

Licensing Jobs

Criteria

SearchClear

Job Number:

Licence Number:

083030

Job Type:

Status:

Created:

mmmm d, yyyy

 To:

mmmm d, yyyy

Issued:

mmmm d, yyyy

 To:

mmmm d, yyyy

Completed:

mmmm d, yyyy

 To:

mmmm d, yyyy

Keywords:

Result

1 of 1Text Search...

Job#:000701888-001 LP- Lic.#:083030
Status:Licence Approved Approved:1982-02-15 00:00:00 Licence Name:Flamingo Moto...

Details

From:s.22
Sent: Tuesday, April 30, 2013 6:29 PM
To: LCLB LCLB:EX
Subject: about a bar

The Bar concerning is the Flamingo hotel lounge in Surrey 108 and king george blvd. People beening way over served. and ive seen youth beening served here. The bartenders are serving more and more. People passing out at tables and outside. It is disgustingthe few times i have gone here. Hope someone can pass this along to the right department or investigate this place.

OKCancel

SaveRetrieveNew New SubjobDeleteReportsRemember

C & E Complaint

Created Date:May 1, 2013
Completed Date:Jul 29, 2013

Lic #:083030 Flamingo Motor Hotel Inspection Complete
Received: Complaint Type: Intoxication

DetailsAlleged Contr.ProcessesLic. SummaryDocs

LPC No.:
Received Date:

mmmm d, yyyy

Complaint Type:

Intoxication

Project:

Details

From:s.22
Sent: Tuesday, April 30, 2013 6:29 PM
To: LCLB LCLB:EX
Subject: about a bar

The Bar concerning is the Flamingo hotel lounge in Surrey 108 and king george blvd. People beening way over served. and ive seen youth beening served here. The bartenders are serving more and more.

Officer Information

Police Officer:
Badge:
Dept./Detachment:
Police File Number:
Management Acknowledgement

Complaint Information

Type:
Method of Receipt:
Name:
Address:
Phone:
Email:

Licence Information

Liquor Primary
Job#:000701888-001 LP- Lic.#:083030
Status:Licence Approved Approved:1982-02-15 00:00:00 Licence Name:Flamingo Motor Hotel

Establishment Information

Establishment Name:

Flamingo Motor Hotel

Establishment Address
Flamingo Motor Hotel - 10768 King George Hwy SURREY, BC V3T 2X7

Event Information

Start Date:

mmmm d, yyyy

End Date:

mmmm d, yyyy

Location

Process

Licensing Jobs

Criteria

Search Clear

Job Number:

Licence Number: 083030

Job Type:

Status:

Created: mmm d, yyyy To: mmm d, yyyy

Issued: mmm d, yyyy To: mmm d, yyyy

Completed: mmm d, yyyy To: mmm d, yyyy

Keywords:

Result

1 of 1 Text Search...

Job #:000701888-001 LP- Lic. #:083030
 Status: Licence Approved Approved: 1962-02-15 00:00:00 Licence Name: Flamingo Moto...

Save Retrieve New New Subjob Delete Reports Remember

Lic #:083030 Flamingo Motor Hotel Inspection Complete
 Received: Complaint Type: Intoxication

Created Date: May 1, 2013
 Completed Date: Jul 29, 2013

Details Alleged Contr. Processes Lic. Summary Docs

| Process Type | Complete | Assigned To | Outcome | Scheduled Start Date | Date Completed | Description |
|-----------------------|----------|-------------|---------------------|----------------------|-----------------------|---|
| Conduct Inspection | ✓ | Kane Scott | No Contraventions | May 1, 2013 | Jul 29, 2013 10:42:15 | Lic #:083030 LP Establishment: Flamingo Motor Hotel |
| Review Complaint | ✓ | Kane Scott | Inspection Required | May 1, 2013 | May 1, 2013 12:49:38 | |
| Receive Complaint/... | ✓ | Kane Scott | Complaint Received | May 1, 2013 | May 1, 2013 12:48:06 | |



June 09, 2010

File No: EH10-071
Job No: 000701888-032

665070 B.C. Ltd.
c/o Khattria, Inderjit
10768 King George VI Hwy.
Surrey, BC V3T 2X7

Dear Licensee:

Re: Licence Number 083030

FLAMINGO MOTOR HOTEL
10768 King George VI Hwy.
Surrey, BC V3T 2X7

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence. You agreed to and accepted the following enforcement actions by signing a waiver notice dated June 03, 2010.

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

Enforcement Action

Suspension of the licence

The licence will be suspended for five (5) business days starting at the close of business on Thursday, June 17, 2010, until the opening of business on Wednesday, June 23, 2010. "Business day" means a day on which the establishment would normally be opened for business.

Signs satisfactory to the general manager, showing that the licence is suspended, must be placed in a prominent location in the establishment by a Liquor Control and Licensing Branch inspector or a police officer, and must remain in place during the period of suspension.

Suspension procedures

A Liquor Control and Licensing Branch inspector or police officer will attend at your establishment prior to opening time on the first day of the suspension to:

- remove the licence
- post the signs referenced above.

You should make arrangements with the Liquor Control and Licensing Branch inspector or police officer to obtain your licence at the end of the suspension period.

Responsibility of licensee

You must allow the Liquor Control and Licensing Branch inspector or police officer to post the suspension signs. You must not remove those signs during the suspension. You must hand over the licence to the Liquor Control and Licensing Branch inspector or police officer when asked.

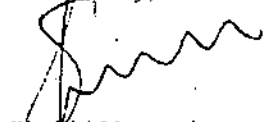
The establishment must remain closed during the period of suspension. You must not permit the sale, service or consumption of liquor in the establishment while the licence is suspended. There are serious consequences for the service of liquor while a licence is under suspension. If you serve liquor while a licence is suspended, the general manager will do one of the following:

- cancel the licence
- require that the licence be transferred within a specified time period and cancel the licence if it is not transferred within that time period
- impose a suspension of at least 15 days.

Contact Number

If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2657.

Yours truly,



Shahid Noorani
Deputy General Manager
Compliance and Enforcement

CC: Surrey R.C.M.P.
Clerk/Secretary City of Surrey
Manager of Licensing Rebecca Villa-Arce
Regional Manager Michael Clark
Inspector Neelam Safavian



WAIVER NOTICE

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

File No: EH10-071
Job No: 000701888-032

BETWEEN: 665070 B.C. Ltd.
c/o Khattrra, Inderjit
10768 King George VI Hwy.
Surrey, BC V3T 2X7

(the "Licensee")

Licensee of: **Flamingo Motor Hotel**

located at: 10768 King George VI Hwy
SURREY, BC V3T 2X7

(the "Establishment")

AND: General Manager
Liquor Control and Licensing Branch
Ministry of Housing and Social Development

(the "General Manager")

RE: Liquor Licence Number 083030

(the "Licence")

The Licensee:

1. (a) agrees the Licensee committed the contravention of Permit intoxicated person to remain, s. 43(2)(b) Act, (CN B001586) as is set out in the attached Notice of Enforcement Action letter dated May 26, 2010 and its appendix(ces) (the "Notice of Enforcement Action letter") and that the information in the Notice of Enforcement Action letter with respect to this contravention is accurate,
- (b) accepts and agrees to the enforcement action specified in the Notice of Enforcement Action letter for the contravention referenced in paragraph 1 of this Waiver Notice and agrees that the licence will be suspended for 5 business days. The suspension will start and be served at the Establishment from the close of business on Thursday, June 17, 2010, to the opening of business

on Wednesday, June 23, 2010,

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

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

DATE: 3 day of June, 2010

SIGNATURE OF LICENSEE: [Signature]
(Licensee/Authorized Agent)

NAME OF LICENSEE: INDERJIT KHATRA
(Please Print)

DIRECTOR
(Title/Position)

SIGNATURE OF WITNESS: [Signature]

NAME OF WITNESS: Neelam Satavian
(Please print)

Attachments: Notice of Enforcement Action letter, dated May 27, 2010



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

File No: EH10-071
Job No: 000701888-032

May 27, 2010

665070 B.C. Ltd.
c/o Khattrra, Inderjit
10768 King George VI Hwy.
Surrey, BC V3T 2X7

Dear Khattrra, Inderjit:

Re: Licence Number: 083030
Licence Type: Liquor Primary
Licence Expiry Date: July 31, 2010
Establishment: Flamingo Motor Hotel
10768 King George VI Hwy
SURREY, BC V3T 2X7

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

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

THE ALLEGED CONTRAVENTION(S)

| No. | Name of Contravention(s) | Section of the Act/Regulation | Date and Time of Contravention(s) | Proposed Penalty |
|-----|--|-------------------------------|-----------------------------------|------------------|
| 1. | Permit intoxicated person to remain, s. 43(2)(b) Act | s. 43(2)(b) Act | May 15, 2010 12:05 AM | 5 day suspension |

**Ministry of Housing
and Social
Development**

Liquor Control and
Licensing Branch

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

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

Location:
Second Floor, 1019 Wharf Street
Victoria BC

<http://www.hsd.gov.bc.ca/fclb>

SUMMARY OF EVIDENCE

See Appenix C

ALLEGED CONTRAVENTION(S)

Contravention Number B001586 : C Permit intoxicated person to remain, s. 43(2)(b) Act

Reasons for Recommending Enforcement Action

Pursuant to Section 43(2)(b), a person must not permit an intoxicated person to remain in that part of an establishment where liquor is sold, served or supplied. They must refuse the person service, have the person removed and see that he or she departs safely.

The licensee is responsible for managing and controlling the establishment so that patrons and the community are not negatively affected. Permitting an intoxicated patron to remain in the licensed establishment poses a serious public safety issue. Intoxicated patrons can be a danger to themselves and others, and can negatively impact the community by inappropriate behaviours such as shouting/yelling, damaging property, vomiting, and public urination. Intoxicated persons can also affect other patrons of an establishment by loud, disruptive and boisterous behaviours, as well as aggressive behaviours resulting in assaults.

On the morning of May 15, 2010, two intoxicated patrons were permitted to remain inside the licensed establishment. The first male noted to be intoxicated was nodding off/falling asleep on his stool and swaying back and forth, posing an obvious danger to himself. When approached by the police officers, he became aggressive and verbally abusive towards the officers. The second male, who attempted to intervene, was also noted to be staggering and slurring as he communicated with the police officers. The two males were located directly in front of the service bar and were in clear view of the staff on duty. The bartender on duty did not appear concerned when the first male patron was pointed out to her. She stated he was a regular and suggested I speak with the manager on duty. The manager on duty agreed the males appeared intoxicated and stated he is responsible and did not wish to lay blame on the bartender. At no time, did the manager or bartender state that the patron was asked to leave or that he was already being removed from the premises. It appeared that staff on duty did not take and were not planning to take any actions to deny service or remove these two patrons from the licensed establishment until the inspection was conducted and the licensee was asked to remove the patrons from the licensed area.

