

**IN THE MATTER** of the Sale and Supply of Alcohol  
Act 2012 Act

**AND**

**IN THE MATTER** of an application for a Manager's  
Certificate

**MC5823 – ELI RAPHAEL DAVID BAKER**

Pursuant to s.219 of the Act

**BEFORE THE QUEENSTOWN LAKES DISTRICT LICENSING COMMITTEE**

[1] The application by Mr Baker for a Manager's Certificate was received by the Queenstown Lakes District Licensing Agency on the 3<sup>rd</sup> June 2016. The application was opposed by Police and a hearing was convened to determine the matter on the 20<sup>th</sup> July 2016 in the Queenstown District Court

[2] The Committee, in its decision QLDC 0011/16 of the 27<sup>th</sup> July 2016 stated,

***We have decided rather than refuse the application, it will be adjourned for a minimum of twelve months. That means there will be a further hearing in July or August next year. At the hearing we expect to see Mr Baker and his employer if he is still in his current employment. If he has shown a complete lack of trouble or concern, and he still has the support of his current employer we'll then consider granting a Managers Certificate. In other words the grant of the certificate will be a process rather than an event.***

[3] The Agency provided the committee with an update on the 14<sup>th</sup> September 2017 This showed that agency staff had tried to contact Mr Baker by email on the 9<sup>th</sup> August and by voicemail on the 17<sup>th</sup> August. There was no response to either attempt. On the 15<sup>th</sup> September agency staff contacted Mr Baker's former place of employment and was told by a staff member that Mr Baker had left his job at least a month earlier.

**DECISION**

[4] Mr Baker was aware and a willing participant in the outcome and the conditions imposed on him within the committee's decision. His subsequent behaviour leaves the committee with little choice. As a committee, we are directed by s 222 of the Act to have regard to the following matters:

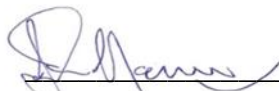
- (a) *the applicant's suitability to be a manager;*
- (b) *any convictions recorded against the applicant;*

- (c) any experience, in particular recent experience that the applicant has had in managing any premises or conveyance in respect of which a licence was in force;*
- (d) any relevant training, in particular recent training, that the applicant has undertaken and evidence that the applicant holds the prescribed qualification required under section 218;*
- (e) Any matters dealt with in any report under section 220 of this Act.*

[5] Mr Baker has failed to meet the conditions agreed to. He has not remained with his former employer or advised the agency of a new one. In addition, he has not responded to any of the attempts the agency has made to contact him. This brings into question his motivation and suitability to hold a Manager's Certificate.

[6] Accordingly, the Committee rules pursuant to S 219 of the Act, that the application by Mr Eli Baker for a Manager's Certificate is refused.

**DATED** at Queenstown this 19<sup>th</sup> day of October 2017



J M Mann  
Commissioner  
Queenstown Lakes District Licensing Committee.

