

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

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

and

**Yohannes Mulu
o/a Monte Carlo Lounge & Bar (Applicant)
322 10 Street NW
Calgary, AB T2N 1V8**

DATE OF HEARING:	August 9, 2023
HEARING PANEL:	Vincent Vavrek, Presiding Member Jack Fujino, Panel Member Maureen Moneta, Panel Member
APPLICANT / REPRESENTATIVE:	Yohannes Mulu, Owner/Operator
REGULATORY SERVICES DIVISION:	Toni Hazelwood, Hearing Officer

DECISION OF THE HEARING PANEL

The Panel finds that the Licensee (Applicant) contravened section 91(1)(a) of the *Gaming, Liquor and Cannabis Act* (the Act) on three counts. The Panel finds that the Licensee did not take all reasonable steps to prevent the contraventions from occurring,

In accordance with section 94(7)(b) of the Act, the Panel replaces the original administrative sanction imposed by the Regulatory Services Division (Regulatory Services) with a fine of \$1,000 or a 4-day suspension of the Class-A Liquor Licence numbered 779324-1.

The fine is to be paid on or before September 25, 2023 or the suspension served commencing with the normal opening of business on September 27, 2023 and continuing until the normal close of business on October 1, 2023.

I. Jurisdiction and Preliminary Matters

[1] By letter dated March 21, 2023, Regulatory Services of Alberta Gaming, Liquor and Cannabis Commission (AGLC) advised Yohannes Mulu, operating as Monte Carlo Lounge & Bar, (Monte Carlo) that the licensee contravened:

- Section 91(1)(a) of the Act: The Board may do any one or more of the things referred to in subsection (2) if the Board is of the opinion that a licensee or registrant has failed to comply with this Act, an order of the Board or a condition imposed on a licence or registration.

[2] Regulatory Services imposed an administrative sanction of a fine of \$250 or, in the alternative, a 1-day suspension of the Licensee's Class-A Liquor Licence numbered 779324-1.

[3] The Licensee subsequently applied for a hearing before a Panel of the Board of AGLC pursuant to section 94(1) of the Act.

[4] In accordance with section 11 of the Act, the Board Chair designated three members of the Board to sit as a Panel to conduct the hearing and make a decision – Vincent Vavrek (Presiding Member), Jack Fujino, and Maureen Moneta.

[5] The parties and the hearing Panel were provided with a record containing various documents pertaining to the issues before the panel. The Applicant confirmed receipt of the Notice of Hearing dated June 7, 2023 and the attached hearing record. The following documents were entered into evidence:

- Exhibit 1 Hearing Record, including Tabs 1 to 3
- Exhibit 2 Monte Carlo Employee Statutory Declarations

II. Issues

[6] Did the Licensee contravene section 91(1)(a) of the Act? If so, should the administrative sanction of a \$250 fine or a 1-day suspension imposed by Regulatory Services be confirmed, replaced, or cancelled?

[7] If Monte Carlo contravened section 91(1)(a) of the Act, is there evidence that the Licensee took all reasonable steps to prevent its employee or agent from contravening the provision in accordance with section 121 of the Act?

III. Regulatory Services Submissions

[8] Regulatory Services called three witnesses to give evidence:

- Ryan Zeniuk, AGLC Inspector
- Petrina Nash, Supervisor, AGLC Inspections
- Constable Steve Feeney, Calgary Police Service, Public Safety Compliance Team

Background

[9] Inspector Zeniuk has been an Inspector with AGLC since 2021 and Supervisor Nash has been with AGLC for 23 years. Constable Feeney is a member of the Calgary Police Service (CPS) working in major events and emergency management. As part of his role, he is a member of the Public Safety Compliance Team (PSCT) which is a multi-agency task force team that visits licensed premises that need additional education and enforcement with respect to compliance with their business or liquor licence, public health requirements, or safety. The following is a summary of the evidence provided by Inspector Zeniuk, Supervisor Nash and Constable Feeney.

