

C & E Complaint
Job 000710975-048**LPC V3K 3V9 COQUITLAM 405 North Rd**

Status: Contravention Identified

Created By: s.15

Date Created: Feb 19, 2014

Date Completed: Feb 19, 2014

Parent Job: 000710975-001 (010354)

Specific Location: Lic #:010354 LP Establishment:Executive Plaza Coquitlam

Details

Area Code	604
Badge	
Complaint Type	
Complainant Type	Police Department
Complainant Address	
Complainant Phone	9451550
Complainant's Email Address	
Complainant Name	
Details	Call from a Staff Sgt of Coquitlam Detachment - possible after hours service and fail to clear patrons. Received non-emerg. all that patron refusing to leave est. at 04:00 am - patron was s.22
End Date	
Establishment Address	Executive Plaza Coquitlam - 405 North Rd COQUITLAM, BC V3K 3V9
Establishment Name	Executive Plaza Coquitlam
Location	
LPC No.	
Management Acknowledgement	
Method of Receipt	Phone
Police Detachment	
Police File Number	2014-2837
Police Officer	Staff Sgt. Hector Lee
Project ID	
Receive Date	Feb 4, 2014
Start Date	

DetailsEstablishment: Executive Plaza Coquitlam [Hotel] Active: Y
405 North Rd COQUITLAM Last Routine Inspection: 2014-04-12Liquor Primary: Job#:000710975-001 LP- Lic. #:010354
Status: Licence Approved Approved: 1982-02-15 00:00:00 Licence Name: EXECUTIVE PLAZA COQUITLAM**Alleged Contr.**

Job 000710975-048

Processes

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Receive Complaint/LPC						
Neelam Safavian	Complete	Complaint Received	Feb 19, 2014			Feb 19, 2014 13:18:31
Review Complaint						
Neelam Safavian	Complete	Inspection Required	Feb 19, 2014			Feb 19, 2014 13:18:42
Conduct Routine Inspection						
Neelam Safavian	Complete	Contravention(s) Identified	Feb 19, 2014			Feb 19, 2014 13:22:14
Lic #:010354 LP Establishment:Executive Plaza Coquitlam						
Create Contravention Notice						
Neelam Safavian	Complete	Created CN Job				Feb 19, 2014 13:22:16

C & E Contravention Notice**Job 000710975-049****B011699 V3K 3V9 COQUITLAM 405 North Rd**

Status: No Enforcement Action

Created By: s.15

Date Created: Feb 19, 2014

Date Completed: Apr 02, 2014

Parent Job: 000710975-048

Specific Location: LP Lic #010354 Establishment: Executive Plaza Coquitlam

Details

Adjudicator
Advocate
CMA Mandy Fisher
Contravention Notice Issued Feb 15, 2014
Contravention Notice Number B011699
Deputy General Manager, C & E Bruce Edmundson
Enforcement Hearing
Inspector Neelam Safavian
Judicial Review Date
Licence Contact Info:
LPC #
Notice Of Enforcement Action
Project ID
Regional Manager... Michael Clark
Waiver Received Date
Written Decision

Notes**Alleged Contr.**

Contravention: B011699 - Allow consumption beyond time permitted, s. 44(3) Reg.
Enforcement Action Recommended: N

Contravention: B011699 - Fail to clear patrons by time required, s. 44(1)(a) Reg.
Enforcement Action Recommended: N

Relevant T&Cs

Relationship: C & E Relevant Terms & Conditions:

Licence Text Sale of packaged coolers containing not greater than 7% alcohol, beer, cider and wine for off-premis

Relevant to EAR N

Relevant to NEAR N

Relationship: C & E Relevant Terms & Conditions:

Licence Text Patio extension permitted as outlined in red on the official plan.

Relevant to EAR N

Relevant to NEAR N

Witnesses

Processes

Assigned To	Status	Outcome	Scheduled		Actual	
			Start	Completed	Start	Completed
Decide Enforcement Action						
Neelam Safavian V3K 3V9 COQUITLAM 405 North Rd	Complete	No Enforcement Action Re:	Feb 19, 2014		Feb 24, 2014 10:57:47	
Prepare NEAR						
Neelam Safavian	Complete	NEAR Prepared	Feb 24, 2014		Apr 02, 2014 13:06:44	

Hearing Docs

No Enforcement Action Recommended

Re: Contravention Notice Number: B011699

Contravention Notice Date: Feb 15, 2014

Job No: 000710975-049

Inspector: Neelam Safavian

**Date
Prepared:**

Office Location: Surrey

Submitted To: Michael Clark

Establishment Information:

Establishment Name: Executive Plaza Coquitlam
Establishment Address: 405 North Rd
COQUITLAM, BC V3K 3V9

Licence No: 010354 **Licence Class:** Liquor Primary **Expiry Date:** Apr 30, 2015
Licensee Name: Private Corporation: Sanoor Investments Ltd. c/o Sayani, Nurdin (Noordin)

Terms and Conditions noted on licence face:

Contravention Information:

Contravention Name (e.g. supplying to minors)	Date and Time identified
1. Allow consumption beyond time permitted, s. 44(3) Reg.	1. Feb 01, 2014 2:40 AM
2. Fail to clear patrons by time required, s. 44(1)(a) Reg.	2. Feb 01, 2014 2:40 AM

Review and Analysis:

I have reviewed:

Facts and circumstances of the contravention	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Establishment compliance history	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> 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:		
Licensee compliance history	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
• If no, please explain: not applicable/available.		
Other file information	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Compliance and Enforcement Program, Policy and Procedures Manual	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Reasons no enforcement action recommended:

An investigation was conducted after alleged contraventions of after hours service s.22
s.22 Investigation identified 3 possible contraventions and as a result the following compliance meeting was held:

Attendees:

Licensee's Legal Counsel, Wilfred Chan, Corporate Counsel Exective Hotel
Third Party Operators, John Teti and Roger Gibson
General Manager, Paul Gaudaur

The circumstances and evidence surrounding the contraventions were discussed. They were able to provide a reasonable explanation for the discrepancies. s.15

s.15 Checking against the recordings they gave me confirmed there is a camera in the location they state and the number of cam recordings they provided is consistent with the number of cameras the company said were installed.

They have provided an explanation of the hardware and software involved and their opinion as to why the timings do not correspond. I am accepting this as a reasonable explanation given the sales records corroborate with sales ending on time. This mitigates the section 38 contravention.

The issue of clearing patrons could also not be explained either way as interviews with a cross section of staff member with different duties suggests they do not always clear on time. The third party operators indicated they would be seeking permission to allow them extra time to clear and that the Mayor will be in support of their application. For now and until such time they receive a permission, they have made a commitment to address the issue – addressing 44.1.

The issue of one male seen continuing to consume liquor could not explained as it is during a time others are leaving and no one else is consuming but because the timing of the cams is inconsistent enforcement is not recommended and therefore the commitment by the licensee to ensure no one is consuming after ½ hour past service hours – addressing 44.3.

All legislative provisions surrounding these contraventions, including the penalty provisions were discussed and reiterated to all parties. They were also reminded of previous alleged contraventions and compliance meetings/opportunities to correct issues.

Discussion also took place regarding education for staff. The operators indicated they have already made sure all staff are aware of their respective responsibilities as well as legislative provision surrounding these contraventions

The following commitments are being made by the licensee and third party operators and I will include third party operator names and signatures on the document so the commitments show as being from all parties involved.

The commitments are:

1. Identify all camera's installed in the establishment on official floor plan with corresponding camera angles/view.
2. Annual check of surveillance systems to include cameras and applicable software to ensure good working order.
3. Installation of additional camera s.15 which previously did not have surveillance – ensuring all licensed areas are included in surveillance
4. Section 38.3 (b) – ensure all liquors sales/service ends by the time required by their license
5. Section 44.1 (a) – ensure all patrons are cleared from the establishment within ½ hour of liquor service ending and to begin clearing time earlier on busy nights to ensure all patrons have time to obtain their coats/jackets within the time frame required.
6. Section 44.3 - ensure no patrons continue to consume liquor beyond ½ hour after liquor service hours have ended.

Future compliance will continue to be monitored through routine inspections.



COMPLIANCE MEETING

This document is the record of a meeting between a licensee and the Liquor Control and Licensing Branch [LCLB]. The purpose of the record is to document that concerns about the licensee's non-compliance with the Act, Regulations and or the Terms and Conditions on the license have been brought to the licensee's attention. This record will also show that licensee is aware of these concerns and has made specific commitments to address those concerns.

Establishment Details:

Establishment Name: Executive Plaza Coquitlam
Establishment Address: 405 North Rd
COQUITLAM, BC V3K 3V9
Licensee: Sanoor Investments Ltd.
License #: 010354

Meeting Date and Location:

April 01, 2014

For the LCLB:

Neelam Safavian, Inspector

For the Licensee:

Salim Sayani, Licensee
Wilfred Chan, Legal Counsel
Roger Gibson, Third Party Operator

Reason for the Meeting:

CN # B011699 and B011700

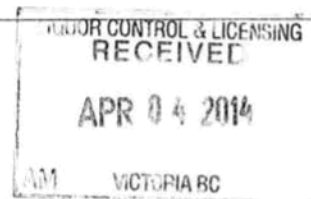
Police Occurrence reference number: 2014-2837

Section of the Act, Regulation, or T&C Guide Reviewed at the Meeting:

Section 38.3 (b) Unlawful sale of liquor

Section 44.1 (a) Fail to clear patrons within ½ hour after liquor service ended

Section 44.3 Allow consumption beyond ½ after liquor service ended



Penalty Provisions:

A breach of section 38 of the Act [*Unlawful sale of liquor*] for a first time contravention is 10-15 day license suspension and/or \$7,500-\$10,000.

A breach of section 44 (1) (a) of this regulation by a licensee with a liquor primary licence or liquor primary club licence failing to clear the licensed establishment of patrons within ½ hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager for a first time contravention is a 1 to 3 day license suspension and/or a \$1,000 to \$3,000 monetary fine.

A breach of section 44 (3) of this regulation by allowing a person to consume liquor in the licensed establishment beyond ½ hour after the time stated on the licence for the hours of liquor service, or other time authorized by the general manager for the first time contravention is a 4 to 7 day license suspension and/or a \$5,000 to \$7,000 monetary fine.

