was solely based on video surveillance showing continued liquor service by all bartenders – surveillance shows multiple transactions at the register. Comparison of two different sales records show sales ended by required time. Comparison of surveillance on the different cameras shows inconsistency in timing beginning at 1:30 am. Again, the licensee has provided some explanation or how and why this may have occurred. It adds weight to their argument.

- 

### Questions:

Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last? Did anyone speak to or attempt to speak with s 22 Did anyone speak with staff at the pub? Who did investigators contact during their investigation? How much evidence and of what kind is required to arrange for a hearing?

### Attributable to Doug Scott:

- Any time a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter.
- In this case, based on that review, the inspector issued two Contravention Notices to the licensee – one for failing to clear the establishment within half an hour of the end of liquor service and one for allowing patrons to consume liquor beyond the time permitted by the terms of its licence.
- Contravention Notices are notices of alleged non-compliance and are intended to give the licensee a heads up that there are specific concerns that will need to be discussed further.

- Two compliance meetings were held with the licensee to discuss these Contravention Notices, promote voluntary compliance and assist in anticipating and creating solutions for potential problems.
- The inspector did not recommend enforcement action due to insufficient evidence to support allegations at an enforcement hearing, but the Contravention Notices will be kept in the branch's file.
- The investigation occurred over a period of approximately six weeks.
- It is the LCLB's policy not to comment on the actions of individual patrons.

#### **Background information:**

#### **Process for these investigations:**

- If a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter. Based on that review, if the inspector believes that a licensee is in contravention of the terms of its licence, the inspector may issue a Contravention Notice to the licensee. Depending on the circumstances and supporting evidence, the inspector may also recommend enforcement action, in the form of a fine or suspension.
- If the inspector does not recommend enforcement action, he or she will keep the Contravention Notice in the branch's establishment file, and may require the licensee to attend a compliance meeting. The purpose of the meeting is to promote voluntary compliance and assist the licensee in anticipating and creating solutions for potential problems.
- If the inspector recommends enforcement action and the regional manager concurs, the licensee will receive a Notice of Enforcement Action including details of the allegation, a summary of the evidence, the proposed penalty and the reasons for the recommended penalty. The process is set out here:  
<http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf>
- Potential penalties and enforcement actions can be found on the Liquor Control and Licensing Branch's website: [http://www.pssg.gov.bc.ca/lclb/comp\\_enforce/index.htm](http://www.pssg.gov.bc.ca/lclb/comp_enforce/index.htm)

#### **Provided to reporter earlier today:**

#### **Attributable to Douglas Scott, LCLB ADM and GM:**

"Following a complete and detailed review, B.C.'s Liquor Control and Licensing Branch (LCLB) has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed."

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**Tasha Schollen** | Media Relations and Issues Manager  
 Ministry of Justice | Solicitor General Communications Office  
 Phone: 250-387-5009 | Cell: 250-889-1121



## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:13 PM  
**To:** Rowsell, Terry N JAG:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX; Schollen, Tasha GCPE:EX  
**Subject:** Media Request - Toronto Star - Foggy Dew Investigation

**Importance:** High

Hi Terry,  
Proposed response (rather than interview from Doug). Need to confirm the length of the investigation (highlighted below)

**Date/Time:** 4/April/2:05pm

**Deadline @** \*tight\* 3pm

**Media:** Toronto Star

**Reporter:** Emily Mathieu, s 22 [mathieu@thestar.ca](mailto:mathieu@thestar.ca)

**Topic:** Foggy Dew s 22 liquor infraction

**Background:** Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

### LCLB Inspector's Notes:

#### Section 44.1a - Fail to clear patrons

- OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparisons of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.
- 

S.22

### Section 44.3 - Allow consumption after hours

- OTHER PATRON - One patron was seen on surveillance consuming a bottle of beer and passing it back and forth to a friend between 2:30 am and 2:45 am. The only evidence is the surveillance video which, after comparing the different cameras shows inconsistent timing between cameras beginning at approximately 1:30 AM. The licensee has provided some explanations of how and why this may have occurred. Sales records support the explanations and the inconsistencies add weight to the licensee's argument.

- 

### Section 38 - Unlawful Sale of liquor

- OTHER PATRONS - Allegation was solely based on video surveillance showing continued liquor service by all bartenders – surveillance shows multiple transactions at the register. Comparison of two different sales records show sales ended by required time. Comparison of surveillance on the different cameras shows inconsistency in timing beginning at 1:30 am. Again, the licensee has provided some explanation or how and why this may have occurred. It adds weight to their argument.

- 

s 22

### Questions:

Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last? Did anyone speak to or attempt to speak with S.22 ? Did anyone speak with staff at the pub? Who did investigators contact during their investigation? How much evidence and of what kind is required to arrange for a hearing?