Reasons for the Proposed Penalty

The Liquor Control & Licensing Regulation prescribes a license suspension of 4 to 7 days and/or a \$5,000 to \$7000 monetary penalty for a first contravention of this type. I am recommending a license suspension of 5 days due to the apparent lack of due diligence exercised by the licensee and to impress upon the licensee the importance and consequences of permitting intoxicated patrons to remain in the licensed establishment. This penalty is within the range specified by the penalty schedule and is likely sufficient to encourage the licensee to fulfil the responsibilities associated with their liquor license in the future. Specifically, to ensure they monitor patrons with respect to their level of intoxication and take the appropriate actions to remove intoxicated patrons from the establishment.

Therefore;

For the alleged contravention of Permit intoxicated person to remain, s. 43(2)(b) Act (Contravention Notice Number B001586) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a suspension penalty of 5 days is warranted. This recommended suspension penalty falls within the penalty range set out in schedule 4 of the Regulation for a first contravention.

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

THE PROCEDURES

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

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

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

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

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

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

CONTACTS

- (1) If you do not sign a waiver, the case management administrator will contact you with details of the enforcement hearing process. The case management administrator contact information is:
- (2) Please contact me at (604) if you want to sign a waiver notice or if you have any questions regarding this notice.

Yours truly,

Neelam Safavian
Surrey

Attachments:

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

APPENDIX A

Licence Information

Licence number: 083030
Licence type: Liquor Primary
Licence expiry date: July 31, 2010

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

| Date of Incident | Alleged Contravention | Identifying Document(s) |
|-------------------|--|-------------------------|
| May 15, 2010 | Permit intoxicated person to remain, s. 43(2)(b) Act | CN # B001586 |
| February 26, 2004 | Fail to maintain liquor register, s. 35(3) Reg. | CN # B002144 |
| February 26, 2004 | Unlawfully keep for sale, sell or give liquor, s. 38 Act (1) | CN # B002144 |

Compliance Meetings:

| Date | Topic |
|------|--------------------------------|
| | - no compliance meetings found |

APPENDIX B

Licence Information

Licence Number: 083030
Licence Type: Liquor Primary
Licence Expiry Date: July 31, 2010

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

LICENSEE'S COMPLIANCE HISTORY

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

| No. | Date | Contravention Notice Number | Findings of Contravention | Penalty Imposed |
|------------|-------------------|------------------------------------|--|-------------------------|
| 1. | February 28, 2005 | B007742; EH05-051 | Contravene term & condition, s. 12 Act | \$3000 monetary penalty |

ESTABLISHMENT'S COMPLIANCE HISTORY

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

| | Date | Contravention Notice Number | Findings of Contravention | Enforcement Action |
|----|-------------------|------------------------------------|--|---------------------------|
| 1. | February 28, 2005 | B007742; EH05-051 | Contravene term & condition, s. 12 Act | \$3000 monetary penalty |

APPENDIX C

SUMMARY OF EVIDENCE : FLAMINGO MOTOR HOTEL

The Flamingo Motor Hotel is an establishment located at 10768 King George Hwy in Surrey, BC and currently holds Liquor Primary license number 083030 which has been issued to 665070 B.C. Ltd. The hours of operation and liquor service hours are from 11:30 am to 1:30 pm Monday to Saturday, and 11:30 am to midnight on Sundays.

In the early morning hours of May 15, 2010 at approximately 12:05 am (business day of May 14, 2010), Cst. Forsyth of the Surrey RCMP, Cst. Pilote and Cst. Chan of the Lower Mainland Emergency Response Team and I conducted a routine inspection at the Flamingo Motor Hotel. Upon entering the establishment, I noted a male patron, dressed in jeans, a grey shirt and baseball cap, approximately 60 to 70 years of age, sitting at a table located in the centre of the licensed area, in front of the main entrance. I stood nearby and observed him for approximately 2 to 3 minutes. His head was tilted down and his eyes were opening and closing as though falling asleep and trying to stay awake. He lifted his head a few times (apparent attempt to stay alert/awake) however; his head would fall forward each time. He was swaying back and forth on the stool. His face was flushed. He did not appear to notice me and the 3 police Constables standing close by. I asked Constable Forsyth to speak with him to gauge his level of intoxication while I went to speak with the bartender.

The bartender on duty, ^{s.22} was standing behind the bar located directly across from and in clear view of the table where the male patron was seated. I pointed out that the male patron seated at the centre table appeared intoxicated and was falling asleep at the table. She glanced towards the table for approximately 1 second and continued to wipe the counter as she spoke to me. She stated the patron had three beers which were bought for him by his friend ^{s.22}. She stated he is a regular who comes a few times a week and that he came to the establishment between 10:30 and 10:45 pm and would be leaving soon as a taxi was on the way. She did not acknowledge that the patron appeared intoxicated and did not state that the patron has been asked to leave or is being removed from the establishment. Furthermore, she did not appear concerned about the patron's state of intoxication and stated there was a manager on duty and that I could speak to him directly.

I returned to speak with Constable Forsyth who had been speaking with the patron in the meantime (approximately 3 to 5 minutes). He reported that the male patron was extremely intoxicated. He stated that the patron began swearing and became belligerent when the police officers attempted to interview him. He stated the patron had slurred speech, his face was flushed, and he had glassy eyes and a strong odour of liquor. He also stated that the patron's friend, ^{s.22} was trying to intervene and that he was also very intoxicated, was slurring his speech and staggering.

I subsequently spoke to the manager on duty, Mark Aylott, who was located in an office adjoining the lobby. I informed him of the intoxicated patron in the licensed area and the requirement to remove intoxicated patrons from the licensed area. Mr. Aylott nodded his head in apparent acknowledgment, asked me which patron I was referring to and stated he would take care of it now. I pointed out the patron sitting at the centre table and his friend who also appeared intoxicated. Mr. Aylott approached the patrons and asked them to leave. The Constables, Mr. Aylott and I stood at the entrance as the two males were leaving the establishment. ^{s.22} as they both staggered and swayed until they reached the taxi cab. Mr. Aylott agreed that the males were intoxicated. I spoke to Mr. Aylott about the responsibility to monitor and be aware of intoxicated patrons. I emphasized that the table at which the patrons were seated was in clear view of the bartender on duty. Mr. Aylott stated it was his responsibility and he did not wish to lay blame on anyone.

The constables and I attended two licensed premises in the same complex, as the Emergency Response Team members would be off duty shortly after. Approximately 15 minutes later, Cst. Forsyth and I returned to his vehicle to write a Contravention Notice and subsequently, delivered Contravention Notice B001586 to Mr. Aylott. We left the establishment at approximately 1:00 am.



BRITISH
COLUMBIA

No. B001586

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: Flamingo Motor Hotel
Establishment address: 10768 King George Hwy
Licensee name: 665070 B.C. Ltd
Licence #: 083030 Date CN issued: May 15/10
Date and time of alleged contravention(s): May 15/10 10:00 ^{am}

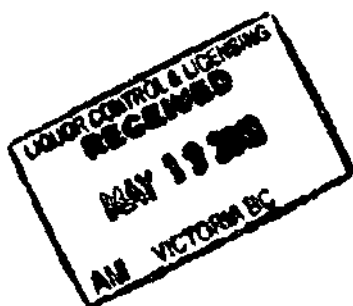
On the date noted above, the following alleged contravention(s) of the
Liquor Control and Licensing Act or regulation were identified:

| | Contravention | Section |
|---|--------------------|--|
| 1 | Permit Intoxicated | 432b <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg |
| 2 | patron to remain | <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: 2 intoxicated males
noted in licensed area
- not removed by staff
(Patrons s.22)

Inspector name: N. Safavian Badge #: 90
Telephone: 586-2657 LPC #:
Management acknowledgement (name and title): Mark Anlot
X (✓) Mark

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.





Ministry of
Public Safety and
Solicitor General

Liquor Control and
Licensing Branch

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

Telephone: 250 387-1254
Facsimile: 250 387-9184

Location:
Second Floor
1019 Wharf Street
Victoria, BC

www.pssg.gov.bc.ca/lcib/index.htm

RECEIPT FOR PAYMENT

Applicant/Licensee Name:

Establishment Name: Flamingo Motor Hotel

Receipt Address:

**Payment Receipt
2005-039607**

Date Paid: Wednesday, October 19, 2005

Location: Victoria

Payment Method: Cheque #1133

Receipt Inquiries? Call LCLB Victoria Head Office toll free at 1-866-209-2111

1. Job No: 701888-1

Monetary Penalty (083030)

\$1,000.00

TOTAL: \$1,000.00

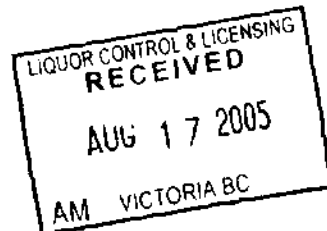
FILE ENFORCEMENT

To Whom it may concern.

These Cheques are in regards to a hearing held at Surrey B.C on June 22, 05 by Adjudicator M.G. Taylor. Following her decision and order given in the decision for the licensee to pay \$3000. We make these payments in pursuant to the adjudicators orders.

For GGS070 B.C Ltd
DBA Flamingo Hotel
10768, King George Hwy
Surrey, B.C
V2T 2X7.

