



From
the
Chair ...

DAVID C. GAVSIE

*I*t is a pleasure to write this first column in Licence Line since my appointment as Chair of the Alcohol and Gaming Commission of Ontario.

We, at the Commission, work diligently to provide all of our stakeholders and clients with an efficient operation that takes into consideration the public concerns around the sale and service of beverage alcohol, and the legitimate needs of licensees and others, who depend on this business sector to make a living. We want to be supportive of our client groups. We fully realize the vital importance of the hospitality sector to the province's economy.

At the same time, we must carry out the responsibilities given to us by the Legislature of Ontario to enforce the liquor regulatory regime focusing on public safety and consumer protection.

In balancing these duties, a number of initiatives have been taken over the last few months.

We have recently moved forward in an effort to streamline the **Hearing Process** and are refining the way that we schedule requested Hearings. We have introduced new **Rules of Practice** that apply to hearings before panels of the AGCO Board. (See Licence Line Volume 5, Issue 2, 2005 at www.agco.on.ca).

We are aware that delays in the area of hearings have been the subject of irritation for some time amongst licensees and industry groups.

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See Chair's Column**

We have moved !

The head office of the Alcohol and Gaming Commission of Ontario has moved to a new location. We are now located at:

**90 Sheppard Avenue East, Suite 200
Toronto, Ontario M2N 0A4**



AGCO – NEW LOCATION

This new location is conveniently located on the Yonge Street subway line and is only one block east from the Yonge/Sheppard Ave. intersection. Main Reception Offices will be on the 2nd floor, and the Hearing Offices/Rooms will be on the 3rd floor.

All current telephones lines will remain in operation.

Check our website at www.agco.on.ca in connection with the new location. ■

Liquor Licence Act is under review

The Ontario government has launched a wide-ranging consultation process and review of the *Liquor Licence Act* and Regulations.

"It is important to continue to update the act to ensure it meets the needs of the public and business", said **Government Services Minister, Gerry Phillips**, who is responsible for beverage alcohol regulation and enforcement in Ontario.

Ted McMeekin MPP, Parliamentary



TED McMEEKIN

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AGCO Board of Directors

05/2006

Alcohol and Gaming Commission of Ontario
90 Sheppard Avenue East, Suite 200
Toronto, Ontario
M2N 0A4



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We are working diligently to shorten the length of time in these areas. We are working to reduce the timeframe between the receipt of the request for a hearing and the time it takes us to secure a mutually convenient date(s) for the matter to be heard.

Also, after hearings, Board Members are asked to write the decisions as quickly as possible, bearing in mind their schedules and other constraints. (It is worth noting that our Board is comprised mostly of part-time members, six of nine).

I would like to draw your attention to our website that has been updated to provide further clarity to licensees and industry groups: and page 10 of this Edition of Licence Line under the heading, "Guidelines on proposing your suspension dates."

LLA review

Also, in this edition of Licence Line is an item relating to the government's consultation with respect to updating the **Liquor Licence Act and Regulations**. Several public meetings have already been held across the province.

This effort is to ensure the Act (LLA) serves the public interest. The bottom line is stronger public safety, better service delivery and more consumer choice.

And finally, effective January 16, 2006 the Ministry of Finance in cooperation with the AGCO has reduced licensee prices on all wines, spirits, coolers and beer sold by the LCBO. These reductions are in support of the hospitality sector and will result in more than \$25 million annually in savings.

Through streamlining services to reviewing liquor regulations, the government and the AGCO make every effort to ensure that the policy relating to the responsible sale and service of beverage alcohol in Ontario is fair to the operators in the business, and address legitimate concerns by the public for effective enforcement.

I am always happy to hear from our stakeholders about matters concerning our responsibilities in administering the liquor laws of the province. I can be reached by contacting my Executive Assistant and Manager of Hearings by e-mail at paula.konstantinidis@cbs.gov.on.ca

D. Gavsie

David C. Gavsie
Chair

New Parliamentary Assistant appointed

Premier Dalton McGuinty has appointed **Liz Sandals**, MPP Guelph-Wellington, as the Parliamentary Assistant to the Minister of Government Services.

The Ministry of Government Services (MGS) has responsibility for the province's liquor regulatory policy. The Alcohol and Gaming Commission of Ontario reports to this ministry.



LIZ SANDALS

Ms. Sandals grew up in Guelph and received a Bachelor of Science from the University of Guelph and a Master of Mathematics from the University of Waterloo.

