
Ves Sarafov

WATERLOO ON WELLINGTON

Bottles and bottlenecks

"Ever tried. Ever failed. No matter.
Try again. Fail again. Fail better."
—Samuel Beckett, *Worstward Ho*

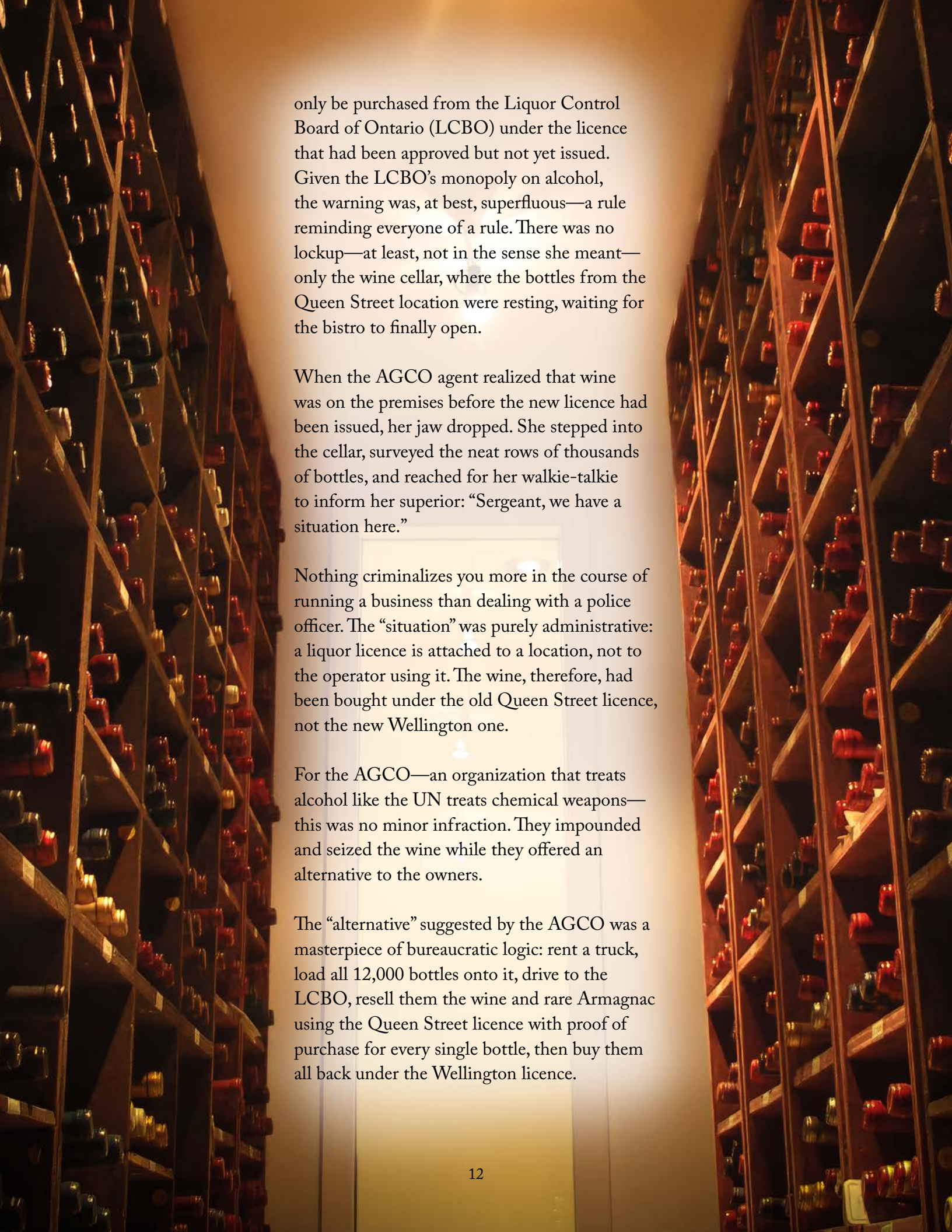
The new Sélect Bistro on Wellington Street was just about ready to open its doors. Gas fires burned bright in the great Molteni stove. The pewter bar glowed, the marble mosaic floor shone, and twelve thousand bottles lay in the cellar, ready to pour out their magic.

And then a woman came from the Alcohol and Gaming Commission of Ontario (AGCO).

The agent's job was to ensure everything was done according to the rules of the liquor licence before issuing it. She began by asking a few tricky questions. If guests brought their own wine but did not finish it during their meal, would the establishment keep the bottle on the premises to serve at a return visit? The good response was no, the wine should be re-corked and given back to its owner.

But someone had publicly rejoiced on hearing that the new bistro would offer private bins to wine collectors where they could store their bottles in perfect climatic conditions. This plan had to be abandoned. Then the agent asked to see what she called the "liquor lockup". She cautioned management that the liquor could

Luke Murphy



only be purchased from the Liquor Control Board of Ontario (LCBO) under the licence that had been approved but not yet issued. Given the LCBO's monopoly on alcohol, the warning was, at best, superfluous—a rule reminding everyone of a rule. There was no lockup—at least, not in the sense she meant—only the wine cellar, where the bottles from the Queen Street location were resting, waiting for the bistro to finally open.

When the AGCO agent realized that wine was on the premises before the new licence had been issued, her jaw dropped. She stepped into the cellar, surveyed the neat rows of thousands of bottles, and reached for her walkie-talkie to inform her superior: "Sergeant, we have a situation here."

