

# NSW Independent Liquor & Gaming Authority

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| Mr Mark Keegan<br>Former approved manager<br>Gladstone Hotel, Stockton                     | Mr Darren Duke<br>A/Director Hospitality & Gaming Operations<br>NSW Department of Creative Industries,<br>Tourism, Hospitality and Sport |
| <b>Section 140(3) – Third parties</b><br>TGH STOCKTON PTY LTD<br>Licensee & Business Owner | <b>Section 140(3) – Third parties</b><br>LOOKOUT GLADYS PTY LTD<br>Premises Owner                                                        |

Our ref: DOC26/188854

20 July 2026

Dear Sir/Madam

## Decision regarding a complaint about Mr Mark Keegan, former approved manager of the Gladstone Hotel, Stockton under section 139 of the *Liquor Act 2007*

### Grounds of complaint

The grounds of complaint are that:

- the licensee or manager has failed to comply with any other requirement under the Act or the regulations (or under the former Act), relating to the licence or the licensed premises - section 139(3)(d) of the *Liquor Act 2007* (the **Act**)
- the licensee or manager has engaged in conduct or activities that are likely to encourage misuse or abuse of liquor (such as binge drinking or excessive consumption) – section 139(3)(f) of the Act.

In relation to the ground of complaint made under section 139(3)(d) of the Act, it is alleged the following sections of the Act were breached in this incident:

- a licensee must not permit intoxication on the licensed premises – section 73(1)(a) of the Act
- a licensee or an employee or agent of a licensee must not, on the licensed premises, sell or supply liquor to an intoxicated person – section 73(2) of the Act.

### Our decision

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

- withdraw** Mr Mark Keegan's approval to manage licensed premises under section 141(2)(g) of the Act.

### Background

On 25 March 2024, L&GNSW received a complaint alleging that on 23 March 2024, a male patron had collapsed on the footpath after he had been drinking at Gladstone Hotel Stockton (the **Hotel**). The complainant alleged that they had received a phone call alerting them that the male patron had collapsed on the pavement outside the Hotel, after having been seen drinking inside the Hotel. The complainant then drove past the Hotel on Mitchell Street and observed three persons assisting the male patron into a black utility vehicle. The

male patron allegedly appeared unable to enter the vehicle unaided. The complainant further alleged that a staff member was observed in attendance.

### **Disciplinary complaint**

On 16 June 2025, a disciplinary complaint was lodged by Mr Matt Weber, A/Director Compliance and Enforcement L&GNSW (the **Complainant**) to the Independent Liquor and Gaming Authority (the **Authority**) about Mr Keegan, former approved manager of the Gladstone Hotel, Stockton (the **Hotel**, hotel licence LIQH400117523) located at 36 Mitchell Street, Stockton NSW 2295. The complaint was made under sections 139(3)(d) and 139(3)(f) of the Act, alleging that on 23 March 2024 a male patron consumed 21 alcoholic beverages over a period of five hours and 17 minutes, before collapsing on the pavement outside the Hotel.

### **Licence details**

Mr Keegan commenced as approved manager of the Hotel on 7 March 2022 and remained in the role until 18 August 2024. He was the approved manager of the Hotel at the time of the offence.

On 7 March 2022, the liquor licence was transferred to MKTK Pty Limited. MKTK Pty Limited is a company with Mr Keegan as the Director and Secretary since 28 June 2011.

On 3 March 2025, the liquor licence was subsequently transferred to TGH Stockton Pty Ltd.

### **Investigation findings**

On 27 March 2024, L&GNSW commenced an investigation into the matter.

CCTV footage shows a patron of the hotel (hereafter referred to as the **patron**) purchasing and consuming a total of 21 alcoholic beverages at the Hotel on 23 March 2024 between 12.57pm and 6.27pm.

The footage also shows observable signs of the patron being visibly intoxicated, such as:

- being unsteady on his feet
- staggering into another patron
- stumbling into furniture
- holding onto furniture for support
- being overly friendly with other patrons
- exiting the Hotel unable to stand or walk steadily and knocking into a display sign outside the bar entrance
- falling down against the front wall of the Hotel and not being able to stand back up, even with the assistance of another patron
- requiring the assistance of three other patrons to assist him getting into a car to leave the Hotel.