Commitment/s made by the Licensee:

1. Identify all cameras installed in the establishment on official floor plan with corresponding camera angles/view.
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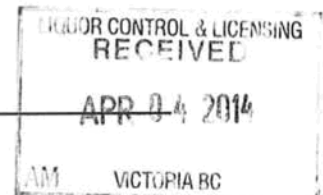
-
- *I acknowledge the above concerns have been brought to my attention,*
 - *I agree to implement the measures cited above,*
 - *I acknowledge my responsibility to provide on-going training to my staff,*
 - *I acknowledge my responsibility to be fully compliant at all times with the Liquor Control and Licensing Act, the Regulations and the Terms and Conditions on my licence.*

Licensee/Representative:

Salim Sayani, Licensee

(print name and position)

Licensee/Rep Signature:



LCLB Representative:

Neelam Safavian, Inspector

(print name and position)

LCLB Signature:

Third Party Operator

Roger Gibson

Third Party Operator
Signature

Third Party Operator

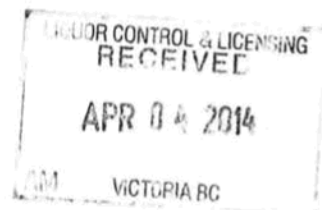
John Teti

Third Party Operator
Signature

Attachment/s:

Copy to:

- field file,
- POSSE Docs Tab
- Establishment File
- Licensee





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For the Licensee:

Salim Sayani, Licensee
William Chan, Legal Counsel
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Licensee/Representative:

Salim Sayani, Licensee

(print name and position)

Licensee/Rep Signature:



Review and Analysis:

I have reviewed:

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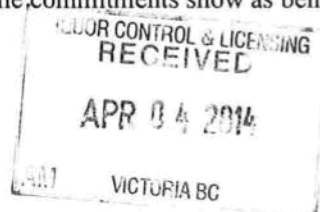
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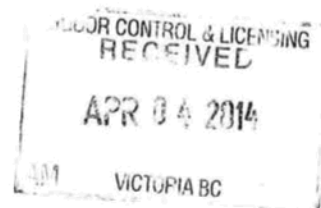
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Future compliance will continue to be monitored through routine inspections.



No. B011700



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: Executive Plaza
Establishment address: 405 North Road
Coquitlam BC
Licensee name: Sangor Investments Ltd
Licence #: 010354 Date CN issued: FEB 15/14

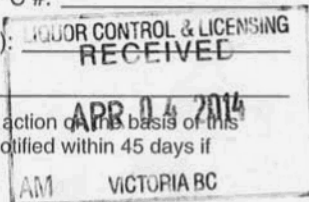
Date and time of alleged contravention(s): FEB 16/14 02:00-02:30 am
On the date noted above, the following alleged contravention(s) of the Liquor Control and Licensing Act or regulation were identified:

	Contravention	Section	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
1	Unlawful Sale of	538.3	<input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2	Liquor	(b)	<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: continued liquor service
beyond liquor service hours

Inspector name: N. Hatanian Badge #: 90
Telephone: 842657 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. B011699



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: Executive Plaza

Establishment address: 405 North Rd

Coquitlam BC

Licensee name: Somoor Investments Ltd

Licence #: 010354 Date CN issued: Feb 15/14

Date and time of alleged contravention(s): Feb 14/14 02:40 am

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 clear patrons	44.1a <input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg
2	Allow consumption	44.3 <input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg
3	12 hour after	<input type="checkbox"/> Act <input type="checkbox"/> Reg
4	liquor service hrs ended	<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: - patrons not removed by
2:30 am on Feb 1/14
- male patron continues to
consume liquor after 2:30 am

Inspector name: N. Sathyan Badge #: 90

Telephone: 862657 LPC #: _____

Management acknowledgement (Name and title): _____

PAUL GRADY 25 2014

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.

Grady

Page 16
JAG-2014-00476

COPY 3: LCLB HEADQUARTERS COPY (forward to headquarters)

Not Responsive

Foggy Dew Pub

10:52 pm Feb 15/14

Interview

s.22

before 1 - showed
up - deerman
notified

s.22

s.22

control crowd

after 10 mins
Heetrc → deerhol

s.22

→ ball door
by kitchen →
stair area:

s.22

non-energy cell.
appr 3^{1/2} → 4' of lat.

s.22

(Cleared) →

s.22

No-body stays
except staff.
Came in @ 1:00
by washrooms

END of

s.22

Sasha to Mr

s.22

s.22

+
No surveillance.
Showing fail
to clear patrons
plus male patron
consuming pot
2:30 - Announced
that 2-230
is clearing time
senior staff
in vacating.
many patrons
still inside
- CN issued.
out @ 11:26.

Date

Call from

Feb 14/14

John Fick, Foggy Dew Pub

Invest + Interviewed on

s.22

100% SFU crowd 19-20 - Fri/Sat.

s.22

s.22

s.22

we went home 177

s.22

Date.

s.22

call police @ 3:45

s.22

Date

What happened
2:20 at of back

s.22

Over claim the events -
think acted
appropriately

s.22

john@sharkclubs.com

s.22

Wardson

683-6506

Today 11:42 am

Page 21

10/5/2014-00476

Wardson Salm Salmant

no not

Foggy Dew - Talked to sheet into Feb 18
off on sign out / on duty

s.22

s.22

another grl

s.22

Feb 19/14 - Re Foggy Dew

Call in

s.22

was behind bar all night
- bartender

s.22

- left before he left - 3:00.

s.22

Went home

s.22

frat night - busy

6 Tenders Fri/Sat.
started → 9-10pm

do last call - no offers
or anything too long
to drink

- after 2:00
- security enforce no drinking
after hours

Bartender Foggy Dew

S.22

- left msg

Fri. 1/4/14

no call back

Foggy Dew

S.22

won

8-closing - about 2:30/3.
thanked she left @ 3.

working - went to back to
work - took down

did cash out - left around
couple of sauer's

- just went home
on East side - where Dance
floor

patrons cleared about 2:00
- usually last call @ 1:45
then clear out

- Door staff in change
jackets takes while

- Everyone who is working in
Chicago is
didn't see anyone leaving them.

coat check → people get fire
Sometimes a long time getting
people out up to 2:30
or something

depending on how busy
anywhere from 2:15 to
2:45 → I don't know

just people waiting in line

Foggy Dew

S.22

- server

1.1.1 area ✓

- bartender

10 August

Call 10/11/14.
→ bar coat check
Security

... 6 year
worked 9:30 pm to 2:30 am

- stayed @ postman
finish 2:30 went to
back. - he came out

there when he left
- left before 3:00
- paper on table

when cleared - started
@ 2:00 - gradual process
usually 200-250 or more
coats - bit of task to
do efficiently - takes
15-20 minutes per bulk
to be out.

- close to capacity 200-250
shut night
- started cleaning 2:00
- guess - no sooner than
15-20 minutes.

- position & protecting at
customers
over service
- assistance
- removal of patrons

- tell finish chunks
- encourage them move
to front.

2:00 am - not certain

Date

- bartender

S.22

Wed. 5:30pm

S.22

- 1st call

S.22

Wed. 5:30pm

Not Responsive

Mar. 13/14. - 1st Pegg/Daw
10:53 AM

Manager - 17

S.22

request from Ministry?
1st time
2nd email to: Admin@arpe.com. 293

- clock-time stamps

- CCTV independent

- they control it

- installed but do not

monitor them

- looks after

S.22

Ann 3

Date

3:21:30 Stacked chairs placed by male - 2 chairs

3:22:25 - 2 more chairs stacked

3:23:44 2 more chairs - Stacked

3:24:15 2 more chairs stacked

3:27:36 - wipes bar btwn 1st 2 chairs

(1) (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

3:29:45 → unstacks chairs

Cam 2 ends @ 3:59:21

3:55:01 - brings two chairs to spot 1

3:55:35 2 more chairs but checks minimal rotation

3:40:00 one male passes beer to other
3:40:00 security walks by male consuming
3:41:00 security walks by - male consuming
- both @ bar

3:42:00 puts down beer bottle + leaves

3:47:41 male security puts away 1 set of Starbucks

3:48:01 puts away 2nd set of Starbucks

3:50:24 9:50 → bit earlier
- consistency in what's on surveillance

- female staff member walks by goes to ? window till - short dress
And mado walks thorough

Date

2:50 → security walks by
tall guy - same guy
walking around earlier
Vn follows inside with T.
then talks/interacts
with wmm near
coat check - not on
2:50:09 → another wall
in grey shirt - duben
pants walks in
same path - on
Cam 3 - not on
clock continues

2:50:21 - same female walks across
2:50:23 from front of bar - dead centre of
both cam angles
- on Cam 3 - not on Cam 2
- clock continues

Date

2:50:28 guy in white T walks by
Cam 3

2:50:33 - security walks by in
Cam 3.

2:50:46 - 2 security staff standing
in centre of area in
Cam 2.

2:50:51:09 → 2 security standing
by bar in Cam 2.

- walking towards coat check
in Cam 3

2:51:48 - 3 } sync
2:51:12 - 2 }

2:54:07 Cam 2

2:54 → off sync - female - standing
in Cam 2

Page 27

Page 27

Page 27

Date

2:58: Cam 2 - ? wally
by with cigarette
not on Cam 3
Chavs AA at bar
counter - not on
Cam 3
Cam 2 - 2:52 -
screen paves
clock continues
2:53:10 -
same
2:53:45
same
2:54:00 - 2:54:17
same - cats
off female walking

Date

2:54:45 - paves screen
again - clock continues
2:55:18 - male bangs hears
wipes withing (HS)
difference (27 seconds)
mistakes @ 2:56:30 -
difference 1:12 seconds
2:57:40 - Banging Chavs
Cam 4 - 1:43 1:43:00 - unstacking
Chavs
- inconsistent movement
sporadic - clock continues
general paves
Cam 7 - over clear @ 1:30-1:33

Date

Journal - Jan 31

Re
forgot Den

about 4:00

s.22

Cst. 1 to 7 agreed - no into the liquor
service

Not Responsive

Not Responsive

forgot Den

Cpl Blake

Cdr Blake

(Cdr)

s.15

Nov 11/81

Safavian, Neelam JAG:EX

From: Foggy Dew [foggydewpub@telus.net]
Sent: Thursday, March 13, 2014 11:27 AM
To: Safavian, Neelam JAG:EX
Subject: Transaction Journal
Attachments: JANUARY 31-14, JOURNAL.TXT

Hi Neelam,

Here's the detailed transaction journal for Jan 31, 2014.

Feel free to give me a call should you need assistance or clarification with this report.