Nothing criminalizes you more in the course of running a business than dealing with a police officer. The "situation" was purely administrative: a liquor licence is attached to a location, not to the operator using it. The wine, therefore, had been bought under the old Queen Street licence, not the new Wellington one.

For the AGCO—an organization that treats alcohol like the UN treats chemical weapons—this was no minor infraction. They impounded and seized the wine while they offered an alternative to the owners.

The "alternative" suggested by the AGCO was a masterpiece of bureaucratic logic: rent a truck, load all 12,000 bottles onto it, drive to the LCBO, resell them the wine and rare Armagnac using the Queen Street licence with proof of purchase for every single bottle, then buy them all back under the Wellington licence.

The owners politely declined. They maintained that the issue was clerical and refused to take part in what amounted to a paper chase on wheels. Many of the original invoices—some dating back twenty years or more—had long since been sent to the shredder, and it had already taken a week to organize and reindex the inventory. This work would have been for nothing if the shelves had now to be cleared. The problem, evidently, was one of paperwork, not of contraband.

But for the AGCO, the paper was the product. Compliance was a physical act: the bottles had to move. The owners' refusal led to a warning that they might be categorized and treated as bootleggers—a status they achieved, briefly, without the "liquor" ever leaving its "lockup".

One thing became clear: the standstill would not be resolved before opening. There would be no wine served, except for house wine, hastily purchased under the new licence.

In the late afternoon of January 17, 2006, staff tore down the brown paper that covered the front windows of Le Sélect on Wellington and unlocked the front doors, and the first curious guests came in.

In those early days, as feared, food took a long time to come up from the kitchen. The saving grace was that all customers received a well-presented *amuse-bouche*. It was tasty and guests did not seem to mind waiting longer than normal. They understood that the establishment had to find its groove.

The wine collection, owned by an establishment that had ceased to exist, found itself orphaned while the stalemate continued.

The kitchen crew preparing for action





TORONTO STAR JANUARY 24, 2006

Wine lovers' lament

Le Sélect Bistro's move sparks two-year tangle with bureaucracy

BY CHRISTOPHER HUTSUL

One hopes that sometime in the not-too-distant future, the owners will be able to put all the finagling behind them and get back to simply running a great bistro. Right now, they should be figuring out where to put the Dijon instead of poring over legal bills.

A few days later, after explaining to every puzzled customer why they couldn't order from the winelist, the restaurant published a note of explanation. At the time, the federal election was monopolizing the media's attention. On Monday, February 6, the press reported on Stephen Harper's re-election. By Tuesday, deprived of political drama and in search of a fresh story, they found one—Le Sélect's battle with bureaucracy.

By midweek, the story had escaped the cellar. Newspapers delighted in the irony: a French bistro, long admired for its wine list, opening dry because of red tape. Headlines wrote themselves. Television crews descended on the bistro in the middle of lunch service, their lights blazing, their cameras rolling, filming the elegant bar and its rows of empty shelves. Reporters shoved microphones into the owner's face, flashes blinded him, while the staff—juggling orders and questions—answered with the composure of sommeliers asked to recommend bottled water.



THE GLOBE AND MAIL JANUARY 24, 2006

Red tape leaves prized wine high and dry

Restaurant's renowned 12,000-bottle cellar locked up because of licensing paperwork

SONJA PUZIC

"The AGCO cannot bend its licensing rules, regardless of how reputable an establishment is", spokesman Ab Campion said. "Our job is to enforce the regulatory regime and we're not going to treat anyone any differently. It doesn't matter if someone's got 50 bottles of booze or 12,000."

Not even if the North American Restaurant Association bestowed upon it its award of excellence, or if Torontonians voted it the best French restaurant, best bistro, and best winelist?

For several days, Le Sélect became the embodiment of Toronto's bureaucratic virtue—a place where regulations thrived, and where having a good time required a permit.

Risking mounting public ridicule, the AGCO blinked and agreed to a paper transaction with the LCBO. Only 80 percent of the inventory, however, could be supported by invoices; the remaining 20 percent consisted of vintages older than the retention period for business records.

In the eternal battle between Big Bureaucracy and the Little Guy, public sympathy goes in the little guy's corner. But instead of calming the game and calling the episode a misunderstanding, the AGCO doubled down. On Andy Barrie's CBC Metro Morning, Ab Campion reiterated that the Commission was protecting the public from bootleggers. He added that the bistro had been given two weeks to remove the thousands of bottles of "illegal" wine or face a fine of up to $200,000—and the destruction of the inventory.

Ironically, management had been struggling to find an affordable way to announce that Le Sélect had moved. Advertising space in the press was prohibitively expensive. Thanks to the AGCO, however, the message had now been delivered—free of charge.

As for the missing 20 percent, the LCBO helpfully made up invoices, eager to finally close the file which had become a spectacular and unwanted distraction. The licence was issued a week later and the wine was released from the cellar.


NATIONAL POST JANUARY 25 2006

Bureaucracy puts wine cellar in limbo

JACOB RICHLER

"The Liquor Act is there for public safety and consumer protection," says Ab Campion, spokesman for the AGCO. "We need to know this liquor isn't home-made. There's a lot of illegal booze around that's been fermented in a tin somewhere".

Perhaps, but it is unlikely to turn up in a 1983 Bordeaux bottle.