Prior to her election to the Ontario Legislature in 2003, she was the head of the Ontario Public School Boards' Association from 1998 to 2002. She was also Ontario's representative on the board of directors of the Canadian School Boards' Association.

She had previously been Parliamentary Assistant to the Minister of Community Safety and Correctional Services and a member of the Education Policy of Cabinet.

Ms. Sandals is a member of the Standing Committee on Finance and Economic Affairs.

Relocating a liquor inventory off an old licence to a new licence

If you are contemplating moving from your current licensed establishment to a new location, besides applying for a liquor licence at the new location, consider what you are going to do with the liquor you currently own when you move.

The licence holder may keep for sale, sell and serve, only liquor that the licence holder purchased under the licence.



The liquor from your existing premise has been purchased under your current licence, but taking this liquor to your new licensed premise is not allowed under Regulation 719/90 section 31(1)(c), which states:

Your licence does not move from premise to premise, and your new premise will be given a new licence number.

Before you move location you should check with your local LCBO store to advise you how to transfer your existing purchases to your new licence.

continued from page 1 - **LLA Under Review**

Assistant to the Minister* is leading the review process. He has been holding public meetings across the province since December 2005 and meeting with the various stakeholders in the liquor industry.

It is the first major public review of the *Liquor Licence Act* since 1986.

The government is seeking input before developing specific amendments to the LLA and its Regulations. The review will not address how liquor is retailed, priced or distributed in the province.

*On March 6, 2006, Mr. McMeekin was appointed Parliamentary Assistant to the Minister of Education. However, he will continue to head up the LLA Review.

Decision Summary

The following establishments were recently brought before the Board of the AGCO for disciplinary action. The list represents only those licensees that received suspensions of 14 days or more and revocations for the period beginning August 1, 2005 ending March 31, 2006. Any omissions will be reflected in our next edition. Sanctions for similar infractions may vary in length according to the specifics of each case. Details about all Board decisions are now available on QUICKLAW.

ESTABLISHMENT	INFRACTION	SANCTION
After Life Nightclub, Toronto	Overcrowding; permitted drunkenness	21 days
Amazonas Latin Lounge & Bar, Ottawa	The licensee failed to comply with the requirements of a special occasion permit	19 days
Athena Palace Bar, Toronto	Failure to clear signs of service; breach of condition	21 days
Atlantis/Brass Pub/Columbus Billiard Room, Belleville	Service outside prescribed hours; serving minors; permitted drunkenness	21 days
Bikini Bob’s Inc., Grand Bend	Permitted removal of liquor from premises; overcrowding	15 days
Billy Bob’s, Hamilton	Liquor sold to person who appears to be intoxicated; serving minors; overcrowding; permitted drunkenness, violent and disorderly conduct	40 days
Bis Pasta & Panini Bar, Toronto	Illegal liquor; liquor not in original container; liquor not purchased under licence	30 days
Bleachers Bar ‘N Eatery, Midland	Permitted drunkenness	18 days
Blue Boy Restaurant, Sault Ste. Marie	Liquor sold to person who appears to be intoxicated; serving minors; failure to facilitate inspection; permitted removal of liquor from premises; permitted drunkenness	40 days
Blue Star Restaurant, Toronto	Liquor sold to person who appears to be intoxicated; obstructing an inspection; failure to facilitate inspection; permitted removal of liquor from premises; permitted drunkenness; non-compliance with <i>Fire Marshals Act</i> ; failure to retain records of sales and purchases of liquor; breach of condition	21 days
Boar’s Nest, Cardinal	Liquor sold to person who appears to be intoxicated; permitted drunkenness	24 days
Boulevard Restaurant Pub and Grill, Etobicoke	Liquor sold to person who appears to be intoxicated; liquor not purchased under licence; permitted drunkenness	14 days
Box Office Sports Bar and Restaurant (The), Windsor	Failure to clear signs of service; liquor not in original container; overcrowding; permitted narcotics on premises	18 days
Brass Taps, Toronto	Breach of condition	30 days
Budo Liquid Theatre, Toronto	Overcrowding	40 days
Cactus Pete’s Bar and Grill, Sudbury	Serving minors; overcrowding; failure to inspect identification	14 days
Café Grotto, Mississauga	Liquor sold to person who appears to be intoxicated; permitted drunkenness; failure to post licence in a conspicuous place	60 days
Cambridge Custom Brew, Cambridge	Gave liquor to person on licensed premises; stored or permitted the storage on the licensed premises of beer or wine that has been placed in containers; advertised	40 days
Carey’s Bar and Grill, London	Change to the corporate licensee without Registrar approval; liquor sold to person who appears to be intoxicated; permitted removal of liquor from premises; permitted drunkenness and disorderly conduct	21 days*
Carib Circle, Toronto	Breach of condition; permitted drunkenness	30 days
Casa Mendoza Restaurant and Inn - Oasis On The Lake, Toronto	Breach of condition	21 days
Champion Wok Restaurant, North York	Failure to post Fetal Alcohol Spectrum Disorder warning sign; liquor not purchased under licence; failure to post liquor menu	14 days
Charley Fitzwhiskey’s Tap and Eatery, Aurora	Serving minors; liquor sold to person who appears to be intoxicated; overcrowding; permitted drunkenness	14 days
Chopin Restaurant, Toronto	Permitted removal of liquor from premises; failed to have a defined partition making the premises readily distinguishable from adjacent premises	8 days
Churrasqueira O Espeto, Toronto	Failure to post Fetal Alcohol Spectrum Disorder warning sign; service outside prescribed hours	14 days