Kind Regards,

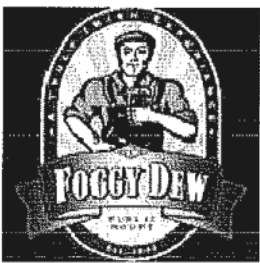
Paul Gaudaur
General Manager

The Foggy Dew Irish Pub

P: 604-937-5808

F: 604-937-5401

W: www.foggydewpub.com



No. B011699



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: Executive Plaza
Establishment address: 405 North Rd
Chequitlam BC
Licensee name: Somcor Investments Ltd
Licence #: 010354 Date CN issued: Feb 15/14
Date and time of alleged contravention(s): Feb 14/14 07:40 am

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 clear patrons	44.1a	<input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg
2	Allow consumption	44.3	<input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg
3	1/2 hour after		<input type="checkbox"/> Act <input type="checkbox"/> Reg
4	Liquor service hrs ended		<input type="checkbox"/> Act <input type="checkbox"/> Reg

Details: - patrons not removed by
2:30 am on Feb 1/14
- male patron continues to
consume liquor after 2:30 am

Inspector name: N. Satavon Badge #: 90
Telephone: 862657 LPC #: ✓

Management acknowledgement (name and title):
X PAUL GARDNER

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.

[Signature]

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

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: Executive Plaza
 Establishment address: 405 North Road
Coquitlam BC
 Licensee name: Sanoor Investments Ltd
 Licence #: 010354 Date CN issued: FEB 16/14
 Date and time of alleged contravention(s): FEB 16/14 02:00 - 02:30 am

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

	Contravention	Section
1	Unlawful Sale of	5383 <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg
2	Liquor	(b) <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: continued liquor service
beyond liquor service hours

Inspector name: N. Latham Badge #: 90
 Telephone: 842657 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)

Safavian, Neelam JAG:EX

From: Foggy Dew [foggydewpub@telus.net]
Sent: Wednesday, February 19, 2014 12:45 PM
To: Safavian, Neelam JAG:EX
Subject: Employee Contact Information

Hello Neelam,

Here's the list of employee contact information, of whom would have been working from midnight until closing Jan 31, 2014.

I will list the information in the same order of the information sheet I've already provided you.

Manager

s.22

Servers & Coat Check

msg

s.22

Bartenders, Porters & Busser

NIS
msg
msg

s.22

NIS

Security Staff

s.22

Kind Regards,

Paul Gaudaur
General Manager

The Foggy Dew Irish Pub
P: 604-937-5808
F: 604-937-5401
W: www.foggydewpub.com



Safavian, Neelam JAG:EX

From: Foggy Dew [foggydewpub@telus.net]
Sent: Thursday, March 13, 2014 12:21 PM
To: Safavian, Neelam JAG:EX
Subject: RE: Transaction Journal

OK,

Camera Orientations:

Camera #1
Camera #2
Camera #3
Camera #4
Camera #5
Camera #6
Camera #8
Camera #9

s.15

Transactions: (Guest check transactions are sequential)

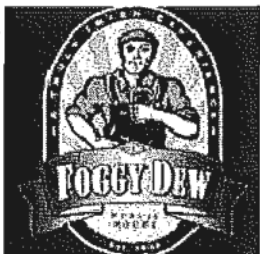
Check # 580	Bar East	Time: 1:59:55AM	is a guest order
Check # 581	Bar West	Time:2:02:17AM	is a guest order
Check #582	Bar West	Time:2:03:31AM	is a guest order
Check #583	Bar West	Time:2:19:09AM	Is Draft beer spillage, not a transaction. For administrative/inventory purposes. Would be identified as TBL# 6002 as this is the entry code for draft spillage on daily reconciliation.
Check #584	Bar West	Time:2:22:09AM	Staff food Order

All other transactions which you would see on the detailed journal report would be staff closing out any tabs, credit cards etc.

Regards,

Paul

The Foggy Dew Irish Pub
P: 604-937-5808
F: 604-937-5401
W: www.foggydewpub.com



Safavian, Neelam JAG:EX

From: Roger Gibson [roger@sharkclubs.com]
Sent: Monday, March 31, 2014 9:10 AM
To: Safavian, Neelam JAG:EX
Cc: 'Foggy Dew'; john@sharkclubs.com; XT:Coates, Dennis, Q.C. LCLB:IN
Subject: FW: Surveillance

Hi Neelam, please see attached regarding the surveillance system

From: Foggy Dew [mailto:foggydewpub@telus.net]
Sent: March-29-14 8:08 PM
To: 'Roger Gibson'
Subject: RE: Surveillance

Hi Roger,

I'll try to explain the system as I understand it.

s.15

My opinion is one of the hard drives failed.

s.15

s.15

I'm not advanced enough in my computer knowledge to know if the files were rendered inaccurate at the time of recording, storage or copying, I don't know at what point in the chain the failure may have occurred but it is obvious that a failure has occurred somewhere.

I copied the video files in this instance as I have done in any other, however on this occasion the computer continually crashed through the copying process, an anomaly which had never occurred in my experience with this system. My first thought was because the files were so large it was beyond the capacity of the drives to handle the volume of information, however in hindsight, I think the system crashing while copying the video files was symptomatic of a larger problem, i.e.; a failure of at least one of the hard drives.

After I copied these files, I did not watch the videos as there was more than 24hrs. of video captured (and it took me about 24hrs to copy the video due to the system crashing). I only ensured that the video images copied. Having seen

that the video copied to the C drive, I assumed the video files were what I requested and provided the copies to Neelam.

I hope this information is helpful.

Paul

I have heard back from micros regarding the POS time stamping and they have concurred that the time stamping is/was accurate with respect to this matter, Micros support case #15150135.

The Foggy Dew Irish Pub
P: 604-937-5808
F: 604-937-5401
W: www.foggydewpub.com



From: Roger Gibson [mailto:roger@sharkclubs.com]
Sent: March-24-14 1:47 PM
To: 'Foggy Dew'
Subject: FW: Surveillance

Hi Paul is this correct?

From: Roger Gibson [mailto:roger@sharkclubs.com]
Sent: March 24, 2014 1:47 PM
To: 'Safavian, Neelam JAG:EX'
Subject: RE: Surveillance

Hello Neelam, just received the copy and regarding the time differences it would appear that the system was aged (15 years) and there were 6 hard drives in the device each with its own clock. Over the years we have had various power outages and work on the system and each time the clock would go out of synch and we were unaware of this situation. I again rely on the Micros system to indicate when service started and ended.

From: Safavian, Neelam JAG:EX [mailto:Neelam.Safavian@gov.bc.ca]
Sent: March 14, 2014 2:27 PM
To: XT:Gibson, Roger LCLB:IN; 'john@sharkclubs.com'

Cc: 'Salim Sayani'; 'Wilfred Chan'

Subject: Surveillance

Hello Roger et al..

A copy of the surveillance will be going out in tomorrow's mail to the address you provided earlier.

At your earliest ability, please send me your explanation regarding the time/sequence of events/differences in timing on various cameras etc.

Thank you.

N.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

TEAMWORK | CURIOSITY | PASSION | SERVICE | COURAGE | ACCOUNTABILITY

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From: Roger Gibson [mailto:roger@sharkclubs.com]

Sent: Wednesday, February 26, 2014 11:14 AM

To: Safavian, Neelam JAG:EX

Cc: Salim Sayani; XT:Coates, Dennis, Q.C. LCLB:IN

Subject:

Good Morning Inspector Safavian, thank you for meeting us yesterday and reviewing the video tape. I am now even more positive that time shown on the tape is incorrect and that the sales ended at the time indicated on the Micros P O S. The video does show that the bartenders were actually ringing the drinks that were being poured . We have been assured by our staff that no drinks were poured that were not entered on the micros , also s.22 . You

apparently have the only copy of the video from that evening. Would you please arrange to have a copy and Paul Gaudaur will pick it up . we will review the video and will show you the actual sequence of events by establishing the actual time. Thank you for your cooperation in this matter

ROGER GIBSON

s.22

Safavian, Neelam JAG:EX

From: Roger Gibson [roger@sharkclubs.com]
Sent: Wednesday, February 26, 2014 11:14 AM
To: Safavian, Neelam JAG:EX
Cc: Salim Sayani; XT:Coates, Dennis, Q.C. LCLB:IN

Good Morning Inspector Safavian, thank you for meeting us yesterday and reviewing the video tape. I am now even more positive that time shown on the tape is incorrect and that the sales ended at the time indicated on the Micros P O S. The video does show that the bartenders were actually ringing the drinks that were being poured. We have been assured by our staff that no drinks were poured that were not entered on the micosos, also s.22

. You apparently have the only copy of the video from that evening. Would you please arrange to have a copy and Paul Gaudaur will pick it up. we will review the video and will show you the actual sequence of events by establishing the actual time. Thank you for your cooperation in this matter

ROGER GIBSON

s.22

Safavian, Neelam JAG:EX

From: Roger Gibson [roger@sharkclubs.com]
Sent: Wednesday, February 26, 2014 11:02 AM
To: Safavian, Neelam JAG:EX
Subject: RE: Contravention Notice

From: Safavian, Neelam JAG:EX [mailto:Neelam.Safavian@gov.bc.ca]
Sent: February-24-14 2:29 PM
To: 'Salim Sayani'
Cc: XT:Gibson, Roger LCLB:IN; 'Will Chan Lawyer'; 'Christie Exec Assistant'; 'john@sharkclubs.com'
Subject: RE: Contravention Notice

Hello Salim,

The meeting is scheduled for tomorrow at 1:30 pm at our Surrey office; 101-9180 King George Hwy in Surrey.

Please let me know if you require a different date/time as I realize this is short notice. I assumed the Third Party Operators had notified you. I will make every reasonable attempt to accommodate anyone you wish to involve.

Thanks.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

TEAMWORK | CURIOSITY | PASSION | SERVICE | COURAGE | ACCOUNTABILITY

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From: Salim Sayani [mailto:salimsayani@executivehotels.net]
Sent: Monday, February 24, 2014 2:22 PM
To: Safavian, Neelam JAG:EX
Cc: XT:Gibson, Roger LCLB:IN; Will Chan Lawyer; Christie Exec Assistant
Subject: Re: Contravention Notice

Hi Neelam

Will and I would like to attend this meeting.

Will is cc'd here

I will sign any documents required after the meeting

Please advise meeting time

Salim Sayani

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Safavian, Neelam JAG:EX

Sent: Monday, February 24,
2014 2:13 PM

To:

'salimsayani@executivehotels.net'

Subject: FW: Contravention
Notice

Hello Mr. Sayani,

As per our discussion, I have attached the Contravention Notice issued to Foggy Dew operators.

Please contact me to discussion next steps as soon as possible.