For Deposit only to the credit of
MINISTER OF FINANCE
Province of British Columbia
MINISTRY OF PUBLIC SAFETY
AND SOLICITOR GENERAL
AUG 17 2005
Liquor Control & Licensing
Account: 09-61009 Location ID: 43565
00090-010
Canadian Imperial Bank of Commerce
1105 Douglas St., Victoria BC V8W 3R9
00090-010



L#083030

JOB

701888-001



Liquor Control and Licensing Branch
Po Box 9292 Stn Prov Govt
Victoria B.C
V8W 9J8

FLAMINGO MOTOR HOTEL
10768 King George Hwy.
Surrey, BC
V3T 2X7

00 3 00 00000 00 00 00000000 0000 0000 00 000000



Ministry of
Public Safety and
Solicitor General

Liquor Control and
Licensing Branch

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

Telephone: 250 387-1254
Facsimile: 250 387-9184

Location:
Second Floor
1019 Wharf Street
Victoria, BC

www.pssg.gov.bc.ca/lclb/index.htm

RECEIPT FOR PAYMENT

Applicant/Licensee Name:

Establishment Name: Flamingo Motor Hotel

Receipt Address:

**Payment Receipt
2005-037663**

Date Paid: Thursday, August 18, 2005

Location: Victoria

Payment Method: Cheque #1131

Receipt Inquiries? Call LCLB Victoria Head Office toll free at 1-866-209-2111

1. Job No: 701888-1

Monetary Penalty (083030)

\$1,000.00

TOTAL: \$1,000.00



Ministry of
Public Safety and
Solicitor General

Liquor Control and
Licensing Branch

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

Telephone: 250 387-1254
Facsimile: 250 387-9184

Location:
Second Floor
1019 Wharf Street
Victoria, BC

www.pssg.gov.bc.ca/clb/index.htm

RECEIPT FOR PAYMENT

Applicant/Licensee Name:

Establishment Name: Flamingo Motor Hotel

Receipt Address:

**Payment Receipt
2005-038631**

Date Paid: Monday, September 19, 2005

Location: Victoria

Payment Method: Cheque #1132

Receipt Inquiries? Call LCLB Victoria Head Office toll free at 1-866-209-2111

1. Job No: 701888-1

Monetary Penalty (083030)

\$1,000.00

TOTAL: \$1,000.00



July 25, 2005

File No: EH05-051
Job No: 000701888-024

Kenwar Sodhi & Amarjit Jaswal
665070 B.C. Ltd.
c/o Flamingo Motor Hotel
10768 King George VI Hwy.
Surrey, BC V3T 2X7

Telephone: (604) 581-6969

Fax: (604) 581-6998

Dear Licensee(s):

Re: Licence Number 083030

FLAMINGO MOTOR HOTEL
10768 King George VI Hwy
Surrey, BC V3T 2X7

The purpose of this letter is to inform you of the procedures of the Liquor Control and Licensing Branch for imposing enforcement action on the above noted licence by an enforcement decision dated July 19, 2005.

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

Enforcement Action

Monetary penalty

A monetary penalty of \$3000 (Three Thousand Dollars) must be paid to the general manager in monthly installments of \$1000 per month with the first payment starting August 18, 2005, second payment by September 18, 2005, and the final payment by October 18, 2005.

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

**Ministry of Public
Safety
and Solicitor
General**

Liquor Control and
Licensing Branch

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

Location:
Second Floor
1019 Wharf Street
Victoria BC

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

Page 1 of 3

Consequences of non-payment

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

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

Contact Number

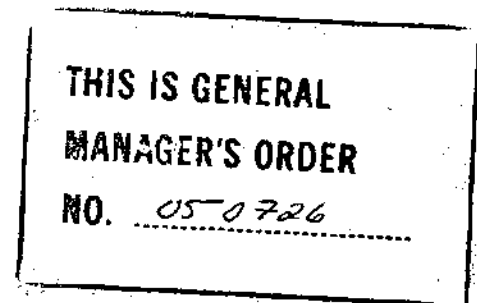
If you have any questions about the matters covered in this letter, please contact the inspector responsible for your area at (604) 586-2657.

Yours truly,



Mark Tatchell
Deputy General Manager
Compliance and Enforcement

CC: R.C.M. Police Surrey Detachment
Clerk/Secretary City of Surrey
Brewers Distributors Ltd.
Central Licensee Vancouver
Whalley GLS #122
Guildford GLS #240
Manager of Licensing Rebecca Villa-Arce
Regional Manager Mike Clark
Manager, Financial Services Wendy Jelinic
Inspector Edwina Nazareth



Encl: Appendix A

Appendix A

Monetary Penalty Payment Tracking Form

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

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

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

Name: 665070 B.C. Ltd. c/o Singh, Kanwar Amitabh Paul

Address: 10768 King George VI Hwy.
Surrey, BC V3T 2X7
Canada

Licence number: 083030

Establishment name: Flamingo Motor Hotel

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

An enforcement decision dated July 19, 2005, in which the general manager decided that a payment of \$3000 (Three Thousand Dollars) will be paid by October 18, 2005.

For office use only:

Date Payment Received: _____

Amount of payment received: _____



**DECISION OF THE
GENERAL MANAGER
LIQUOR CONTROL AND LICENSING BRANCH
IN THE MATTER OF**

A hearing pursuant to Section 20 of
The Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267

| | |
|---------------------------------|--|
| Licensee: | 665070 B.C. Ltd. dba Flamingo Motor Hotel 10768 King George Hwy. Surrey, BC |
| Case: | EH05-051 |
| For the Licensee | Kanwar Sodhi Amarjit Jaswal |
| For the Branch | Shahid Noorani |
| Enforcement Hearing Adjudicator | M. G. Taylor |
| Date of Hearing | June 22, 2005 |
| Place of Hearing | Surrey, B.C. |
| Date of Decision | July 19, 2005 |

**Ministry of Public
Safety and Solicitor
General**

Liquor Control and
Licensing Branch

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

Location:
Second Floor, 1019 Wharf Street
Victoria BC
<http://www.pssg.gov.bc.ca/lclb/>

INTRODUCTION

The licensee, 665070 B.C. Ltd., operates the Flamingo Motor Hotel ("the Flamingo") which holds two Liquor Primary Licenses (LPL) for a lounge and a pub, and one Liquor Retail Store Licence (LRS). The subject of this hearing is the Liquor Primary Licence No. 083030. In addition to the terms on the face of the licence, the LPL is subject to the terms and conditions contained in the publication 'Guide for Liquor Licensees in British Columbia' ("the Guide").

The branch conducted covert trade practices illicit liquor investigations from October 2004 to April 1, 2005. This enforcement action arose from that investigation.

ALLEGED CONTRAVENTIONS

By Notice of Enforcement Action (NOEA) dated April 27, 2005, the branch alleged that:

1. on February 28, 2005, the licensee contravened Section 35 (3) of the *Liquor Control and Licensing Regulation* by failing to maintain a register of all liquor purchased and received by the licensee under its licence.

The recommended enforcement action is a \$3000 penalty.

In the alternative,

2. on February 28, 2005, the licensee contravened the terms and conditions of its licence, contrary to Section 12 of the *Liquor Control and Licensing Act*. On page 5 of the NOEA, the branch explained the alleged breach as
... either accepted free product or accepted product without recording it in its liquor registry, or failed to permit inspection of its liquor registry; any one of these is contrary to the terms and conditions of a

liquor primary licence set out pp. 6, 19 and 24 of the Guide for liquor primary licences.

The recommended enforcement action is a \$3000 penalty.

RELEVANT STATUTORY PROVISIONS

Liquor Control and Licensing Act, R.S.B.C. 1996, c. 267 (the "Act"), excerpts from Section 12:

Licences

12 (1) The general manager, having regard for the public interest, may, on application, issue a licence for the sale of liquor.

(2) The general manager may, in respect of any licence that is being or has been issued, impose, in the public interest, terms and conditions

(a) that vary the terms and conditions to which the licence is subject under the regulations, or

(b) that are in addition to those referred to in paragraph (a).

(3) Without limiting subsection (2), the terms and conditions referred to in that subsection may

(k) specify requirements for reporting and record keeping, and

Liquor Control and Licensing Regulation, B.C. Reg. 244/2002 (the "Regulation")

Purchase of liquor

35 (1) A licensee must not purchase liquor for the licensed establishment unless, at the time of the purchase, the licensee identifies himself or herself as a licensee and that purchase is made from

(a) a liquor store designated in writing by the general manager, or

(b) another person designated by the Liquor Distribution Branch.

(2) Subsection (1) does not apply to a licensed manufacturer of wine in respect of purchases of wine by that licensee from another licensed manufacturer of wine.

(3) A licensee must maintain a register of all liquor purchased and received by the licensee under a licence.

ISSUES

1. Does the evidence support the allegation that the licensee failed to maintain a registry for all liquor purchases?
2. If yes, is the recommended enforcement action appropriate?

EXHIBITS

| | |
|---------------|--|
| Exhibit No. 1 | Book of Documents of the branch |
| Exhibit No. 2 | Letter from the branch to the licensee dated March 24, 2005 |

EVIDENCE

The branch provided evidence from the branch investigator (the "investigator") and the liquor inspector (the "investigative inspector") involved in the investigation. I have sometimes referred to them collectively as the "investigators." The licensee provided evidence from both of the corporate partners (the "licensees") and called as a witness the branch liquor inspector who has responsibility for their area (the "area liquor inspector").

The investigator testified that during the course of a routine Trade Practices investigation on November 10, 2004, he set up surveillance of the Flamingo in the parking lot, approximately 100 yards from the main building. He was joined in the afternoon by the investigative inspector. They both testified that they observed a white unmarked van quickly pull into the loading dock and park by the LRS cooler room. The investigator testified that he went to the building and

stood by the back of the van where he watched people unload five kegs of beer. The investigative inspector walked around the building to stage a meeting with the investigator by the back of the van. By the time he reached the van, the delivery was underway; he observed at least two kegs of beer being delivered to the cooler room.

They testified that the driver did not use a trolley, as is usual practice, but rather bounced the kegs off the van and rolled them into the cooler room. They stated that the kegs were "PG PWB", meaning Prince George Pacific Western Brewery. The investigator testified that he saw four empty kegs loaded into the van. He testified that the delivery took only about seven minutes whereas most deliveries take about 20 minutes. He said there was insufficient time to photograph the delivery. Both witnesses testified that they watched for, but did not see, the driver carrying any paperwork or any paperwork being signed. The investigator recorded the licence number of the van. This was, subsequently, included in the information in the NOEA. The investigator confirmed that the breweries sometimes use independent contractors for deliveries and that could account for the unmarked white van. He testified that he had no reason to believe there was anything illegal about the delivery, until the subsequent inspection to review records.

The investigative inspector testified that he conducted surveillance at the Flamingo on October 29, November 10, December 1, 8, 10, 15, 2004, and January 5 and 7, 2005. He made notes of deliveries observed on those occasions. On December 15, 2004, he observed 30 kegs of PWB beer being delivered.

On February 28, 2005, the branch conducted an unannounced illicit liquor inspection during which inspectors inventoried all the liquor in the lounge and pub and examined the licensee's registry. As a result of this inspection, they found that the licensee had no documentation for receiving the five kegs on

November 10, 2004, and had a receipt for 29 kegs on December 15, 2005. They were able to reconcile all other stock with documentation. The investigators discussed the results of the inspection with the corporate partners and asked them to produce documents for both purchases. By letter dated March 24, 2005, (Exhibit No. 2), the branch provided an overview of the investigation, the request for the missing documents, and cautioned that failure to provide the documents by March 30, 2005, could result in enforcement action.

The evidence concerning the 29/30 kegs on December 15, 2005, was not in dispute. On March 29, 2005, the branch received a short form bill of lading No. 412510 from Container World Forwarding Services Inc. indicating "CASE General Merchandise 1 x 1L 80kg" was delivered to the Flamingo Motor Hotel on December 15, 2004, and indicating there was no money owing for the delivery. The branch investigative inspector testified that he had previously received this document and was expecting to receive documentation from the licensee's records, which he did not. However, he accepted this bill of lading as supporting the licensee's contention that a defective keg of beer had been returned to PWB, that this was the replacement and that it was one of the 30 kegs in the December 15, 2005, delivery.