* All managers and servers must take Smart Serve® responsible server training program.

Decision Summary continued from page 3

ESTABLISHMENT	INFRACTION	SANCTION
Circus Room, Kitchener	Permitted drunkenness, quarrelsome, violent and disorderly conduct; obstructing an inspection; permitted narcotics on premises; failure to clear signs of service; breach of condition	28 days
Classicos Bar Café, Kitchener	Obstructing an inspection; failure to facilitate inspection; failure to clear signs of service	14 days
Club Paradise, Etobicoke	Permitted narcotics on premises	21 days
Club Phoenix London, London	Serving minors; permitted quarrelsome, violent and disorderly conduct	18 days
Club Princess, Sault Ste. Marie	Permitted drunkenness, violent and disorderly conduct; liquor sold to person who appears to be intoxicated	Revoked
Club Sando’s, Scarborough	Permitted drunkenness, violent and disorderly conduct	21 days
Cocamo (The), Kingston	Serving minors; permitted drunkenness, violent and disorderly conduct	21 days
Dolittle’s Pub and Eatery, Smith Falls	Liquor sold to person who appears to be intoxicated; permitted drunkenness	21 days
Downtown Z’s, Windsor	Not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i> ; breach of condition	Revoked
Drink...& Eat Too! Nightclub & Restaurant, London	Overcrowding	14 days
Eastgate Hotel & Night Club, Sault Ste. Marie	Breach of condition; serving minors; permitted drunkenness	25 days
Edgewood Golf Course, Woodlawn	Liquor not purchased under licence; permitted removal of liquor from premises; permitted unauthorized persons behind bar	14 days*
Einstein’s, Cornwall	Overcrowding	28 days
Elgin Delivery & Courier (LDS), St. Thomas	Licensee did not deliver the liquor to a person at the residential address listed in the purchase order; licensee completed delivery of liquor without obtaining a signed receipt; carried on business under a name other than the name set out on the licence	21 days
Embassy Hotel, London	Serving minors	14 days
First Choice Restaurant, Toronto	Overcrowding; permitted drunkenness	14 days
Fitzzy’s Oyster Bar, Barrie	Overcrowding	14 days
Fluid Lounge and Restaurant, Toronto	Permitted removal of liquor from premises; overcrowding	30 days
Foggy Notions Bar & Grill, Sault Ste. Marie	Permitted removal of liquor from premises; overcrowding	14 days
Galaxy Music Studio, Markham	Obstructing an inspection; failure to facilitate inspection; failure to post Fetal Alcohol Spectrum Disorder warning sign; failure to clear signs of service; encouraged immoderate consumption; permitted drunkenness, violent and disorderly conduct	30 days
Gel Bar, Collingwood	Serving minors; permitted removal of liquor from premises; overcrowding; permitted drunkenness, violent and disorderly conduct	27 days
Glory Days Sports Bar, Thunder Bay	Liquor sold to person who appears to be intoxicated; failure to clear signs of service; service outside prescribed hours; permitted drunkenness	30 days
Goddess Adult Lounge, Etobicoke	Permitted drunkenness and disorderly conduct	28 days
Harb (The), Owen Sound	Liquor sold to person who appears to be intoxicated; permitted drunkenness	30 days
Jerseys Sports Grill, Chatham	Contracted out sale and service of liquor; liquor sold to person who appears to be intoxicated; permitted drunkenness	30 days
Jim’s Tavern, Toronto	Liquor sold to person who appears to be intoxicated; permitted drunkenness, quarrelsome, violent and disorderly conduct; failure to post Fetal Alcohol Spectrum Disorder warning sign; liquor not purchased under licence; obstructing an inspection; failure to facilitate inspection; failure to retain records of sales and purchases of liquor; failure to post liquor menu; failure to post prices; public interest	Revoked