**Attributable to Doug Scott:**

- Any time a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter.
- In this case, based on that review, the inspector issued two Contravention Notices to the licensee – one for failing to clear the establishment within half an hour of the end of liquor service and one for allowing patrons to consume liquor beyond the time permitted by the terms of its licence.
- Contravention Notices are notices of alleged non-compliance and are intended to give the licensee a heads up that there are specific concerns that will need to be discussed further.
- Two compliance meetings were held with the licensee to discuss these Contravention Notices, promote voluntary compliance and assist in anticipating and creating solutions for potential problems.
- The inspector did not recommend enforcement action due to insufficient evidence to support allegations at an enforcement hearing, but the Contravention Notices will be kept in the branch's file.
- The investigation occurred over a period of approximately five weeks.
- It is the LCLB's policy not to comment on the actions of individual patrons.

#### Process for these investigations:

- If a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter. Based on that review, if the inspector believes that a licensee is in contravention of the terms of its licence, the inspector may issue a Contravention Notice to the licensee. Depending on the circumstances and supporting evidence, the inspector may also recommend enforcement action, in the form of a fine or suspension.
- If the inspector does not recommend enforcement action, he or she will keep the Contravention Notice in the branch's establishment file, and may require the licensee to attend a compliance meeting. The purpose of the meeting is to promote voluntary compliance and assist the licensee in anticipating and creating solutions for potential problems.
- If the inspector recommends enforcement action and the regional manager concurs, the licensee will receive a Notice of Enforcement Action including details of the allegation, a summary of the evidence, the proposed penalty and the reasons for the recommended penalty. The process is set out here: <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf>
- Potential penalties and enforcement actions can be found on the Liquor Control and Licensing Branch's website: [http://www.pssg.gov.bc.ca/lclb/comp\\_enforce/index.htm](http://www.pssg.gov.bc.ca/lclb/comp_enforce/index.htm)

#### Provided to reporter today:

#### Attributable to Douglas Scott, LCLB ADM and GM:

"Following a complete and detailed review, B.C.'s Liquor Control and Licensing Branch (LCLB) has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed."

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**Tasha Schollen** | Media Relations and Issues Manager  
Ministry of Justice | Solicitor General Communications Office  
Phone: 250-387-5009 | Cell: 250-889-1121

## **Hayes, Dana GCPE:EX**

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 3:53 PM  
**To:** 'james.keller@thecanadianpress.com'  
**Subject:** More info on the Foggy Dew Irish Pub Investigation

Hi James,

Here is some more information - attributable to Doug and some further background information. As discussed on the phone, no previous enforcement action has been taken against this establishment and that includes no contraventions for after-hours drinking.

Thanks,  
Tasha

### **Attributable to Doug Scott, General Manager and Assistant Deputy Minister of the Liquor Control and Licensing Branch:**

- Any time a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter.
- In this case, based on that review, the inspector issued two Contravention Notices to the licensee – one for failing to clear the establishment within half an hour of the end of liquor service and one for allowing patrons to consume liquor beyond the time permitted by the terms of its licence.
- Contravention Notices are notices of alleged non-compliance and are intended to give the licensee a heads up that there are specific concerns that will need to be discussed further.
- Two compliance meetings were held with the licensee to discuss these Contravention Notices, promote voluntary compliance and assist in anticipating and creating solutions for potential problems.
- The inspector did not recommend enforcement action due to insufficient evidence to support allegations at an enforcement hearing, but the Contravention Notices will be kept in the branch's file.
- The investigation occurred over a period of approximately six weeks.
- It is the LCLB's policy not to comment on the actions of individual patrons.

### **Background information on the process for these investigations:**

- If a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter. Based on that review, if the inspector believes that a licensee is in contravention of the terms of its licence, the inspector may issue a Contravention Notice to the licensee. Depending on the circumstances and supporting evidence, the inspector may also recommend enforcement action, in the form of a fine or suspension.
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<http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf>
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**Tasha Schollen** | Media Relations and Issues Manager  
Ministry of Justice | Solicitor General Communications Office  
Phone: 250-213-3602

## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:37 PM  
**To:** Rowsell, Terry N JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Okeedokee

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**From:** Rowsell, Terry N JAG:EX  
**Sent:** April-04-14 2:36 PM  
**To:** Schollen, Tasha GCPE:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Hopefully. We can't worry about it too much.

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:33 PM  
**To:** Rowsell, Terry N JAG:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Thanks Terry...what I'll do is run this up to the MO in the meantime... and hopefully at 3pm Doug is able to weigh in....