The licensee did not have documents to indicate the returned keg or the replacement keg, other than the bill of lading provided by the shipper. The licensees testified that they did not know they had to keep paperwork for a faulty keg. Rather, their practice was to phone the brewery and arrange to have it picked up and replaced.

The licensees testified that they became aware in March 2004, as a result of a similar investigation by the branch, that they were not keeping a proper register. Since then, they have maintained the register, recording daily inventory. Neither corporate partner was present on November 10 or December 15, 2004. When staff receive product they check the product against the invoice and then leave

the paperwork out for the partners. Additionally, there is always a computer-generated order before a delivery and the incoming product is input into the system. The licensees testified that despite all of that standard record keeping, there was no record of the alleged delivery on November 10, 2004.

The licensees brought file folders to the hearing containing lists and invoices for all product received since March 2004. I reviewed the files. The documentation was too voluminous to be entered as exhibits.

The area inspector testified that over the past year when she has done inspections of all three licensed areas, she has found things to be in good order. Although there have been some minor issues, she has not encountered any major contraventions. She looked at the file folders provided by the licensees and identified them as their liquor register in which they keep receipts for liquor. She testified that some establishments keep a running list showing the dates of purchases, quantities, etc., in addition to the receipts. However, in her practice, if the licensee has receipts, she accepts that as sufficient compliance with the requirement to keep a registry.

SUBMISSIONS

The licensee submitted that they have maintained a proper liquor register since March 2004, as attested to by the area liquor inspector, and as produced at the hearing. They were unaware of the requirement to document replacement kegs but are now documenting those deliveries as well.

The licensee submitted that the issue of the 30 kegs on December 15, 2004, was fully answered with the invoice indicating the one replacement keg. Concerning the five kegs on November 10, 2004, the licensee noted, that there are no photographs of the delivery and no other substantial proof that the delivery occurred.

The licensees submitted that the contravention did not occur as alleged, or in the alternative.

ANALYSIS AND DECISION

In hearings before the branch, the standard of proof is a balance of probabilities, which means I make findings of fact of what most probably occurred, based on the evidence presented.

The licensee submitted that there is no proof that the five kegs were delivered on November 10, 2004, as alleged. The licensee made much of the fact that the investigators did not take photographs, although they had on other occasions. In order to accede to the licensees' submission, I would have to find that the investigator and the investigative inspector had fabricated their observations and their notes (Exhibit No. 1, tabs 4 and 5).

I have no reason to question the credibility of the evidence presented by the investigator and the investigative inspector. Their evidence was clear and well documented in their notebooks at the time. Neither of them was shaken on questioning. Their evidence was corroborative, one to the other. They provided full particulars in the NOEA to the licensee of the date, time, and the licence number of the van that made the delivery.

Based on the preponderance of evidence, I find as fact that the licensee received five kegs of beer on November 10, 2004, as testified to by the investigators. There is no paper work for that delivery. That suggests either that the licensee did not maintain a proper register or that the licensee received illicit liquor, contrary to Section 39 of the *Act*, which I discuss below.

Concerning the alleged contravention on December 15, 2004, the investigative inspector testified that he accepted the invoice from Container World Forwarding

Services Inc. as sufficient explanation of the 29/30 keg issue. That means that the investigative inspector was satisfied that the one keg was not illicit liquor. I would tend to agree that the benefit of the doubt should go to the licensee on that keg. However, it still leaves open the allegation of not keeping a proper register.

There is no dispute over the essential evidence from the February 28, 2005, inspection and the subsequent correspondence. It is a given that the licensee was not able to produce documentation from its liquor register of receiving five kegs of beer on November 10 or the 30th keg on December 15, 2004.

On page 6 of the Guide, licensees are provided detailed information on the requirement of keeping a liquor register:

You must keep a detailed, written record of every liquor purchase made under your licence by date and storage location (if you store liquor off-site), in a liquor register. This is usually a book or binder where you keep your copies of the documentation you receive every time you buy liquor.

You must also keep a record in your liquor register of all faulty or damaged kegs of beer or cider or kegs containing spoiled product that you receive and replace."

Section 39 of the Act makes it illegal for anyone to take liquor from another person except in accordance with the *Liquor Distribution Act*. The minimum penalty for a first contravention of Section 39 is 10 to 15 days licence suspension and \$7,500 to \$10,000 monetary penalty. The branch has not alleged a contravention of that section. I note Section 39 to show the distinction between allegations of illicit liquor versus failing to maintain a proper register, contrary to *Regulation* Section 35(3), or breach of a term and condition of the licence.

For both the November 10 and December 15, 2004 liquor deliveries, I find that the product was received as alleged and that the licensee did not record the deliveries in a liquor register.

PENALTY

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

- impose a suspension of the liquor licence for a period of time
- cancel a liquor licence
- impose terms and conditions to a licence or rescind or amend existing terms and conditions
- impose a monetary penalty
- order a licensee to transfer a licence

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

There is no record of prior proven contraventions, offences or enforcement actions of the same type for this licensee or this establishment within the year preceding these incidents ("compliance history"). Pursuant to *Liquor Control and Licensing Regulation*, Schedule 4, Section 1(1)(b), the branch has treated the allegations as first contraventions. The range for first contraventions is 1 to 3 day licence suspension, or \$1,000 to \$3,000 monetary penalty.

The branch's primary goal in determining the appropriate penalty is achieving voluntary compliance. Among the factors that are considered in determining the appropriate penalty is whether there is a history of warnings by the branch and/or the police, the seriousness of the contravention, the threat to the public safety and the well being of the community.

The branch issued a Contravention Notice (CN) on February 26, 2004, for failing to keep a proper liquor register and related contraventions. The branch did not take enforcement action on that CN. I have given weight to that CN not as proof of a previous contravention, but as proof that the branch has told the licensee in the past of its concerns and has attempted to assist the licensee in achieving compliance.

The licensees submitted that they were not aware of the need to maintain a register of returned product, until this enforcement action, but have corrected that. I have taken this as a submission going to mitigation of penalty. However, I give very little weight to that submission because the Guide is explicit in telling licensees that they are required to document replacement product.

The branch has recommended the maximum monetary penalty for a first contravention. Given that there were two occurrences within a short time and that the branch had issued a CN within a year of these of occurrences, I find that the branch's recommendation at the high end of the range to be appropriate.

ORDER

Pursuant to Section 20 (2) of the *Act*, for the contravention of Section 35(3) of the *Regulation*, I impose a monetary penalty of three thousand dollar (\$3,000) and I order the licensee, 665070 B.C. Ltd., to pay three thousand dollar (\$3,000) to the general manager on or before August 18, 2005.



M. G. Taylor
Enforcement Hearing Adjudicator

Date: July 19, 2005

cc: R.C.M. Police Surrey Detachment

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

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

Martin, Shirley SG:EX

From: Clark, Michael J SG:EX
Sent: Monday, July 25, 2005 10:42 AM
To: Martin, Shirley SG:EX
Subject: RE: Flamingo Motor Hotel EH05-051 DECL

*as per DECL
 18 sam*

Shirley,

If you are going to send a letter to confirm the arrangement, I would look at a due date of August 15, for the first payment.

Thanks,

Mike Clark
 LCLB Surrey Regional Manager

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

From: Martin, Shirley SG:EX
Sent: Monday, July 25, 2005 10:41 AM
To: Clark, Michael J SG:EX
Subject: RE: Flamingo Motor Hotel EH05-051 DECL

Hi,
 OK, when will the first payment start and I'll go from there.
 Sam

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

From: Clark, Michael J SG:EX
Sent: Monday, July 25, 2005 10:33 AM
To: Martin, Shirley SG:EX
Cc: Tatchell, Mark SG:EX
Subject: RE: Flamingo Motor Hotel EH05-051 DECL

Shirley,

I just spoke to Mr. Sodhi and he has agree to three payments of \$1000.00 spaced over a period of three months. That would be \$1000.00 per month over a three month period.

Thanks,

Mike Clark
 LCLB Surrey Regional Manager

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

From: Martin, Shirley SG:EX
Sent: Thursday, July 21, 2005 8:14 AM
To: Clark, Michael J SG:EX
Subject: RE: Flamingo Motor Hotel EH05-051 DECL

Thanks Mike, I'll wait to hear from you before I continue with the penalty ltr.

Sam

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

From: Clark, Michael J SG:EX**Sent:** Wednesday, July 20, 2005 9:56 AM**To:** Martin, Shirley SG:EX**Subject:** RE: Flamingo Motor Hotel EH05-051 DECL

Shirley,

I don't see any problem with this, I will contact the licensee tomorrow and see what he proposes. I will let you know a.s.a.p.

Thanks,

Mike

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

From: Martin, Shirley SG:EX**Sent:** Tue 19/07/2005 2:09 PM**To:** Clark, Michael J SG:EX; Noorani, Shahid SG:EX**Cc:** Nazareth, Edwina SG:EX**Subject:** Flamingo Motor Hotel EH05-051 DECL

Hi;

Mike as your are now our DGM over to you. Ken Sodhi, owner, Flamingo left a voice message for me asking if there is any provision in the decision for them to pay in instalments rather than one lump sum. His phone numbers are (604) 581-6969 and cell is s.22. We have done this in the past, but I don't know how Mark set up the payment schedule or if the licensee did it.

I am preparing the penalty letter as I write, but I will hold off until I hear from someone. If I don't hear today, I will be out of the office tomorrow, but back on Thursday.

Thanks,

Sam

*Shirley A. Martin**Case Management Administrator**Liquor Control & Licensing Branch**Phone: (250) 356-0010**Fax: (250) 387-9184*



May 9, 2005

Via Facsimile (604) 581-6998

Amarjit Jaswal & Kenwar A. Singh
665070 B.C. Ltd.
c/o Flamingo Motor Hotel
10768 King George Hwy
Surrey, BC V3T 2X7

Phone: (604) 581-6969

Dear Licensee:

**Re: Flamingo Motor Hotel, Surrey, BC
"Liquor Primary" Licence No. 083030**

Case # EH05-051

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

Pre-hearing Conference

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

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

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

Monday, May 16, 2005, at 2:00 P.M. At that time, the Registrar will contact you at **(604) 581-6969** unless you provide another number where you prefer to be reached.

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

Lawyer or Representative

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

Language Interpreter

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

Rescheduling

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

Failure to Attend Pre-Hearing Conference

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

Waiver

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

Additional Background

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

If you have any questions or concerns regarding this matter, please feel free to contact me by phone (250) 356-0010 or facsimile (250) 356-1254. Thank you.