* All managers and servers must take Smart Serve responsible server training program.

Decision Summary continued from page 4

ESTABLISHMENT	INFRACTION	SANCTION
Joe, Toronto	Serving minors; permitted drunkenness	21 days
Johnny Mac’s Kingston Eatery, Kingston	Serving minors; permitted drunkenness	14 days
Joker, Toronto	Permitted drunkenness; permitted noise from licensed outdoor area to disturb persons who reside near the premises	15 days
Kabhi Kabhie, Toronto	Failure to post sign in a conspicuous place concerning suspension	15 days
Kabin Music Lounge, Toronto	Failure to post Fetal Alcohol Spectrum Disorder warning sign; liquor not purchased under licence; overcrowding	19 days
Kokkino, Toronto	Overcrowding; permitted violent and disorderly conduct	14 days
La Rouge Executive Club, Toronto	Liquor sold to person who appears to be intoxicated; obstructing an inspection; failure to facilitate inspection; overcrowding; permitted drunkenness; non-compliance with <i>Fire Marshals Act</i>	Revoked
Lifford Agencies, Toronto	Exceeded storage capacity of 180 litres	30 days
Liquid Night Club, Whitby	Serving minors	17 days
Little Memphis Cabaret, Windsor	Serving minors; failure to inspect identification; permitted drunkenness, quarrelsome and disorderly conduct	14 days
Lucy’s Dice Bar & Grill, East York	Failure to clear signs of service; obstructing an inspection; failure to facilitate inspection; permitted drunkenness	29 days
Manhattan Strip Restaurant & Tavern, Toronto	Obstructing an inspection	21 days
Mark’s Restaurant, Parry Sound	Serving minors; failure to inspect identification	20 days
McGibbon Hotel, Georgetown	Liquor sold to person who appears to be intoxicated; permitted drunkenness	14 days
Mexicali Rosa’s Restaurant, Ottawa	Liquor not purchased under licence; permitted drunkenness; breach of condition	14 days
Mink Nightclub, Toronto	Overcrowding; permitted drunkenness	17 days
Misty’s Fifties Bar & Grill, Sault Ste. Marie	Permitted drunkenness	28 days
Nascar Pit Sports Bar, Milton	Liquor sold to person who appears to be intoxicated; permitted drunkenness	15 days
Navaron Restaurant (The), Toronto	Public interest; permitted drunkenness and disorderly conduct	Revoked
Nazaret Bar, Toronto	Failure to clear signs of service	14 days
New Moon Bar and Restaurant, Toronto	No light meals available; permitted drunkenness and unlawful gambling; breach of condition	15 days
New Peking Restaurant, Scarborough	Service outside prescribed hours; failure to clear signs of service	30 days
O’Aces Bar & Café, Sault Ste. Marie	Liquor sold to person who appears to be intoxicated; permitted drunkenness	14 days
Ocean Sports Bar and Grill, Toronto	Service outside prescribed hours; failure to clear signs of service; permitted drunkenness and disorderly conduct	14 days
O’Ladies, Ottawa	Permitted violent and disorderly conduct	30 days
Olympia Restaurant, Welland	Failure to post Fetal Alcohol Spectrum Disorder warning sign; permitted drunkenness	14 days
Oxygen Nightclub & Lounge, Toronto	Overcrowding; permitted narcotics on premises	21 days
Paaeez, Toronto	Non-compliance with <i>Fire Marshals Act</i> ; failure to retain records of sales and purchases of liquor	14 days
Pane Vino Ed Armonia, Woodbridge	Liquor not purchased under licence; obstructing an inspection; failure to facilitate inspection	20 days
Peanuts Restaurant, Ottawa	Liquor sold to person who appears to be intoxicated; permitted drunkenness	45 days
Petrina’s Tap & Billiards/Riley’s Olde Towne Pub/The Junction, Peterborough	Overcrowding; permitted prohibited contest on premises	21 days
Philthy McNasty’s, Burlington	Permitted drunkenness	14 days

* All managers and servers must take Smart Serve® responsible server training program.