The sales data from the date of the incident aligns with CCTV footage of the drinks seen to be consumed by the patron that were either purchased by him or other patrons who he is drinking and buying rounds with.

On one occasion, it appears that one of the staff members began pouring another schooner of beer for the patron immediately as he finished his 18th beer without proper assessment. Another staff member also provided the patron with two shots (one tequila and one Cointreau) approximately five minutes apart as he was consuming his 13th beer. Such actions by staff members indicate poor RSA and prevention of intoxication practices in place at the Hotel.

Additionally, the patron was also handed several schooners of beer by members of his

group, which appeared to be disregarded by staff, who should have been monitoring his consumption. He was not adequately monitored during his time at the Hotel, ultimately leading to his advanced and inherently dangerous state of intoxication.

Evidence obtained during the investigation demonstrates that one staff member directly interacted with the patron prior to him collapsing and failed in her duty to properly monitor and assess patrons. Specifically, she had ample opportunity to view his state of intoxication and should have acted to remove the patron from the Hotel.

### **Submissions and consultation**

On 18 August 2025, a show cause notice (the **notice**) was issued to the former approved manager, the Hotel licensee and business owner, the Hotel premises owner and L&GNSW.

#### Submission from the respondent

A submission on behalf of Mr Keegan in response to the show cause notice was received on 24 February 2026.

In this submission Mr Keegan submits that the Authority should take no disciplinary action as, other than the alleged breach in relation to section 73(1) of the Act (which is the basis upon which the complaint under section 139(3)(d) of the Act, has been made), the grounds of the complaint have not been established. He submits that in relation to the alleged breach of section 73(1), mitigating facts still merit no disciplinary action being taken.

#### *Ground 1: permit intoxication on licensed premises*

Mr Keegan submits that:

- he was the approved manager, not the licensee, of the Hotel at the relevant time (the Authority notes that he was the Director and Secretary of the corporate licensee at the time)
- there is insufficient evidence to establish that the patron was visibly intoxicated or noticeably affected prior to a 'slight stumble' at 4.43pm and once again after service of alcohol had ceased at 5.36pm on the date of the incident
- while he acknowledges that intoxication was permitted on the licensed premises, he submits that it was only for a period of 13 minutes
- there is insufficient evidence to establish that an offence was committed by serving the patron an alcoholic beverage after he 'slightly stumbled' to the restroom on a single occasion
- the next observable display of intoxication identified on CCTV was at 5.36pm when the patron's balance and coordination was noticeably affected. However, the patron was not supplied liquor after 5.36pm.

#### *Ground 2: the licensee or manager has engaged in conduct or activities that are likely to encourage misuse or abuse of liquor (such as binge drinking or excessive consumption)*

- Mr Keegan submits that there is no evidence within the complaint that the manager or his employees encouraged the patron to consume liquor, rather they simply allowed the consumption of liquor
- Mr Keegan maintains that encouragement might include circumstances where (for example) alcoholic beverages are discounted for a short duration to promote the rapid consumption of alcohol.

#### *Procedural fairness*

Mr Keegan requested the disclosure of a previous complaint which was withdrawn by L&GNSW, and the 4 April 2025 letter from the Authority to L&GNSW which advised that there was insufficient evidence to support either ground of the original complaint.

The request was refused.

Mr Keegan maintains that the refusal to disclose the April letter has limited his knowledge of the case against him. Mr Keegan questions the propriety of the Authority advising L&GNSW of perceived deficiencies in the original complaint while refusing to disclose details of that process to the respondent. Mr Keegan submits that a lack of transparency that has had the effect of denying the respondent procedural fairness.

#### *Mitigating factors*

Should the Authority determine that the grounds of the complaint are established, the following mitigating factors must be considered:

- following the previous complaint. Management of the Hotel reminded all staff of their obligations to adhere to the RSA requirements and circulated a copy of GL4003 *Intoxication Guideline* to all staff
- bartender 2 was involved in the previous complaint which resulted in disciplinary action being taken. Despite the best efforts of the respondent, bartender 2 has demonstrated an unwillingness to comply with her duties
- Mr Keegan accepts that while intoxication was permitted on the licensed premises, visible signs were displayed by the patron for only 13 minutes. He was not served any alcoholic beverages after he had begun to display signs of intoxication and removed himself from the premises within a short timeframe
- Mr Keegan was not present at the Hotel when the incident occurred (while acknowledging he is vicariously liable for the conduct of employees at the Hotel)
- Mr Keegan voluntarily closed the Hotel following the incident until it was sold approximately one year later. This ensured a similar incident could not occur. The respondent submits that this action represents best practice that goes above and beyond his requirements under the Act
- Mr Keegan has an outstanding compliance record across a 45-year career in the hospitality industry, owning, operating and working in multiple venues across NSW.

