



UNDERTAKING
Liquor Licensing Act 1997
Section 119A(1)

Undertaking given to the Liquor and Gambling Commissioner for the purposes of section 119A(1) of the *Liquor Licensing Act 1997* by:

Mr Vittorio Larosa
Licensee

Person Giving this Undertaking

1. This undertaking is given to the Liquor and Gambling Commissioner (the Commissioner) by Vittorio Larosa in respect of Premises The Corner Bistrot, located at Shop 7/13 Leigh Street in the State of South Australia for the purposes of section 119A(1) of the *Liquor Licensing Act 1997* (the Act).

Background

2. Mr Vittorio Larosa (the licensee) has held a Restaurant Licence pursuant to section 34 of the Act since 26 February 1998 in respect of the premises The Corner Bistrot.

Conduct of Concern

3. From 4 February 2016 to 21 May 2017 the licensee supplied liquor to patrons for consumption on a regulated premises which was unlicensed contrary to section 129(2) of the Act by supplying liquor to patrons and allowing patrons to consume such liquor in the outdoor area of the premises in circumstances in which the licensee did not hold a valid outdoor dining permit from the Adelaide City Council.
4. From 4 February 2016 to 21 May 2017 the licensee failed to properly conduct, supervise or manage the business contrary to section 119(1)(b)(viii) of the Act by allowing patrons to consume liquor in the outdoor area of the premises in circumstances in which the licensee did not hold a valid outdoor dining permit from the Adelaide City Council.

Contraventions of the *Liquor Licensing Act 1997*

5. The Commissioner considers, and the licensee acknowledges, that by engaging in the conduct described in paragraphs 3, the licensee contravened section 129(2) of the Act.
6. The Commissioner considers that there is proper cause for disciplinary action pursuant to section 119(1)(b)(viii) of the Act on the basis that the business has not been properly conducted, supervised or managed in accordance with the Act or any other Act.
7. Upon being made aware of the Commissioner's concerns, the licensee:
 - 7.1. Agreed to provide an undertaking to the Commissioner pursuant to section 119A(1) of the Act; and
 - 7.2. Indicated a willingness to ensure that the licensee would take action to ensure future compliance with sections 129(2) and 119(1)(b)(viii) of the Act.

Undertaking

- 8. The licensee undertakes to ensure that at all times when the business is open to the public, it will not supply liquor to patrons for consumption unless consumption of liquor occurs in an area approved under the licence, and in accordance with any applicable local council permit.
- 9. The licensee undertakes to ensure that the business will be properly conducted, supervised or managed in compliance with section 119(1)(b)(viii) of the Act.

Commencement of Undertaking

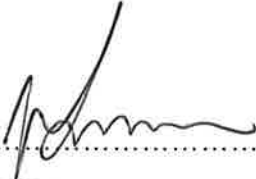
- 10. This undertaking comes into effect when:
 - 10.1. The undertaking is executed by the licensee and Mr Larosa; and
 - 10.2. The Commissioner accepts the undertaking so executed.

Acknowledgments

- 11. The licensee acknowledges that:
 - 11.1. CBS will make this undertaking publicly available including by publishing it on CBS' public register of undertakings on its website;
 - 11.2. CBS will, from time to time, make public reference to the undertaking including in news media statements and in CBS publications; and
 - 11.3. This undertaking in no way derogates from the rights and remedies available to any other person arising from the alleged conduct.

Executed as an Undertaking

Executed by Mr Vittorio Larosa in his personal capacity as licensee:



Mr Vittorio Larosa

Licensee

Date: 12/9/17



Signature of Witness

Name: Darren Loffler

Date: 12/9/17

Accepted by the Liquor and Gambling Commissioner pursuant to s119A(1) of the *Liquor Licensing Act 1997*.



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Liquor and Gambling Commissioner

Date: 12/9/17