Sincerely,

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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From: Neelam.Safavian@gov.bc.ca [mailto:Neelam.Safavian@gov.bc.ca]

Sent: Monday, February 24, 2014 2:06 PM

To: Safavian, Neelam JAG:EX

Subject:

From: Safavian, Neelam JAG:EX [<mailto:Neelam.Safavian@gov.bc.ca>]
Sent: March-13-14 11:43 AM
To: 'Foggy Dew'
Subject: RE: Transaction Journal

Thank you Paul.

I have a couple of more requests.

1. Could you please describe/identify the camera angles which you have given to me (ie: from facing dance floor or main entrance etc.)
2. Could you please describe/identify each transaction which is after 2:00 am.

Thank you in advance.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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From: Foggy Dew [<mailto:foggydewpub@telus.net>]
Sent: Thursday, March 13, 2014 11:27 AM
To: Safavian, Neelam JAG:EX
Subject: Transaction Journal

Hi Neelam,

Here's the detailed transaction journal for Jan 31, 2014.
Feel free to give me a call should you need assistance or clarification with this report.

Kind Regards,

Paul Gaudaur
General Manager

The Foggy Dew Irish Pub
P: 604-937-5808

F: 604-937-5401

W: www.foggydewpub.com



Safavian, Neelam JAG:EX

From: Clark, Michael J JAG:EX
Sent: Tuesday, February 25, 2014 5:23 PM
To: Safavian, Neelam JAG:EX
Subject: RE: Foggy Dew

Thanks Neelam, very thorough investigation. Talk to you tomorrow.

Mike Clark
Regional Manager
LCLB SRO

From: Safavian, Neelam JAG:EX
Sent: February 25, 2014 3:41 PM
To: Clark, Michael J JAG:EX
Cc: Edmundson, Bruce JAG:EX; Stephenson, Cindy JAG:EX
Subject: Foggy Dew

Hi Mike,

I have some developments on the Foggy Dew investigation:

First of all, I can now conclude that s.22 is not an element of this investigation.

I held a compliance meeting with the licensee Mr. Salim Sayani, his legal counsel, and third party operators John Teti and Roger Gibson.

Prior to the meeting I had decided to review and pinpoint the surveillance which showed the two contraventions in case they requested to see it, as they apparently no longer have a copy of their own. During this review, I found that I had missed one of the camera angles or evidence within the surveillance s.22 and found a third violation of Unlawful sale of liquor - continued liquor service past licensed hours by various different bartenders, s.22

During the compliance meeting, we discussed the circumstances surrounding the night, the contraventions identified, as well as the legislative provisions surrounding them. I also reviewed the surveillance with them and issued another contravention notice for violation of Section 38.3 (b).

In addition to seeking commitments for all of the above contraventions, I requested a commitment to ensure surveillance of all licensed areas. The documentation / written commitments are pending.

Mr. Teti and Gibson insisted there must be a timing error on the surveillance. However, they did not argue this for the original two contraventions and I currently have no information to suggest the surveillance timing is incorrect. There is also some conflicting information given to me by staff members regarding their knowledge of liquor service hours and clearing times.

Based on all of the circumstances I have - which is not limited to this email, I have decided that enforcement action may be warranted in relation to the unlawful sale of liquor past their licensed hours. I will revisit the evidence related to failing to clear patrons and allowing consumption past ½ hour limit, which are the original two contraventions, as one contravention is likely a contributing factor to the other.

We can discuss further when I see you.

N.

Neelam Safavian
Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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Safavian, Neelam JAG:EX

From: Wilfred Chan [corp.counsel@executivehotels.net]
Sent: Tuesday, February 25, 2014 5:02 PM
To: Safavian, Neelam JAG:EX
Cc: 'Salim Sayani'
Subject: FW: Foggy Dew possible liquor contravention

Hi Neelam,

It was nice to meet you today. Thank you again for contacting us yesterday to advise us of today's meeting. We will be looking into why the previous contravention notice was not brought to our attention earlier. We have always been concerned with anything that may impact our license and we have always insisted that all of our third party operators must comply with the applicable laws. To that end, I am forwarding an email I sent to Roger Gibson earlier this month immediately after s.22 which shows that we also had made our own inquiries with the Foggy Dew shortly after the allegations were brought to our attention.

Having said that, we respectfully request that you continue to keep us informed on the matter we discussed in today's meeting as well as any future correspondence that affects our liquor license. It is our preference that we are given any document that requires a signature in respect of the license and we be the only authorized signatories on such documents.

Best regards,
Wil

Wilfred Chan | Corporate Counsel



Executive Group of Companies

8th Floor - 1080 Howe Street

Executive Place Tower

Vancouver, B.C V6Z 2T1

Tel: 604 642 5266 | Fax: 604 642 5255

Websites:

www.executivegroupdevelopment.com

www.executivehotels.net

From: Roger Gibson [mailto:roger@sharkclubs.com]
Sent: Wednesday, February 12, 2014 9:09 AM
To: 'Wilfred Chan'
Subject: RE: Foggy Dew possible liquor contravention

Hi Will, please give me a call when you have a moment

Roger Gibson

From: Wilfred Chan [mailto:corp.counsel@executivehotels.net]
Sent: February-11-14 12:36 PM

To: roger@sharkclubs.com

Subject: Foggy Dew possible liquor contravention

Hi Roger,

I am the corporate counsel for the Executive Group of Companies and I am writing to you about the allegations about s.22 Could you kindly send us a report on your investigations into the matter and keep us informed as to any new developments? In particular, we have concerns about the s.22 as this type of contravention would impact our liquor license in which you are operating under. I look forward to hearing from you soon.

Best regards,
Wil

Wilfred Chan | Corporate Counsel



Executive Group of Companies
8th Floor - 1080 Howe Street
Executive Place Tower
Vancouver, B.C V6Z 2T1
Tel: 604 642 5266 | Fax: 604 642 5255

Websites:

www.executivegroupdevelopment.com

www.executivehotels.net

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2012.0.2247 / Virus Database: 3697/6586 - Release Date: 02/12/14

Safavian, Neelam JAG:EX

From: Salim Sayani [salimsayani@executivehotels.net]
Sent: Monday, February 24, 2014 2:42 PM
To: Safavian, Neelam JAG:EX
Cc: XT:Gibson, Roger LCLB:IN; 'Will Chan Lawyer'; 'Christie Exec Assistant'; john@sharkclubs.com
Subject: RE: Contravention Notice

Neelam

Will and I will see you there tomorrow

Salim

From: Safavian, Neelam JAG:EX [mailto:Neelam.Safavian@gov.bc.ca]
Sent: Monday, February 24, 2014 2:29 PM
To: 'Salim Sayani'
Cc: XT:Gibson, Roger LCLB:IN; 'Will Chan Lawyer'; 'Christie Exec Assistant'; 'john@sharkclubs.com'
Subject: RE: Contravention Notice

Hello Salim,

The meeting is scheduled for tomorrow at 1:30 pm at our Surrey office; 101-9180 King George Hwy in Surrey.

Please let me know if you require a different date/time as I realize this is short notice. I assumed the Third Party Operators had notified you. I will make every reasonable attempt to accommodate anyone you wish to involve.

Thanks.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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From: Salim Sayani [mailto:salimsayani@executivehotels.net]
Sent: Monday, February 24, 2014 2:22 PM
To: Safavian, Neelam JAG:EX
Cc: XT:Gibson, Roger LCLB:IN; Will Chan Lawyer; Christie Exec Assistant
Subject: Re: Contravention Notice

Hi Neelam

Will and I would like to attend this meeting.

Will is cc'd here

I will sign any documents required after the meeting

Please advise meeting time

Salim Sayani

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Safavian, Neelam JAG:EX
Sent: Monday, February 24, 2014 2:13 PM
To: 'salimsayani@executivehotels.net'
Subject: FW: Contravention Notice

Hello Mr. Sayani,

As per our discussion, I have attached the Contravention Notice issued to Foggy Dew operators.

Please contact me to discussion next steps as soon as possible.

Sincerely,

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

TEAMWORK | CURIOSITY | PASSION | SERVICE | COURAGE | ACCOUNTABILITY

"Due to security concerns, Liquor Control and Licensing Branch will not accept electronically transmitted applications containing credit card information".

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From: Neelam.Safavian@gov.bc.ca [<mailto:Neelam.Safavian@gov.bc.ca>]
Sent: Monday, February 24, 2014 2:06 PM
To: Safavian, Neelam JAG:EX
Subject:

Safavian, Neelam JAG:EX

From: Clark, Michael J JAG:EX
Sent: Wednesday, February 12, 2014 2:57 PM
To: Safavian, Neelam JAG:EX
Subject: RE: Foggy Dew/ s.22 Incident

Thanks Neelam - s.22

Mike Clark
Regional Manager
Liquor Control & Licensing Branch
Surrey Regional Office
604-586-2644

www.pssg.gov.bc.ca/lclb

"Due to security concerns, Liquor Control and Licensing Branch will not accept electronically transmitted applications containing credit card information".

From: Safavian, Neelam JAG:EX
Sent: Wednesday, February 12, 2014 2:54 PM
To: Clark, Michael J JAG:EX
Cc: Stephenson, Cindy JAG:EX; Edmundson, Bruce JAG:EX
Subject: Foggy Dew/ s.22 Incident

Hi Mike,

Update as per our discussion...

I met with the General Manager at the Foggy Dew yesterday afternoon.

I have collected statements from the General Manager and night manager on duty at the time, as well as surveillance. I had an opportunity to view the till tapes. There were transactions after the 2 am mark; which the establishment is attributing to closing procedures as well as a couple of late (1 and 2 minutes) ring ins by the staff. I have no reason to suspect this to be a false claim based on the transaction details. I have taken photograph copies of the transactions 1:30 and onwards and will be receiving a hard copy soon.

s.22

The establishment was cleared at 2:20 hours

s.22

s.22

s.22

s.22

I have not had an opportunity to review the surveillance but will this week (There is hours of surveillance, remembering that there are many camera angles). I am also awaiting the police occurrence report.

Based on the circumstances so far, even though s.22 , I have no reason
and evidence to suggest the licensee has violated any provision at this time. s.22

s.22

Hope this is helpful.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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Safavian, Neelam JAG:EX

From: Mark MCCUTCHEON [Mark.MCCUTCHEON@rcmp-grc.gc.ca]
Sent: Friday, February 7, 2014 1:07 PM
To: Safavian, Neelam JAG:EX
Subject: Foggy Dew Pub

Hi Neelam,

Our file number is 2014-2837.