#### *Disciplinary action*

Mr Keegan submits that the Authority should not take any disciplinary action as the mitigating factors above wholly mitigate the seriousness of the offence.

Mr Keegan is a freehold owner of two other licensed premises – the Commercial Hotel, Aberdeen and the Racecourse Hotel, Wallsend. The respondent submits that a freehold owner should not be construed as a close associate.

If the Authority disqualified Mr Keegan from being a close associate and then construed him as a close associate by virtue of being a director/shareholder of a company owning the freehold of licensed premises, then Mr Keegan would be required to sell both the Commercial Hotel and the Racecourse Hotel. Mr Keegan submits that any disciplinary action that necessitated the sale of property would be egregiously disproportionate to the complaint.

Should the Authority decide to take disciplinary action, Mr Keegan proposes the following:

*Disqualify Mr Keegan from holding a liquor licence, or from being the manager of licensed premises, for a period of time, under section 141(2)(f) of the Act.*

Alternatively, the following terms are proportionate to the offence and avoids the need for Mr Keegan to sell his assets (while ensuring he is not involved in the management of licensed venues for a period of 12 months):

*Disqualify Mr Keegan from holding a licence, or from being the manager of licensed premises or the close associate of a licensee for a period of 12 months under section 141(2)(f) of the Act.*

Decision by the Independent Liquor & Gaming Authority

*This disqualification does not prevent or restrict Mr Keegan from remaining a freehold owner (in any form and including by way of directorship or shareholding) of licensed premises.*

#### Submission from the complainant

A final submission from L&GNSW was received on 30 March 2026.

L&GNSW submits that in relation to Ground 1 (intoxication on licensed premises):

- it is acknowledged that Mr Keegan accepts intoxication was permitted on the premises in breach of section 73(1) of the Act (for a period of 13 minutes)
- the occurrence of another serious incident involving intoxication at the Hotel whereby the same patron and the same bartender were involved indicates that the steps taken by Mr Keegan were insufficient to prevent further harm from occurring at the Hotel
- if a staff member was unable to be appropriately retrained to adhere to responsible service practices, Mr Keegan (as approved manager) should have taken further steps to remove this staff member from a position where they placed the safety and wellbeing of patrons at risk
- Mr Keegan has therefore failed in his responsibility as approved manager to ensure personal supervision and management of the Hotel.

#### *Relevance of previous disciplinary complaint:*

- L&GNSW maintains that a previous disciplinary complaint submitted to the Authority on 26 September 2022 in respect of the former licensee is relevant and should be considered when determining the outcome of this disciplinary complaint
- Mr Keegan's extensive connections with the Hotel and the subject of the previous complaint both prior and at the time of the previous incident would indicate it is likely he had some knowledge and involvement in the management of the Hotel.

#### *Recommendation for disciplinary action:*

- L&GNSW recommends that Mr Keegan be disqualified from holding a licence or from being the manager of a licensed premises for a period deemed appropriate by the Authority
- L&GNSW notes that the original recommendation of proposed disciplinary action did not propose to have Mr Keegan disqualified as a 'close associate'
- the Authority should consider whether Mr Keegan's freehold ownership of other licensed premises (the Commercial Hotel Aberdeen and the Racecourse Hotel Wallsend) establishes him as a close associate
- L&GNSW does not seek to prevent or restrict Mr Keegan from remaining a premises owner (or freehold owner) of other licensed premises.

#### Submission in reply from the respondent

A final submission on behalf of Mr Keegan was received on 15 May 2026.

