



**CONCLUDED
PROBLEM REPORT
PS-1**

Problem ID : 28

Reporting Division: NORTH

District:

Neighbourhood: PARKDALE/CROMDALE

Address: 8123-118 AVENUE

Reg	Rank	Last Name	First Name
1110	CST	SMYTH	

Key Description: HOTEL PROMOTES AFTER HOUR ACTIVITIES

Problem Description:

- An after hours club was set up and operating out of the banquet room at the Cromdale Hotel, independent of the hotel and selling with Resale Permits authorizing sale to 0200 hrs. and consumption until 0300 hrs. Numerous complaints of noise were reported as late as 0830 hrs. Complaints were also received from other lawfully operating drinking establishments. A stabbing also occurring outside of the premises. The room was rented to the operators of this club on the pretext that it would be an afternoon social hall for Caribbean and latin american people to gather and play dominoes.

Problem solving strategies and results :

Initially Cst SMYTH attempted to contact the operators of the club, however, the room was vacant until very late. On one occasion he found a bartender and a disc-jockey inside, both claimed to know nothing about the operation, however, they agreed to advise the operators of his visit and forward his business card to them.

After approximately a week, Cst. SMYTH found the premises open and a man identified as Junior FREDERICK cleaning. FREDERICK indicated he was only the cleaner and knew nothing about the operation. Again a business card was left with a request to have the operators contact SMYTH.

The following evening accompanied by Cst. WOODMAN and Sgt HARDER, SMYTH returned. The music was blaring FREDERICK was sitting at a table drinking with another man, a lady was now doing the cleaning, the bartender and disc-jockey were both present, the bartender indicated that FREDERICK was the boss. SMYTH confronted FREDERICK about the operation and enquired as to why he pretended to know nothing about the operation and pretended to be just the janitor, the previous night. The discussion was very much one sided as FREDERICK continued to play the fool, mostly staring and nodding his head, finally he was rescued by the cleaning lady, identified as Milka JOFRE, who claimed to be the person in charge and the wife of FREDERICK. When asked why she failed to contact SMYTH in light of the strong messages for her and the business card left for her, she indicated she intended to but lost the cards. She had no answer for him when Cst. SMYTH advised her that he had just seen his card at the bar while talking to the bartender just moments before. Cst. SMYTH expressed concern about the after hours activity which she denied however, she also indicated she was not there very late. She turned to FREDERICK to confirm her statement that they were not opened after 0300 hrs. Both JOFRE and FREDERICK were advised that they would be supported and encouraged to operate a legitimate business at the location. They were also forewarned as to the action to be taken against them if they continued to operate outside of the law and the probable consequences.

Cst. SMYTH consulted with Mike and Stan MISHNA, the owner/operators of the Cromdale Hotel. They indicated that they were not happy with the situation, however they had given a lease to JOFRE. They indicated that they would evict if police laid a charge.

Arrangements were made to have two female members enter the premises at 0245 hrs 94 SEP 10 and purchase beer. At 0250 and 0310 hrs both were able to make the purchases of bottled beer for \$3.75 each. At 0320 hrs Cst. SMYTH accompanied by four Liquor Inspectors, as well as Cst. PEISTER and Sgt. KAWALILAK entered the premises. Approximately forty patrons were directed from the premises and samples were seized.

Charges were not laid at that time as Cst. SMYTH wished to serve JOFRE and FREDERICK with Notice of Intention To Seek Greater Punishment under the Liquor Act. No such Notices had ever been drafted for such service. Cst SMYTH contacted the legal advisors office and requested such notices be drafted. Sgt. GRUE drafted the notices which were forwarded to Cst. SMYTH for service. Copy attached.

Cst. SMYTH then contacted the MISHNA brothers to advise them that charges had been laid and he wanted to know when eviction notice would be served. Mike MISHNA vacillated, stating that times were tough, he needed the rent, and that these people were operating independently of the Hotel, with their own permits and insurance. Cst.

SMYTH spoke to the Liquor Board previously regarding the possibility of suspending the issuance of permits for a location or specific premises as well as an individual. This had never been done before but they agreed to check on it. This would solve the problem of the violators obtaining a permit in another persons name and continuing to operate as usual.

A reply was received from the Liquor Board indicating they would for the first time suspend a location and the individuals or corporations holding permits. Armed with this information, Cst SMYTH returned to the Cromdale Hotel and advised the owners that this action was being taken and that the result would be that this particular facility could no longer be use by anyone for functions serving liquor. The MISHNA's had a change of heart and agreed to evict JOFRE and FREDERICK immediately upon receipt of a letter from the liquor board indicating this action.

On 94 OCT 04 at a Liquor Board Hearing the board suspended JOFRE and several others. In addition, they suspended the premises which is the subject of this report and two others involving similar situations. No permits can be issued for these locations without prior approval from the Board.

On 94 OCT 05 the Board issued letters indicating the above. The MISHNA's were again contacted and indicated that they had already terminated the rental agreement with JOFRE who could be concluding her business with them on 94 OCT 31. This action effectively closed the after hours club. A copy of the A.L.C.B. letter is attached.

When Milka JOFRE was charged and served with documents, she indicated that the Liquor Board accused her of selling beer for \$3.75 each. She claimed that they only charged \$2.75 for each beer. She was told that two undercover members had purchased two beer each and both were charged \$3.75 for each beer. She was further advised that these members were required to account for the money and that they would give evidence under oath. It was suggested to her that she might wish to take the matter up with her husband as to where the extra profit went.