Yours truly,

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

Shirley A. Martin
Case Management Administrator

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

Attachments:

- Notice of Enforcement Action
- Fact Sheet



June 3, 2005

| | |
|--|---|
| Kanwar A. Singh 665070 B.C. Ltd. c/o Flamingo Motor Hotel 10768 King George Hwy Surrey, BC V3T 2X7 Phone: (604) 581-6969 | Shahid Noorani, Branch Advocate Liquor Control and Licensing Branch Surrey Regional Office 101 - 9180 King George Hwy Surrey, BC V3V 5V9 Phone: (604) 586-2646 Fax: (604) 586-2640 |
|--|---|

Re: 665070 B.C. Ltd., dba Flamingo Motor Hotel, Surrey, BC
"Liquor Primary" Licence No. 083030 **Case # EH05-051**

This letter records the results of a telephone pre-hearing conference held on Monday, May 16, 2005, which was attended by

| | |
|-----------------|-----------------|
| Kanwar A. Singh | Licensee |
| Shahid Noorani | Branch Advocate |

Status

Enforcement Hearing Date: **June 22, 2005**, commencing at **9:30 a.m.**
(Please note that the hearing date will only be postponed in exceptional circumstances).

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

Hearing Adjudicator: Gwen Taylor

Final Date for Production of Documents and Witness names: June 8, 2005

**Ministry of Public Safety
and Solicitor General**

**Liquor Control and
Licensing Branch**

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

Location:
Second Floor, 1019 Wharf Street
Victoria BC
[http:// www.pssg.gov.bc.ca/lclb](http://www.pssg.gov.bc.ca/lclb)

Failure to attend

If the licensee fails to appear at the hearing, the adjudicator may adjourn the hearing or conduct the hearing without the licensee. When the hearing proceeds without the licensee, the adjudicator will make findings, and may impose enforcement action, based on the evidence presented by the branch advocate without the benefit of the licensee's evidence and argument.

Alleged Contravention and Recommended Enforcement Action

The Branch's allegations and recommended enforcement action are set out in the Notice of Enforcement Action dated April 27, 2005, which the licensee acknowledges having received.

1. The branch alleges that on February 28, 2005, the licensee contravened Section 35 (3) of the *Liquor Control and Licensing Regulation* by failing to maintain a register of all liquor purchased and received by the licensee under its license. The recommended enforcement action is a \$3000 penalty.

If the general manager does not make a finding on contravention #1, the lesser but included contravention #2 will be considered in the alternative:

2. In the alternative, the branch alleges that on February 28, 2005, the licensee contravened the terms and conditions of its license, contrary to Section 12 of the *Liquor Control and Licensing Act*, by either accepting free product or accepting product without recording it in its liquor registry, or by failing to permit inspection of its liquor registry. The recommended enforcement action is a \$3000 penalty.

The licensee disputes both contraventions. Mr. Singh explained that the licensee recollection and understanding of the events in question differs significantly from that of the branch.

Witnesses

The branch will call the following people to testify at the hearing:

1. Scott Deschamps, liquor investigator
2. Marc Matoul, liquor investigator

The licensee will call the following people to testify at the hearing:

3. Kanwar Singh, licensee
4. Amarjit Jaswal, licensee

Disclosure of Evidence

At the time that he received the NOEA and its appendices, Mr. Singh was provided with documentation that included CN #B007742, the licence, the floor plan, the Enforcement Hearing Rules, and a copy of an invoice for the December 15, 2004, delivery.

The branch advocate has agreed to provide the licensee with a copy of:

- Any notes or reports prepared by Marc Matoul and Scott Deschamps related to the alleged contraventions.
- The documents that are listed in Appendix A (page 9 of the NOEA).
- The policy directives mentioned in the NOEA.
- Any photos taken by the investigators related to the alleged contraventions.

The licensee has agreed to let the branch advocate come by the establishment and look at the liquor register for the licence in question.

I direct that copies of the above documents and any others that the licensee or the branch intends to produce at the hearing must be exchanged by no later than **Friday, June 8, 2005**. This is also the final date for confirmation of any changes to the list of witnesses who will be called to testify at the hearing.

Failure to produce documents or identify witnesses within the timeframe set out above may result in the evidence being ruled inadmissible by the adjudicator.

Please bring to the hearing a copy of all documents for the adjudicator to use as the official exhibit copy.

Other

If the licensee wishes to retain legal counsel, he should make immediate arrangements. The hearing will only be postponed in exceptional circumstances, so it is important that the licensee find legal counsel who can actually attend the hearing date that has been set.

Thank you for your participation in the pre-hearing conference. If you disagree with the above summary of today's pre-hearing conference or if you have any questions, please contact either myself or Shirley Martin, case management administrator, at (250) 356-0010.

Yours truly,



Elizabeth M. Barker
Registrar, Enforcement Hearings

cc: Gwen Taylor, Adjudicator
Scott Deschamp, Investigator



NOTICE OF ENFORCEMENT ACTION

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

April 27, 2005

File No: EH05-051

Job No: 000701888-024

665070 B.C. Ltd.
c/o Kanwar Amitabh Paul Singh
10768 King George VI Hwy.
Surrey, BC V3T 2X7

Dear Kanwar Amitabh Paul Singh:

Re: Licence Number 083030

Flamingo Motor Hotel
10768 King George VI Hwy
SURREY, BC V3T 2X7

The purpose of this notice is to inform you that the general manager is scheduling an enforcement hearing in order to review whether to take enforcement action for the alleged contravention(s) of the Liquor Control and Licensing Act, the regulations, and/or the terms and conditions of the licence set out in this notice.

ROLE OF THE LIQUOR CONTROL AND LICENSING BRANCH

The role of the Liquor Control and Licensing Branch as the regulator of licensed establishments is to help provide an orderly and problem-free environment for licensed establishments. When an infraction occurs, the general manager of the Liquor Control and Licensing Branch will take whatever enforcement action is necessary:

- to protect the public interest,
- to ensure future compliance with the Act, the regulations, and/or the terms and conditions of a licence, and
- to ensure that licensees, employees, patrons and the community recognize the seriousness of contraventions.

The general manager is responsible for supervising the conduct and operation of every licensed establishment in British Columbia. The enforcement powers of the general manager are expressed in section 20(2) of the Liquor Control and Licensing Act as follows:

- 20 (2) If the general manager has the right under subsection (1) to take action against a licensee, the general manager may do any one or more of the following, with or without a hearing:
- a) (repealed)
 - b) impose terms and conditions on the licensee's licence or rescind or amend existing terms and conditions on the licence;

**Ministry of
Public Safety and
Solicitor General**

Liquor Control and
Licensing Branch

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

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

Location:
Second Floor
1019 Wharf Street
Victoria BC

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

- c) impose a monetary penalty on the licensee in accordance with the prescribed schedule of penalties;
- d) suspend all or any part of the licensee's licence in accordance with the prescribed schedule of licence suspensions;
- e) cancel all or any part of the licensee's licence;
- f) order the licensee to transfer the licence, within the prescribed period, to a person who is at arm's length from the licensee.

THE ALLEGED CONTRAVENTION(S)

| No. | Contravention name | Section of Act/regulation and term and condition of the licence | Date and time of alleged contravention | Recommended enforcement action |
|-----|--|---|--|--------------------------------|
| 1 | Fail to keep register, Reg. s. 35(3) | Reg. s. 35(3) | Feb 28, 2005 12:50 PM | \$3,000.00 penalty |
| 2 | Contravening a term and condition, s. 12 | s. 12 | Feb 28, 2005 12:50 PM | \$3,000.00 penalty |

These alleged contraventions are described in full in the attached Appendix A.

Proposed enforcement action

The general manager may impose a penalty for a contravention of the Act, the regulations, and/or the terms and conditions of the licence(s). The general manager has the authority to cancel a licensee's licence, in whole or in part, if circumstances warrant a cancellation. Enforcement action may also include imposing terms and conditions for a contravention of the Act and the regulations.

When determining the appropriate penalty for a contravention, the general manager will consider:

- the type of contravention
- the facts of the contravention
- the establishment's history of compliance
- the compliance history of the licensee.

The general manager will also consider what action best serves the public interest.

The penalty schedule, set out in schedule 4 to the Liquor Control and Licensing Regulations, describes the penalty range for each contravention. A copy of the *Liquor Control and Licensing Act and Regulations* can be obtained on the Liquor Control and Licensing Branch website at <http://www.pssg.gov.bc.ca/lclb/>. While the general manager usually stays within this schedule, if the general manager concludes that it is in the public interest to do so, the general manager may impose a higher penalty than the penalty set out in the penalty schedule.

Monetary penalty falls within penalty schedule

For the alleged contravention of Fail to keep register, Reg. s. 35(3) (Contravention Notice Number B007742) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a monetary penalty of \$3,000.00 (Three Thousand Dollars) is warranted.

This proposed monetary penalty falls within the penalty range set out in schedule 4 to the regulations for a first incident of the alleged contravention.

Monetary penalty falls within penalty schedule

For the alleged contravention of Contravening a term and condition, s. 12 (Contravention Notice Number B007742) set out in this notice, the enforcement hearing advocate will recommend to the general manager at an enforcement hearing that a monetary penalty of \$3,000.00 (Three Thousand Dollars) is warranted.

This proposed monetary penalty falls within the penalty range set out in schedule 4 to the regulations for a first incident of the alleged contravention.

The reasons for this proposed penalty are set out in Appendix A and B.

The establishment's history of compliance and the compliance history of the licensee are described in the attached Appendix B

LICENSEE OPTIONS

1. The licensee may accept the proposed enforcement action(s) for any or all of the contraventions set out above and waive the opportunity for an enforcement hearing on those contraventions. This process is described in more detail under heading Option to Waive Enforcement Hearing below.
2. The licensee may attend an enforcement hearing for the purpose of contesting the occurrence of the contravention(s) and/or the proposed enforcement action(s). Please note, at an enforcement hearing the general manager may decline to take any enforcement action, take the proposed enforcement action set out in this letter, or take enforcement action that is less than or greater than the proposed enforcement action set out in this letter.

Option to waive enforcement hearing

The licensee may waive the opportunity for an enforcement hearing and accept the enforcement action(s) proposed in this letter. If the licensee chooses this option, it is necessary to sign a waiver notice. By signing the waiver notice, the licensee expressly and irrevocably:

- agrees that the licensee has committed the contravention(s)
- accepts the enforcement action(s) proposed in this letter
- waives the opportunity to an enforcement hearing on these matters
- agrees that the finding(s) of contravention and the specified enforcement action(s) will form part of the compliance history of the licensee.

If the licensee plans to sign a waiver notice, branch staff will prepare the notice. In most situations, the waiver notice must be signed within 14 days of the date of this letter. If the licensee plans to sign a waiver notice, please contact the writer to arrange an appointment as soon as possible.