File created at 0357 hrs when the Manager called s.22
Members arrived on scene at 0411 hrs and identified the male as

s.22

s.22

Have a great weekend.

Mark

Mark McCutcheon, S/Sgt
Admin NCO
Coquitlam Detachment
Desk : 604-945-1496
Cell : 604-351-4074
Fax : 604-552-7305
mark.mccutcheon@rcmp-grc.gc.ca

Safavian, Neelam JAG:EX

From: Rick Peters [rick@arpel.com]
Sent: Monday, March 17, 2014 11:34 AM
To: Safavian, Neelam JAG:EX
Subject: Foggy Dew

Hi Neelam,

Our office has forwarded the questions you had concerning the Foggy Dew at 405 North Road. I am pleased to provide information where possible.

Our records indicate the CCTV system at this premises had been installed by our company 10-14 years ago.

1) The clock is initial set when we do the installation but is not uncommon for the accuracy to change over use. The customer would generally make adjustments if they chose.

2) The clock is in the DVR (digital video recorder) and is the same for all cameras.

3) No

4) s.15

5) s.15

s.15

(however this may change when the actual installation takes place)

6) No

Hopefully this information is sufficient.

Regards, Rick

Rick Peters

Arpel Security & Monitoring Ltd.

7015 Buller Avenue

Burnaby, B.C.

V5J 4S1

Phone: 604-437-3317

Fax: 604-437-3336

Email: rick@arpel.com

Safavian, Neelam JAG:EX

From: Safavian, Neelam JAG:EX
Sent: Friday, March 14, 2014 11:41 AM
To: 'admin@arpel.com'
Subject: FW: Request for information

Dear Sir/Madam:

I am writing further to our telephone conversation of yesterday regarding surveillance cameras located at the Foggy Dew Pub at 405 North Road in Coquitlam BC.

s.15

As mentioned, I am investigating an incident which occurred on the night of January 31/morning of February 1, 2014. I have received video surveillance from the operators of the establishment.

When viewing the surveillance, a clock appears at the bottom right of the screen. I have a couple of generic/technical questions about the surveillance:

1. Who sets the clock on the surveillance and is it adjustable, and if so who has access to do so?
2. Is the clock connected/linked to the actual camera?
3. Is it possible for one camera to have a different time than others?
4. Which cameras did you replace and when?
5. How many cameras were installed? And would you be able to describe where in the establishment they were installed?
6. Are you aware of any cameras which may not be working on or about January 31 / February 1, 2014.

Please do not hesitate to contact me if you have any concerns.

Sincerely,

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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Pages 55 through 56 redacted for the following reasons:

s.15



This requirement to provide records is a time sensitive document.

Date: February 11, 2014

Sanoor Investments Ltd.
Executive Plaza Coquitlam
405 North Road
Coquitlam BC V3K 3V9

And

Third Party Operators:
Philip Roger Gibson and John Allen Teti
Foggy Dew Irish Pub Coquitlam Inc.
405 North Road Coquitlam BC V3K 3V9

Dear Licensee and Third Party Operators:

Re: Liquor Primary License 010354

Pursuant to section 73 (1) (a) of the *Liquor Control and Licensing Act* (the Act) (attached) the general manager or her designate may require the licensee to produce any prescribed document relating to the operation of the business licensed under the Act.

Section 34 of the *Liquor Control and Licensing Regulation* (the Regulation) (attached) sets out the prescribed documents.

I am a designate of the general manager and I am requiring you to provide records related to the incident of ^{s.22} , as set out in the table below by 4:30 p.m. on Friday, February 14, 2014.

	Record required	Scope
1.	All surveillance video 12:00 am to 06:00 am	Saturday, February 1, 2014
2.	All liquor sales/service records related to service to. s.22	Night of Friday January 31, /morning of Saturday February 1, 2013

Notice to Provide Records

3.	All till transactions 01:00 am to 06:00 hours.	Saturday, February 1, 2014
4.	List of all employees on duty including name, primary job responsibilities, and shift schedules	Night of Friday January 31, /morning of Saturday February 1, 2013
5.	All records ¹ of any incidents, statements by staff or events that occurred in or adjacent to the licensed establishment. Please note the definition of a record in the footnote below. This includes all CCTV records, digital or tape.	Night of Friday January 31, /morning of Saturday February 1, 2013

Failure to provide all the records required by the date set out above may be considered a breach of section 73 (1) (a) of the Act. Item 31 of Schedule 4 of the Regulation prescribes a 10 to 15 day suspension and or a \$7500 to \$10,000 monetary penalty for a first contravention of section 73 (1) (a) of the Act.

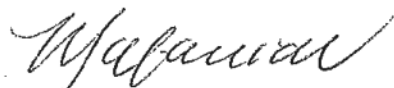
Please direct all the required records to my attention at:

Neelam Safavian
Liquor Control & Licensing Branch
101-9180 King George Hwy
Surrey BC V3V 5V9

Pursuant to section 64 of the Liquor Control and Licensing Regulation, a contravention notice may be issued where all the required documents are not provided by the above date.

If you have any questions, please do not hesitate to contact me.

Yours truly,



Neelam Safavian, Inspector
Liquor Control and Licensing Branch

cc. Regional Manager

Attachments: Liquor Control and Licensing Act section 73 (1) (a)
 Liquor Control and Licensing Regulation section 34

¹ Section 29 of the *Interpretation Act* states that a "record" includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise;



Ministry of Justice

Liquor Control and
Licensing Branch

Notice/Order to Provide Records

This requirement to provide records is a time sensitive document.

Date: February 11, 2014

Sanoor Investments Ltd.
Executive Plaza Coquitlam
405 North Road
Coquitlam BC V3K 3V9

FILE COPY

And

Third Party Operators:
Philip Roger Gibson and John Allen Teti
Foggy Dew Irish Pub Coquitlam Inc.
405 North Road Coquitlam BC V3K 3V9

Dear Licensee and Third Party Operators:

Re: Liquor Primary License 010354

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Neelam Safavian
Liquor Control & Licensing Branch
101-9180 King George Hwy
Surrey BC V3V 5V9

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Yours truly,



Neelam Safavian, Inspector
Liquor Control and Licensing Branch

cc. Regional Manager

Attachments: Liquor Control and Licensing Act section 73 (1) (a)
 Liquor Control and Licensing Regulation section 34

¹ Section 29 of the *Interpretation Act* states that a "record" includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by any means whether graphic, electronic, mechanical or otherwise;

Liquor Control and Licensing Act Section 73 (1) (a)

Power to retain documents and inspect books and premises

73 (1) To obtain information respecting the administration or enforcement of this Act or the regulations, the general manager, a person designated by the general manager or a person within a class of persons that is designated by the general manager may

- (a) require the licensee to produce any prescribed document relating to the operation of the business licensed under this Act,

Liquor Control and Licensing Regulation Section 34

Production of records

34 For the purposes of section 73 (1) of the Act, the following documents are prescribed in relation to a licensee:

- (a) liquor purchase records;
- (b) liquor sales records;
- (c) liquor disposal records;
- (d) food sales records;
- (e) sales records respecting other merchandise or services provided by the licensee that are incidental to the business of the licensed establishment;
- (f) agreements and contracts between the licensee and a liquor manufacturer or its agent or representative;
- (g) invoices and purchase receipts for all equipment and other inventory used in the operation of the licensed establishment;
- (h) lease and management contracts related to the licensed establishment;
- (i) employee records including names, addresses, salaries, primary job responsibilities, shift schedules and dates of employment;
- (j) records of any incidents or events that occurred in or adjacent to the licensed establishment;
- (k) records of court orders and judgments against a licensee respecting the sale, service or manufacture of liquor;
- (l) records of the quantity and price of liquor servings.

Pages 62 through 64 redacted for the following reasons:

s.3(1)(j)

Safavian, Neelam JAG:EX

From: Clark, Michael J JAG:EX
Sent: Tuesday, February 11, 2014 9:58 AM
To: Safavian, Neelam JAG:EX
Subject: RE s.22

FYI

B.C. to look into reports of Ford being served after hours

Globe and Mail

Monday, February 10, 2014

Page A04

By Jill Mahoney, Wendy Stueck

Copyright

With a report from Ann Hui

Mike Clark
Regional Manager
Liquor Control & Licensing Branch
Surrey Regional Office
604-586-2644

www.pssg.gov.bc.ca/lclb

"Due to security concerns, Liquor Control and Licensing Branch will not accept electronically transmitted applications containing credit card information".

Page 064 to/à Page 066

Withheld pursuant to/removed as

Copyright

7:00

s.22

7:30

8:00

8:30

9:00

9:30

10:0

10:3

11:0

11:3

12:0

12:3

1:00

1:30

2:00

2.30

3.00

2.34

1.00

4.34

5.0

5.2

5.2

22

[Downloaded from ascelibrary.org by University of California, San Diego on 06/07/14](#)

evening

Air Thermal was in for a minute today to look at our "A" deck duplex, cooler + compressor for East side draft pump; it's pouring a few degrees too warm but they couldn't find any problems. They said the Kay for a trial was too warm and adjusted the thermostat on the Kay room compressor.

Spoke to ^{s.22} regarding ^{s.22} charging
good customers for ~~buying~~ the fine. Customers
that would ~~usually~~ spend \$8 on being turned
away or leaving. Because they're asking \$40-50
per person to remain
plus while the room is full 1946's not spending
a noticeable portion on off.
you going to speak to ^{s.22} when they get
back.

I had to 86 GI Lager. I can't the Fabbro to work. Air is getting into the seal of the compressor. I tried 5 times pushing it down with a butter knife. I can work for 2 pints then not.

A female L.A. ^{S.22} ~~removed~~ ^{witnessed} ~~stated~~ ^{his} ~~glass window~~ ^{house} ~~in~~ ^{bleeding} ~~front~~ ^{partly} ~~of~~ ^{bad} ~~the~~ ^{his} ~~house~~ ^{front} ~~was~~ ^{called} ~~damaged~~ ^{ambulance} ~~and~~ ^{Mexico} ~~the~~ ^{him} ~~house~~ ^{up} ~~was~~ ^{on} ~~on~~ ^{site} ~~the~~ [&] ~~RC's~~ ^{called} ~~called~~ ^{him} ~~and~~ ^{and} ~~took~~ ^{took} ~~him~~ ^{away} ~~away~~ ^{away}.

Table 10 @ 11:45 a girl sat on same glass
scrubbed both of the back of her thighs. I gave
her a ppl moist towelettes & brought her a drink &
gave her a food panna GC. She was cool

East side sensor lig gun needs to be loaded and fixed. Buttons keep sticking & lig constantly jams out.