---

**From:** Rowsell, Terry N JAG:EX  
**Sent:** April-04-14 2:26 PM  
**To:** Schollen, Tasha GCPE:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

According to the Regional Manager, from the time the investigation started until the inspector's report was concluded was **six** weeks.

---

**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:13 PM  
**To:** Rowsell, Terry N JAG:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX; Schollen, Tasha GCPE:EX  
**Subject:** Media Request - Toronto Star - Foggy Dew Investigation  
**Importance:** High

Hi Terry,  
Proposed response (rather than interview from Doug). Need to confirm the length of the investigation  
(highlighted below)

**Date/Time:** 4/April/2:05pm

**Deadline @** \*tight\* 3pm

**Media:** Toronto Star

**Reporter:** Emily Mathieu, s 22 [emathieu@thestar.ca](mailto:emathieu@thestar.ca)

**Topic:** Foggy Dew/ s.22 liquor infraction

**Background:** Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

**LCLB Inspector's Notes:**

**Section 44.1a - Fail to clear patrons**

- OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparisons of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.
- 

S.22

**Section 44.3 - Allow consumption after hours**

- OTHER PATRON - One patron was seen on surveillance consuming a bottle of beer and passing it back and forth to a friend between 2:30 am and 2:45 am. The only evidence is the surveillance video which, after comparing



the different cameras shows inconsistent timing between cameras beginning at approximately 1:30 AM. The licensee has provided some explanations of how and why this may have occurred. Sales records support the explanations and the inconsistencies add weight to the licensee's argument.

- 

S.22

### Section 38 - Unlawful Sale of liquor

- OTHER PATRONS - Allegation was solely based on video surveillance showing continued liquor service by all bartenders – surveillance shows multiple transactions at the register. Comparison of two different sales records show sales ended by required time. Comparison of surveillance on the different cameras shows inconsistency in timing beginning at 1:30 am. Again, the licensee has provided some explanation or how and why this may have occurred. It adds weight to their argument.

- 

s 22

### Questions:

Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last? Did anyone speak to or attempt to speak with S.22 ? Did anyone speak with staff at the pub? Who did investigators contact during their investigation? How much evidence and of what kind is required to arrange for a hearing?

### **Attributable to Doug Scott:**

- Any time a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter.
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- Two compliance meetings were held with the licensee to discuss these Contravention Notices, promote voluntary compliance and assist in anticipating and creating solutions for potential problems.
- The inspector did not recommend enforcement action due to insufficient evidence to support allegations at an enforcement hearing, but the Contravention Notices will be kept in the branch's file.
- The investigation occurred over a period of approximately five weeks.
- It is the LCLB's policy not to comment on the actions of individual patrons.

### **Process for these investigations:**

- If a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter. Based on that review, if the inspector believes that a licensee is in contravention of the terms of its licence, the inspector may issue a Contravention Notice to the licensee. Depending on the circumstances and supporting evidence, the inspector may also recommend enforcement action, in the form of a fine or suspension.
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### **Provided to reporter today:**

#### **Attributable to Douglas Scott, LCLB ADM and GM:**

"Following a complete and detailed review, B.C.'s Liquor Control and Licensing Branch (LCLB) has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed."

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**Tasha Schollen** | Media Relations and Issues Manager  
 Ministry of Justice | Solicitor General Communications Office  
 Phone: 250-387-5009 | Cell: 250-889-1121

## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:33 PM  
**To:** Rowsell, Terry N JAG:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Thanks Terry...what I'll do is run this up to the MO in the meantime... and hopefully at 3pm Doug is able to weigh in....

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**Sent:** April-04-14 2:26 PM  
**To:** Schollen, Tasha GCPE:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
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**From:** Schollen, Tasha GCPE:EX  
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**To:** Rowsell, Terry N JAG:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX; Schollen, Tasha GCPE:EX  
**Subject:** Media Request - Toronto Star - Foggy Dew Investigation  
**Importance:** High

Hi Terry,  
Proposed response (rather than interview from Doug). Need to confirm the length of the investigation (highlighted below)

**Date/Time:** 4/April/2:05pm

**Deadline @** \*tight\* 3pm

**Media:** Toronto Star

**Reporter:** Emily Mathieu, s 22 [emathieu@thestar.ca](mailto:emathieu@thestar.ca)

**Topic:** Foggy Dew/ s.22 liquor infraction

**Background:** Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

**LCLB Inspector's Notes:**

#### **Section 44.1a - Fail to clear patrons**

- OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparisons of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.

