

**HEARING BEFORE A PANEL  
OF THE BOARD OF THE  
ALBERTA GAMING AND LIQUOR COMMISSION**

**IN THE MATTER OF the Gaming and Liquor Act  
Revised Statutes of Alberta 2000, Chapter G-1  
current as of November 1, 2010  
and the Regulation**

and

**IN THE MATTER OF Monster J. Holdings Inc.  
o/a Oxford Hotel  
112 – 1 Street West  
Brooks, Alberta  
T0J 0J0**

**concerning alleged contraventions**

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<b>DATE OF HEARING:</b>	June 25, 2015
<b>HEARING PANEL:</b>	Mr. W.J. Anhorn, QC, Panel Chair Mr. B.C. Shervey, Panel Member Mr. W.A. Clark, Panel Member
<b>COMPLIANCE AND SOCIAL RESPONSIBILITY:</b>	Mr. H., Hearing Officer Ms. O., Resource Officer

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**DECISION OF THE HEARING PANEL**

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**I. Jurisdiction and Preliminary Matters**

After receiving a report dated March 5, 2015 from the Vice President of the Compliance and Social Responsibility (CSR) Division of the Alberta Gaming & Liquor Commission (AGLC) the Board of the AGLC, at its March 26, 2015 meeting, convened a hearing for Monster J. Holdings Inc. operating as Oxford Hotel, Brooks. A hearing was subsequently scheduled for April 15, 2015. The hearing was adjourned at the request of the licensee, Mike Komljenovic, and his legal counsel and rescheduled for June 25, 2015. At the time the adjournment was granted, it was granted preemptory on the licensee.

A Hearing Panel of the Board of the AGLC met on June 25, 2015 to examine alleged contraventions of Sections 5.11.8 and 5.11.7(c) of the Licensee Handbook and Sections 91(1)(a), 71(3) and 99 of the *Gaming and Liquor Act*.

The licensee and the Hearing Panel were provided with a hearing file containing incident reports dated February 24, 2015 and March 3, 2015, together with various documents pertaining to alleged incidents occurring on the premises of Oxford Hotel, Brooks on October 18, 24 and 26, 2014, December 12 and 13, 2014, January 24, 2015 and February 28, 2015. The incident reports and hearing file were entered into evidence by the CSR Division as Exhibit 1.

Mr. H. presented the case on behalf of the CSR Division. There was no representative of the Oxford Hotel in attendance at the hearing, although the licensee was provided with advanced notice of the hearing date. The Board Secretary and the Hearing Officer attempted to contact the licensee in advance of the hearing to confirm his attendance however the licensee did not respond. The Notice of Hearing was served on the licensee by the RCMP on April 1, 2015. The hearing was scheduled to begin at 10:00 a.m. The Panel Chair commenced the hearing at 10:30 a.m. At 10:59 a.m., the licensee sent an email to the Board Secretary advising he would not be attending the hearing. The email was entered into evidence by the CSR Division as Exhibit 2.

The CSR Division presented its evidence and called several witnesses including, Corporal P., Constable F., Constable A., Inspector M. and Inspector A..

### **Finding**

The Panel has concluded that there is more than sufficient evidence to support there was a violation(s) of Sections 5.11.8 and 5.11.7(c) of the Licensee Handbook and Sections 91(1)(a), 71(3) and 99 of the *Gaming and Liquor Act* and accordingly, makes a finding to that effect.

The Panel is particularly concerned with the circumstances, as outlined by the evidence and contained in the incident reports (Exhibit 1), relating to the events of February 28, 2015 and the finding there has been a violation of Section 99 of the *Gaming and Liquor Act*. Section 99 reads as follows:

“No person may hinder, obstruct or impede an inspector in the performance of the inspector’s duties or in the exercise of the inspector’s powers”.

There has been a consistent and ongoing pattern of behavior displayed by the licensee and director/shareholder of Monster J. Holdings Inc., M. K., which reflects a complete and total lack of respect for authority and the rule of law. His attitude towards persons in authority has been described as “negative”, “un-cooperative”, “argumentative” and “unprofessional”. The events of February 28, 2015 reflect this attitude and can only be described as deplorable.

The holding of a liquor licence is a privilege, not a right. The licensee in these circumstances has abused that privilege to the point where cancellation of the licence is not only necessary but required, in order to maintain the integrity of the system and restore some semblance of order to the community.

Accordingly, pursuant to Section 91(2)(d) of the *Gaming and Liquor Act*, Class A Minors Prohibited Liquor Licence 765995-1 issued to Monster J. Holdings Inc. operating as Oxford Hotel, Brooks is cancelled by the Panel, as of the date of this decision.

A full written decision, including the evidence, will follow.

Signed at Calgary, Alberta this 26<sup>th</sup> day of June, 2015.



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W.J. Anhorn, QC, Hearing Panel Chair