Date, time, and place of the enforcement hearing

The case management administrator will be contacting the licensee shortly to discuss the hearing process. If the licensee signs a waiver notice, the enforcement hearing will be cancelled.

The case management administrator contact information is:

Shirley Martin; (250) 356-0010; Shirley.Martin@gems3.gov.bc.ca

CONTACT NUMBER

If you have any questions regarding this letter, please contact the writer at (250) 356-2887 or Scott.Deschamps@gems7.gov.bc.ca for clarification.

Yours truly,

Scott Deschamps
Inspector, Victoria

Attachments:

Appendices A & B

Copy of Enforcement Hearing Rules

Copy of Liquor Licence

Copy of Contravention Notice

Copy of Red line Floor Plan

Copy of Invoice for December 15, 2004 Delivery

Appendix A

Licence Information

Licence number: 083030
Licence type: Liquor Primary
Terms and conditions of the licence:

Licence expiry date: July 31, 2005

BRANCH WITNESSES

At the enforcement hearing, the branch will be calling the following witnesses to present evidence of the alleged contravention. The following table lists the witnesses and a summary of the evidence that they will present.

| | Name | Summary of Evidence |
|---|--------------------------------|---|
| 1 | Marc Matoul (Investigator) | Observed 30 kegs of Pacific Western Brewery beer delivered to the Flamingo Motor Hotel on December 15, 2004. Issued : demand for documents to the Flamingo Motor Hotel on March 24, 2005. |
| 2 | Scott Deschamps (Investigator) | Observed 5 kegs of Pacific Western Brewery beer delivered to the Flamingo Motor Hotel on November 10, 2004. Obtained : certified true copy of the invoice for the December 15, 2004 delivery. |

DETAILS OF THE CONTRAVENTION NOTICE (SUMMARY OF EVIDENCE)

Investigator Deschamps observed 5 full kegs of Pacific Western Brewery beer delivered to the establishment on November 10, 2004. But during an illicit liquor inspection on February 28, 2005, the establishment's purchase records were found to include no record of this delivery.

Also, Investigator Matoul observed 30 full kegs of Pacific Western Brewery beer delivered to the establishment on December 15, 2004. But during an illicit liquor inspection on February 28, 2005, the establishment's purchase records were found to include only 29 kegs of Pacific Western Brewery beer on that day.

Investigators Deschamps and Matoul met with ^{s.22} and A.J. Jaswal on February 28, 2005 following the illicit liquor inspection.^{s.22} and Jaswal denied receiving the undocumented liquor. In spite of a demand for records from Investigator Matoul on March 24, 2005, the Branch has received no documentation for the observed liquor deliveries.

The licensee accepted liquor without properly recording it in the establishment's liquor registry, contrary to s. 35(3) of the Regulation. In the alternative, the licensee either accepted free product, or accepted product without recording it in its liquor registry, or failed to permit inspection of its registry; any one of these is contrary to the terms and conditions of a liquor primary licence set out at pp. 6, 19, and 24 of the Guide for liquor primary licences.

SUMMARY OF ALLEGED CONTRAVENTIONS

The following is a summary of each alleged contravention and the circumstances surrounding each contravention. At the enforcement hearing, the general manager will be considering this information when deciding whether each contravention occurred and the penalty, if any, for that contravention.

CONTRAVENTION #1

| Contravention notice number | Date contravention notice issued | Name of contravention and section of Act or regulations | Recommended enforcement action | Start date of suspension to be served |
|-----------------------------|----------------------------------|---|--------------------------------|---------------------------------------|
| B007742 | Apr 01, 2005 | Fail to keep register, Reg. s. 35(3) | \$3,000.00 penalty | |

Reasons for Recommended Enforcement Action:

The licensee accepted liquor without properly recording it in the establishment's liquor registry, contrary to s. 35(3) of the Regulation.

An illicit liquor inspection on February 28, 2005 revealed that the establishment's liquor registry did not fully account for Pacific Western Brewery keg beer deliveries on November 10, 2004 and December 15, 2004, in spite of a demand for records from Investigator Matoul on March 24, 2005.

The Guide, "Liquor Primary Licence: Terms and Conditions" clearly explains at p. 6 that licensees must keep an accurate registry of all liquor received, as required by s. 35(3) of the Regulation.

Furthermore, following a two-year consultation period, the Branch sent to all licensees Policy Directive 03-14 in December 2003 and Policy Directive 04-01 in March 2004, both concerning trade practices.

The letter accompanying Policy Directive 04-01 on March 31, 2004 reminded licensees that they must have a "liquor register for the licensed establishment to prove that liquor on the premises was purchased from the Liquor Distribution Branch under the correct liquor licence" and "[s]ales and purchase records to confirm that all transactions between licensees and liquor suppliers comply with the Act" available on request for inspection.

The letter accompanying Policy Directive 03-14 gave licensees 90 days "to remove any free product in their establishment and to rectify any situations which may be in contravention of the Act or regulation." It advised licensees that investigations would "focus on inducements provided after November 28, 2003." The letter accompanying Policy Directive 04-01 reminded licensees that "inspectors have been and will continue to inspect both liquor suppliers and licensees to monitor compliance with the trade practices rules."

The two Policy Directives both advised licensees that they would "be subject to random auditing to ensure compliance with the trade practices rules and the terms and conditions of their licence."

Notice to the industry of these requirements is already clear.

Reasons for Proposed Penalty:

The licensee was previously advised of the trade practices regulations in two policy directives and the accompanying letters as well as in the Guide. The licensee also has a previous contravention notice for sale of illicit liquor and failing to maintain an accurate registry. A failure to maintain accurate records in this instance is a serious contravention.

A monetary penalty of \$3,000, which is the top of the penalty range, is an appropriate penalty for such a serious contravention.

The Branch alleges this contravention of s. 12 in the alternative to the main alleged contravention of s. 35(3). The Branch only seeks a monetary penalty for one of these alleged contraventions.

CONTRAVENTION #2

| Contravention notice number | Date contravention notice issued | Name of contravention and section of Act or regulations | Recommended enforcement action | Start date of suspension to be served |
|------------------------------------|---|--|---------------------------------------|--|
| B007742 | Apr 01, 2005 | Contravening a term and condition, s. 12 | \$3,000.00 penalty | |

Reasons for Recommended Enforcement Action:

The licensee either accepted free product, or accepted product without recording it in its liquor registry, or failed to permit inspection of its registry; any one of these is contrary to the terms and conditions of a liquor primary licence set out at pp. 6, 19, and 24 of the Guide for liquor primary licences.

The Guide, "Liquor Primary Licence: Terms and Conditions" clearly explains at p. 19 that licensees must not accept free product from a manufacturer or agent. It also explains at p. 6 that licensees must keep an accurate registry of all liquor received, as required by s. 35(3) of the Regulation. And it explains at p. 24 that licensees must make their liquor purchase records available to inspectors for inspection.

Furthermore, following a two-year consultation period, the Branch sent to all licensees Policy Directive 03-14 in December 2003 and Policy Directive 04-01 in March 2004, both concerning trade practices. The letter accompanying Policy Directive 04-01 on March 31, 2004 reminded licensees that they must have a "liquor register for the licensed establishment to prove that liquor on the premises was purchased from the Liquor Distribution Branch under the correct liquor licence" and "[s]ales and purchase records to confirm that all transactions between licensees and liquor suppliers comply with the Act" available on request for inspection.

The letter accompanying Policy Directive 03-14 gave licensees 90 days "to remove any free product in their establishment and to rectify any situations which may be in contravention of the Act or regulation." It advised licensees that investigations would "focus on inducements provided after November 28, 2003." The letter accompanying Policy Directive 04-01 reminded licensees that "inspectors have been and will continue to inspect both liquor suppliers and licensees to monitor compliance with the trade practices rules."

The two Policy Directives both advised licensees that they would "be subject to random auditing to ensure compliance with the trade practices rules and the terms and conditions of their licence."

Notice to the industry of these requirements is already clear.

Reasons for Proposed Penalty:

The licensee was previously advised of the trade practices regulations in two policy directives and the accompanying letters as well as in the Guide. The licensee also has a previous contravention notice for sale of illicit liquor and failing to maintain an accurate registry. A failure to maintain accurate records in this instance is a serious contravention.

A monetary penalty of \$3,000, which is the top of the penalty range, is an appropriate penalty for such a serious contravention.

The Branch alleges this contravention of s. 12 in the alternative to the main alleged contravention of s. 35(3). The Branch only seeks a monetary penalty for one of these alleged contraventions.

DOCUMENTATION

At the enforcement hearing, the branch will likely be presenting the information listed in the following table. A copy of the contravention notice is attached. A copy of each of the other documents and any additional relevant information will be forwarded to the licensee once the enforcement hearing on this matter has been scheduled.

| Contraventions: | | |
|-----------------|--------------------|--|
| | Date | Document Description |
| 1 | February 26, 2004 | CN #B002144 - Fail to keep register, Reg. s. 35(3) |
| 2 | February 26, 2004 | CN #B002144 - Unlawful sale of illicit liquor, S. 38 |
| 3 | September 20, 2002 | CN #A013791 - FAIL TO COMPLY WITH RBS REG. S. 7.1(3) |
| 4 | September 20, 2002 | CN #A013791 - CONTRAVENTING A TERM AND CONDITION S. 12 |

Appendix B

HISTORY OF COMPLIANCE

At the enforcement hearing, the general manager will consider this information when determining the penalty for each contravention.

Establishment's history of compliance

The establishment's history of compliance is relevant when determining which level of penalty should be imposed for a contravention. The establishment's history of compliance is comprised of any prior findings of contravention that relate to the establishment in question (whether by waiver or decision of the general manager) and any prior penalty.



BRITISH
COLUMBIA

No. B 007742

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: FLAMINGO MOTOR HOTEL

Establishment address: 10708 KING GEORGE HWY
SURREY BC V3T 2X7

Licensee name: 1865070 B.C. LTD.

Licence #: 083030 LP Date CN issued: APR 05 2005

Date and time of alleged contravention(s): FEB 18 05 12:00 PM

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

| | Contravention | Section |
|---|--|---|
| 1 | CONTRAVENE TERMS / CONDITIONS OF LICENCE | 12 <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg |
| 2 | FAIL TO MAINTAIN ACCURATE REGISTER OF ALL LIQUOR RECEIVED | 35(3) <input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg |
| 3 | | <input type="checkbox"/> Act <input type="checkbox"/> Reg |
| 4 | | <input type="checkbox"/> Act <input type="checkbox"/> Reg |

Details: DEC 15 / 04: NO ACCURATE DELIVERY
RECORD FOR 3 KEYS RECEIVED

NOV 10 / 04: NO ACCURATE DELIVERY
RECORD FOR 5 KEYS RECEIVED

Inspector name: M. MATHU Badge #: 010

Telephone: 604 588-2445 LPC #: 0

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.