- 

S.22

#### **Section 44.3 - Allow consumption after hours**

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- 

S.22

#### **Section 38 - Unlawful Sale of liquor**

- OTHER PATRONS - Allegation was solely based on video surveillance showing continued liquor service by all bartenders – surveillance shows multiple transactions at the register. Comparison of two different sales records show sales ended by required time. Comparison of surveillance on the different cameras shows inconsistency in timing beginning at 1:30 am. Again, the licensee has provided some explanation of how and why this may have occurred. It adds weight to their argument.

s 22

## Questions:

Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last? Did anyone speak to or attempt to speak with S.22 ? Did anyone speak with staff at the pub? Who did investigators contact during their investigation? How much evidence and of what kind is required to arrange for a hearing?

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<http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf>

- Potential penalties and enforcement actions can be found on the Liquor Control and Licensing Branch's website: [http://www.pssg.gov.bc.ca/lclb/comp\\_enforce/index.htm](http://www.pssg.gov.bc.ca/lclb/comp_enforce/index.htm)

**Provided to reporter today:**

**Attributable to Douglas Scott, LCLB ADM and GM:**

**"Following a complete and detailed review, B.C.'s Liquor Control and Licensing Branch (LCLB) has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed."**

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**Tasha Schollen** | Media Relations and Issues Manager  
Ministry of Justice | Solicitor General Communications Office  
Phone: 250-387-5009 | Cell: 250-889-1121

## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:17 PM  
**To:** Rowsell, Terry N JAG:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Excellent!

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**From:** Rowsell, Terry N JAG:EX  
**Sent:** April-04-14 2:16 PM  
**To:** Schollen, Tasha GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

...its coming...

---

**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:14 PM  
**To:** Rowsell, Terry N JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

All of the messaging is previously signed off. I just need the length of time the investigation took.

---

**From:** Rowsell, Terry N JAG:EX  
**Sent:** April-04-14 2:12 PM  
**To:** Schollen, Tasha GCPE:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Hi Tasha,

Thanks for the heads up.

A problem is that Doug and Barry are downstairs in the middle of interviewing a candidate for a director position. We are told to not interrupt. I can send an email to Barry as a heads up. He will see it on his phone and hopefully they break for a moment at three. I am unsure if they have one last interview this afternoon after that.

Cheers,  
Terry

---

**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:08 PM  
**To:** Rowsell, Terry N JAG:EX

**Cc:** Turner, Caeli GCPE:EX  
**Subject:** Media Request - Toronto Star - Foggy Dew Investigation  
**Importance:** High

Will send messaging for approval Asap. Tight deadline.

**Date/Time:** 4/April/2:05pm

**Deadline @** \*tight\* 3pm

**Media:** Toronto Star

**Reporter:** Emily Mathieu, s 22 [emathieu@thestar.ca](mailto:emathieu@thestar.ca)

**Topic:** Foggy Dew Investigation S.22

**Background:** Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

**LCLB Inspector's Notes:**

**Section 44.1a - Fail to clear patrons**

- OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparisons of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.
- 

S.22



### Section 44.3 - Allow consumption after hours

- OTHER PATRON - One patron was seen on surveillance consuming a bottle of beer and passing it back and forth to a friend between 2:30 am and 2:45 am. The only evidence is the surveillance video which, after comparing the different cameras shows inconsistent timing between cameras beginning at approximately 1:30 AM. The licensee has provided some explanations of how and why this may have occurred. Sales records support the explanations and the inconsistencies add weight to the licensee's argument.

- 

S.22

### Section 38 - Unlawful Sale of liquor

- OTHER PATRONS - Allegation was solely based on video surveillance showing continued liquor service by all bartenders – surveillance shows multiple transactions at the register. Comparison of two different sales records show sales ended by required time. Comparison of surveillance on the different cameras shows inconsistency in timing beginning at 1:30 am. Again, the licensee has provided some explanation or how and why this may have occurred. It adds weight to their argument.

- 

s 22

### Questions:

**Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last?**

**Did anyone speak to or attempt to speak with S.22 Did anyone speak with staff at the pub? Who did investigators contact during their investigation?**

**How much evidence and of what kind is required to arrange for a hearing?**

Suggested Response:

- In Draft

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**Tasha Schollen** | Media Relations and Issues Manager  
Ministry of Justice | Solicitor General Communications Office  
Phone: 250-387-5009 | Cell: 250-889-1121

## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:14 PM  
**To:** Rowsell, Terry N JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

All of the messaging is previously signed off. I just need the length of time the investigation took.

---

**From:** Rowsell, Terry N JAG:EX  
**Sent:** April-04-14 2:12 PM  
**To:** Schollen, Tasha GCPE:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Hi Tasha,

Thanks for the heads up.

A problem is that Doug and Barry are downstairs in the middle of interviewing a candidate for a director position. We are told to not interrupt. I can send an email to Barry as a heads up. He will see it on his phone and hopefully they break for a moment at three. I am unsure if they have one last interview this afternoon after that.