#### *Ground 1 - Intoxication*

- in the final submission of 30 March 2026, L&GNSW has not acknowledged or responded to Mr Keegan's submission that intoxication was only permitted for a period of 13 minutes (providing little time for staff to observe the patron after he had begun to show signs of intoxication), and the patron was not served alcohol after he was noticeably affected by alcohol
- in the absence of a response from L&GNSW the Authority can be satisfied that this significantly mitigates the objective seriousness of the offence

- Mr Keegan provided further RSA training and the opportunity for all staff to rectify shortcomings. It was only after the second incident that Mr Keegan could have reasonably formed an opinion that bartender 2 was unwilling/unable to comply with her obligations
- Mr Keegan submits (incorrectly) that no action was taken against bartender 2. The Authority notes that in 2025 bartender 2 was the subject of a separate application to revoke and/or suspend a competency card following the incident. This resulted in an order to suspend her competency card for a period of time.

#### *Ground 2 – Encourage misuse and abuse of liquor*

- Mr Keegan reiterates that the Authority should not find that either bartender 1 or bartender 2 encouraged the patron in any way to consume alcohol. As L&GNSW has not responded to, or contested Mr Keegan's submissions in this regard, the Authority should be satisfied that ground 2 of the complaint has not been established.

#### *Relevance of previous disciplinary complaint*

- Mr Keegan was not a party to the first disciplinary complaint. It would be procedurally unfair for the Authority to be prejudiced by disciplinary action against a different individual.

#### *Mitigating factors*

- In addition to the factors outlined above, Mr Keegan was not present at the Hotel when the incident occurred.
- Mr Keegan voluntarily closed the Hotel immediately upon being made aware of the incident.
- Mr Keegan has an excellent compliance record across his 45-year career in the hospitality industry.

#### *Disciplinary action*

- While maintaining that no disciplinary action should be taken, Mr Keegan accepts and agrees to the disqualification on the terms proposed by L&GNSW, which is proportionate in these circumstances. Either of the following terms would be acceptable:

*Disqualify Mr Keegan from holding a liquor licence, or from being the manager of licensed premises, for a period of time, under section 141(2)(f) of the Act.*

Or, should the Authority prefer its standard terms, by amending it as follows:

*Disqualify Mr Keegan from holding a licence, or from being the manager of licensed premises or the close associate of a licensee for a period of 12 months under section 141(2)(f) of the Act.*

*This disqualification does not prevent or restrict Mr Keegan from remaining a freehold owner (in any form and including by way of directorship or shareholding) of licensed premises.*

### **Our findings**

We are satisfied that the grounds of the complaint under section 139 of the Act are established, and after balancing all relevant factors, disciplinary action is warranted.

We considered the submissions received and determined that Mr Keegan failed in his responsibility as approved manager to ensure personal supervision and management of the Hotel. We are satisfied that two bartenders of the Hotel sold and supplied the 21 drinks that were consumed by the patron on the licensed premises over a 5-and-a-half-hour period, leading to his clear intoxication on the licensed premises. By virtue of section 149 of the Act, Mr Keegan, as approved manager, is guilty of this conduct committed by his employees and liable for disciplinary action under the Act.

We are satisfied that withdrawal of Mr Keegan's approval to manage licensed premises under section 141(2)(g) of the Act is the most appropriate action in the circumstances.

### **Relevant legislation**

#### *Prescribed ground of the complaint*

We are satisfied that the complaint was made validly and that the established grounds of complaint are prescribed grounds under section 139 of the Act.

### **The material we considered**

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

- disciplinary complaint from L&GNSW, received 16 June 2025
- a submission from Mr Tim Calvert, JDK Legal Pty Ltd acting on behalf of Mr Keegan, received 24 February 2026
- a submission from L&GNSW, received on 30 March 2026
- a final submission from Mr Tim Calvert, JDK Legal Pty Ltd acting on behalf of Mr Keegan, received on 15 May 2026.

### **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*.

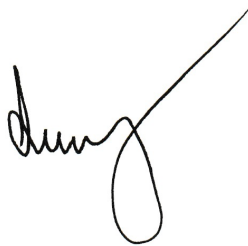
For more information, please contact the NCAT Registry at 1300 006 228 or visit the NCAT website.

This decision will 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

A handwritten signature in black ink, appearing to read 'Jeff Loy', with a long, sweeping horizontal line extending to the right.

Jeff Loy  
**Chair, Disciplinary Matters Committee**  
**NSW Independent Liquor and Gaming Authority**