[10] Supervisor Nash has had numerous dealings with Monte Carlo as a result of ongoing issues of violence and firearm related incidents inside or directly outside of the licensed premises, including:

- an incident involving a firearm behind the premises in July 2019.
- an incident involving a firearm outside the rear exit, with a 911 call originating from inside the premises, in July 2020.
- individuals involved in an altercation inside the premises exited the premises and a firearm was produced in October 2020 and again in June 2022.
- Yohannes Mulu, Owner/Operator, was arrested and charged with operating a vehicle while apparently intoxicated in June 2022. He was found to be in possession of a concealed, loaded handgun during the arrest.
- a drive by shooting occurred and two patrons were injured in September 2022.

[11] Constable Feeney cited the same serious incidents and described Monte Carlo as a drain on police resources as a result of numerous calls for service. Constable Feeney stated that firearm related calls particularly cause a high workload for police. Between January 2020 and December 2022, there were 28 calls made for incidents occurring at Monte Carlo, 5 of which involved firearms.

[12] Constable Feeney stated that, in his 12 years on the PSCT, he cannot recall any premises with as many firearm related offences as Monte Carlo.

[13] Supervisor Nash detailed other issues encountered at Monte Carlo, including failing to request proof of age from patrons under the age of 25, self-service of liquor, staff not complying with COVID-19 protocol, after-hours activity and overcrowding.

[14] As a result of the ongoing issues, on October 19, 2022, AGLC proposed that the following conditions (the conditions) be imposed on Monte Carlo's Class A liquor licence:

- (1) An incident logbook is to be maintained at the premises to record incidents (e.g., patron removals, intoxication, fights, disturbances, police attendance, etc.) and action taken by staff. The incident log shall include the date, time, type of incident, incident details, and names of parties involved. The incident log is to be available to the AGLC and/or police on request and retained for 24 months.
- (2) The premises must have video surveillance approved by the AGLC, as follows:

Video surveillance recording devices and lighting at each entrance to the premises, of sufficient quality to identify facial features of patrons entering the premises and door staff working at the entrances. Video surveillance recording devices and lighting to provide complete camera/surveillance coverage of patron areas (excluding washrooms) of sufficient quality to identify facial features of patrons and staff.

Video surveillance must be fully operational at all times the premises is open for business. Video surveillance recording devices must display the date (including day, month, and year) and time, accurately and constantly on the frames of the recordings.

The video surveillance recordings must be retained for a minimum of 28 days and shall be made available to AGLC staff on request. Recordings must be accurately dated and labeled for ease of reference.

- (3) Clearly written/printed signs must be prominently displayed to advise of video surveillance equipment locations. Signage must be placed such that the public has reasonable and adequate warning that surveillance is, or may be in operation, before entering any area under video surveillance. Video surveillance and recordings must be administered in accordance with the Office of the Privacy Commissioner of Canada and any other municipal, provincial or federal laws.
- (4) At point and time of entry and re-entry to the premises, the licensee must: Request and require (as a condition of entry) approved identification from all patrons entering the premises; all identification must be scanned by a scanning system and have the capability of retaining a name, date of birth and picture. A scanning system must be in place within 30 days of the implementation of these conditions.
- (5) At point of entry, staff will be required to search all bags/purses for weapons/drugs. Anyone found in possession of a weapon(s) or illegal drugs shall be refused entry.
- (6) At least 2 staff members must be on duty solely for the purpose of supervising the patrons, staff and activities within the premises while open for business. These staff members must be easily identifiable by a bright colored shirt, jacket, vest or other suitable garment with the word SAFETY or STAFF written across the front and back of the garment in clearly visible letters.

[15] Supervisor Nash contacted Mr. Mulu by telephone to discuss the proposed licence conditions. She urged him to contact her if he had any questions or concerns about the conditions and advised Mr. Mulu of his right to request a hearing with respect to the imposed conditions.