Cheers,  
Terry

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:08 PM  
**To:** Rowsell, Terry N JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** Media Request - Toronto Star - Foggy Dew Investigation  
**Importance:** High

Will send messaging for approval Asap. Tight deadline.

**Date/Time:** 4/April/2:05pm

**Deadline @** \*tight\* 3pm

**Media:** Toronto Star

**Reporter:** Emily Mathieu s 22 [emathieu@thestar.ca](mailto:emathieu@thestar.ca)

**Topic:** Foggy Dew Investigation/ S.22

**Background:** Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

**LCLB Inspector's Notes:**

**Section 44.1a - Fail to clear patrons**

- OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparisons of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.

- 

S.22

**Section 44.3 - Allow consumption after hours**

- OTHER PATRON - One patron was seen on surveillance consuming a bottle of beer and passing it back and forth to a friend between 2:30 am and 2:45 am. The only evidence is the surveillance video which, after comparing the different cameras shows inconsistent timing between cameras beginning at approximately 1:30 AM. The licensee has provided some explanations of how and why this may have occurred. Sales records support the explanations and the inconsistencies add weight to the licensee's argument.

- 

S.22

### Section 38 - Unlawful Sale of liquor

- OTHER PATRONS - Allegation was solely based on video surveillance showing continued liquor service by all bartenders – surveillance shows multiple transactions at the register. Comparison of two different sales records show sales ended by required time. Comparison of surveillance on the different cameras shows inconsistency in timing beginning at 1:30 am. Again, the licensee has provided some explanation or how and why this may have occurred. It adds weight to their argument.

•

s 22

### Questions:

**Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last?**

**Did anyone speak to or attempt to speak with S.22 Did anyone speak with staff at the pub? Who did investigators contact during their investigation?**

**How much evidence and of what kind is required to arrange for a hearing?**

Suggested Response:

- In Draft

---

**Tasha Schollen** | Media Relations and Issues Manager  
 Ministry of Justice | Solicitor General Communications Office  
 Phone: 250-387-5009 | Cell: 250-889-1121

## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 3:50 PM  
**To:** Rowsell, Terry N JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Also sharing same information with James Keller of the Canadian Press.

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**From:** Rowsell, Terry N JAG:EX  
**Sent:** April-04-14 2:36 PM  
**To:** Schollen, Tasha GCPE:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Hopefully. We can't worry about it too much.

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:33 PM  
**To:** Rowsell, Terry N JAG:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Thanks Terry...what I'll do is run this up to the MO in the meantime... and hopefully at 3pm Doug is able to weigh in....

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**From:** Rowsell, Terry N JAG:EX  
**Sent:** April-04-14 2:26 PM  
**To:** Schollen, Tasha GCPE:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

According to the Regional Manager, from the time the investigation started until the inspector's report was concluded was **six** weeks.

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:13 PM  
**To:** Rowsell, Terry N JAG:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX; Schollen, Tasha GCPE:EX  
**Subject:** Media Request - Toronto Star - Foggy Dew Investigation  
**Importance:** High

Hi Terry,  
Proposed response (rather than interview from Doug). Need to confirm the length of the investigation  
(highlighted below)

**Date/Time:** 4/April/2:05pm

**Deadline @** \*tight\* 3pm

**Media:** Toronto Star

**Reporter:** Emily Mathieu, s 22 [emathieu@thestar.ca](mailto:emathieu@thestar.ca)

**Topic:** Foggy Dew/ s.22 liquor infraction

**Background:** Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

**LCLB Inspector's Notes:**

**Section 44.1a - Fail to clear patrons**

- OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparisons of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.
- 

S.22

**Section 44.3 - Allow consumption after hours**

- OTHER PATRON - One patron was seen on surveillance consuming a bottle of beer and passing it back and forth to a friend between 2:30 am and 2:45 am. The only evidence is the surveillance video which, after comparing

the different cameras shows inconsistent timing between cameras beginning at approximately 1:30 AM. The licensee has provided some explanations of how and why this may have occurred. Sales records support the explanations and the inconsistencies add weight to the licensee's argument.

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S.22

### Section 38 - Unlawful Sale of liquor

- OTHER PATRONS - Allegation was solely based on video surveillance showing continued liquor service by all bartenders – surveillance shows multiple transactions at the register. Comparison of two different sales records show sales ended by required time. Comparison of surveillance on the different cameras shows inconsistency in timing beginning at 1:30 am. Again, the licensee has provided some explanation or how and why this may have occurred. It adds weight to their argument.

- 

s 22

### Questions:

Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last? Did anyone speak to or attempt to speak with S.22 Did anyone speak with staff at the pub? Who did investigators contact during their investigation? How much evidence and of what kind is required to arrange for a hearing?