Decision Summary continued from page 5

ESTABLISHMENT	INFRACTION	SANCTION
Philthy McNasty’s, Oakville	Permitted drunkenness, violent and disorderly conduct; permitted narcotics on premises	14 days
Philthy McNasty’s, Toronto	Liquor sold to person who appears to be intoxicated; overcrowding	19 days
Piccadilly Circus, Toronto	Serving minors; failure to inspect identification; permitted drunkenness	18 days
Player’s Sports Bar, Toronto	Permitted removal of liquor from premises; breach of condition	21 days
Portuguese Café Bar, Toronto	Service outside prescribed hours	14 days
Prime Time, Oakville	Serving minors; permitted removal of liquor from premises	14 days
Privilege, Ottawa	Failure to post Fetal Alcohol Spectrum Disorder warning sign; permitted drunkenness	14 days
Purple Pig Restaurant, Bracebridge	Past conduct; not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i>	Revoked
Q Bar Restaurant & Grill, Toronto	Breach of condition; serving minors; permitted drunkenness	14 days
Roadhouse Bar & Grill, Sault Ste. Marie	Liquor sold to person who appears to be intoxicated; serving minors; permitted drunkenness	21 days
Rockcliffe Tavern, Minden	Contracted out sale and service of liquor	14 days
Roxy Blu, Toronto	Overcrowding; permitted narcotics on premises	18 days
Second Step Restaurant (The), Etobicoke	Liquor sold to person who appears to be intoxicated; permitted drunkenness	14 days*
Settebello Pizzeria Restaurant, Toronto	Liquor sold to person who appears to be intoxicated; permitted unauthorized persons behind bar; permitted drunkenness; non-compliance with <i>Fire Marshals Act</i>	21 days
Sizzling Plate Bar & Grill, Mississauga	Not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i>	Revoked
Spartans Restaurant & Sports Bar, North York	Service outside prescribed hours; failure to clear signs of service	14 days
Splash Cruising Bar and Night Club, Burlington	Overcrowding; permitted drunkenness	21 days
Sporting Club Ideal of Brampton, Brampton	Liquor not purchased under licence	25 days
Spot (The), Toronto	Serving minors; overcrowding; permitted drunkenness; permitted narcotics on premises	30 days
St. Clair Bakery Café, Toronto	Permitted drunkenness; failure to retain records of sales and purchases of liquor	21 days
Sugar Club, Toronto	Overcrowding	24 days
Sunny’s Cavern, Thunder Bay	Breach of condition	58 days
Tamworth Hotel, Tamworth	Liquor sold to person who appears to be intoxicated	21 days
Tara’s Restaurant, Toronto	Sale not under licence; liquor sold to person who appears to be intoxicated; liquor not purchased under licence; permitted removal of liquor from premises; permitted drunkenness	25 days
Trasheteria, Peterborough	Service outside prescribed hours; failure to clear signs of service	21 days
Tunnel Karaoke Lounge, Markham	Service outside prescribed hours	14 days
Turbo Niteclub, Toronto	Permitted violent conduct	30 days
Twelve Thirty Bar, Toronto	Illegal liquor; liquor not purchased under licence; encouraged immoderate consumption; liquor not in original container; no light meals available; failure to ensure sale and service of alcohol supervised by authorized employee; permitted unauthorized persons behind bar; non-compliance with <i>Fire Marshals Act</i> ; failure to post licence in a conspicuous place; failure to retain records of sales and purchases of liquor	16 days
Van Gogh’s Ear, Guelph	Serving minors; failure to inspect identification	21 days

* All managers and servers must take Smart Serve® responsible server training program.