[16] Mr. Mulu was given 30 days to implement conditions 2, 3 and 4. Supervisor Nash advised that Mr. Mulu did not indicate to her that he had issues with the conditions or needed more time to implement them.

[17] Supervisor Nash advised the Panel that specific licence conditions are not imposed as a punitive measure but rather to mitigate risks with respect to public safety. She advised that conditions are imposed as a last resort when continued education has not improved operational compliance. She

submitted that the conditions imposed on Monte Carlo's licence were specifically chosen to discourage criminal behavior, to improve communication and documentation regarding incidents, and to ensure patrons are safe and know who to look to for help in the event of an incident.

[18] Constable Feeney agreed that the conditions imposed on the Licensee's liquor and business licences significantly mitigates the risk to public safety. Constable Feeney has visited the premises alongside AGLC Inspectors as part of the PSCT and submitted that Inspectors always provide thorough education, direction and/or instructions to the Licensee about the conditions.

[19] Both Supervisor Nash and Constable Feeney reported that since the implementation of the conditions, there have been no further reported high risk incidents. Constable Feeney submitted that since October 2022, there have been three or four calls for service to Monte Carlo, none of which were considered serious.

[20] Since the implementation of the conditions, AGLC Inspectors and/or the PSCT team have visited the premises and provided the following education:

- November 6, 2022 – PSCT visited the premises and found that none of the three patrons in the premises had been scanned. Mr. Mulu advised that one was a family member and one was an off-duty employee. Mr. Mulu stated that he had not been doing "pat downs" in accordance with condition 5 since there was no DJ or entertainment happening that night. The AGLC Inspector clarified that the conditions are in-effect at all times. A verbal Inspector's caution was issued.
- November 6, 2022 – A city of Calgary licensing Inspector provided Mr. Mulu with notice that his business licence was amended to reflect the same six conditions as the liquor licence.
- December 2, 2022 – an operating check was conducted by Regulatory Services. Mr. Mulu had no questions about the conditions and showed the AGLC Inspectors the identification scanner, the operation of the security cameras and his security shirt.
- January 28, 2023 – CPS violent crimes suppression team visited the licensed premises and advised Supervisor Nash that there were ten patrons in the premises but the identification scanning system had not been logged into, patrons were not being searched upon entry and that security personnel were not wearing identifiable clothing. Further, when the incident logbook was reviewed, the last entry was from September 2022. The business and liquor licence conditions were discussed with Mr. Mulu.
- February 24, 2023 – Supervisor Nash and the PSCT attended the premises. The conditions were reviewed with Mr. Mulu as the result of an incident report submitted for the January 2023 violations. It was recommended that Mr. Mulu and his staff participate in an AGLC staff training seminar.
- February 25, 2023 - Supervisor Nash and the PSCT attended the premises again. Supervisor Nash noted that staff members were not wearing identifiable clothing. Mr. Mulu went into the kitchen to retrieve his labelled shirt and said he was waiting for his security personnel to arrive. Supervisor Nash reviewed the security condition with Mr. Mulu and defined the visit as "educational."

- April 22, 2023 – AGLC Inspectors visited the premises. Mr. Mulu was wearing a “staff” vest but he was wearing it inside out. The Inspector noted the requirement for Mr. Mulu and defined the visit as “educational.”
- May 14, 2023 – an operating check was conducted by Regulatory Services. The Inspectors were unable to check the operation of the video surveillance system. They advised Mr. Mulu that condition 2 requires that playback of recordings be available to Inspectors upon request. An operational report on the visit was submitted.

Incident – March 11, 2023

[21] Inspector Zeniuk and his partner, Inspector Andrew Bolton, attended Monte Carlo on March 11, 2023 as part of a routine operating check. Inspector Zeniuk authored an Incident Report detailing the incident and the investigation that occurred between March 11 and 15, 2023 (Exhibit 1, Tab 2).