### **Attributable to Doug Scott:**

- Any time a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter.
- In this case, based on that review, the inspector issued two Contravention Notices to the licensee – one for failing to clear the establishment within half an hour of the end of liquor service and one for allowing patrons to consume liquor beyond the time permitted by the terms of its licence.
- Contravention Notices are notices of alleged non-compliance and are intended to give the licensee a heads up that there are specific concerns that will need to be discussed further.
- Two compliance meetings were held with the licensee to discuss these Contravention Notices, promote voluntary compliance and assist in anticipating and creating solutions for potential problems.
- The inspector did not recommend enforcement action due to insufficient evidence to support allegations at an enforcement hearing, but the Contravention Notices will be kept in the branch's file.
- The investigation occurred over a period of approximately five weeks.
- It is the LCLB's policy not to comment on the actions of individual patrons.

### **Process for these investigations:**

- If a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter. Based on that review, if the inspector believes that a licensee is in contravention of the terms of its licence, the inspector may issue a Contravention Notice to the licensee. Depending on the circumstances and supporting evidence, the inspector may also recommend enforcement action, in the form of a fine or suspension.
- If the inspector does not recommend enforcement action, he or she will keep the Contravention Notice in the branch's establishment file, and may require the licensee to attend a compliance meeting. The purpose of the meeting is to promote voluntary compliance and assist the licensee in anticipating and creating solutions for potential problems.
- If the inspector recommends enforcement action and the regional manager concurs, the licensee will receive a Notice of Enforcement Action including details of the allegation, a summary of the evidence, the proposed penalty and the reasons for the recommended penalty. The process is set out here:  
<http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf>
- Potential penalties and enforcement actions can be found on the Liquor Control and Licensing Branch's website: [http://www.pssg.gov.bc.ca/lclb/comp\\_enforce/index.htm](http://www.pssg.gov.bc.ca/lclb/comp_enforce/index.htm)

### **Provided to reporter today:**

#### **Attributable to Douglas Scott, LCLB ADM and GM:**

"Following a complete and detailed review, B.C.'s Liquor Control and Licensing Branch (LCLB) has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed."

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**Tasha Schollen** | Media Relations and Issues Manager  
 Ministry of Justice | Solicitor General Communications Office  
 Phone: 250-387-5009 | Cell: 250-889-1121



## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:57 PM  
**To:** Rowsell, Terry N JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Okay!

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**From:** Rowsell, Terry N JAG:EX  
**Sent:** April-04-14 2:56 PM  
**To:** Schollen, Tasha GCPE:EX  
**Subject:** RE: Media Request - Toronto Star - Foggy Dew Investigation

Then I'd say go.

---

**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:56 PM  
**To:** Rowsell, Terry N JAG:EX; Bieller, Barry JAG:EX  
**Cc:** Turner, Caeli GCPE:EX  
**Subject:** Media Request - Toronto Star - Foggy Dew Investigation

Hi Terry, this request is signed off and ready to go to the reporter. I'll wait for 15 minutes for Doug to weigh in ... again the messaging was signed off by him just yesterday.

**Deadline @**      **\*tight\* 3pm**

**Media:**              [Toronto Star](#)

**Reporter:**        [Emily Mathieu](#),      s 22      [emathieu@thestar.ca](mailto:emathieu@thestar.ca)

**Topic:**            [Foggy Dew/](#)      S.22      [liquor infraction](#)

**Background:**    Reporter wants more detail on process after having received Doug's statement. Wants interview with Doug.

### LCLB Inspector's Notes:

#### Section 44.1a - Fail to clear patrons

- OTHER PATRONS – Video surveillance of patrons not cleared by 2:30 am. There is insufficient evidence for enforcement as the staff were in the process of clearing patrons. Some patrons were lined up to get their coats and others were loitering around the door way – gathering with friends prior to leaving. The staff took 15 minutes longer than requirement to remove. Interviews with staff indicate inconsistency in clearing times. Some staff reported it sometimes takes longer to clear because of the number of patrons. Comparisons of surveillance from different cameras show inconsistencies in timing between the cameras beginning at 1:30. I

will seek commitment that they initiate the removal process earlier on busy nights to ensure clearing is completed on time.

- 

S.22

#### **Section 44.3 - Allow consumption after hours**

- OTHER PATRON - One patron was seen on surveillance consuming a bottle of beer and passing it back and forth to a friend between 2:30 am and 2:45 am. The only evidence is the surveillance video which, after comparing the different cameras shows inconsistent timing between cameras beginning at approximately 1:30 AM. The licensee has provided some explanations of how and why this may have occurred. Sales records support the explanations and the inconsistencies add weight to the licensee's argument.