LIQUOR CONTROL & LICENSING

RECEIVED

APR 06 2005

AM VICTORIA BC

No Enforcement Action Recommended

Re: Contravention Notice Number: B002144

Contravention Notice Date: Feb 26, 2004

Job No: 000701888-022

Inspector: Linda Hoy

Date

Prepared: Mar 02, 2004

Office Location: Surrey

Submitted To: Michael Clark

Establishment Information:

Establishment Name: FLAMINGO MOTOR HOTEL

Establishment Address: 10768 KING GEORGE VI HWY
SURREY, BC V3T 2X7

ENTERED IN POSSE

Licence No: 083030

Licence Class: Liquor Primary

Expiry Date: Jul 31, 2004

Licensee Name: Private Corporation: 665070 B.C. Ltd. c/o Singh, Kanwar Amitabh Paul

Terms and Conditions noted on licence face:

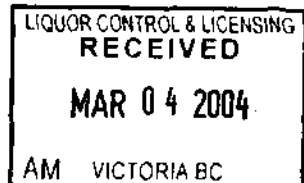
Contravention Information:

Contravention Name (e.g. supplying to minors)

Date and Time identified

1. Fail to keep register, Reg. s. 35(3)
2. Unlawful sale of illicit liquor, S. 38

1. Feb 26, 2004 12:55 PM
 2. Feb 26, 2004 12:55 PM
-



Review and Analysis:

I have reviewed:

Facts and circumstances of the contravention

☒ Yes

☐ No

Establishment compliance history

☒ Yes

☐ No

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

Licensee compliance history

☐ Yes

☒ No

- If no, please explain:

Other file information

☒ Yes

☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes

☐ No

Reasons no enforcement action recommended:

1 x 1/4 full bottle of 1 1/2 litre of Merlot with LRS price sticker of \$17.25 which did not match current stickers

1 x 1/2 full VSOP napoleon Branch

1 X 3/4 full Phillips Root Beer Schnapps

1 x Full Bottle Fireball Whisky

samples 1 x rye; 1 x rum; 1 x vodka.

The license stated the bottles may have been from stock purchased when the establishment was taken over - he would check to see if he could locate the list.

There was no public safety issue identified.

There was no indication this was other than stated by the licensee nor that there was any deliberate attempt to transfer liquor from the LRS to the LP

Voluntary Compliance is expected. The area inspector may choose to do a Compliance Meeting as there are issues around ownership that need to be dealt with as well.

Concluded at this time./lh



BRITISH
COLUMBIA

ENTERED IN POSSIBLE
Liquor Control and Licensing Act
and Regulation 244/2002

No. B002144

CONTRAVENTION NOTICE

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

Establishment name: FLAMINGO MOTOR HOTEL
Establishment address: 10768 King Geo Hwy
Licensee name: 665070 B.C. Ltd.
Licence #: 283030 Date CN issued: 02/26/04
Date and time of alleged contravention(s): March 20/04 09:00

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

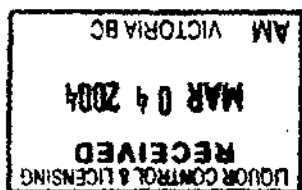
| | Contravention | Section |
|---|-----------------------------|---|
| 1 | Fail to Keep Register | 3(3) <input type="checkbox"/> Act <input checked="" type="checkbox"/> Reg |
| 2 | Sale of 11.1% Liqueur | 38 <input checked="" type="checkbox"/> Act <input type="checkbox"/> Reg |
| 3 | Sale of Liquor for Purchase | 35 <input type="checkbox"/> Act <input type="checkbox"/> Reg |
| 4 | | <input type="checkbox"/> Act <input type="checkbox"/> Reg |

Details: — No Register available
— Unable to produce proof of Purchase
— 1 x 1 1/2 litre Merlot with 2 LRS
Price Sticker of 17.25
4 Bottles; 3 Samples — Seized.

Inspector name: Linda Hoy Badge #: 61
Telephone: 604 586 2686 LPC #: _____

Management acknowledgement (name and title): Owner / Manager
Kanwar SINGH

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





BRITISH
COLUMBIA

LIQUOR CONTROL & LICENSING BRANCH
EXHIBIT RECEIPT

PAGE

1 of 1

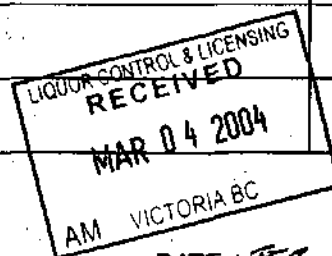
| | | | |
|---|---|---|-------------|
| REGION. Z | OFFICE LOCATION SURREY REGIONAL OFFICE | PHONE 604-586-2645 | EXHIBIT NO. |
| LICENCE NUMBER / TYPE LP083030 | ESTABLISHMENT NAME AND ADDRESS FLAMINGO MOTOR HOTEL "LOUNGE" 10768 KING GEORGE HWY. SURREY. | LICENSEE NAME AND ADDRESS SAME. | |

EXHIBITS SEIZED BY (Please Print): **MARC MATOUL** DATE: **FEB 26 / 2004**

LOCATION WHERE SEIZED: **A/A** TIME: **1140 hrs**

THE FOLLOWING ITEMS WERE SEIZED PURSUANT TO SECTION ^{70 or 73} 69 OF THE
LIQUOR CONTROL & LICENSING ACT OF BRITISH COLUMBIA

| CONSECUTIVE ITEM NO. | DESCRIPTION OF ITEMS | NECK LABEL NO. |
|-------------------------|--|-------------------|
| 1 | 1 SAMPLE BOTTLE 1/3 FULL CONTAINING MONARCH RYG. | 000981 |
| 2 | 1 SAMPLE BOTTLE 1/2 FULL CONTAINING MONARCH WHITE RUM | 000982 |
| 3 | 1 SAMPLE BOTTLE 1/2 FULL CONTAINING MONARCH VODKA | 000983 |
| 4 | 1 BOTTLE 1/2 FULL VSOP NAPOLEON BRANDY SKU 004176 | |
| 5 | 1 BOTTLE 3/4 FULL PHILIPS ROOT BEER SCHNAPS SKU 351593 | |
| 6 | 1 BOTTLE 1/4 FULL CASARSA CABERNET MERLOT WINE SKU 464370. | |
| 7 | 1 UNOPENED BOTTLE FIRESAIL WHISKY SHOTER SKU 447953 | |
| | | |
| | | |
| | | |
| | | |
| | | |



CERTIFIED CORRECT
SIGNATURE OF OFFICER: 

DATE: **FEB 26 / 2004**

THIS IS TO CERTIFY I HAVE RECEIVED A COPY OF THIS RECEIPT

RECIPIENT SIGNATURE: 

DATE: **FEB 26 / 2004**

PRINT NAME:

Kanwar SINGH.

FOUR (4) COPIES:

1 - LICENSEE;
LEDGER

2 - FILE;
LICENSEE

3 - LABORATORY;

4 - EXHIBIT LEDGER

NOTICE OF ILLICIT LIQUOR INSPECTION

ESTABLISHMENT INFORMATION:

Establishment name: Fleming Motor Hotel
 Establishment licence #: 053030 LP - associated LRS
 Establishment address: 10768 49th George Hwy 191743
Surrey BC V3T 2X7

The purpose of this notice is to inform you that your establishment is being inspected for compliance with the provisions of the *Liquor Control and Licensing Act* and regulations. Any contravention of the Act, regulations or the terms and conditions of your licence may result in enforcement action.

This inspection will include an inspection of the establishment's liquor registry or liquor purchase receipts and all liquor storage areas. Any liquor found that is being kept contrary to the provisions of the Act and regulations may be seized and / or a sample taken for further analysis. A claim may be made for the return of any seized liquor to the general manager of the branch at the address indicated above.

This inspection is authorized under the following provisions of the Act:

Power to inspect records and premises and take samples – Section 73 of the *Liquor Control and Licensing Act*

- 73 (1)** To obtain information respecting the administration or enforcement of this Act or the regulations, the general manager or a person designated by the general manager may
- (a) require the licensee to produce any prescribed document relating to the operation of the business licensed under this Act, and
 - (b) inspect any of the following:
 - (i) records in the possession of any person that may contain information relating to goods shipped, carried or consigned or received for shipment or carriage in British Columbia.
 - (ii) premises of any person set apart or used as a warehouse for the storage of liquor, and
 - (iii) establishments licensed under this Act and records, liquor and other things associated with the operation of the establishment.
- (1.1)** A person requiring the production of documents or carrying out an inspection under subsection (1) may
- (a) retain the documents produced or remove records or things relevant to the inspection for the purpose of making copies or extracts, and
 - (b) take reasonable samples of liquor for testing and analysis.

Power to seize liquor – Section 70 of the *Liquor Control and Licensing Act*

- 70 (1)** If liquor is found by an officer or peace officer under circumstances that satisfy the officer or peace officer that it is being possessed or kept contrary to this Act or the regulations, the officer or peace officer may immediately seize and remove the liquor and packages containing it and
- (a) may retain the liquor and packages to be dealt with under this Act, or
 - (b) may immediately destroy the liquor and packages.
- (2)** If liquor is seized under subsection (1) but is not destroyed under subsection (1) (b), and no person by notice in writing filed with the general manager within 30 days of the date of the seizure claims to be the owner of the liquor, the liquor and the packages containing it are forfeited to the government.

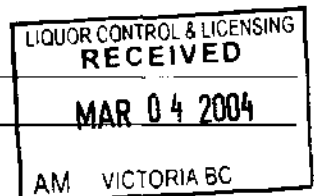
Inspector name: Linda Hoy Inspector ID #: 61

I have been provided with a copy of this notice of inspection.

Licensee or manager name: Kanwar SINGH

Licensee or manager signature: [Signature]

Date and time: 11 ☒ am ☐ pm Feb 26, 2004



Linda C. Hoy, Liquor Inspector
Compliance & Enforcement
Surrey Regional Office



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

LIQUOR PRIMARY LICENCE

Establishment Name: FLAMINGO MOTOR HOTEL
Licence Name: FLAMINGO MOTOR HOTEL
Mailing Address: 10768 KING GEORGE VI HWY
SURREY, BC V3T 2X7

Licence Number
083030
Expiry Date
July 31, 2004

Location Address: 10768 KING GEORGE VI HWY
SURREY, BC V3T 2X7

Issued to: 665070 B.C. Ltd.