Continue —
Next page

	Today is our 15 th Anniversary!	7:00
Don		7:30
		8:00
5		8:30
		9:00
19		9:30
2nd		0:00
50		0:30
ding		11:00
		11:30
	Very slow, New a line up. Same as last Sat.	11:30
	No major problems.	12:00
	1 AM, Very noisy crowd.	12:30
	But same	1:00
small		1:30
	All is good at close.	2:00
		2:30
		3:00
		3:30
		4:00
		4:30
		5:00
		5:30
		6:00
		6:30
		7:00
		evening

Little, Danielle JAG:EX

From: Safavian, Neelam JAG:EX
Sent: Tuesday, March 25, 2014 12:58 AM
To: Stephenson, Cindy JAG:EX
Cc: Clark, Michael J JAG:EX
Subject: Re: Foggy Dew

Hi Cindy

s.13

s.22

N

Sent from my iPhone

On Mar 24, 2014, at 4:12 PM, "Stephenson, Cindy JAG:EX" <Cindy.Stephenson@gov.bc.ca> wrote:

Hi Neelam,

s.13

Can you give me a call,

Cindy

Cindy Stephenson

Policy, Planning and Communications
Liquor Control and Licensing Branch
Phone: 250 952-5761 Fax: 250 952-7066
Email: Cindy.Stephenson@gov.bc.ca

From: Safavian, Neelam JAG:EX
Sent: Friday, March 21, 2014 8:48 PM
To: Stephenson, Cindy JAG:EX
Cc: Clark, Michael J JAG:EX
Subject: RE: Foggy Dew

Hi Cindy,

s.13

N.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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From: Stephenson, Cindy JAG:EX
Sent: Friday, March 21, 2014 8:30 PM
To: Safavian, Neelam JAG:EX
Cc: Clark, Michael J JAG:EX; Stephenson, Cindy JAG:EX
Subject: Re: Foggy Dew

Thanks Neelam. Pretty thorough review.

s.13

Sent from my iPhone

On Mar 21, 2014, at 6:15 PM, "Safavian, Neelam JAG:EX" <Neelam.Safavian@gov.bc.ca> wrote:

Hi Mike,

I have interviewed several staff members including bartenders, servers, hosts, security, and management. I have reviewed all the surveillance and contacted the company who installed the surveillance and received details regarding the cameras and software used.

I have reviewed two different versions of sales records provided by the licensee as well as incidents reports from the night in question. The sales records support the licensee's claim that no liquor was sold after 2:00 am. It appears the licensee may be correct regarding the time data on the surveillance. They may or may not be deceiving in

s.22

So this will likely remain a mystery.

Basically, the evidence is not sufficient to warrant enforcement against the licensee and therefore, I will not be recommending enforcement action.

If you or Cindy need any further details, please let me know.

Thanks.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
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Little, Danielle JAG:EX

From: Stephenson, Cindy JAG:EX
Sent: Friday, March 21, 2014 8:53 PM
To: Safavian, Neelam JAG:EX
Cc: Stephenson, Cindy JAG:EX; Clark, Michael J JAG:EX
Subject: Re: Foggy Dew

s.22

s.13

s.22

Sent from my iPhone

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Hi Cindy,

s.13

N.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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From: Stephenson, Cindy JAG:EX
Sent: Friday, March 21, 2014 8:30 PM
To: Safavian, Neelam JAG:EX
Cc: Clark, Michael J JAG:EX; Stephenson, Cindy JAG:EX
Subject: Re: Foggy Dew

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s.13

Sent from my iPhone

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s.22

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If you or Cindy need any further details, please let me know.

Thanks.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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Little, Danielle JAG:EX

From: Stephenson, Cindy JAG:EX
Sent: Friday, March 21, 2014 8:30 PM
To: Safavian, Neelam JAG:EX
Cc: Clark, Michael J JAG:EX; Stephenson, Cindy JAG:EX
Subject: Re: Foggy Dew

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s.13

Sent from my iPhone

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Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
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Little, Danielle JAG:EX

From: Safavian, Neelam JAG:EX
Sent: Friday, March 21, 2014 6:16 PM
To: Clark, Michael J JAG:EX
Cc: Stephenson, Cindy JAG:EX
Subject: Foggy Dew

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I have reviewed two different versions of sales records provided by the licensee as well as incidents reports from the night in question. The sales records support the licensee's claim that no liquor was sold after 2:00 am. It appears the licensee may be correct regarding the time data on the surveillance. They may or may not be deceiving in

s.22

So this will likely remain a mystery.

Basically, the evidence is not sufficient to warrant enforcement against the licensee and therefore, I will not be recommending enforcement action.

If you or Cindy need any further details, please let me know.

Thanks.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

TEAMWORK | CURIOSITY | PASSION | SERVICE | COURAGE | ACCOUNTABILITY

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Little, Danielle JAG:EX

From: Safavian, Neelam JAG:EX
Sent: Tuesday, February 25, 2014 3:41 PM
To: Clark, Michael J JAG:EX
Cc: Edmundson, Bruce JAG:EX; Stephenson, Cindy JAG:EX
Subject: Foggy Dew

Importance: High

Hi Mike,

I have some developments on the Foggy Dew investigation:

First of all, I can now conclude that s.22 is not an element of this investigation.

I held a compliance meeting with the licensee Mr. Salim Sayani, his legal counsel, and third party operators John Teti and Roger Gibson.

Prior to the meeting I had decided to review and pinpoint the surveillance which showed the two contraventions in case they requested to see it, as they apparently no longer have a copy of their own. During this review, I found that I had missed one of the camera angles or evidence within the surveillance s.22

and found a third violation of Unlawful sale of liquor – continued liquor service past licensed hours by various different bartenders, s.22

During the compliance meeting, we discussed the circumstances surrounding the night, the contraventions identified, as well as the legislative provisions surrounding them. I also reviewed the surveillance with them and issued another contravention notice for violation of Section 38.3 (b).

In addition to seeking commitments for all of the above contraventions, I requested a commitment to ensure surveillance of all licensed areas. The documentation / written commitments are pending.

Mr. Teti and Gibson insisted there must be a timing error on the surveillance. However, they did not argue this for the original two contraventions and I currently have no information to suggest the surveillance timing is incorrect. There is also some conflicting information given to me by staff members regarding their knowledge of liquor service hours and clearing times.

Based on all of the circumstances I have – which is not limited to this email, I have decided that enforcement action may be warranted in relation to the unlawful sale of liquor past their licensed hours. I will revisit the evidence related to failing to clear patrons and allowing consumption past ½ hour limit, which are the original two contraventions, as one contravention is likely a contributing factor to the other.

We can discuss further when I see you.

N.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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Little, Danielle JAG:EX

From: Safavian, Neelam JAG:EX
Sent: Tuesday, February 18, 2014 10:42 AM
To: Clark, Michael J JAG:EX
Subject: RE: Foggy Dew s.22 Incident

Hi Mike,

Developments on Foggy Dew:

I attended the establishment on the weekend after reviewing the surveillance video and finding the two contraventions noted earlier.

I found that the surveillance footage on many cameras ended between 1:30 and 1:45 and no surveillance showed s.22
s.22 I questioned the Manager regarding this. The manager indicated that s.15
s.15 the areas related to the surveillance which ends between 1:30 and 1:45 were cleared
s.15 He also stated that the area s.22 is an area where there has
never been surveillance s.15 Since the incident, the establishment has replaced their
surveillance software/system due to these issues. They have no additional information or surveillance available for me
to review.

I interviewed the head doorman/security guard who was in charge of monitoring s.22 There was no new information
of concern as a result of this interview. He stated that he did not see s.22

Regarding the two contraventions, as discussed:

1. Failing to clear: although they have contravened, it will be difficult to prove this contravention as they are in the "process" of clearing. Plus given the situation s.22 created an unusual circumstance for them (possible and legitimate argument) which caused their head doorman to be occupied elsewhere.
2. Allowing to consume: other than the 10-15 minute surveillance, I have not other evidence to support a penalty recommendation.

Given all of the circumstances, a compliance meeting is the best warranted route.

In addition to commitments regarding clearing patrons on time and ensuring patrons are not consuming past the ½ hour mark, I will be seeking a commitment to ensure all areas be covered by the surveillance.

I spoke to the licensee this am, John Teti, and asked them to come in on Tuesday the 25th.

Please let me know if there is anything else you need from me.

Neelam.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice

Phone: 604-586-2657
Fax: 604-586-2640

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From: Stephenson, Cindy JAG:EX
Sent: Monday, February 17, 2014 4:34 PM
To: Safavian, Neelam JAG:EX; Edmundson, Bruce JAG:EX; Clark, Michael J JAG:EX; Bieller, Barry JAG:EX
Subject: RE: Foggy Dew/ s.22 Incident

Neelam has just called and advised she has requested some additional surveillance and at this point we cannot rule out conclusively that there were no issues related to s.22 . She will be following up with Mike and/or Bruce tomorrow morning.

Cindy Stephenson
Policy, Planning and Communications
Liquor Control and Licensing Branch
Phone: 250 952-5761 Fax: 250 952-7066
Email: Cindy.Stephenson@gov.bc.ca

From: Stephenson, Cindy JAG:EX
Sent: Monday, February 17, 2014 4:19 PM
To: Safavian, Neelam JAG:EX; Edmundson, Bruce JAG:EX; Clark, Michael J JAG:EX; Bieller, Barry JAG:EX
Subject: Foggy Dew/ s.22 Incident

s.22

s.13

s.22

From: Stephenson, Cindy JAG:EX
Sent: Monday, February 17, 2014 2:42 PM
To: Schollen, Tasha GCPE:EX; Turner, Caeli GCPE:EX
Subject: RE: Foggy Dew s.22 Incident

FYI - Just got a call from CKNW wanting to check in on the status of the investigation and an ETA on its conclusion.
(Laura Baziuk) If we can get back to her tomorrow that would be great.

Cindy Stephenson

Policy, Planning and Communications

Liquor Control and Licensing Branch

Phone: 250 952-5761 Fax: 250 952-7066

Email: Cindy.Stephenson@gov.bc.ca

Little, Danielle JAG:EX

From: Safavian, Neelam JAG:EX
Sent: Monday, February 17, 2014 1:20 PM
To: Stephenson, Cindy JAG:EX
Cc: Clark, Michael J JAG:EX; Edmundson, Bruce JAG:EX
Subject: RE: Foggy Dew s.22 Incident

Hello all,

Here is an update, even though the media seems to have let it go for now.