Decision Summary continued from page 6		
ESTABLISHMENT	INFRACTION	SANCTION
W.A.H. Inc., Brockville	Liquor sold to person who appears to be intoxicated; serving minors; permitted drunkenness	19 days
West 89 Bar and Grill, Alliston	Serving minors; permitted drunkenness	14 days
West Side BBQ Restaurant, Toronto	Failure to retain records of sales and purchases of liquor; permitted removal of liquor from premises; permitted unauthorized persons behind bar; permitted drunkenness, violent and disorderly conduct	23 days
West Side Moronis, Gananoque	Service outside prescribed hours; permitted removal of liquor from premises; permitted drunkenness, violent and disorderly conduct; breach of condition	60 days
Why Wait? Delivery Service (LDS), St. Thomas	Licensee did not comply with order form requirements; licensee did not obtain a proper receipt at the time of delivery; licensee completed delivery of liquor without obtaining a signed receipt; serving minors; failure to inspect identification	21 days
The following is a list of sanctions where the licensee did not request a hearing and received suspensions of 14 days or more and revocations for the period beginning August 1, 2005 ending March 31, 2006. Any omissions will be reflected in our next edition. Sanctions for similar infractions may vary in length according to the specifics of each case.		
ESTABLISHMENT	INFRACTION	SANCTION
Allo Trattoria Bar, North York	Past conduct; not financially responsible in conducting its business - did not contest	Revoked
Atlantic Restaurant, Toronto	Service outside prescribed hours - did not contest	21 days
Bourbon St. Music Hall, Ottawa	Not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i> - did not contest	Revoked
Café Bar Galija, Kitchener	Serving minors; failure to inspect identification; permitted drunkenness and disorderly conduct; service outside prescribed hours; failure to clear signs of service; obstructing an inspection; failure to facilitate inspection – did not contest	28 days
Calabria Restaurant, Thunder Bay	Not financially responsible in conducting its business due to Retail Sales Tax Act - did not contest	Revoked
Canton Karaoke Lounge, Toronto	Service outside prescribed hours; failure to clear signs of service; obstructing an inspection; failure to facilitate inspection – did not contest	30 days
Costa’s Wine Country, Hamilton	Produced on the licensed premises liquor for sale or exchange; kept for sale or exchange, offered for sale or exchange, sold or exchanged beer or wine on the licensed premises; sale not under licence - did not contest	60 days
Croissant Tree (The), Toronto	Overcrowding - did not contest	28 days
Cruizers Bar and Grill, Port Colborne	Liquor not purchased under licence - did not contest	14 days
Energy Café, Kitchener	Illegal liquor; liquor not purchased under licence; overcrowding - did not contest	28 days
Four Seasons Bar & Café, Thornhill	Serving minors; failure to inspect identification; liquor not purchased under licence - did not contest	21 days
Frederick’s Restaurant, Kitchener	Not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i> - did not contest	Revoked
Groove Sports Bar, Toronto	Liquor not purchased under licence; sale not under licence; permitted removal of liquor from premises; overcrowding - did not contest	35 days
Kingston Indoor Golf & C.C., Kingston	Not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i> - did not contest	Revoked
Laurentian University, Sudbury	Liquor sold to person who appears to be intoxicated; liquor not purchased under licence; encouraged immoderate consumption; permitted drunkenness - did not contest	21 days
Lockmasters, Smiths Falls	Not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i> - did not contest	Revoked
* All managers and servers must take Smart Serve responsible server training program.		

Decision Summary continued from page 7

ESTABLISHMENT	INFRACTION	SANCTION
Maxwell’s Deli, Belleville	Liquor sold to person who appears to be intoxicated; permitted drunkenness - did not contest	Revoked
O Descanco Sports Bar, Toronto	Breach of condition; service outside prescribed hours; permitted removal of liquor from premises - did not contest	14 days
Pacific Hotel, Wiarton	Liquor sold to person who appears to be intoxicated; permitted drunkenness - did not contest	14 days
Papa Luigi’s Roadhouse Restaurant, Blenheim	Not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i> - did not contest	Revoked
Purple Pig (The), North Bay	Not financially responsible in conducting its business due to <i>Retail Sales Tax Act</i> - did not contest	Revoked
Relax We Clean & Deliver, Owen Sound	Licensee did not comply with order form requirements; licensee did not obtain a proper receipt at the time of delivery; licensee completed delivery of liquor without obtaining a signed receipt; licence holder did not retain order forms and receipts for one year – did not contest	21 days
Rudy’s Roadhouse, Fort Erie	Service outside prescribed hours; failure to clear signs of service; permitted removal of liquor from premises; permitted noise from licensed outdoor area to disturb persons who reside near the premises - did not contest	28 days
Sunrise Restaurant, Bowmanville	Failure to post Fetal Alcohol Spectrum Disorder warning sign; liquor not purchased under licence; liquor sold to person who appears to be intoxicated; permitted drunkenness - did not contest	21 days
Tex Mex Loose Change Charlie’s Bar & Grill, Mississauga	Liquor not purchased under licence; failure to post sign concerning suspension; failure to post sign in a conspicuous place concerning suspension - did not contest	28 days
West End Grill, Westport	Obstructing an inspection; failure to facilitate inspection; breach of condition - did not contest	28 days
Yitz’s Restaurant, Toronto	Failure to post Fetal Alcohol Spectrum Disorder warning sign; liquor not purchased under licence – did not contest	14 days
* All managers and servers must take Smart Serve responsible server training program.		