Third Party Operator: N/A

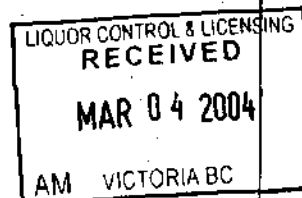
Hours of Sale:

| | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|-------|----------|----------|-----------|----------|----------|----------|----------|
| Open | 11:30 AM | 11:30 AM | 11:30 AM | 11:30 AM | 11:30 AM | 11:30 AM | 11:00 AM |
| Close | 1:30 AM | 1:30 AM | 1:30 AM | 1:30 AM | 1:30 AM | 1:30 AM | Midnight |

Capacity: Patron01 108

TERMS AND CONDITIONS

- This licence is subject to the terms and conditions contained in the publication 'Guide for Liquor Licensees in British Columbia'.
- Liquor may only be sold, served and consumed within the areas outlined in red on the official plan, unless otherwise endorsed or approved by the LCLB.



[Signature]

Local Government: SURREY (CITY OF)
LDB Addresses: CENTRAL LICENSEE VANCOUVER
WHALLEY GLS #122
GUILDFORD GLS #240

September 25, 2003
Printed Date

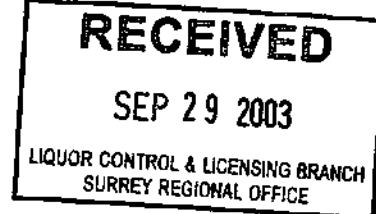
General Manager



September 25, 2003

File No: 73500-20/ELA

Flamingo Motor Hotel
10768 King George VI Hwy.
Surrey, BC
V3T 2X7



Dear Manager/Owner:

RE: ~~Establishment Name: Flamingo Motor Hotel~~
Licence #(s): 083030 Liquor Primary & NR
Address: same as above

Your recent application for the following change(s) to your liquor licence(s) has been approved.

Transfer of Licence from G.S.A. Enterprises Ltd. to 665070 B.C. Ltd.

An updated liquor licence(s) reflecting the change(s) is enclosed.

All new licensees receive a 120 day exemption period from the date of license issuance in which to successfully complete the "Serving it Right" Responsible Beverage Service Program. Attached please find an R.B.S. information sheet and a Notice to All New Licensees to complete and return to this office prior to the expiration of the exemption period.

Please destroy your previous licence(s) and replace it with the updated one(s). As a reminder, the official floor plan(s) for your establishment is part of the liquor licence, and must be retained on the premise at all times, readily available for inspection by police and liquor inspection staff.

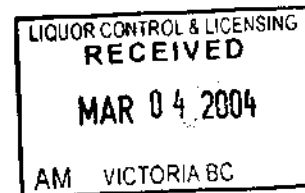
Yours truly,

Irish Howell

**THIS IS GENERAL
MANAGER'S ORDER
APPROVAL
TRA/030925**

Licensing Clerk

cc: Inspector Edwina Nazareth
Surrey RCMP
OCABC
Consumer Taxation
Stephanie Watts - LDB
Binpal Sanghera & Associates, Attention: Raj S. Binpal



Ministry of Public Safety
and Solicitor General

Liquor Control and
Licensing Branch

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

Location:
Second Floor, 1019 Wharf Street
Victoria BC

www.pssg.gov.bc.ca/lclb

RECEIVED

SEP 29 2003

LIQUOR CONTROL & LICENSING BRANCH
SURREY REGIONAL OFFICE

LOUNGE
CAPACITY

108

South-west portion of Block 5
of Section 23 BSM P.W.
New Westminster District.

FLAMINGO HOTEL WHALLEY & C.

LIQUOR CONTROL
RECEIVED
MAR 0
AM VICTOR

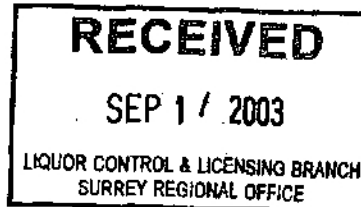
NSING



September 16, 2003

73500-20/FLA
Job # 701888-20 (LP)
2298361-15 (LRS)

665070 B.C. Ltd.
Flamingo Motor Hotel
c/o 7142 - 114A Street
Delta, BC
V4E 1X5



Dear Sir/Madam:

Re: Restaurant Transfer of Licence - Approval in Principle Granted
Establishment Name & Address: Flamingo Motor Hotel, 10768 King George VI Hwy., Surrey, BC V3T 2X7
Licence #083030 Liquor Primary^{NR}

I am pleased to advise that your application for a transfer of a restaurant liquor licence has now met all eligibility requirements, specifically: applicant suitability, public interest, residency and age requirements and proof of no unlawful association or interest with a winery, brewery, distillery or Ubrew/Uvin, also known as tied houses. Based on these requirements, the transfer application has been approved in principle.

The next step in the licensing process requires you to contact the local liquor inspector Edwina Nazareth, at (604) 586-2657 to arrange for a final inspection interview. Once completed, the original documents will then be forwarded to the Victoria office for final review, and if approved, the transfer of the restaurant liquor licence in the new licensee's name, will occur.

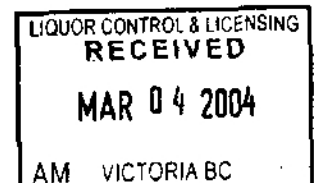
If you have any questions or require clarification, please call (250) 356-6527 or 1-866-209-2111.

Yours truly,

Trish Howell

Trish Howell
Licensing Clerk

cc: Inspector Edwina Nazareth
Consumer Taxation Branch (PST # 356773)
Raj Binpal (Fax - (604) 543-0331)
Stephanie Watts - LDB - Vancouver



Ministry of Public
Safety and Solicitor
General

Liquor Control and
Licensing Branch

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

Location:
Second Floor, 1019 Wharf Street
Victoria BC

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



BRITISH
COLUMBIA

No. A013791

Liquor Control and Licensing Act
and Regulation 608/76

CONTRAVENTION NOTICE

Liquor Control and Licensing Branch, Ministry of Attorney General

Establishment Name: Flamingo Motor Hotel

Establishment Address: 10768 King George Hwy

Surrey BC V3T 2X9

Licence #: 83030 Date: 09/20/02 Time: 1959

Licensee Name: G S A. Enterprises Ltd.

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

Minors

☐ Supplying to minors s. 33

☐ Minors in premises s. 35

Criminal or riotous conduct

☐ Drunkenness, violent, quarrelsome, disorderly conduct s. 36(2)(a)

☐ Permitting unlawful activities/conduct s. 36(2)(b)

Weapons

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

Overcrowding

☐ Overcrowding beyond BOL Reg. s. 4(7)

☐ Licence capacity - Reg.

Service

☐ Serve while under suspension s. 20

☐ Operating outside class s. 20(1)(d), s. 16

☐ Service without food Reg. s. 17(2)

☐ Fail to clear 1/2 hour beyond closing Reg. s. 8(1)

☐ Allowing to consume 1/2 hour beyond closing - Reg. s. 8(2)

☐ Liquor removed from establishment Reg. s. 11(3)

☐ Liquor not purchased in establishment Reg. s. 11(2)

☒ Fail to comply with RBS Reg. s. 7.1(3)

☐ Licensee or employee consume liquor in premises Reg. s. 10

☐ Free liquor Reg. s. 12(1)

☐ Reduced pricing Reg. s. 12(1)

Entertainment

☐ Prohibited entertainment s. 50

☐ Dancer prohibited acts s. 50

Other

Details: No employee on duty with
RBS (L) 1 No red line at floor plan
L Nazareth

Inspector's Name (please print): L Nazareth

Inspector #: 106 Telephone: (604) 5562657 Area: Surrey

Management Acknowledgement (Name and Title)

s.22

Advertising

☐ Advertising contrary to Reg. s. 24.2(2)

Gambling

☐ Gamble in premises s. 36(2)

☐ Device for gambling s. 36(2)(c)

Intoxicated patron

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

☐ Permit a person to become intoxicated s. 43(2)(a)

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

Licensee responsible

☐ Operate contrary to public interest s. 20(1)(c.1)

Illicit alcohol

☐ Sale of illicit liquor s. 38

☐ Unlawful purchase s. 39

☐ Over counter purchase of liquor Reg. s. 6

☐ Dilute/adulterate liquor s. 38.1

Inspections

☐ Refuse to permit entry to peace officer s. 67

☐ Refuse to permit entry to inspector s. 73, Reg. s. 16

☐ Refuse to allow premises inspection s. 73

☐ Refuse to produce documents or liquor samples for inspection s. 73

☐ B not primarily engaged in the service of food s. 20(1)(d), s. 18, Reg. s. 17(2)

☒ Contravening a term and condition s. 12

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.



Establishment Name:FLAMINGO MOTOR HOTEL
Current Establishment Name:FLAMINGO MOTOR HOTEL
Address:10760 KING GEORGE VI HWY

City:SURREY
Establishment No:828

Prov: BC

| Application No NR | Application Received | Application Status | Licence No | Licence Class | Licence Approved | Licence Status |
|-------------------------|-------------------------|-----------------------|---------------|------------------|---------------------|-------------------|
| 23848 NR | 12-SEP-1997 | E | 83030 | ALO | 15-FEB-1982 | A |

Count: *19

<Replace>

No Enforcement Action Recommended

Re: Contravention notice number: A013791

Inspector's Name: Edwina Nazareth

Date: September 23, 2002

Office Location: Surrey

Submitted To: Robert Lanon

Establishment Information:

Establishment Name: Flamingo Motor Hotel

Establishment Address: 10768 King George Hwy Surrey V3T 2X9

Licence No: 83030 Licence Class: A Lo Expiry Date: July 31, 2003

Licensee Name: G.S.A. Enterprises Ltd.

Terms and Conditions noted on licence face:

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

Contravention Information:

Date Identified: Friday, September 20, 2002

Time Identified: 1959

Contravention Name (e.g. supplying to minors)

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

1. Fail to comply with RBS
2. Contravening a term and condition
- 3.
- 4.
- 5.

1. Reg. s. 7.1(3)
2. s.12
- 3.
- 4.
- 5.

Review and Analysis:

I have reviewed:

Facts and circumstances of the contravention

☒ Yes ☐ No

Establishment compliance history

☒ Yes ☐ No

- Number of contravention notices on file: 0 for the Lounge
- Number of contravention notices in past 12 months: 0 for the lounge
- Name, date(s) of any proved contravention(s) and the enforcement action taken: n/a for the Lounge

Licensee compliance history

☐ Yes ☒ No

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

Other file information

☒ Yes ☐ No

Compliance and Enforcement Program, Policy and Procedures Manual

☒ Yes ☐ No

Reasons no enforcement action recommended:

A routine inspection was conducted at the establishment on 2002Sep20 at 1959hrs by inspectors Kane Scott and Edwina Nazareth.

s.22 was in charge of the lounge. She did not have the appropriate RBS. No employee on duty that night was certified with RBS (L).

The red lined floor plan was not available for inspection.

s.22 was advised on how to go about getting RBS (L) and how to apply for the red lined floor plan.

Enforcement action is not recommended.

