

A Regular Meeting of the Municipal Council of the City of Kelowna was held in the Knox Mountain Meeting Room, 1435 Water Street, Kelowna, B.C., on Tuesday, January 15, 2013.

Council members in attendance: Mayor Walter Gray, Councillors Andre Blanleil; Colin Basran, Gail Given, Robert Hobson, Mohini Singh, Luke Stack and Gerry Zimmermann.

Council members absent: Councillor Maxine DeHart.

Staff members in attendance were: Acting City Manager, Rob Mayne; and City Clerk, Stephen Fleming.

Guests: RCMP Sgt. Jayson Lucash, NCO in charge of the Central Okanagan Traffic Section; and Limousine Driver, Roy Stein.

(\* denotes partial attendance)

1. CALL TO ORDER

Mayor Gray called the meeting to order at 4:01 p.m.

2. CHAUFFEUR’S PERMIT APPEAL HEARING

Mayor Gray provided opening remarks with respect to the conduct of the Chauffeur’s Permit Appeal Hearing.

RCMP Sgt. Jayson Lucash:

- There was one incident which resulted in an impaired charge in which Mr. Stein was operating a limo with 18 passengers while under the influence. This incident took place in Vernon on June 2, 2012.
- Provided further details of the June 2<sup>nd</sup> incident.
- Confirmed that the decision to revoke the licence, as indicated in the letter dated August 16, 2012, was based on upon the June 2<sup>nd</sup> incident.
- Advised that Mr. Stein does not have a valid BC Drivers Licence as of this afternoon and that Mr. Stein would need to undertake various steps before he could legally drive a limo again.
- Read from the Crown Counsel decision not to proceed with a criminal impaired charge due to procedural issues of how the blood alcohol level was obtained by the RCMP.
- Confirmed that the issue was that the Crown did not support the RCMP’s decision to obtain a blood alcohol level via a blood sample when the reasons for using this more obtrusive option were questionable.
- The Officer on the scene was concerned that the use of an inhaler by Mr. Stein may distort the breathalyzer reading.
- Confirmed that there were no other driving incidents on record.

Mr. Stein:

- Has no history of driving offences.
- Admits he made a serious mistake. He thought he was okay to drive as he had waited “hours and hours” between his last drink and driving.
- Guaranteed it would not happen again.
- Spoke to his recent back surgery.
- Spoke to the June 2<sup>nd</sup> incident from his perspective. He had been drinking wine with friends earlier in the afternoon while watching a hockey game.
- Confirmed that he did not think he was over the limit.
- Hasn’t driven in many months.
- Has to take a Safe Driving Program course and have a screening device installed in his vehicle prior to receiving his licence back.

Regular Meeting – Chauffeur’s Permit Appeal

January 15, 2013

Moved by Councillor Blanleil/Seconded by Councillor Singh

**R028/13/01/15** THAT Council authorizes the re-issuance of the Chauffeur’s Permit to Roy Stein subject to provincial approval of his driver’s licence, installation of an intralock device and the approval of the National Safety Council commercial driver’s licence.

Carried

4. TERMINATION

The meeting was declared terminated at 4:58 p.m.

Certified Correct:

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Mayor

/scf/slh

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City Clerk