- 

S.22

#### **Section 38 - Unlawful Sale of liquor**

- OTHER PATRONS - Allegation was solely based on video surveillance showing continued liquor service by all bartenders – surveillance shows multiple transactions at the register. Comparison of two different sales records show sales ended by required time. Comparison of surveillance on the different cameras shows inconsistency in timing beginning at 1:30 am. Again, the licensee has provided some explanation or how and why this may have occurred. It adds weight to their argument.

- 

s 22

#### **Questions:**

Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last? Did anyone speak to or attempt to speak with S.22 ? Did anyone speak with staff at the pub? Who did investigators contact during their investigation? How much evidence and of what kind is required to arrange for a hearing?

**Attributable to Doug Scott:**

- Any time a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter.
- In this case, based on that review, the inspector issued two Contravention Notices to the licensee – one for failing to clear the establishment within half an hour of the end of liquor service and one for allowing patrons to consume liquor beyond the time permitted by the terms of its licence.
- Contravention Notices are notices of alleged non-compliance and are intended to give the licensee a heads up that there are specific concerns that will need to be discussed further.
- Two compliance meetings were held with the licensee to discuss these Contravention Notices, promote voluntary compliance and assist in anticipating and creating solutions for potential problems.
- The inspector did not recommend enforcement action due to insufficient evidence to support allegations at an enforcement hearing, but the Contravention Notices will be kept in the branch's file.
- The investigation occurred over a period of approximately six weeks.
- It is the LCLB's policy not to comment on the actions of individual patrons.

**Background information:**

**Process for these investigations:**

- If a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter. Based on that review, if the inspector believes that a licensee is in contravention of the terms of its licence, the inspector may issue a Contravention Notice to the licensee. Depending on the circumstances and supporting evidence, the inspector may also recommend enforcement action, in the form of a fine or suspension.
- If the inspector does not recommend enforcement action, he or she will keep the Contravention Notice in the branch's establishment file, and may require the licensee to attend a compliance meeting. The purpose of the meeting is to promote voluntary compliance and assist the licensee in anticipating and creating solutions for potential problems.
- If the inspector recommends enforcement action and the regional manager concurs, the licensee will receive a Notice of Enforcement Action including details of the allegation, a summary of the evidence, the proposed penalty and the reasons for the recommended penalty. The process is set out here: <http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf>
- Potential penalties and enforcement actions can be found on the Liquor Control and Licensing Branch's website: [http://www.pssg.gov.bc.ca/lclb/comp\\_enforce/index.htm](http://www.pssg.gov.bc.ca/lclb/comp_enforce/index.htm)

**Provided to reporter earlier today:**

**Attributable to Douglas Scott, LCLB ADM and GM:**

**“Following a complete and detailed review, B.C.’s Liquor Control and Licensing Branch (LCLB) has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed.”**

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**Tasha Schollen** | Media Relations and Issues Manager  
Ministry of Justice | Solicitor General Communications Office  
Phone: 250-387-5009 | Cell: 250-889-1121

## Hayes, Dana GCPE:EX

---

**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 2:14 PM  
**To:** 'Mathieu, Emily'  
**Subject:** RE: Update on Foggy Dew Irish Pub Investigation

Got this, thanks Emily. Doug is in interviews this afternoon...but I will get you answers that may be attributable to him.  
Be in touch.

---

**From:** Mathieu, Emily [<mailto:emathieu@thestar.ca>]  
**Sent:** April-04-14 2:06 PM  
**To:** Schollen, Tasha GCPE:EX  
**Subject:** RE: Update on Foggy Dew Irish Pub Investigation

Hey there,  
Here are some questions. Also seeking some general information / how does an investigation work in these cases.  
It is a short story today, but would really appreciate some of this information in the next couple hours if possible. Would also like to speak with Mr. Scott.  
Many thanks, Emily

1. Did anyone speak to or attempt to speak with S.22 ?
2. Did anyone speak with staff at the pub?
3. Who did investigators contact during their investigation?
4. How much evidence and of what kind is required to arrange for a hearing?

---

**From:** Schollen, Tasha GCPE:EX [<mailto:Tasha.Schollen@gov.bc.ca>]  
**Sent:** Friday, April 04, 2014 4:54 PM  
**Subject:** Update on Foggy Dew Irish Pub Investigation

Hello,

The Liquor Control and Licensing Branch's investigation into the Foggy Dew Pub has concluded. Here is a statement from Douglas Scott.  
Should you have further questions, please let me know.

Thanks,  
Tasha

### **Statement from Douglas Scott, Liquor Control and Licensing Branch General Manager and Assistant Deputy Minister:**

"Following a complete and detailed review, B.C.'s Liquor Control and Licensing Branch has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed."

