

# NSW Independent Liquor & Gaming Authority

Mr Brian Salim Sarkis Licensee The Arthouse Hotel	Mr Matt Weber A/Director of Compliance & Enforcement Unit NSW Department of Creative Industries, Tourism, Hospitality and Sport
Section 140(3) – Third parties ALSIMAS PTY LIMITED Business Owner The Arthouse Hotel	Section 140(3) – Third parties GALERIES TC PTY LTD VICINITY CUSTODIAN PTY LTD Premises Owners The Arthouse Hotel

Our ref: DOC25/170045

28 July 2025

Dear Sir/Madam

## Decision regarding a complaint about Mr Brian Sarkis under section 139 of the *Liquor Act 2007*

### Our decision

We are satisfied that the ground of complaint is established and have determined to:

1. **disqualify** Mr Brian Sarkis (**Mr Sarkis**) from holding a licence, or from being the manager of licensed premises or the close associate of a licensee for a period of six (6) months under section 141(2)(f) of the *Liquor Act 2007* (**the Act**).

### Background

On 16 July 2023, Liquor and Gaming NSW (**L&GNSW**) received a complaint from a member of the public in relation to an alleged credit card fraud which was subsequently used for purchases at the Ambarvale Hotel, Ambarvale. The complaint alleged the hotel was not being forthcoming with the provision of CCTV to Police.

The complainant undertook their own inquiries into the hotel and alleged Mr Brian Salim Sarkis, the licensee of the Ambarvale Hotel between April 2021 and June 2022 and current licensee of The Arthouse Hotel, Sydney, is unsuitable to be a licensee due to his character.

L&GNSW conducted an investigation which revealed that on 14 December 2016, Mr Sarkis was convicted of two charges of assault with an act of indecency which he committed in his capacity as a physiotherapist against two patients. He was sentenced to a 12-month suspended sentence.

In 2019, proceedings were commenced in the NSW Civil and Administrative Tribunal (**NCAT**) by the Health Care Complaints Commission which revealed additional complaints of indecent acts Mr Sarkis committed against patients. Mr Sarkis admitted to all the complaints during the proceedings. On 4 September 2019, NCAT found Mr Sarkis guilty of professional misconduct and disqualified him from being registered as a physiotherapist for seven (7) years.

On 21 April 2021, Mr Sarkis applied to L&GNSW to become the licensee of the Ambarvale Hotel, for which he was subsequently approved. However, in lodging the application, Mr Sarkis made a submission to L&GNSW regarding his offending that was

inaccurate and misleading as he failed to provide factual details of the convictions that were accurate and failed to refer to the finding by NCAT of professional misconduct and the disqualification.

On 17 June 2022, Mr Sarkis applied for a licensee transfer for the Arthouse Hotel, for which he was also subsequently approved. However, the criminal history check certificate Mr Sarkis provided with his application showed no criminal convictions and Mr Sarkis did not inform L&GNSW that this document was incorrect.

On 20 December 2023, L&GNSW made a disciplinary complaint to the Independent Liquor & Gaming Authority in relation to Mr Sarkis as a result of his convictions, the findings by NCAT, and his failures to be honest and accurate with L&GNSW.

### **Ground of complaint**

The ground of complaint is that:

- the licensee is not a fit and proper person to be the holder of a licence under section 139(3)(i) of the Act.

### **Submissions and consultation**

On 13 May 2025, a show cause notice was issued to the licensee and L&GNSW. A submission was received in response on 6 June 2025 from AMW Lawyers on behalf of Mr Sarkis as detailed below:

- Mr Sarkis contends that he is a fit and proper person to hold a liquor licence, even if the grounds for complaint are established.
- If the complaint is found to be established, a short term suspension of 6 to 12 months from holding a licence is an appropriate penalty.
- Mr Sarkis has been involved in the liquor industry for over 10 years with an unblemished record in relation to the Liquor Act or related legislation.
- It is conceded that a fulsome account of Mr Sarkis' offending and the circumstances around it was not provided during his liquor licence application process.
- With the exception of the explanation given by Mr Sarkis to his transfer application submission, he has consistently acted truthfully and transparently in his role as licensee.
- Mr Sarkis has shown co-operation and has a good record and length of service in the industry.

A personal submission was received from Mr Sarkis on 6 June 2025 as detailed below:

- It is now ten (10) years since his indecency offences, which is a long time to reflect, grow and mature as a person.
- In this time, he has retrained and reskilled and is proud of his career and what he has achieved.
- He is hurt that he is still judged by the events that occurred 10 years ago.
- He has positively affected thousands of people in his leadership and management roles in the hospitality industry and that he deserves to have this put behind him now.
- He has significant financial burdens that are supported by his current employment.
- If his ability to earn be taken away it will be catastrophic to him and his family.
- He notes he has learnt his lesson and believes that he has already received judgement and conviction for these offences.

### **Our findings**

Mr Sarkis' convictions fall below the standard of behaviour expected of a licensee.

The failures by Mr Sarkis to be honest and accurate with L&GNSW about the details of his convictions and the finding by NCAT of professional misconduct and disqualification

raises concerns around the honesty, integrity and character required of a licensee. Mr Sarkis' indecent offending against his patients also reflects a breach of trust and power due to the nature of the relationship. As a licensee, Mr Sarkis is in a position of authority within a licensed premises and is exposed to persons in various states of vulnerability, including intoxicated persons.

However, there has been no adverse compliance history in relation to liquor related legislation recorded against Mr Sarkis since he became a licensee in 2021, and he has no other criminal convictions since the indecency offences occurred in 2014 and 2015, reflecting a period of relatively good conduct. Mr Sarkis' submissions which provided an explanation for his errors and detailed his current personal circumstances were also considered.

In consideration of all the circumstances of this complaint, we are of the view that disciplinary action is warranted.

### **Relevant legislation**

#### Prescribed grounds of complaint

We are satisfied that the complaint was made validly and that the established ground of complaint is prescribed ground under sections 139(3)(i) of the Act.

### **The material we considered**

In determining the disciplinary complaint, the following material was considered:

- disciplinary complaint from L&GNSW, received 20 December 2023
- response from and on behalf of the licensee, received 6 June 2025.

### **If you are dissatisfied with this decision**

The respondent or complainant may apply to NCAT for a review of this decision under the *Administrative Decisions Review Act 1997*.

For more information, please contact the NCAT Registry at 1300 006 228 or visit the NCAT website.

This decision may be published on the website.

### **If you have any questions**

Please contact the Office of ILGA at [office@ilga.nsw.gov.au](mailto:office@ilga.nsw.gov.au) if you have any questions.

Yours sincerely



Jeff Loy

**Chair, Disciplinary Matters Committee**

**NSW Independent Liquor and Gaming Authority**