Bulletin -- Poker illegal in licensed premises

The Ontario Provincial Police Illegal Gambling Unit is advising charitable organizations, clubs, lounges and bars that are holding poker events that they may be breaking the law.

Poker events, including those for charitable or non-profit purposes, taking place at liquor licensed establishments are not licensed by the **Alcohol and Gaming Commission of Ontario**.

Liquor licensed establishments are considered “a place kept for gain” and gambling taking place from a poker event in these establishments may be considered illegal under the *Criminal Code of Canada*.

An establishment wherein directly or indirectly a fee is charged to or paid by the players for the privilege of playing or participating in a poker game (including donations), may also be considered illegal under the *Criminal Code of Canada*. The fact that all entry fees for these poker events are returned to the players as prizes does not make the event legal.

An establishment wherein any portion of the bets or proceeds from the poker game that are paid directly or indirectly to any “keeper” (e.g. owner, occupier, person with care or management) of the establishment may also be considered illegal under the *Criminal Code of Canada*.

Liquor licensed establishments found contravening the illegal gambling provisions of the *Criminal Code of Canada* may also be subject to penalties under Ontario’s *Liquor Licence Act*, including fines and/or suspension of the licence.

The Illegal Gambling Unit of Ontario is a law enforcement body and does not provide legal advice and/or legal opinions on individual scenarios. The Illegal Gambling Unit of Ontario cannot approve or authorize any social gaming event anywhere in the Province of Ontario.

We strongly caution and encourage any member of the public to consult with his/her legal counsel prior to embarking on any poker gaming events to ensure that such activity does not contravene the *Criminal Code* of Canada and/or the *Liquor Licence Act*.

Illegal Gambling Unit of Ontario

Central/Northern Ontario:
1-705-735-4700

Eastern Ontario : 1-613-270-0878

South Western Ontario :
1-519-474-8900

Toronto Area: 1-416-235-3503

GTA Area: 1-705-735-4700





Warning:

Drinking alcohol during pregnancy can cause birth defects and brain damage to your baby.

1-877-FAS-INFO • www.alcoholfreepregnancy.ca



Sandy’s Law (reminder)

A reminder to all licensees that you must have posted in a prominent location at your licensed premises an information poster warning women that drinking alcohol during pregnancy may cause fetal alcohol spectrum disorder (FASD).

This law came into effect on February 1, 2005.

The penalty for failure to post the information is, upon conviction, a maximum fine of \$100,000.00 and/or up to one year in prison.

Details of this legislative requirement can be found on our website www.agco.on.ca or telephone toll-free 1-800-522-2876 or (416) 326-8700. ■

Action taken against violations of Brew-on-Premises (U-Brew/U-Vin) operators

In March of 2000, regulations came into effect relating to the operations of Brew-on-Premises (BOP) facilities. The regulations, under the *Liquor Licence Act (LLA)* set out the responsibilities of the operator and the duties of the customer in making wine and beer products at these types of establishments, often referred to as U-brews.

For a full understanding of the requirements and laws regarding BOPs, please refer to the **LLA Regulation 58/00**.

Since these rules have come into operation, several operators have had their licenses revoked or suspended.

Most of the violations occur because operators were essentially making the wine or beer for sale to customers, instead of the customers making the product themselves, as required by Regulation.

Cheap wine

In one case, a BOP operator had almost 13,000 litres of finished wine he was illegally selling to the public, and was fined \$1000.00. In another instance, an operator’s licence was suspended for 40 days for advertising the availability for sale of “cheap wine” and giving liquor to a person in the licensed premises. Many licenses are revoked for failure to pay retail sales taxes.

A BOP licence allows an operator to provide a facility where equipment for the making of wine or beer on the premises is available to individuals. The specific location is to be used exclusively for customers who make their own beer or wine for personal consumption.