[22] Inspectors Bolton and Zeniuk arrived at the licensed premises at approximately 10:24 p.m. They were greeted at the door by a security employee who was checking and scanning identification of patrons and searching them as required. Inspector Zeniuk advised that the employee had the word “Security” written on the back of his shirt.

[23] The Inspectors spoke briefly with the security employee then requested to speak with the premises manager, Mr. Mulu.

[24] The Inspectors spoke with Mr. Mulu and asked to see a copy of his liquor licence. Inspector Zeniuk stated that although this was a routine operating check, he and Inspector Bolton were aware of the licence conditions and they wanted to ensure Mr. Mulu knew the conditions and that they were being followed.

[25] While speaking with Mr. Mulu, Inspector Bolton asked him how many staff members were working solely for the purpose of security. Mr. Mulu responded that he was acting as security and that a female employee, A.A., was a supervisor. Mr. Mulu also advised the Inspectors that another security guard would be showing up at 11:00 p.m.

[26] Inspector Zeniuk advised the Panel that only the security employee at the front door was wearing identifiable clothing, as required by condition 6 and that none of the other staff, including Mr. Mulu, A.A. and the female servers, were wearing clothing labelled with “Staff” or “Security.”

[27] When this was noted to Mr. Mulu, he presented a second black shirt with a white “Security” label and placed it on the main service bar. Inspector Zeniuk did not see any of the other staff members put it on while he was in the premises.

[28] The Inspectors reviewed condition 2 with Mr. Mulu. They asked him if he could playback the video while they were there and how far back he could access video footage files. Mr. Mulu advised that the surveillance system could playback but that the hard drive and computer mouse needed to use the system was stored up in the ceiling. Only a video monitor was accessible on the bar. The staff onsite,

including Mr. Mulu, were unable to access the video surveillance system to provide playback during the operating check.

[29] With respect to the retention capabilities of the system, Inspector Zeniuk stated that Mr. Mulu first advised that the system plays back 12 days and then corrected himself to say that he believed it has a playback retention of 12 to 22 days. Mr. Mulu advised the Inspectors he would have his camera technician send an email confirming the system's playback capabilities.

[30] The Inspectors reminded Mr. Mulu that the recordings must be retained for a minimum of 28 days, per condition 2.

[31] Lastly, Inspector Zeniuk asked to see the incident logbook, as required by condition 1. Inspector Zeniuk submitted that there was only one entry, dated September 18, 2022 which detailed a drive by shooting that occurred outside the premises and a resulting CPS visit. A photo of the incident logbook entry was included as attachment 2 to the Incident Report.

[32] Mr. Mulu advised Inspector Zeniuk that he was of the opinion there had not been any major incidents since September 18, 2022.

[33] Supervisor Nash advised the Panel that none of the AGLC Inspections or CPS visits between November 6, 2022 and May 14, 2023 she detailed were recorded in the logbook.

[34] Inspector Zeniuk was of the opinion the logbook was incomplete and not up-to-date and did not include the types of incidents other licensees would include and those detailed in condition 1.

[35] The Inspectors departed the licensed premises at approximately 10:58 p.m. Inspector Zeniuk provided his business card to Mr. Mulu and encouraged Mr. Mulu to contact him with any questions.

[36] On March 12, 2023, Inspector Zeniuk received an email from Mr. Mulu containing a confirmation email from the camera technician that the system has a playback of 28 days (Exhibit 1, Tab 2, attachment 3).

[37] On March 15, 2023, Inspector Bolton contacted Mr. Mulu by telephone to advise him that an Incident Report would be submitted as a result of the alleged violations noted on March 11, 2023. Inspector Zeniuk reported that Mr. Mulu felt he was being targeted, that he satisfied the video recording condition and that AGLC had been frequently visiting Monte Carlo despite the fact that "he is not doing anything wrong."

[38] Inspector Zeniuk advised the Panel that Monte Carlo has been licensed since August 13, 2018 and the licensee has received numerous visits and education from AGLC Inspectors since that time. Further, at the time of licensing the Licensee would have participated in a detailed review of the operating procedures of the liquor licence.