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**Tasha Schollen** | Media Relations and Issues Manager  
Ministry of Justice | Solicitor General Communications Office  
Phone: 250-213-3602

## Hayes, Dana GCPE:EX

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**From:** Schollen, Tasha GCPE:EX  
**Sent:** Friday, April 4, 2014 3:00 PM  
**To:** 'Mathieu, Emily'  
**Subject:** RE: Update on Foggy Dew Irish Pub Investigation

Hi Emily,

As mentioned Doug is involved in personnel interviews this afternoon so unavailable to provide you with an interview. Here are answers to your questions, attributable to him. I've included further background information just below that.

Thanks,  
Tasha

**Describe the process that the LCLB went through with the Foggy Dew and why there is a lack of evidence – what does that mean? How long did the investigation last? Did anyone speak to or attempt to speak with S.22 ? Did anyone speak with staff at the pub? Who did investigators contact during their investigation? How much evidence and of what kind is required to arrange for a hearing?**

### Attributable to Doug Scott:

- Any time a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter.
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- Two compliance meetings were held with the licensee to discuss these Contravention Notices, promote voluntary compliance and assist in anticipating and creating solutions for potential problems.
- The inspector did not recommend enforcement action due to insufficient evidence to support allegations at an enforcement hearing, but the Contravention Notices will be kept in the branch's file.
- The investigation occurred over a period of approximately six weeks.
- It is the LCLB's policy not to comment on the actions of individual patrons.

### Background information on the process for these investigations:

- If a liquor inspector receives information that a licensee may be in contravention of the terms of his or her licence, the inspector will look into the matter. Based on that review, if the inspector believes that a licensee is in contravention of the terms of its licence, the inspector may issue a Contravention Notice to the licensee. Depending on the circumstances and supporting evidence, the inspector may also recommend enforcement action, in the form of a fine or suspension.

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<http://www.pssg.gov.bc.ca/lclb/docs-forms/LCLB168.pdf>
- Potential penalties and enforcement actions can be found on the Liquor Control and Licensing Branch's website: [http://www.pssg.gov.bc.ca/lclb/comp\\_enforce/index.htm](http://www.pssg.gov.bc.ca/lclb/comp_enforce/index.htm)

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**From:** Mathieu, Emily [<mailto:emathieu@thestar.ca>]  
**Sent:** April-04-14 2:31 PM  
**To:** Schollen, Tasha GCPE:EX  
**Subject:** RE: Update on Foggy Dew Irish Pub Investigation

Appreciate it.

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**From:** Schollen, Tasha GCPE:EX [<mailto:Tasha.Schollen@gov.bc.ca>]  
**Sent:** Friday, April 04, 2014 5:14 PM  
**To:** Mathieu, Emily  
**Subject:** RE: Update on Foggy Dew Irish Pub Investigation

Got this, thanks Emily. Doug is in interviews this afternoon...but I will get you answers that may be attributable to him.  
Be in touch.

---

**From:** Mathieu, Emily [<mailto:emathieu@thestar.ca>]  
**Sent:** April-04-14 2:06 PM  
**To:** Schollen, Tasha GCPE:EX  
**Subject:** RE: Update on Foggy Dew Irish Pub Investigation

Hey there,  
Here are some questions. Also seeking some general information / how does an investigation work in these cases.  
It is a short story today, but would really appreciate some of this information in the next couple hours if possible. Would also like to speak with Mr. Scott.  
Many thanks, Emily

1. Did anyone speak to or attempt to speak with S.22 ?
2. Did anyone speak with staff at the pub?
3. Who did investigators contact during their investigation?
4. How much evidence and of what kind is required to arrange for a hearing?



**From:** Schollen, Tasha GCPE:EX [<mailto:Tasha.Schollen@gov.bc.ca>]

**Sent:** Friday, April 04, 2014 4:54 PM

**Subject:** Update on Foggy Dew Irish Pub Investigation

Hello,

The Liquor Control and Licensing Branch's investigation into the Foggy Dew Pub has concluded. Here is a statement from Douglas Scott.

Should you have further questions, please let me know.

Thanks,

Tasha

**Statement from Douglas Scott, Liquor Control and Licensing Branch General Manager and Assistant Deputy Minister:**

"Following a complete and detailed review, B.C.'s Liquor Control and Licensing Branch has determined there is insufficient evidence to support allegations at an enforcement hearing that the establishment was serving liquor to patrons after hours. As a result, no fines or suspensions will be levied and the matter is now closed."

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**Tasha Schollen** | Media Relations and Issues Manager  
Ministry of Justice | Solicitor General Communications Office  
**Phone:** 250-213-3602