All licensees must be licensed by the AGCO and registered with the *Ministry of Finance, Retail Sales Tax Branch*. ■

Extension of payment terms by agents is illegal

It has come to the attention of the AGCO that some manufacturer’s agents may be extending payment terms to their customers.

This is clearly an illegal practice under the *Liquor Licence Act* and Regulations.

Extending payment terms is viewed as an indirect inducement and agents are prohibited from this activity pursuant to Section 2 (1) of Ontario Regulation 720 of the *LLA* which states:

- A manufacturer of liquor or an agent or employee of a manufacturer shall not directly or indirectly offer or give a financial or material inducement to a person who holds a licence or permit under the *Act* or to an agent or employee of the person for the purposes of increasing the sale or distribution of a brand of liquor.

Manufacturers’ representatives are permitted to accept payment for liquor delivered to liquor sales licensees by cash, debit/credit card or by cheque.

The penalty for conviction of violation of this Regulation is up to \$250,000 for a manufacturer; and for an individual, up to \$100,000 and/or up to one year in jail. The AGCO may also take disciplinary action in the form of a revocation or suspension of a licence. ■

AGCO website has lots of information

If you are looking for general information on beverage alcohol, how to apply for a liquor sales licence or other liquor licensing matters, please visit our website at www.agco.on.ca. You can download, and fill out on screen, liquor related forms such as liquor licence applications, renewals, transfers, etc. ■



Guidelines on proposing your suspension dates

Note: In the last issue of Licence Line (Volume 5 issue 2, 2005) we described in detail revisions to the Hearing Process and new Rules of Practice. These changes have led to a much more efficient and time saving process that is of benefit to both the licensees who get involved in Hearings before the Board, and reduces administrative costs for the AGCO. Below is some additional refinement to this process that we trust will add to the success of our prior endeavors.

Where a liquor licence for an establishment is suspended by Oral or Written Order by the Board of the Alcohol and Gaming Commission of Ontario (AGCO), licensees may be invited to submit proposed dates for when the suspension may be served.

These guidelines are to assist Licensees in proposing suspension dates for consideration by the Board. If a Licensee chooses to propose suspension dates, the proposed suspension dates may be reviewed and commented upon by Registrar’s Counsel.

The Board will take into consideration both the dates proposed by a Licensee and the comments made by Registrar’s Counsel before a final Order setting the date of suspension is issued by the Board. It is the Board’s prerogative to accept or reject the proposed dates and to set the suspension dates or request new proposed dates from the Licensee and Registrar’s Counsel.

In submitting proposed dates, Licensees should comply with the following:

- The **proposed** suspension dates are to be submitted in **writing** to the Manager of Hearings of the Alcohol & Gaming Commission of Ontario, 90 Sheppard Avenue East, Suite 200, Toronto, Ontario, M2N 0A4, Fax 416-326-5566, within **SEVEN (7) days** of the date of the Oral or Written Order. Proposed suspension dates must be in writing and will not be accepted verbally.
- A copy of the written proposed suspension dates must be given to Registrar’s Counsel within the same seven day period.
- Registrar’s Counsel will provide written comments on the proposed suspension dates to the Licensee and the Board within a further **SEVEN (7) days**.
- If the Manager of Hearings does not receive the proposed suspension dates within **SEVEN (7) days** of the date of the Oral or Written Order, or the written response of the Registrar’s Counsel within a further **SEVEN (7) days**, the Board will set the dates for the suspension without further notice to the Licensee or Licensee’s counsel/agent.

In proposing suspension dates Licensees should note the following:

- The suspension should be served on **consecutive** days and should include the same day of the week that the infracton(s) occurred.

- The suspension should be served on days that the licensed establishment would normally be open.
- Statutory holidays should not be included in the Licensee’s proposed suspension dates (unless the establishment is normally open on the Statutory holiday – see above).
- The suspension should **not** commence for at least **20 days** following the Order date and should be completed within **90 days** of the Order date.

The panel will make its decisions on a case-by-case basis regarding suspension dates.

For more information please visit our web site at <http://www.agco.on.ca> or contact us at (416) 326-0366. ■

AGCO Board of Directors

as of March 31, 2006

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Licence Line is published by the Alcohol and Gaming Commission of Ontario to provide licensees and interested parties with information regarding alcohol legislation and related issues. Reader contributions, letters and suggestions are welcome. This newsletter is available free of charge to all holders of a liquor sales licence in Ontario.

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