[39] Supervisor Nash advised the Panel that other than the clarification required regarding the impact of the presence of a DJ or performer on the conditions (provided on November 6, 2022), she has never felt that Mr. Mulu was confused or did not understand the conditions on his licence.

[40] Inspector Zeniuk reviewed the employee statutory declarations submitted by Mr. Mulu as Exhibit 2. One of the declarations was submitted by K.N. who declared himself to be a Security Doorman at Monte Carlo. This was not the name of the security employee that the Inspectors spoke with at the door on March 11, 2023.

[41] When asked by the Panel whether Mr. Mulu could act as both security and the premises manager at the same time, Inspector Zeniuk confirmed that he could but that he would be required to wear a security vest or identifiable shirt, per the licence condition.

[42] When asked by the Panel whether all Monte Carlo employees would be expected to have received training in the form of ProServe or ProTect, Supervisor Nash confirmed. She submitted that Mr. Mulu is not currently ProServe certified.

IV. Monte Carlo Submissions

[43] The representative for the Licensee, Yohannes Mulu, gave evidence on behalf of Monte Carlo.

[44] Mr. Mulu stated that he is responsible for the day-to-day operations of the premises, including staff training. A.A., who has been employed for over two years, is a supervisor. She is involved with supervision and training of the two waitresses and she is responsible for operations when Mr. Mulu is not present. A.A. also conducts "pat downs" and bag checks for female patrons entering Monte Carlo.

[45] Mr. Mulu confirmed that his ProServe is currently expired but that all other Monte Carlo servers are ProServe certified and he is planning to renew his certification.

[46] When asked by Regulatory Services whether he understands the conditions on his liquor licence, Mr. Mulu confirmed that he understands the six conditions.

[47] When the conditions were imposed on the liquor licence, Mr. Mulu said he already had a surveillance system and an identification scanner. He was able to activate the systems for use within three days. Mr. Mulu asserted that he and his employees take the conditions very seriously and take all steps needed to comply with them.

[48] Mr. Mulu stated that on March 11, 2023 when the operating check was conducted, both he and his staff had the required logos on their shirts. He stated that neither Inspector Bolton nor Zeniuk mentioned the concerns about the security uniforms at the time.

[49] Mr. Mulu stated that he and the employee at the door were acting as security that evening until 11:00 p.m. when another security staff member would be showing up. Mr. Mulu asserts that he was wearing a shirt that said "staff" printed clearly on it.

[50] Mr. Mulu asserted that he did not find out about the violation of the security uniform condition (condition 6) until March 15, 2023 when he was notified that an Incident Report was being submitted. He took the position that Inspector Zeniuk did not educate him about the security requirements during the operating check.

[51] Mr. Mulu advised the Panel that he has receipts for the purchase of two shirts and two jackets with the word "SECURITY" on them. Non-security staff, such as waitresses, wear nametags that indicate they are employees of Monte Carlo. He stated that he tries to make sure everyone is wearing the required uniform in order to "follow what it says on my licence."

[52] Mr. Mulu submitted that the Inspectors only focused on the video surveillance retention capabilities and did not ask him to play any footage for them during the check. Mr. Mulu advised the Panel that the computer and mouse is located in the ceiling with the recording device. He showed the Inspectors the monitor with the live security footage but advised he would need to bring in his laptop computer in order to play older footage.

[53] When asked by Regulatory Services how Mr. Mulu can be sure the system is recording and storing footage if he cannot access the controls, he stated that he can access the footage on his phone to ensure its recording. Mr. Mulu stated that he did not advise the Inspectors that he could access video playback on his phone during the operating check because they had seen it before and during the check, they only asked to see the recording device.

[54] Mr. Mulu confirmed for the Panel that his security system is functional and can retain recordings for up to 28 days, as noted in the email from his security system provider (Exhibit 1, Tab 2, attachment 3). He stated that at the time of the operating check, he did not want to tell the Inspectors a specific number of days without knowing for sure and until he could confirm with his camera technician.