I am thinking of recommending enforcement action on one contravention; allow to consume after ½ hour past liquor service hours. The male patron consuming liquor was located directly in front of a bar and adjacent to where a number of staff members were coming and going, including a bartender and security staff. No one seems to be taking any action to stop him from consuming.

I am thinking of conducting a compliance meeting on failure to clear patrons. Although they did not clear the patrons by 2:30 – the surveillance shows they **are in the process of clearing** – patrons are lingering around the doorway and some lined up at the coat check etc. They clear the establishment by approximately 2:50. There are many staff around but don't appear to be rushing patrons out.

I will need to follow up on the date/time stamps on the surveillance to ensure the information is accurate for recommending enforcement on the allow to consume past hours contravention.

Please let me know if you need any further details.

Thanks.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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From: Stephenson, Cindy JAG:EX
Sent: Monday, February 17, 2014 9:57 AM
To: Safavian, Neelam JAG:EX
Cc: Clark, Michael J JAG:EX
Subject: RE: Foggy Dew s.22 Incident

Hi Neelam,

Will you be recommending enforcement action or just issuing the CN?

Cindy

Cindy Stephenson

Policy, Planning and Communications
Liquor Control and Licensing Branch
Phone: 250 952-5761 Fax: 250 952-7066
Email: Cindy.Stephenson@gov.bc.ca

From: Safavian, Neelam JAG:EX
Sent: Saturday, February 15, 2014 11:57 PM
To: Stephenson, Cindy JAG:EX
Cc: Clark, Michael J JAG:EX
Subject: Re: Foggy Dew/ s.22 Incident

Hi Cindy

I reviewed the surveillance and found that they did not clear patrons as per requirement and also allowed a patron to continue consuming past 1/2 hour time limit.

I attended the establishment tonight and issued a CN for failing to clear plus allowing to consume past hours.

None of these contraventions relates to s.22

We can discuss further Monday.

N

Sent from my iPhone

On Feb 14, 2014, at 10:58 AM, "Stephenson, Cindy JAG:EX" <Cindy.Stephenson@gov.bc.ca> wrote:

s.22

Cindy Stephenson

Policy, Planning and Communications
Liquor Control and Licensing Branch
Phone: 250 952-5761 Fax: 250 952-7066
Email: Cindy.Stephenson@gov.bc.ca

From: Safavian, Neelam JAG:EX
Sent: Friday, February 14, 2014 10:49 AM
To: Stephenson, Cindy JAG:EX

Cc: Clark, Michael J JAG:EX
Subject: Re: Foggy Dew s.22 Incident

Hi Cindy

I will try to get through the video surveillance over the weekend.

I will email you if I see anything of concern.

Sent from my iPhone

On Feb 14, 2014, at 9:45 AM, "Stephenson, Cindy JAG:EX" <Cindy.Stephenson@gov.bc.ca> wrote:

Hi Neelam,

Do you have an ETA in terms of completing your review/closing the file?

Thanks,

Cindy

Cindy Stephenson

Policy, Planning and Communications
Liquor Control and Licensing Branch
Phone: 250 952-5761 Fax: 250 952-7066
Email: Cindy.Stephenson@gov.bc.ca

From: Safavian, Neelam JAG:EX
Sent: Wednesday, February 12, 2014 2:54 PM
To: Clark, Michael J JAG:EX
Cc: Stephenson, Cindy JAG:EX; Edmundson, Bruce JAG:EX
Subject: Foggy Dew s.22 Incident

Hi Mike,

Update as per our discussion...

I met with the General Manager at the Foggy Dew yesterday afternoon.

I have collected statements from the General Manager and night manager on duty at the time, as well as surveillance. I had an opportunity to view the till tapes. There were transactions after the 2 am mark; which the establishment is attributing to closing procedures as well as a couple of late (1 and 2 minutes) ring ins by the staff. I have no reason to suspect this to be a false claim based on the transaction details. I have taken photograph copies of the transactions 1:30 and onwards and will be receiving a hard copy soon.

s.22

s.22

closing. They were monitored by their head doorman the entire time.

The establishment was cleared at 2:20 hours

s.22

I have not had an opportunity to review the surveillance but will this week (There is hours of surveillance, remembering that there are many camera angles). I am also awaiting the police occurrence report.

Based on the circumstances so far,

s.22

I have no reason and evidence to suggest the licensee has violated any provision at this time.

s.22

s.22

Hope this is helpful.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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Little, Danielle JAG:EX

From: Safavian, Neelam JAG:EX
Sent: Tuesday, February 11, 2014 9:06 AM
To: Stephenson, Cindy JAG:EX
Cc: Clark, Michael J JAG:EX
Subject: Re: MEDIA INQUIRY: Toronto Star: Seeking general comment about liquor licensing

Hi Cindy

There has been no recent action against the establishment.

I am investigating and don't have anymore information at this time regarding the incident s.22

I'll keep you posted.

Sent from my iPhone

On Feb 11, 2014, at 8:56 AM, "Stephenson, Cindy JAG:EX" <Cindy.Stephenson@gov.bc.ca> wrote:

Hi Neelam,

s.13

Pls let me know if there are any new developments.

Cindy

Cindy Stephenson

Policy, Planning and Communications
Liquor Control and Licensing Branch
Phone: 250 952-5761 Fax: 250 952-7066
Email: Cindy.Stephenson@gov.bc.ca

From: LCLB LCLB:EX
Sent: Tuesday, February 11, 2014 7:37 AM
To: Stephenson, Cindy JAG:EX
Cc: Rowsell, Terry N JAG:EX
Subject: MEDIA INQUIRY: Toronto Star: Seeking general comment about liquor licensing
Importance: High

From: Mathieu, Emily [<mailto:emathieu@thestar.ca>]
Sent: Monday, February 10, 2014 6:25 AM

To: LCLB LCLB:EX

Subject: Toronto Star: Seeking general comment about liquor licensing

Good morning,

I am writing a follow up story on our report of

s.22

s.22 I need to speak with someone generally about what could prompt an inspection of an establishment's liquor license and what the potential penalties are.

Also.

1. Has the Foggy Dew in Coquitlam ever been penalized for after hours drinking/ have there ever been any licensing issues at that establishment
2. Are there any plans to follow up on the incident reported by the Star and other national news sources that a patron s.22) was drinking after hours?

I am hoping to arrange a short phone interview. My cell is below, but I am quick on email if we can set up a time.

Emily

s.22

Not Responsive

From: Safavian, Neelam JAG:EX
Sent: Monday, February 10, 2014 9:16 PM
To: Clark, Michael J JAG:EX
Subject: Fwd: MEDIA REQUEST - Liquor re s.22 - Canadian Press

Looks like you were on the other list but not this one

Sent from my iPhone

Begin forwarded message:

From: "Stephenson, Cindy JAG:EX" <Cindy.Stephenson@gov.bc.ca>
Date: February 9, 2014 at 12:05:30 PM PST
To: "Safavian, Neelam JAG:EX" <Neelam.Safavian@gov.bc.ca>
Subject: Fwd: MEDIA REQUEST - Liquor re s.22 - Canadian Press
Hi Neelam,

There was another call on the Foggy Dew Pub situation. Here are the emails from this morning. Thanks for your help earlier this week.

Cindy

Sent from my iPhone

Begin forwarded message:

From: "Scott, Douglas S JAG:EX" <Douglas.S.Scott@gov.bc.ca>
Date: February 9, 2014 at 11:51:07 AM PST
To: "Groot, Jeff GCPE:EX" <Jeff.Groot@gov.bc.ca>
Cc: "Stephenson, Cindy JAG:EX" <Cindy.Stephenson@gov.bc.ca>, "McCaffrey, Julianne GCPE:EX"

Pages 94 through 98 redacted for the following reasons:

s.13

Little, Danielle JAG:EX

From: Stephenson, Cindy JAG:EX
Sent: Saturday, February 8, 2014 4:26 PM
To: Safavian, Neelam JAG:EX
Cc: Clark, Michael J JAG:EX
Subject: Re: Name of establishment that was alleged to be serving after hours

Just wanted to let you know Canadian Press is running a story on this. The reporter was wanting confirmation s.22 was there after hours. We've just said we've received info that patrons were in that est after liquor service hours had ended and we're looking into the matter and cannot comment further at this time. Will keep you posted.

Sent from my iPhone

On Feb 6, 2014, at 1:44 PM, "Safavian, Neelam JAG:EX" <Neelam.Safavian@gov.bc.ca> wrote:

Hi Cindy,

The information from local police is that the manager on duty called police as a patron s.22

s.22

I spoke to the GM of Foggy Dew. He was unaware of this situation and stated he needed to look into it and get back to me. I have requested surveillance from 1 pm to the time of and including the incident.

I will let you know of any developments.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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From: Stephenson, Cindy JAG:EX
Sent: Wednesday, February 5, 2014 11:30 AM
To: Safavian, Neelam JAG:EX
Subject: RE: Name of establishment that was alleged to be serving after hours

Thanks. Please let me know if anything happens out of this.

Cindy

Cindy Stephenson

Policy, Planning and Communications
Liquor Control and Licensing Branch
Phone: 250 952-5761 Fax: 250 952-7066
Email: Cindy.Stephenson@gov.bc.ca

From: Safavian, Neelam JAG:EX
Sent: Wednesday, February 5, 2014 11:29 AM
To: Stephenson, Cindy JAG:EX
Subject: Re: Name of establishment that was alleged to be serving after hours

Hi Cindy
It is the Foggy Dew Irish pub. In posse under executive hotel.

Sent from my iPhone

On Feb 5, 2014, at 9:20 AM, "Stephenson, Cindy JAG:EX" <Cindy.Stephenson@gov.bc.ca> wrote:

Bruce briefed me on this yesterday but I forget the name of the establishment in Coquitlam that was allegedly operating after hours. Can you advise?

Cindy Stephenson

Policy, Planning and Communications
Liquor Control and Licensing Branch
Phone: 250 952-5761 Fax: 250 952-7066
Email: Cindy.Stephenson@gov.bc.ca

Little, Danielle JAG:EX

From: Safavian, Neelam JAG:EX
Sent: Tuesday, February 4, 2014 3:10 PM
To: Clark, Michael J JAG:EX
Subject: Report/complaint re Foggy Dew Pub

Hi Mike,

As you recall I mentioned s.22 being at the Foggy Dew Pub on the weekend - footage of s.22 was on Global News.

I now have a report from St. Sgt Hector Lee and Cst. Obrien of the Coquitlam RCMP that the Foggy Dew Pub was serving s.22 until 4 am which is a number of hours past their licensed hours.