[55] Mr. Mulu submitted that he contacted his camera technician the following day.

[56] With respect to the incident logbook, Mr. Mulu stated that business has been slow and there were no fights or disturbances to report. He stated he was unaware that he needed to log CPS or AGLC Inspector attendance at the premises until Inspector Zeniuk clarified that on March 11, 2023.

[57] Mr. Mulu stated that both he and A.A. now record all incidents in the logbook, including AGLC inspections, which he implied occur every other day.

[58] With respect to the employee statutory declarations submitted on behalf of Monte Carlo, Mr. Mulu explained that there is an ongoing matter with the City of Calgary respecting his business licence conditions. He stated that he utilized the same witness statements as were submitted for that matter because they essentially said the same thing. He made the correction that the declarations should have referred to AGLC Inspectors rather than bylaw officers.

V. Summation

Regulatory Services

[59] As evidenced by Supervisor Nash, in order to alleviate numerous public safety concerns with the licensed premises, Regulatory Service imposed conditions on the licence on October 19, 2022.

[60] Despite numerous attempts to educate the Licensee on how to comply with the conditions and numerous communications from Regulatory Services about the resulting expectations, the evidence provided by Inspector Zeniuk revealed that on March 11, 2023, several of the licence conditions were not being followed by the Licensee.

[61] Regulatory Services is of the opinion that the details provided in Exhibit 2 are not borne out of the evidence as provided by the AGLC Inspectors and may not even refer to the same incident. Regulatory Services requests that the Panel note the discrepancies in the evidence and weigh the employee statutory declarations accordingly.

[62] Regulatory Services takes the position that Mr. Mulu did not clearly indicate how surveillance footage can be accessed and made available to Inspectors upon request. Inspector Zeniuk stated that the Inspectors requested to see video playback footage while they were on the premises but that they were denied, which is in violation of the licence condition.

[63] Regulatory Services submits that Mr. Mulu did not seem to provide any explanation for why the logbook had not been updated for several months.

[64] Both Supervisor Nash and Constable Feeney have provided evidence that the public safety concerns have been significantly mitigated and the number of serious incidents has greatly declined since the implementation of the licence conditions. Regulatory Services asserts that the licence conditions are necessary to ensure the premises continues to operate in a manner that is consistent with public safety and to mitigate risks to staff, patrons and the general public.

[65] As such, Regulatory Services requests that the conditions be confirmed by the Panel and remain on the licence, unchanged.

[66] Additionally, Regulatory Services submits that there was more than one condition that was breached at the time of the operating check on March 11, 2023 in contravention of section 91(1)(a) of the Act. As such, Regulatory Services requests that, at minimum, the Panel confirm the administrative sanction of a \$250 fine or a 1-day licence suspension.

Monte Carlo

[67] Mr. Mulu submits that he follows all conditions and that they are taken seriously by him and his staff. Mr. Mulu submits that the Licensee is happy to adhere to the conditions and continue to comply with them in order to improve operations at Monte Carlo.

[68] Mr. Mulu is of the opinion that there was a misunderstanding between him and the inspectors about the security condition (condition 6) and reiterates that on March 11, 2023 the Inspectors did not mention any concerns about the uniform worn by security staff.

[69] The staff at Monte Carlo, Mr. Mulu submits, are well trained. Mr. Mulu is of the opinion that he and A.A. keep thorough records, train staff to follow the conditions and are always transparent and cooperative with AGLC Inspectors.

[70] Mr. Mulu submits that he and his employees have learned from their mistakes and that Monte Carlo staff will continue to do everything that is required of them. As such, Mr. Mulu requests that the Panel cancel the administrative sanction imposed by Regulatory Services.

VI. Analysis

[71] The Panel carefully considered the oral and documentary evidence submitted by Regulatory Services and the Licensee in making its finding of fact.

[72] Supervisor Nash and Constable Feeney provided evidence that the number of serious incidents and calls for service to the police have drastically decreased since the implementation of the licence conditions. The Panel finds that the implementation of the conditions has improved the safety of patrons, staff and the community.

[73] Further, Regulatory Services has detailed multiple visits, operating checks and communications with Mr. Mulu where the conditions were discussed and reviewed. Mr. Mulu also confirmed he understands the conditions and the Licensee's intent to comply with them throughout the hearing. As such, the Panel finds that Mr. Mulu has received a significant amount of education on and understands the conditions on the liquor licence.

[74] As such, the Panel finds that the licence conditions are reasonable and necessary.

[75] With respect to the Monte Carlo employee statutory declarations, the Panel finds that they referenced an inspection by city bylaw officers and did not reference AGLC Inspectors. The time that the declarations stated bylaw officers attended the premises did not align with the Incident Report provided by Inspector Zeniuk. Further, Inspector Zeniuk provided evidence that he did not believe K.N. was working at the time of the inspection despite his declaration that he was. As such, the Panel weighed Exhibit 2 accordingly in considering its relevance.

[76] Inspector Zeniuk reported that during the operating check on March 11, 2023, only one staff member was easily identifiable as a staff member solely responsible for supervision of the patrons.

[77] Further, Inspector Zeniuk advised that the Licensee was unable to confirm the retention period for the surveillance video recordings nor was he able to provide playback of video footage upon request.

[78] Mr. Mulu confirmed in his testimony that he could not recall the number of days the video files were retained in the system for, despite the licence condition specifying a requirement of 28 days.

Although the Licensee stated that he was not asked to provide video playback, Mr. Mulu reiterated that he was unable to access the computer to playback video for the Inspectors on March 11, 2023. However, Mr. Mulu stated at the hearing that he could review surveillance video playback on his cell phone. The Panel finds that Mr. Mulu's oral evidence on the interaction with Inspectors was inconsistent and therefore, finds him not to be credible.

[79] Inspector Zeniuk and Supervisor Nash provided evidence that during their visits to the premises, the incident logbook was not maintained with up-to-date information regarding patron removals, intoxication, fights, disturbances or police attendance. On March 11, 2023, the incident logbook only contained a September 18, 2022 entry regarding the drive by shooting incident. Supervisor Nash provided a file review that detailed several PSCT visits and other incidents that occurred after September 2022 that should have been recorded.

[80] As such, the Panel finds that the Licensee violated liquor licence conditions 1, 2 and 6 in contravention of section 91(1)(a) of the Act. The Licensee was in violation of three conditions during the March 11, 2023 inspection. Therefore, the Panel finds that the administrative sanction ought to reflect all three violations.

[81] Public safety is of utmost importance and the conditions have proven to mitigate safety risks at Monte Carlo; it is imperative that the Licensee comply with the conditions at all times.

[82] The Panel acknowledges that Mr. Mulu has taken reasonable steps since the incident to ensure compliance with the licence conditions. However, despite numerous opportunities for education, the Licensee did not take all reasonable steps to prevent the contravention from occurring, in accordance with section 121 of the Act.

VII. Finding

[83] For the reasons stated above, the Panel finds that Monte Carlo contravened section 91(1)(a) of the Act on three counts. The Panel finds that the Licensee did not take all reasonable steps to prevent the contraventions from occurring. All existing licence conditions are confirmed and remain on the liquor licence as issued.

[84] In accordance with section 94(7)(b) of the Act, the Panel replaces the original administrative sanction imposed by Regulatory Services. The \$250 fine or a 1-day licence suspension is replaced with a fine of \$1,000 or a 4-day suspension of the Class-A Liquor Licence numbered 779324-1.

[85] The fine is to be paid on or before September 25, 2023 or the suspension served commencing with the normal opening of business on September 27, 2023 and continuing until the normal close of business on October 1, 2023.

Signed at Calgary, this 25 day of August, 2023



Vincent Vavrek, Presiding Member, Hearing Panel