I will be following up with the members and establishment to obtain more information.

N.

Neelam Safavian

Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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Little, Danielle JAG:EX

From: Scott, Douglas S JAG:EX
Sent: Friday, April 4, 2014 3:52 PM
To: Rowsell, Terry N JAG:EX
Subject: RE: Media Request - Toronto Star - Foggy Dew Investigation

Are you able to come down to discuss?

From: Rowsell, Terry N JAG:EX
Sent: Friday, April 4, 2014 2:35 PM
To: Scott, Douglas S JAG:EX
Subject: RE: Media Request - Toronto Star - Foggy Dew Investigation
Importance: High

Now that you are out of interviews, are you ok with the rest of the wording??

From: Scott, Douglas S JAG:EX
Sent: Friday, April 4, 2014 2:32 PM
To: Rowsell, Terry N JAG:EX
Cc: Bieller, Barry JAG:EX
Subject: Re: Media Request - Toronto Star - Foggy Dew Investigation

Thanks

On 2014-04-04, at 2:27 PM, "Rowsell, Terry N JAG:EX" <Terry.Rowsell@gov.bc.ca> wrote:

Hi Doug,

I have confirmed with Mike Clarke that the investigation ran over approx six weeks and have sent this info to GCPE.

Cheers,
Terry

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

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.

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

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."

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

Little, Danielle JAG:EX

From: Scott, Douglas S JAG:EX
Sent: Thursday, April 3, 2014 8:23 AM
To: Stephenson, Cindy JAG:EX
Cc: Edmundson, Bruce JAG:EX; Bieller, Barry JAG:EX
Subject: Re: Foggy Dew Update/Findings

Ok - that sounds good - with Bruce's opening attribute if you think it works.

On 2014-04-03, at 8:21 AM, "Stephenson, Cindy JAG:EX" <Cindy.Stephenson@gov.bc.ca> wrote:

We always make contravention notices public once enforcement action has concluded – in those cases you can find the details of the CNs on our website. It's a bit unusual to say what they were for if we didn't end up taking enforcement action. However, I think it would be OK to say what they were for **only if asked** as long as we also add Bruce's caveat.

Bruce?

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.**

s.13

s.13

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?

s.13

- 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

Cindy Stephenson

Policy, Planning and Communications

Liquor Control and Licensing Branch
Phone: 250 952-5761 Fax: 250 952-7066
Email: Cindy.Stephenson@gov.bc.ca

From: Scott, Douglas S JAG:EX
Sent: Wednesday, April 2, 2014 8:47 PM
To: Edmundson, Bruce JAG:EX
Cc: Stephenson, Cindy JAG:EX; Bieller, Barry JAG:EX
Subject: Re: Foggy Dew Update/Findings

Sorry Cindy - I have made this more complex than it needs to be.

s.13

s.22

Open to any last time refinements....

On 2014-04-02, at 7:06 PM, "Edmundson, Bruce JAG:EX" <Bruce.Edmundson@gov.bc.ca> wrote:

s.13

From: Stephenson, Cindy JAG:EX
Sent: April 2, 2014 4:52 PM
To: Scott, Douglas S JAG:EX; Edmundson, Bruce JAG:EX

Cc: Bieller, Barry JAG:EX; Jones, Kathleen JAG:EX; Rowsell, Terry N JAG:EX
Subject: Foggy Dew Update/Findings

s.13

Attributable to Doug:

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- 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

From: Scott, Douglas S JAG:EX
Sent: Wednesday, April 2, 2014 3:31 PM
To: Stephenson, Cindy JAG:EX

Pages 112 through 113 redacted for the following reasons:

s.13

Cindy Stephenson

Policy, Planning and Communications
Liquor Control and Licensing Branch
Phone: 250 952-5761 Fax: 250 952-7066
Email: Cindy.Stephenson@gov.bc.ca

From: Safavian, Neelam JAG:EX
Sent: Tuesday, April 1, 2014 4:28 PM
To: Edmundson, Bruce JAG:EX; Stephenson, Cindy JAG:EX; Clark, Michael J JAG:EX
Subject: RE: Foggy Dew Update/Findings

Hello everyone,

As promised, I am updating you as the compliance meeting with Foggy Dew Pub has now been concluded:

The following people attended:

Licensee's Legal Counsel, Wilfred Chan
Third Party Operators, John Teti and Roger Gibson
General Manager, Paul Gaudaur

The circumstances and evidence surrounding the contraventions were discussed. They were able to provide a reasonable explanation for the discrepancies.

s.15

s.15

Checking
against the recordings they gave me confirmed there is a camera in the location they state and the number of cam recordings they provided is consistent with the number of cameras the company said were installed.

They have provided an explanation of the hardware and software involved and their opinion as to why the timings do not correspond. I am accepting this as a reasonable explanation given the sales records corroborate with sales ending on time. This mitigates the section 38 contravention.

The issue of clearing patrons could also not be explained either way as interviews with a cross section of staff member with different duties suggests they do not always clear on time. The third party operators indicated they would be seeking permission to allow them extra time to clear and that the Mayor will be in support of their application. For now and until such time they receive a permission, they have made a commitment to address the issue – addressing 44.1.

The issue of one male seen continuing to consume liquor could not explained as it is during a time others are leaving and no one else is consuming but because the timing of the cams is inconsistent enforcement is not recommended and therefore the commitment by the licensee to ensure no one is consuming after ½ hour past service hours – addressing 44.3.

All legislative provisions surrounding these contraventions, including the penalty provisions were discussed and reiterated to all parties. They were also reminded of previous alleged contraventions and compliance meetings/opportunities to correct issues.

Discussion also took place regarding education for staff. The operators indicated they have already made sure all staff are aware of their respective responsibilities as well as legislative provision surrounding these contraventions

The following commitments are being made by the licensee and third party operators and I will include third party operator names and signatures on the document so the commitments show as being from all parties involved.

The commitments are:

1. Identify all camera's installed in the establishment on official floor plan with corresponding camera angles/view.
2. Annual check of surveillance systems to include cameras and applicable software to ensure good working order.
3. Installation of additional camera ^{s.15} which previously did not have surveillance – ensuring all licensed areas are included in surveillance
4. Section 38.3 (b) – ensure all liquors sales/service ends by the time required by their license
5. Section 44.1 (a) – ensure all patrons are cleared from the establishment within ½ hour of liquor service ending and to begin clearing time earlier on busy nights to ensure all patrons have time to obtain their coats/jackets within the time frame required.
6. Section 44.3 - ensure no patrons continue to consume liquor beyond ½ hour after liquor service has ended.

The complaint and investigation is concluded and I will have no further updates (unless of course you need something 😊)

N.

Neelam Safavian
Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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ACCOUNTABILITY

“Due to security concerns, Liquor Control and Licensing Branch will not accept electronically transmitted applications containing credit card information”.

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From: Edmundson, Bruce JAG:EX
Sent: Tuesday, April 1, 2014 8:21 AM
To: Stephenson, Cindy JAG:EX; Safavian, Neelam JAG:EX; Clark, Michael J JAG:EX
Subject: RE: Foggy Dew Update/Findings

s.22

s.13

There is no need for a conference call.

Bruce Edmundson
Deputy General Manager
Liquor Control and Licensing Branch
phone: 250 952 7037

website www.pssg.gov.bc.ca/lclb

Due to security concerns, Liquor Control and Licensing Branch will not accept electronically transmitted applications containing credit card information.

From: Stephenson, Cindy JAG:EX

Sent: Monday, March 31, 2014 4:27 PM

To: Safavian, Neelam JAG:EX; Clark, Michael J JAG:EX; Edmundson, Bruce JAG:EX

Subject: RE: Foggy Dew Update/Findings

Thanks Neelam.

Assuming all goes as planned, the is what we would like to say to the media, if asked about the Foggy Dew. Doug would need to approve this as well of course.

s.13

Cindy Stephenson

Policy, Planning and Communications

Liquor Control and Licensing Branch

Phone: 250 952-5761 Fax: 250 952-7066

Email: Cindy.Stephenson@gov.bc.ca

From: Safavian, Neelam JAG:EX
Sent: Monday, March 31, 2014 4:14 PM
To: Clark, Michael J JAG:EX
Cc: Stephenson, Cindy JAG:EX; Edmundson, Bruce JAG:EX
Subject: Foggy Dew Update/Findings

Hello Mike/Cindy,

I have the licensee and third party operators coming in tomorrow afternoon for a second compliance meeting. I have some questions I want them to answer related to inconsistencies (which you will see in my email below) and I will be informing them that no enforcement action is being recommended.

The findings are:

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.

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 of how and why this may have occurred. It adds weight to their argument.
- 6.

I will seek and document commitments from the licensee on all three allegations.

N.

Neelam Safavian
Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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Little, Danielle JAG:EX

From: Scott, Douglas S JAG:EX
Sent: Wednesday, April 2, 2014 11:53 AM
To: Stephenson, Cindy JAG:EX; Edmundson, Bruce JAG:EX; Bieller, Barry JAG:EX
Cc: Jones, Kathleen JAG:EX; Rowsell, Terry N JAG:EX
Subject: RE: Media Request - Foggy Dew
Attachments: Foggy Dew (2) DSS comment.docx

Thanks Cindy – my comments attached.

Cheers,

Doug

From: Stephenson, Cindy JAG:EX
Sent: Wednesday, April 2, 2014 11:17 AM
To: Scott, Douglas S JAG:EX; Edmundson, Bruce JAG:EX; Bieller, Barry JAG:EX
Cc: Jones, Kathleen JAG:EX; Rowsell, Terry N JAG:EX
Subject: Media Request - Foggy Dew

s.13

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Neelam Safavian
Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
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Subject: RE: Foggy Dew Update/Findings

s.22

s.13

Bruce Edmundson
Deputy General Manager

Liquor Control and Licensing Branch

phone: 250 952 7037

website www.pssg.gov.bc.ca/lclb

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Sent: Monday, March 31, 2014 4:27 PM

To: Safavian, Neelam JAG:EX; Clark, Michael J JAG:EX; Edmundson, Bruce JAG:EX

Subject: RE: Foggy Dew Update/Findings

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Policy, Planning and Communications

Liquor Control and Licensing Branch

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Email: Cindy.Stephenson@gov.bc.ca

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CN B011700

Section 38 - Unlawful Sale of liquor

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Neelam Safavian
Inspector/Special Provincial Constable
Compliance & Enforcement Division
Liquor Control & Licensing Branch, Ministry of Justice
Phone: 604-586-2657
Fax: 604-586-2640

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Pages 127 through 128 redacted for the following reasons:

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